

TOWN OF BUTNER, NORTH CAROLINA

BOARD OF ADJUSTMENT

PROCEEDINGS

Thursday, May 24, 2018  
7:00 P.M.

Butner Town Hall  
Town Council Meeting Room  
415 Central Avenue, Butner, N. C. 27509

BOARD MEMBERS IN ATTENDANCE:

A. A. "Buddy" Prince, Vice Chair  
Bill Crosby  
Constance Wortham  
Ron Daniels  
Marty Daniel  
Bill Cheek

Board Counsel:

Gerry Koinis

Staff:

Melissa Hodges  
Jessica Gladwin

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1 (Whereupon, the Town of Butner, North Carolina,  
2 Board of Adjustment convened on Thursday, May 24, 2018, in  
3 the Town Council Meeting Room at the Town Hall, 415 Central  
4 Avenue, Butner, North Carolina, commencing at 7:16 p.m.)

5 (P R O C E E D I N G S)

6 Vice Chairman Prince called the meeting to order  
7 at 7:16 p.m.

8 Vice Chairman Prince asked for the roll call.  
9 Planning Director (PD) Melissa Hodges conducted the roll  
10 call. J. Russell, E. Thompson, C. Wynn and J. Glenn were  
11 absent.

12 Vice Chairman Prince called for approval of the  
13 February 22, 2018 minutes. M. Daniel made a **motion** to  
14 approve the minutes as presented. Second by B. Cheek. No  
15 vote was taken.

16 Vice Chairman Prince stated the agenda was  
17 approved.

18 Vice Chairman Prince called for any public  
19 comments. There were no comments from members of the  
20 public.

21 (VERBATIM TRANSCRIPT OF SPECIAL USE PERMIT HEARING,  
22 SUP-18-02 - Starts here.)

23 (The Special Use Permit Hearing commenced at 7:18  
24 P.M.)

25 VICE CHAIRMAN PRINCE: We will now have the Public

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1 Hearing for a Special Use Permit, 18-02, Tarpey Farm, LLC,  
2 Solar Farm. Tarpey Farms, LLC, requests a Special Use  
3 Permit for a solar farm on 63 acres on Gate 1 Road adjoined  
4 to the railroad track. The subject properties are 702  
5 Honeybee Lane, 713 Honeybee Lane, and 1616 Gate 1 Road.  
6 More specifically listed as parcel identification numbers  
7 0865-0256-4973 and 0865-0256-6728 and 0865-0256-9736.

8 The next matter on the agenda is a quasi-judicial  
9 hearing to rule on the applicant for a Special Use Permit to  
10 --submitted by Tarpey Farms, LLC, dated April 25th, 2018.

11 Before we begin, I would like to briefly explain  
12 the process used for this type hearing.

13 This Board is a judicial -- quasi-judicial Board  
14 of record and as such, all testimony will be recorded. The  
15 proceedings of this Board will be governed by the rules of  
16 procedures of this Board, the Town of Butner's Land  
17 Development Ordinance, Article 19 of Chapter 160A of the  
18 North Carolina General Statutes and other applicable laws.

19 The process is similar to a court proceeding.  
20 First, staff will present an overview of the case and then  
21 the applicant presents its evidence. The opponents, if  
22 there are any, will then be present -- will then present  
23 their evidence. Each side will be given an opportunity to  
24 present a rebuttal.

25 Board members are asked to refrain from questions

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1 until each speaker has completed his or her presentation.  
2 All testimony is given under oath. In a few minutes the  
3 oath will be provided to all witnesses as a group. All  
4 witnesses are asked to sign the roster at the podium, if  
5 they have done so -- I believe all has done so.

6 Testimony should be consistent of facts each  
7 witness knows directly and not hearsay. All witnesses  
8 should come to the podium and speak directly into the  
9 microphone so their testimony can be recorded on tape.

10 Written evidence and other exhibits may be pre- --  
11 presented to the Board. Written evidence and other exhibits  
12 can be inspected by the other side and objections made  
13 before being introduced into evidence.

14 The - the Board will vote on the case after the  
15 presentation of all evidence, pro and con, concerning the  
16 case. Approval of the Special Use Permit requires an  
17 affirmative vote of a majority of the members of the Board  
18 who are eligible to vote.

19 I will entertain a motion to open the quasi-  
20 judicial hearing.

21 Do I hear a motion?

22 BOARD MEMBER CROSBY: Mr. Chairman, I make a  
23 motion.

24 BOARD MEMBER DANIELS: Mr. Chairman, I second that  
25 **motion.**

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1 VICE CHAIRMAN PRINCE: Who made that?

2 BOARD MEMBER CROSBY: I made the motion.

3 VICE CHAIRMAN PRINCE: At this time, all those  
4 wishing to speak or are present -- or present evidence for  
5 or against the proposed Special Use Permit, please come  
6 forward and be sworn in now.

7 BOARD ATTORNEY KOINIS: Mr. Chairman, you need to  
8 take a vote first. I know we had a motion and a second, if  
9 we could just take a vote.

10 VICE CHAIRMAN PRINCE: Okay. The motion and the  
11 second has been presented. All in favor of, show it by  
12 raising your right hand.

13 (Board votes.)

14 VICE CHAIRMAN PRINCE: None opposed.

15 At this time, if all the witnesses would come  
16 forward, the Clerk will swear you in.

17 (Witnesses come forward and are sworn.)

18 VICE CHAIRMAN PRINCE: Mr. Attorney, would you  
19 please read the instructions to the Board?

20 BOARD ATTORNEY KOINIS: Yes.

21 North Carolina General Statute 160A-381(c)  
22 authorizes the Town to require a Special Use Permit to  
23 conduct particular activities in a certain zoning district.

24 Section 7.1.4 requires a Special Use Permit in  
25 order to have a solar farm in a Rural Residential Zoning

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1 District.

2           In order to grant a Special Use Permit for the  
3 location of a solar farm in the Rural Residential Zoning  
4 District, the Ordinance requires that the Board find that  
5 the proposed use will meet the following standards:

6           Number 1: That the proposed use will not be  
7 detrimental to the health, safety, or general welfare of  
8 persons residing or working in the vicinity, or injurious to  
9 property or improvements in the vicinity.

10           Number 2: That the proposed use is in compliance  
11 with all the standards in Section 7.3, which are Use  
12 Specific Standards. Solar farms must meet the use specific  
13 standards set forth in Section 7.3.2 (b) 4 of the Ordinance.

14           Number 3: That the proposed use is compatible  
15 with the character of surrounding property and uses  
16 permitted in the zoning districts of surrounding property.

17           Number 4: That the proposed use is configured in  
18 a manner to minimize any adverse effects on surrounding  
19 land.

20           Number 5: That the proposed use will not  
21 adversely impact traffic circulation on or in the vicinity  
22 of the site.

23           Number 6: That the proposed use will not be  
24 detrimental to the value of adjacent or nearby property.

25           NUMBER 7: That the proposed use is in compliance

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1 with all of other relevant Town laws and ordinances, state  
2 and federal laws and regulations.

3           In making these findings, the Board's decision  
4 must be based on competent, material and substantial  
5 evidence.

6           Substantial evidence, is more than a mere  
7 scintilla. It means such relevant evidence as a reasonable  
8 mind might accept as adequate -- as adequate to support a  
9 conclusion. It must do more than create the mere suspicion  
10 of a fact to be established.

11           In granting a Special Use Permit, the Board may  
12 place reasonable conditions on the approval.

13           The concurring vote of a majority of the members  
14 of the Board who are eligible to vote shall be necessary to  
15 grant a Special Use Permit. Vacant positions on the Board  
16 and members who are disqualified from voting on a quasi-  
17 judicial matter shall not be considered members of the board  
18 for a calculation of the requisite majority.

19           As always, a member of the Board shall not  
20 participate in, or vote on a Special Use Permit in any  
21 manner that would violate affected persons' constitutional  
22 rights to an impartial decision maker. Impermissible  
23 conflicts include, but are not limited to, a member having a  
24 fixed opinion prior to the hearing the matter that is not  
25 susceptible to change, undisclosed ex parte communications,

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1 a close familial, business or other associational  
2 relationship with an affected person, or a financial  
3 interest in the outcome of the matter.

4           If -- if an objection is raised to a member's  
5 participation and that member does not recuse himself or  
6 herself, the remaining members shall by majority vote rule  
7 on the objection.

8           And I'd also like to bring to the attention, we do  
9 have, I think, one -- one Board member who, at least may  
10 wish to just give a disclosure to the Board as well as the  
11 applicant.

12           I believe Mr. Crosby has property located near  
13 this property and may also have a septic system that is  
14 physically located on the - on one of the tracts of land  
15 that's the subject of this application. If Mr. Crosby  
16 wishes to provide any more details, I just wanted to  
17 disclose that to the Board and to the applicant prior to the  
18 hearing.

19           If Mr. Crosby doesn't wish to recuse himself, I  
20 think we would, at least, like to give that to the Board for  
21 consideration and have the Board consider whether they want  
22 to vote either yes or no to determine whether they think Mr.  
23 Crosby should be recused.

24           VICE CHAIRMAN PRINCE: Would we have a quorum  
25 without Mr. Crosby?

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1 PD HODGES: Yes.

2 BOARD ATTORNEY KOINIS: You have -- yes, we will  
3 have a quorum without Mr. Crosby, and the vote is to be  
4 decided between the remaining five Board Members.

5 VICE CHAIRMAN PRINCE: All right. So, at this  
6 time, are you asking the Board to take a vote as to whether  
7 to excuse Mr. Crosby, or are you asking him?

8 BOARD ATTORNEY KOINIS: I'm asking the Board to  
9 consider it. If Mr. Crosby wishes to provide any additional  
10 background, or if the applicant has any questions.

11 MR. TERRELL: I just have one question.

12 BOARD ATTONREY KOINIS: Sure.

13 MR. TERRELL: Mr. Crosby have you already made up  
14 your mind coming in here tonight as to how you --

15 BOARD MEMBER CROSBY: I have not. No, sir.

16 MR. TERRELL: We have no objection.

17 BOARD MEMBER DANIELS: Mr. Chairman, I'd like to  
18 hear from Mr. Crosby before we take a vote on whether he  
19 feels like -- he just -- this could be a conflict in any way  
20 and if he does not, why not, type thing.

21 VICE CHAIRMAN PRINCE: Mr. Crosby, you have the  
22 floor.

23 BOARD MEMBER CROSBY: Thank you, sir.

24 To start with, I don't object to this solar farm.  
25 I object to solar farms in general, but not this, in

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1 particular. It's not a conflict of interest with me, other  
2 than the fact that if I don't set on the Board I can't ask  
3 questions about some things that -- of concern of mine.

4 BOARD MEMBER CROSBY: Of the whole procedure of  
5 the operation and how things are going to go.

6 VICE CHAIRMAN PRINCE: Okay. The Board has heard  
7 Mr. Crosby. Is there any other questions? Any other Board  
8 members? Any question? Any questions from the audience?

9 At this time we'll vote as to whether Mr. Crosby  
10 stays on or is removed.

11 BOARD ATTORNEY KOINIS: And this would be removal  
12 for this application.

13 VICE CHAIRMAN PRINCE: Okay. Just for this one.

14 So, if you want Mr. Crosby to be removed, show  
15 your right hand.

16 (Board votes.)

17 VICE CHAIRMAN PRINCE: There's none. So, Mr.  
18 Crosby will stay on the Board.

19 BOARD MEMBER CROSBY: Thank you, sir.

20 VICE CHAIRMAN PRINCE: Ms. Hodges, would you give  
21 us a preliminary statement about the case?

22 PD HODGES: Yes. (Displays plan on screen.)

23 Good evening. You have before you tonight a  
24 request for a Special Use Permit for a five megawatt solar  
25 farm. The property is located adjacent to the railroad.

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1 The property is adjacent to the railroad. I've got the  
2 concept plan here. You can see here is the railroad line  
3 (indicates).

4           And then at this end, this is the closest. It's  
5 got a little bit of road frontage on Gate 1 Road, right  
6 where the railroad crosses Gate 1 Road and then this road  
7 that comes up that has been named by the county, Honeybee  
8 Lane, for access to these properties.

9           So, the property is uniquely situated with this in  
10 that this is the only road access, which is a very difficult  
11 road access, being so close to a bend in the road right at a  
12 railroad crossing. And then, to the north is Sunrock  
13 Quarry. As I noted, the railroad. On the other side of the  
14 railroad is single family residential development and to the  
15 east here, adjacent to the property, is also single family  
16 residential development, both stick built and manufactured  
17 homes.

18           So, the concept plan shows that there would be an  
19 access road. There's a temporary lay-down yard while  
20 everything is under construction and then here is a proposed  
21 fence and buffer that would surround the solar farm.

22           There's an existing pond that would be left as is.  
23 You can see where the tree line would remain for existing  
24 vegetation. There's also a stream, another small pond, and  
25 stream that are intended to be left as is. And then there's

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1 the electrical line that would run underground accessing the  
2 utility easement there.

3           The applicant has submitted, which will be entered  
4 in as evidence, the Application, also a statement of  
5 justification and support for the Special Use Permit. The  
6 concept plan that we were just going over. And they also  
7 submitted a decommissioning plan.

8           There's a few things here. The concept plan shows  
9 that the panels and all the equipment could be over -- could  
10 be up to fifteen feet tall and our Ordinance limits to ten  
11 feet.

12           Also, the buffer that's shown around the property  
13 is shown as a Type A buffer and it would actually be  
14 required to be a Type B buffer.

15           Before the property -- this Special Use Permit is  
16 only about the use of the property, so those would be -- if  
17 the Board sees fit to approve it, conditions that they would  
18 have to meet the required regulations of the Ordinance for  
19 the height as well as the buffer.

20           The decommissioning plan, there's -- there's  
21 nothing inaccurate in that but there's a few items that  
22 would need to be added in order to make sure it 100 percent  
23 complies exactly with what the Ordinance requires. So,  
24 again, if the Board sees fit to approve, in addition to  
25 conditions that the height and the buffer be in compliance

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1 with the Land Development Ordinance that also the attorney  
2 would review the decommissioning plan for compliance with  
3 the Land Development Ordinance. He wouldn't be adding  
4 requirements. It would simply be his review that it  
5 definitely complies with the Land Development Ordinance as a  
6 condition.

7           So, in your staff report are all the specific  
8 regulations for solar farm. The first one is Type B buffer  
9 strip.

10           The decommissioning plan, and some of the things  
11 in the decommissioning plan, they are very specific, are  
12 that the decommissioning would occur if any of the following  
13 conditions should happen, not all of them, but if any of  
14 them should happen, be required to be decommissioned.

15           If a land lease -- if there is a land lease, if  
16 that were to end. If the system does not produce power for  
17 twelve months. So if they decide to stop using it, we would  
18 require after twelve months that it would have to be  
19 decommissioned, so all the panels, everything would have to  
20 be removed.

21           Three, the system is damaged and will not be  
22 repaired or replaced, would also be a reason. So, as I  
23 said, any one of those.

24           It also -- our requirements for decommissioning  
25 plan require that the responsible person be designated and

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1 it's very specific and that so if a lease should end, the  
2 property owner will become the responsible party at that  
3 point in time, so that there's no question on that.

4           That would be an up-front requirement from the  
5 Town in order to protect ourselves, so that there's not any,  
6 oh, well, you know, they've disappeared, and they're no  
7 longer there. Well, then, whoever continues to own the  
8 property would still be considered responsible.

9           So, those would be things that would have to be  
10 listed in the decommissioning plan.

11           And then, as far as the remainder of the plans,  
12 what would have to be -- what constitutes decommissioning.  
13 Remove all non-utility owned equipment, conduits,  
14 structures, fencing and foundations to a depth of at least  
15 three feet below grade, so it's a very clear, everything has  
16 to be removed.

17           Remove all gravel areas and access roads unless  
18 the property owner requests in writing for those to remain  
19 in place.

20           Restore the land to the condition reasonably  
21 similar to its condition beforehand. Re-vegetate any  
22 cleared areas and there are specific warm season grasses  
23 that are native to the region, unless requested in writing  
24 by the owner that there be something different.

25           All decommissioning will be completed within

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1 twelve (12) months if any of those previous items were  
2 noted.

3           There is a requirement that the decommissioning  
4 plan be included as an exhibit, which is why they had -- in  
5 a Special Use Permit, which is why it has been included  
6 here, but it can be changed from what was submitted tonight.  
7 And the solar panels and that is, again, where solar panels  
8 are limited to ten feet in height.

9           And then, again, for the purposes hereof, the  
10 owner of the solar farm shall be, one, the person leasing  
11 land upon which the solar farm is located, or two, where the  
12 land upon which the solar farm is located is not leased, the  
13 owner of the land upon which the solar farm is located.

14           So, they've submitted the appropriate concept  
15 plan. (Pause) I'm making sure I've covered everything,  
16 regarding the concept plan.

17           In considering the Special Use Permit, the Board  
18 of Adjustment must make their determination based on the  
19 following seven standards, which will be read through  
20 thoroughly as you go through each one and will have to vote  
21 on each one later on tonight.

22           But that the proposed use will not be detrimental  
23 to the health, safety, or general welfare of persons  
24 residing or working in the vicinity, or injurious to  
25 property or improvements in the vicinity.

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1           That the proposed use is in compliance with all  
2 standards of Section 7.3, Use Specific Standards, and that  
3 is what I was going over with the concept plan. Those --  
4 those items that I read regarding the decommissioning plan,  
5 the height of the panels, and the buffer. Those are in  
6 Section 7.3, Use Specific Standards.

7           So, I will offer if the Board sees fit, if you  
8 feel like those minor modifications could be made, you could  
9 approve with conditions of those modifications in order to  
10 be compliant with that.

11           Three, that the proposed use is compatible with  
12 the character of the surrounding property and uses permitted  
13 in the zoning districts of surrounding property.

14           That the proposed use is configured in a manner to  
15 minimize any adverse effects on the surrounding lands.

16           That the proposed use will not adversely impact  
17 traffic circulation on or in the vicinity of the site.

18           That the proposed use will not be detrimental to  
19 the value of adjacent or nearby property.

20           And that the proposed use is in full compliance  
21 with all other relevant Town laws and ordinances, state and  
22 federal laws, and regulations.

23           The land use plan, the requested solar farm could  
24 be compatible with the Town of Butner 2020 Comprehensive  
25 Land Use Plan, Goal 5. Quote, "The town will work to

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1 preserve and protect the natural resources through low  
2 impact design requirements and environmentally sustainable  
3 development practices." End quote.

4           The ordinance administrator recommends approval  
5 with conditions to address those three items I mentioned,  
6 the height of the equipment, the buffer be a Type B buffer,  
7 and the decommissioning plan be reviewed and approved and in  
8 compliance with the Ordinance reviewed -- as reviewed by the  
9 Town Attorney in order to insure that it's compliant.

10           Given that it's such a unique property, the  
11 biggest issue is that access point. So a use that doesn't  
12 require very much transportation, any vehicular access, is  
13 positive. That would be why I am recommending approval with  
14 those conditions.

15           It's difficult with the property that's adjacent  
16 to a quarry. Single family residential is not ideal, so  
17 close to the railroad and the quarry. But given that  
18 there's already single family residential, it's not a very  
19 good location for additional industrial development. It  
20 could have a lot of noise and a lot of truck traffic. Truck  
21 traffic, or if it were to be developed with say, an extra  
22 fifty homes, the amount of trips or truck traffic with an  
23 industrial use or residential use could have a lot of  
24 hazards related to that road access, so a solar farm does  
25 not present those.

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1           Those are my reasons for recommending approval,  
2 but, of course, it's up to the Board to listen to the  
3 testimony tonight and determine whether or not the seven  
4 standards are or are not met.

5           Do you have any questions regarding the Ordinance  
6 requirements, or land use -- the comprehensive plan?

7           VICE CHAIRMAN PRINCE: All right. We're going to  
8 hear from the applicant.

9           MR. TERRELL: Mr. Chairman, with your permission I  
10 have some materials. (Hands out materials to Board.)

11           Thank you. Good evening, my name is Tom Terrell.  
12 I'm an attorney with the law firm, Smith, Moore and  
13 Leatherwood. I'm really pleased to be here tonight. I've  
14 enjoyed, already, being in your Town Hall. It's very, very  
15 nice as is your hearing room.

16           I'm proud to be here representing Tarpey Farms,  
17 LLC, and Strata Solar, LLC. Tarpey Farm is a subsidiary of  
18 Strata Solar. If you don't know, Strata Solar is based in  
19 North Carolina. It has developed more solar farms in North  
20 Carolina than any company.

21           It builds them throughout the country, but Strata  
22 is one of the companies that has the reputation of doing  
23 them right. Of doing it right the first time and that can  
24 be seen in a lot of their work products.

25           I'm pleased to be here tonight with three

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1 gentlemen. It's really an all star team I get to travel  
2 with this evening. I'll introduce you to each of them in a  
3 moment, but Lewis Ianone is the manager of development for  
4 Strata. He has been responsible for developing more solar  
5 farms throughout North Carolina than anyone.

6           Mr. Brent Niemann is a professional engineer. Mr.  
7 Niemann has been in this business for about as long as any  
8 engineer and because of his work through Strata, he has  
9 either personally designed or overseen the design of more  
10 solar facilities in this country than any other engineer.  
11 There's little he doesn't know.

12           And then, Mr. Rich Kirkland is here. Mr. Kirkland  
13 is a certified appraiser. He's based in Raleigh, but over  
14 the last several years, Mr. Kirkland has become known as the  
15 national expert on the evaluation of solar farms. He has  
16 hundreds and hundreds and hundreds of sales in his data base  
17 to demonstrate the non-effect of a solar farm on surrounding  
18 property.

19           I want to walk through our evidence notebook and  
20 just give you an overview. I don't want to go in great  
21 detail, but Mr. Chairman, let me just say before I start, we  
22 did have some conversations with neighbors before the  
23 meeting.

24           I think, as with Mr Crosby, they may have  
25 questions, too. We've already committed to stay as long as

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1 they want to stay tonight to answer their personal  
2 questions, so we're more than happy to do that as well.

3           The book you have in front of you has tabs. The  
4 application and statement of justification, I assume, are in  
5 a packet that you've already received. I'd like to show  
6 you a few more things.

7           There is a zoning map at the next tab that shows  
8 that this particular site is zoned RR and the site to the  
9 west is town residential. It's not shown here. I'll have  
10 another map later, but one of the largest tracts surrounding  
11 this is an industrial tract and that is Sunrock and just  
12 along with that is bedrock for the concrete.

13           In the next tab I have put several pages from your  
14 LDO. It's a very well written LDO, by the way. It's very  
15 logically written and easy for me to navigate, but I just  
16 pulled a few out. I included your Table of Permitted Uses,  
17 the language on solar farms.

18           If there's something that we might need to  
19 reference, it's probably in that tab right there.

20           If you would, then, at the bottom, there is a tab  
21 called, Health and Safety. This -- now, I'm starting to  
22 just give you an overview of how we addressed your  
23 standards.

24           In this three pages, we give you a lot of  
25 information, but let me just summarize this for you. A

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1 solar farm is nothing but a series of side-by-side metal  
2 frames, or racks that somebody goes out and places glass  
3 panels on. It's a very simple construction.

4           This is old technology. These are old materials.  
5 We've had steel for centuries and centuries. We had --  
6 we've had glass around for centuries and centuries and all  
7 those glass panels do is to lie there facing south and  
8 absorb the sunlight that comes in that's free.

9           It's just -- it's -- there's no cost to that  
10 sunlight and as they heat up, there are some little  
11 electrical components in the middle of those glass panels  
12 and when they get heated by the sun there is a way in which  
13 -- Mr. Niemann can explain this in great detail if you want  
14 to go into it, in which the -- there is -- that sunlight is  
15 -- is sent through -- through electrical pulses through to  
16 what's called an inverter and it's converted into  
17 electricity that can be put up onto a transmission line and  
18 placed onto to what we call the electric grid for people's  
19 use.

20           It -- it -- it supplements what's already there on  
21 what we call dirty energy and is starting to replace it with  
22 clean, safe, renewable energy that once you get this built,  
23 from then on it is free.

24           The great things about a solar farm is they're not  
25 lit. If you had and as you -- when you heard the staff

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1 report, if you had fifty homes out there, everyone would  
2 have a security light.

3           This won't -- there won't be a light out there at  
4 all. At night time it will be completely dark. You won't  
5 be able to hear it.

6           The -- the inverters have a little hum, kind of  
7 like your refrigerator, but you got to be pretty close to  
8 them. When you get to the outside of them, you can't hear  
9 anything. They don't produce toxic chemicals. They don't  
10 create drainage issues. When you put them in the ground,  
11 it's very simple. You just go out and drive the post into  
12 the ground and you put your racks on those posts.

13           There is -- and again, nothing that would be  
14 heard, seen, smelled, or anything from a neighbor and it  
15 would be as though they're not there.

16           Very briefly, some people say, well, what about  
17 the electro-magnetic field. We address that in here, but  
18 everything that has electricity has an electro-magnetic  
19 field.

20           And Mr. Niemann will explain to you that if you  
21 stand outside a solar farm, there will be lower EMF where  
22 you're standing than you get from your refrigerator when  
23 you're standing in your kitchen. It's so low, you can't  
24 measure it and it's just not a health hazard to anybody.

25           At the next tab, Standard 2, there are basically

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1 only two standards that we have to comply with in Section  
2 7.3. One of them is to plant a type B buffer. I have that  
3 in here later. Type B is a buffer that you can't see  
4 through and we had to have a decommission plan and that is  
5 also attached.

6           On Standard number 3, you asked us to demonstrate  
7 to you of how this is compatible with the character of  
8 surrounding areas. We have several pages, about ten pages  
9 in here on that.

10           Well, I'll just summarize it and say this. When  
11 the courts of North Carolina have looked at whether  
12 something is harmonious, or compatible, they don't consider  
13 whether something looks similar to be relevant.

14           When a -- someone who was an expert in land use  
15 planning asked the same thing. Is it compatible, or  
16 harmonious whether it looks like the same thing as next door  
17 is not relevant.

18           Why do we know that's the case? Because schools,  
19 homes, houses, cemeteries, a whole -- electric utility sub-  
20 stations, all of these, typically, are allowed in rural  
21 areas like this. They all look different. They all  
22 function differently, but we deem them all to be compatible.

23           So, what it is, it becomes a functional question,  
24 does one use prevent the others from -- surrounding uses  
25 from functioning the same and the answer for a solar farm

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1 because it doesn't have any external impacts, allows  
2 everybody to continue using their land for what they do.

3           If you don't mind, I'm going to skip through some  
4 of this. I'm glad to dwell on as much of it as you want,  
5 but I will ask you to go to page 5. This is from your land  
6 use plan. This shows you that where -- what is -- I'm sorry  
7 -- it's set up. Your zoning map, this shows you how much  
8 heavy industrial use is right around this property.

9           If you look on page 6 and 7 and 8, I'll show you  
10 some pictures of solar panels and then starting on page 8,  
11 I'm showing you pictures of agricultural buildings and they  
12 actually do have a very similar appearance to green houses  
13 and to -- are you trying to find it?

14           BOARD MEMBER WORTHAM: What section are you in?

15           MR. TERRELL: I am in the section called,  
16 Compatibility of Uses, and I'm looking on page 8, where we  
17 showed you that as far as other uses in a rural area, there  
18 are a lot of similar type of uses out there.

19           If you're familiar with that area, you can look on  
20 page 10. If you are familiar with it, just to the north  
21 there is the Sunrock quarry. It's 565 acres of quarry and  
22 accessory uses. There's also the bedrock concrete. I'm not  
23 sure what else is out there.

24           But, it creates truck traffic. It creates noise.  
25 It creates dust. It's -- I'm sure that's a very hard

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1 neighbor to live close to or nearby.

2           Now, to the east you have a 64 acre trailer --  
3 mobile home development. It's sort of a -- if you've been  
4 out there, it's -- it's a very well kept, nice community.  
5 Most of them are, I think, it's single-wide older stock, but  
6 it's a -- it's a very nice little neighborhood there.

7           Some properties to the west, single family  
8 subdivided. A lot of those, by the aerial, have not been  
9 developed. But what Strata or Tarpey Farm propose to put  
10 there is something that none of those surrounding properties  
11 again would hear, see, smell, or even know it's there.

12           And here's the most important thing. By national  
13 statistics, every single home to the west and every single  
14 single-family home to the east generates, again, by national  
15 average, 9.5 vehicle trips every single day -- every single  
16 day.

17           A solar farm generates one or two vehicle trips  
18 per month. So, you have one of those homes is generating in  
19 a day, what it would take a solar farm to generate in three  
20 or four months' time.

21           So, the point is, there's just no impact on the  
22 roadways by traffic.

23           The next tab is Standard 4, Minimize Adverse  
24 Impact on Surrounding Lands. What I did was to create a  
25 snip of your LDO to show you what a Type B buffer is and

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1 this is -- it's a buffer, but you just can't see through it,  
2 bottom line. And that's -- and already there's some very  
3 thick vegetation in addition to that.

4           Standard 5, I've already addressed on the issue of  
5 traffic.

6           If you go to the next one on "Property Values,"  
7 I'm going to let Mr. Kirkland address this, but I will just  
8 say once again, he has more data than any single appraiser  
9 in the country on this issue.

10           He's glad to show you how he does it, but he just  
11 basically, he take a sale of a property that's right next to  
12 a solar farm and compares it to a comparable property that's  
13 like a half mile away, that otherwise would not be affected  
14 to see if -- if they react differently in the market.

15           The -- there are two more tabs left. One of them  
16 is "Compliances." The compliance with town, state, and  
17 federal laws. There are some state and federal laws that  
18 Strata has to comply with.

19           The primary one is they can't go out and do any  
20 grading of the land, or disturbing of the land without  
21 getting all the proper permits to do that.

22           They know how to do this. They do this all over  
23 the country. They follow the laws. As far as I know,  
24 they've never had a notice of violation for any of the land  
25 clearing that they do. And of course, they have to follow

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1 just like everybody else, everything in the North Carolina  
2 State Building Code.

3 I did put a section from your 2020 Land Use Plan  
4 in there to show that this is all your -- in your map. It's  
5 reserved for open space and natural.

6 Unless you're going to leave it at -- as land with  
7 trees, a solar farm is probably about the most natural thing  
8 you can do, because at the end of the solar farm's life  
9 time, you just pop those glass panels out. You recycle  
10 them. You just take a little hydraulic arm. You pull up  
11 those posts. They come right out of the ground. You  
12 recycle those.

13 Everything is recyclable and you then restore it,  
14 you know, to its natural condition. It goes right back to  
15 the way it currently is.

16 And the final thing in this book is the  
17 decommissioning plan, which it pretty much addresses all  
18 that and the obligation on that that Strata has.

19 I can answer any question that you have. I think  
20 it might be quicker and easier if I turned this over, first  
21 of all, to Mr Niemann to explain to you a little bit more  
22 about what's on the site plan that you have in front of you  
23 and he'll be followed by Mr. Kirkland.

24 MR. NIEMANN: Hi. Good evening, my name is Brent  
25 Niemann. I'm a Director of Civil Engineering at Strata

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1 Solar. I've been at Strata for about six years now and as  
2 Mr. Terrell intimated to you, I've worked on hundreds of  
3 solar facilities across North Carolina and the Southeast.

4 A little bit about this site, this is a what we  
5 call a standard qualifying facility. It's a 5 megawatt AC  
6 facility. We own and operate approximately 150 sites of  
7 this size in North Carolina currently.

8 So, we're quite familiar with this type of  
9 development. This facility is a little bit of the newer  
10 technology. This is a tracker facility so these panels, the  
11 racks are oriented north-south and the panels track from  
12 east to west throughout the day to capture more energy.  
13 It's approximately 30 percent more efficient than a fixed  
14 steel system that would just face to the south.

15 This facility is located quite a ways from the  
16 road. From the en- -- site entrance, at -- at Honeybee Lane  
17 as it's called, it's approximately a thousand feet to the  
18 front of the facility.

19 As you'll see from the site plan, I apologize for  
20 the -- the buffer being incorrectly labeled. We will plant  
21 a Type B buffer. We're utilizing existing vegetation where  
22 available, which is predominantly the southeast corner and  
23 the southern edge of the facility.

24 The planted buffers currently shown around the  
25 eastern and western edges of the facility. We will comply

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1 with all of the required permits, which includes NCDOT. We  
2 actually have worked on a -- an entrance similar to this on  
3 another site that was -- that proved to be difficult and as  
4 Mr. Terrell explained, during that -- the operation of the  
5 facility, the trips are few and far between.

6           However, during construction, obviously, there's  
7 quite a bit of trucks coming in and out to deliver the  
8 material.

9           The construction on this site, we have clearing to  
10 do on this site, so this site is probably a four to five  
11 month construction period from start to finish, so it's  
12 relatively short.

13           But we have worked with NCDOT with specific  
14 traffic control plans and difficult sight distance  
15 situations, railroad situations, so we -- we do have  
16 experience permitting this type of entrance.

17           Additionally, we'll -- we'll be working with  
18 NCDEQ, Department of Environmental Quality, to receive our  
19 land disturbance permitting and any stormwater requirements.  
20 This is located in the Neuse River Basin, obviously.

21           We have done due diligence on the property, which  
22 includes environmental diligence, identify streams and  
23 wetlands, which are verified by the U. S. Army Corp of  
24 Engineers, and DEQ prior to construction.

25           Those evaluations have happened and -- we are in

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1 process with the validation. We don't -- we don't move  
2 forward with any disturbance permitting until we have these  
3 validations.

4           Additionally, we've done Phase I Environmental  
5 Site Assessments, limited legal reviews, standard diligence  
6 for a facility of this type. We -- we will be pursuing  
7 geotechnical investigations as well, so we'll know what the  
8 sub-surface conditions are for the foundations as well --  
9 excuse me -- for the foundation design, so those are --  
10 those are underway.

11           It's standard diligence so that we -- we know what  
12 we're getting into in the project.

13           This is pretty simple construction, so once we  
14 receive our permits, we'll -- we'll put in the required  
15 erosion control features that the State requires. Then  
16 we'll -- once we have approval for those measures being  
17 installed per requirements, we'll begin to clear the site  
18 and grade the site.

19           The site really has a very slight topo. The --  
20 the topography is not very steep and not very undulating,  
21 which is a good thing for the solar facility so that it's  
22 less disturbance for us.

23           Most of the soil conditions here it's generally  
24 from zero to six percent within the array, which is well  
25 within the range of tolerance of the racking.

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1           So, the -- the posts are mechan- -- are  
2 hydraulically driven into the ground, based on the  
3 geotechnical investigation and the foundation design. From  
4 there, the -- the racking begins and -- and underground  
5 wiring, as well.

6           The -- I mentioned the time frame, so it's about  
7 four to five months. Let's see. I think I've covered  
8 pretty much everything here. I'd be happy to answer any  
9 questions that you have about solar facility, or  
10 construction, or electrical questions.

11           BOARD MEMBER DANIEL: What kind of ground coverage  
12 do you plan to have up under the panels. Is it going to be  
13 natural grass, or gravel?

14           MR. NIEMANN: Yeah. It is -- it is grass suited  
15 so that being where this is located and being close to the -  
16 - the river -- to Falls Lake, there are impervious  
17 restrictions, obviously.

18           The typical im- -- impervious increase that we  
19 have on a site like this is about one percent -- two  
20 percent, so it's very minimal. It's the posts themselves  
21 and there's a couple of equipment pads to -- that hold the  
22 inverter and transformers.

23           So, that the majority of the site is covered in  
24 grass. We -- we're required to, as part of our DEQ permit -  
25 - to -- to have ground stabilization before we can close

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1 that permit out and remove any of the temporary erosion  
2 measures.

3 BOARD MEMBER DANIEL: How deep are the posts going  
4 in the ground just by -- roughly?

5 MR. NIEMANN: Well, it depends on the -- on the --  
6 on the soils. I would expect in this area, you're probably  
7 looking at somewhere in the order of six to nine feet, would  
8 be pretty typical.

9 BOARD MEMBER DANIEL: So, you know you're running  
10 into rock?

11 MR. NIEMANN: Probably so. Yeah. Some -- some --  
12 a lot of times what we've see on some geotechnical  
13 investigations here it would be what's termed a partially  
14 weathered rock versus the -- firm bed rock.

15 Depending on the post configuration that you  
16 choose, a lot of those posts can be driven through the  
17 partially weathered rock, so we -- we -- we're fully aware  
18 and do have experience in that regard.

19 BOARD MEMBER CROSBY: Question. The -- the ground  
20 cover that's going to be used, I've read that you use grass  
21 or alfalfa coverage. Is that what it is?

22 MR. NIEMANN: Yes. So, generally, we use Bermuda  
23 turf, slow growing -- slow growing, less maintenance, more  
24 drought tolerant.

25 BOARD MEMBER CROSBY: The reason I asked that

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1 question, we have a lot of bees in that area.

2 MR. NIEMANN: Okay.

3 BOARD MEMBER CROSBY: Some bee keepers.

4 MR. NIEMANN: Okay.

5 BOARD MEMBER CROSBY: Would it not be feasible to  
6 plant ladino clover or something that would be good for the  
7 bees and other --?

8 MR. NIEMANN: Certainly. Yeah, and so, part of --  
9 part of seed mix is there is a bit of clover in the -- in  
10 the seed mix. Probably not to the extent that what a bee  
11 would prefer within the array.

12 What we have done in a lot of facilities and we  
13 built some in Minnesota last year and they actually have a  
14 requirement for pollinator grasses.

15 BOARD MEMBER CROSBY: I think that's a good idea.

16 MR. NIEMANN: Yeah. We -- we have done some pilot  
17 programs with the North Carolina Wildlife Resources to -- to  
18 investigate what that looks like and we -- we've actually, I  
19 think, they supplied the seeds and we supplied the labor and  
20 the space to put it as a pilot program. And -- but the  
21 majority of those are -- are -- would be outside of the --  
22 the fence line of the array, but areas that are cleared for  
23 shading purposes.

24 We have to get the vegetation a hundred to two  
25 hundred feet away from the panel, so they don't shade the

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1 facility.

2           So, those areas are certainly -- the good thing  
3 about pollinators as well, is it's -- it's slow growing and  
4 -- and it's -- it kind of maintains itself, so twice a year  
5 you -- you pretty much have to maintain it. So, it's  
6 actually a preference and we can -- we're certainly open and  
7 welcome to -- to doing that. Absolutely.

8           VICE CHAIRMAN PRINCE: So, when you say,  
9 pollinators, is clover in that group?

10          MR. NIEMANN: Yes, sir.

11          There's -- if you pulled up a pollinator list they  
12 have some really interesting names and there's hundreds of  
13 things you'd never imagine. There's hundreds of them and  
14 it's -- a lot of it's region specific as well. So you need  
15 to -- generally we would work with a seed company that would  
16 have some local knowledge in that regard.

17          BOARD MEMBER CROSBY: Also while on that subject,  
18 fence line around some of these panels, herbicide. Will you  
19 be using any type of herbicide?

20          MR. NIEMANN: I would say that probably along the  
21 fence line that there are times where herbicide is used.  
22 It's not a regular routine for us. I -- I would liken it  
23 the way you manage your own turf in that regard, so it's --  
24 it's not a programmatic application in that regard.

25          BOARD MEMBER CROSBY: What type of herbicide do

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1 you use?

2 MR. NIEMANN: It would be -- so, we -- since we  
3 operate as a commercial entity, we would -- it would have to  
4 be applied by someone with a commercial license.

5 BOARD MEMBER CROSBY: Right.

6 MR. NIEMANN: I mean, and it would be -- it would  
7 be within the parameters that are established by that  
8 commercial license, absolutely, but it can't be too windy.  
9 You can't be expecting rain, that sort of thing.

10 BOARD MEMBER CROSBY: Like Permatol, things of  
11 that nature that are harmful to the surrounding areas, if  
12 you use it.

13 MR. NIEMANN: It would be equivalent to a Roundup.

14 BOARD MEMBER CROSBY: All right. Thank you.

15 VICE CHAIRMAN PRINCE: Mr. Attorney, would this be  
16 a good time to ask for a condition while Mr. Crosby is  
17 speaking, for pollinators for ground cover?

18 BOARD ATTORNEY KOINIS: That would be appropriate.  
19 Do you want to go ahead and address that if that is a  
20 condition you wish to impose or at least to consider. Is  
21 there a specific condition that the Board has in mind?

22 VICE CHAIRMAN PRINCE: Do you understand that  
23 condition?

24 MR. NIEMANN: I believe you're probably asking for  
25 a pollinator species of some regard.

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1 BOARD ATTORNEY KOINIS: I know there's been some  
2 general discussions, but I don't know that there's been a  
3 specific condition that's being proposed to the applicant.

4 I know there's discussion as far as pollinators.  
5 Is there a specific condition related to pollinators that  
6 you wish to propose to the applicant, or at least have the  
7 applicant provide a suggestion as to what they may be able  
8 to do as a reasonable accommodation as it relates to  
9 pollinators?

10 MR. NIEMANN: I can do that, if you so prefer.

11 BOARD ATTORNEY KOINIS: That would be --

12 MR. NIEMANN: Yeah. I think it would be -- it  
13 would be more than appropriate to establish pollinator  
14 species in cleared areas out -- located outside of the array  
15 and outside of the -- the planted buffer obviously.

16 BOARD MEMBER CROSBY: So, outside, so, say that  
17 again.

18 MR. NIEMANN: Outside of the array facil- --  
19 outside of the facility, so outside the fence line,  
20 essentially.

21 BOARD MEMBER CROSBY: Around the solar panels, is  
22 that going to be gravel, or some means of vegetation?

23 MR. NIEMANN: It will be grass, yes, sir.

24 BOARD MEMBER CROSBY: Grass?

25 MR. NIEMANN: Yes, sir. It will be grass. It's a

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1 -- it will be a turf facility.

2 MR. TERRELL: Ultimately, -- this is -- Louis and  
3 I just conferred. On the diagram you have in front of you  
4 that looks like this (holds up document, then displays on  
5 screen).

6 MR. NIEMANN: This is neat.

7 MR. TERRELL: Could you zoom in on that just a  
8 little bit.

9 MR. NIEMANN: Look at that.

10 MR. TERRELL: How neat is that?

11 This property down here is part of what is being  
12 acquired by Strata. Mr. Ianone has just said that they  
13 would be willing to also to plant pollinator grasses right  
14 there. They own it. They're going to have to maintain it,  
15 so they would be willing to do that.

16 I would, if you don't mind, they have a  
17 horticulturist they work with very closely to make sure they  
18 have the appropriate types of species everywhere they go  
19 where this is acquired. If we could just avoid naming a  
20 specific one at this point, they could plant those species  
21 right in this area. And that would be, I guess, for the --  
22 for the record to be clear, it would be in what is now the  
23 open pasture area in the southern portion on the site.

24 VICE CHAIRMAN PRINCE: But not in the -- inside  
25 the fence.

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1 MR. TERRELL: I'm -- (turns to Mr. Niemann).

2 MR. NIEMANN: We can investigate it. A lot of the  
3 pollinator species grow too tall, frankly. They -- they --  
4 they would require much more maintenance and wouldn't reach  
5 the mature height to service the colony that you're trying  
6 to service without interrupting the operation of the  
7 facility.

8 And it's hard to target, like, a row where the  
9 panels not and get it to stay in this nice -- I -- I -- it  
10 would be hard to do that with the whole facility inside due  
11 to the height of that material.

12 I figure you'd have, just in rough terms, you  
13 know, the perimeter of this facility is there's quite a bit.  
14 It's adjacent to the -- to the fence that would be available  
15 areas. I think the calculation of the parcel is  
16 approximately 62 and a half acres and the footprint of the  
17 facility somewhere in the order of 32.

18 Obviously, there's going to be a great deal of  
19 that that remains wooded, where it's just not necessary to -  
20 - to disturb. You know, I'd say just right in the front  
21 area there, you're probably looking at -- at ten to twelve  
22 acres of open space that could be planted, and then around  
23 the perimeter of the facility. I would -- I would suggest  
24 that you -- you've probably got 26 or 7000 linear feet at  
25 any width and if it was ten feet wide, that's 60,000 square

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1 feet. That's over an acre just around the facility.

2           So, you're -- you're getting a -- there's a --  
3 there's a lot bigger scale than you're anticipating in that  
4 regard as to where it could be planted and what you get out  
5 of that.

6           VICE CHAIRMAN PRINCE: Okay. So, what we're  
7 hearing you say that anything outside of the fence that can  
8 be planted in pollinator ground cover will be.

9           MR. NIEMANN: Yes, sir, that's not cleared. It's  
10 not -- where we clear -- where it's disturbed, we'd be happy  
11 to do that, or in the open areas. I wouldn't want to go  
12 clearing areas to create pollinator species.

13           BOARD MEMBER CROSBY: The -- the -- Mr. Chairman,  
14 the thing that, I think most people look at in solar farms,  
15 in general, you're stripping the land of all the trees, the  
16 majority. You're taking away from the tulip poplar and  
17 other stuff, other trees. If you put back something it  
18 would help out, you know, and would be of benefit to  
19 everybody and that's what -- kind of what we're asking for.

20           MR. NIEMANN: And I totally agree.

21           VICE CHAIRMAN PRINCE: With that discussion, Mr.  
22 Attorney, will that constitute the --?

23           BOARD ATTORNEY KOINIS: Let me see if I can  
24 summarize what I think the condition to be proposed to the  
25 applicant is.

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1           Essentially, I believe, the Board is requesting to  
2 establish pollinator species essentially outside of the  
3 fence area to be located in the open pasture area on the  
4 southern portion of the tract as well as any cleared areas  
5 outside the fence.

6           Is that --

7           BOARD MEMBER CROSBY: That sounds right.

8           BOARD COUNSEL KOINIS: Is that feasible? Is that  
9 the Board's understanding and what you guys are requesting?

10          VICE CHAIRMAN PRINCE: That's the Board's  
11 understanding. Does the applicant agree?

12          MR. NIEMANN: I agree.

13          VICE CHAIRMAN PRINCE: Any other questions for the  
14 applicant?

15          BOARD MEMBER DANIEL: How often is your grass  
16 mowing type maintenance like that happening?

17          MR. NIEMANN: Sure. So, the -- the facilities, so  
18 you will know, I just touched on that briefly, so we have a  
19 -- actually a FERC compliant facility now where we monitor  
20 all of our facilities as well as we do operations and  
21 maintenance for other people as well. So technicians are  
22 sent out as needed for general repair work.

23                 It's -- there -- there are frequency intervals  
24 which are months apart, but for outages and those sorts of  
25 things, they come as needed. And you're right. The most

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1 frequent is that it is for vegetation management.

2           It's seasonal and it's based on growth so I would  
3 say in the -- in the peak growing seasons, it's every three  
4 to four weeks and then in the non-peak seasons, it's, you  
5 know, it's -- it will -- it will probably be checked by the  
6 people doing the routine maintenance.

7           BOARD MEMBER DANIEL: As far as your maintenance  
8 on it as far as checking filters and that type of  
9 maintenance, what is that like, every three months?

10          MR. NIEMANN: Filters.

11          BOARD MEMBER DANIEL: Don't you have filters in  
12 your inverters?

13          MR. NIEMANN: Service intervals for inverters  
14 probably, I'm not -- it depends on the inverter, but there's  
15 not a routine filter change so there would be general torque  
16 requirements on lines and mechanical connections.

17          There are service intervals for checking the  
18 electrical connections, but no filters. It really depends  
19 on the type of inverter, really. That's -- that's another  
20 whole long discussion, I'm sure.

21          VICE CHAIRMAN PRINCE: How long would the  
22 construction take, you think, and what would those hours be?

23          MR. NIEMANN: Sure. So, it's approximately,  
24 because we have to clear the site. It's approximately four  
25 to five month construction period for a site like this.

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1 Could be six, if -- if the weather turns, obviously. We  
2 don't want to be working on this job when it's raining.

3           So, it's -- you know, it could stretch to six  
4 months in that regard. Hours of operations would be  
5 standard in the daylight hours, Monday through Friday.  
6 There may be some chances where we have to make up time on  
7 Saturdays.

8           VICE CHAIRMAN PRINCE: Would it be daylight, non-  
9 sleeping hours.

10           MR. NIEMANN: That's correct. Yes, sir.

11           VICE CHAIRMAN PRINCE: Any lights or noise?

12           MR. NIEMANN: In general, the most intensive part  
13 is the -- is the pile driving, obviously, and these guys are  
14 quite efficient at what they do, so a pile driver on a site  
15 this size is about three or four days.

16           VICE CHAIRMAN PRINCE: I notice back here, I see  
17 the creek does come right close to some of the residences  
18 and children have a way of doing things we wouldn't imagine  
19 them doing. How much of a danger if one gets inside of the  
20 fence is there for a child, or a animal?

21           MR. NIEMANN: Solar farms in general are -- are  
22 very safe. The -- the fence will go up as one of the  
23 earliest construction activities to prevent access in it,  
24 and it does have the barbed wire at the top just to -- to  
25 prevent that injury, or that insurance, really.

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1           So, as far as injury -- I mean, you're talking  
2 about during a construction activity, or during operations?

3           VICE CHAIRMAN PRINCE: During the operations of  
4 the solar farm.

5           MR. NIEMANN: During the operations. The -- solar  
6 farms are benign. There are no moving parts. Actions are  
7 almost motionless, they move so slowly on a tracking  
8 facility. It is quite a safe facility. All the wires are  
9 en -- enclosed, and there's warning signs everywhere. It's  
10 a -- there's -- the National Electrical Code is very  
11 specific on what you can do with systems of this voltage and  
12 -- and -- and the protections that are out there.

13           VICE CHAIRMAN PRINCE: At what point does the  
14 sunlight turn into electricity?

15           MR. NIEMANN: When it -- when it hits the panels.  
16 So the silicon -- the semiconductor silicon, the -- the  
17 electron is excited and once it's excited from the sunlight  
18 that's what creates the energy.

19           VICE CHAIRMAN PRINCE: Where the energy starts, or  
20 the electricity starts, that could be a hazard. That would  
21 be underground?

22           MR. NIEMANN: So, the way it works is the panels  
23 are -- are in strings and -- and depending on the voltage of  
24 the system and the wattage of the panels that string length  
25 varies, so, and the system -- this system has a single panel

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1 wide on it, which is about a six and a half foot panel and -  
2 - and those are strung north to south on the rack. And it's  
3 -- it's about -- I -- would anticipate it's about 27 modules  
4 per string, okay.

5           Those are strung on the rack and they're bundled  
6 to the rack, and tied to the rack. And -- and then, what --  
7 what happens is that the strings of modules are then  
8 combined basically in a -- in a box. So those strings are  
9 then brought down from the rack to those combiner boxes and  
10 then those combiners, you get so many of them and they  
11 combine into inverters. And -- and the inverters then  
12 change -- that's all DC power, so direct current, where the  
13 electric grid is all alternating current so the inverter  
14 does that transformation.

15           VICE CHAIRMAN PRINCE: This is all French to me,  
16 but I guess my question is, have you ever had, or solar  
17 farms had a problem with children getting in and being  
18 electrocuted or hurt?

19           MR. NIEMANN: No, sir, not in my experience. We -  
20 - Strata Solar takes safety very seriously. We have safety  
21 personnel on site at all times during construction. We have  
22 routine safety checks on the facilities as part of our  
23 operations and maintenance.

24           We -- we build a lot of facilities for utilities.  
25 So, we build larger facilities than this of 80 megawatts.

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1 We have a couple of 80 meg- -- megawatt facilities that  
2 we've -- we've built for Duke Energy. We build a lot of  
3 facilities for Dominion and they've very -- they care about  
4 -- more about the safety than they do the schedule.

5 VICE CHAIRMAN PRINCE: Do y'all -- do y'all buy  
6 your property, or do you lease it?

7 MR. NIEMANN: This property is a -- is a purchase.  
8 These -- these -- it's three parcels, I believe. Typically,  
9 it is a lease, but this is a purchase.

10 VICE CHAIRMAN PRINCE: The same rules apply to  
11 their property when it's deactivated as private property?

12 PD HODGES: Yes. Yes.

13 VICE CHAIRMAN PRINCE: Deactivation will be the  
14 same?

15 PD HODGES: They would be the property owner. So,  
16 they would be responsible for the decommissioning it if that  
17 come up.

18 BOARD MEMBER CROSBY: Mr. Chairman, can I ask a  
19 question? Did I understand you are leasing this property or  
20 buying it?

21 MR. NIEMANN: Buying.

22 BOARD MEMBER CROSBY: I need to ask the question.  
23 If you're buying 64 acres, but you're only going to use 33  
24 acres of it. In a year or two are you going to come back to  
25 us and want to add some more panels to the 64 acres?

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1           MR. NIEMANN: No, sir. That's part of this  
2 process, is to show you what our -- our max extent is. So  
3 the -- the facility, itself, is limited in what it can  
4 interconnect to the grid through our interconnection  
5 agreement with the utility.

6           BOARD MEMBER CROSBY: Now, there's outbuildings on  
7 this property. It's two houses that -- that is considered  
8 condemned and are unliveable. Are you going to remove those  
9 houses?

10          MR. NIEMANN: We currently list them to remain  
11 just because it's not part of the project limits and it's --  
12 it's really of in consequence to the construction of the  
13 facility.

14          BOARD MEMBER CROSBY: Okay, but you're buying the  
15 whole property, though, aren't you?

16          MR. NIEMANN: That's correct.

17          BOARD MEMBER CROSBY: And you're not going to  
18 remove the buildings?

19          MR. NIEMANN: We don't have a plan to. If -- if  
20 there's a condition that we need to remove the buildings for  
21 some reason, I think we'd be amenable to that.

22          BOARD MEMBER CROSBY: They're both in unlivable --  
23 they need to be removed.

24          MR. NIEMANN: Okay.

25          BOARD MEMBER CROSBY: And then there's a metal

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1 building and some other outbuildings there. Are you going  
2 to leave those?

3 MR. NIEMANN: We -- again, it was just not part of  
4 the project limits. It's, you know, at this level of  
5 detail, it's -- just says to remain. We're -- we would be  
6 happy, as a condition, to remove those. I don't -- we don't  
7 have any -- there's no issue with that.

8 VICE CHAIRMAN PRINCE: Mr. Attorney, do we need to  
9 talk about another condition?

10 BOARD ATTORNEY KOINIS: As a Board, you're allowed  
11 to impose reasonable conditions and the conditions that are  
12 imposed are to be related to the project.

13 Certainly those previous conditions that have been  
14 discussed as far as Type A buffer, the height of the panels,  
15 attorney approval of the decommissioning plan, and the  
16 pollinator, all have a direct relation to the project and  
17 the solar farm. I leave that up to the Board's discretion  
18 as to whether they think removing buildings on the property  
19 are reasonably related to the proposed solar farm, or if the  
20 applicant wishes to address it, certainly be happy to hear  
21 them.

22 I caution the Board to keep any proposed  
23 restrictions related to the project.

24 MR. NIEMANN: Can I say something?

25 VICE CHAIRMAN PRINCE: Sure.

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1           MR. NIEMANN: I -- I think I see your point. It's  
2 you're worried about health and safety of the neighborhood  
3 as a --

4           BOARD MEMBER CROSBY: Yes, sir. That's certainly  
5 part of it.

6           MR. NIEMANN: Sure.

7           BOARD MEMBER CROSBY: As you know, again, the --  
8 the properties are falling down and you're just going to let  
9 them, you know, just ignore the fact that they're falling  
10 down and just do your project and let the rest of it go?

11          MR. NIEMANN: I completely understand your point.  
12 We'd -- we'd be happy to take them down.

13          BOARD MEMBER CROSBY: Thank you, sir.

14          VICE CHAIRMAN PRINCE: So, Mr. Crosby -- Mr.  
15 Attorney, you said that would be one of the conditions that  
16 the outbuildings, two houses, would be removed.

17          BOARD ATTORNEY KOINIS: That seems to be the  
18 request of the Board. Does the applicant have a problem  
19 with removing the two buildings?

20          BOARD MEMBER CROSBY: It is three. Yeah.

21          MR. NIEMANN: More pollinator.

22          BOARD MEMBER CROSBY: Sir?

23          MR. NIEMANN: It's more pollinator.

24          BOARD MEMBER CROSBY: Also, there's a concern  
25 about the road coming in. It's really a private road. I

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1 I guess it's a private road. That will not be blocked at all.

2 I'm sure.

3 MR. NIEMANN: That is correct.

4 BOARD MEMBER CROSBY: Okay. Well, would it be any  
5 -- any changes coming into the road, widening, or -- we're  
6 not objecting to it.

7 MR. NIEMANN: Sure.

8 BOARD MEMBER CROSBY: We're just want to know what  
9 you're going to do.

10 MR. NIEMANN: Okay. So, the -- the way the parcel  
11 lays, it appears as though that the true frontage and right-  
12 of-way is Gate Road so that the driveway would be there.

13 There would be improvements there. We have to receive  
14 material. Our driveway permit would be -- would require it.

15 At -- during construction, it would be a  
16 construction entrance, and I think probably what we'd do is  
17 move the heavy gravel portion of it, that switches to the  
18 really large aggregate that you're trying to knock the mud  
19 off your tires, that's the intent. We would move that back  
20 off of -- of the -- the private road, so that the citizens  
21 aren't burdened with that, but then at the ultimate  
22 condition, that driveway at the public right-of-way would  
23 have to be improved to the NCDOT standards, which in our  
24 experience is a concrete or asphalt apron through the right-  
25 of-way.

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1 BOARD MEMBER CROSBY: Thank you, sir.

2 MR. NIEMANN: They want to make sure that people  
3 have grip when they enter into the highway. So I'll make a  
4 note here about the construction entrance portion of our  
5 site to be located off of the private access is what --.

6 VICE CHAIRMAN PRINCE: Any other questions from the  
7 Board?

8 BOARD ATTORNEY KOINIS: I have just one comment.  
9 Part of those requirements for the solar panels being  
10 limited to ten feet, you may have already addressed that. I  
11 wanted to confirm the --

12 MR. NIEMANN: Sure.

13 BOARD ATTORNEY KOINIS: -- solar panels. On the  
14 plans they were 15.

15 MR. NIEMANN: I'm sorry. I meant to do that.  
16 Yes.

17 We're -- we're fully aware that we need to comply  
18 with the Type B buffer as well as the ten-foot max height  
19 requirement.

20 PD HODGES: Let me just add so the Board is aware.  
21 For Type B buffer, you have options on the width, the depth  
22 and width of it. So you could keep it this and plant it  
23 more heavily, or make it a little bit wider and it would  
24 still require a little bit more planting, but you have  
25 options on doing that.

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1 MR. NIEMANN: Okay.

2 PD HODGES: But it could be at the width that's  
3 shown, it's pretty thick planting when you go to twenty  
4 feet.

5 MR. NIEMANN: Okay. And we have some space there  
6 due to shade requirements so it's not of a real concern with  
7 that.

8 Thank you.

9 VICE CHAIRMAN PRINCE: Thank you.

10 MR. KIRKLAND: Good evening. My name is Rich  
11 Kirkland. I'm a State Certified General Appraiser and I've  
12 been appraising in North Carolina for over 20 years. I'm  
13 also an MAI through the Appraisal Institute.

14 I was asked to look at this project in regards of  
15 whether or not it would have an impact on adjoining property  
16 owners.

17 I've been looking at that question for the last  
18 eight years. In that time, I've looked at over 400 solar  
19 farms identifying what's around solar farms and looking for  
20 sales of property next to solar farms, so I could see if  
21 there was any negative impacts from that.

22 I regularly actually appraise property in  
23 Granville County. I'm -- I'm out of -- working out of  
24 Raleigh, but I'm actually working on two tract of land here  
25 in Granville around Camp Butner right now.

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1 I regularly appraise agricultural properties,  
2 agricultural business, subdivision development, things of  
3 that nature, and that's how I got into the doing impact  
4 analysis. I do impact analysis, not just on solar farms,  
5 but I've looked at a wide variety of different uses.

6 But getting back to solar farms, again, looking at  
7 all the solar farms across the state. I've looked at,  
8 again, over 400 -- over 300 of those are in the State of  
9 North Carolina.

10 When you look at them, whether I'm looking in the  
11 mountains, the piedmont, or the coastal plains, it -- it  
12 kind of gives the same sort of general layout of what's  
13 around these.

14 The predominant adjoining use is agricultural, if  
15 I look at the adjoining acreage. If I look at the adjoining  
16 number of parcels, the most prominent adjoining use is  
17 residential. In most cases, they are located where you have  
18 the open spaces, meaning homes. You can clearly -- you have  
19 to have open space to put the panels, but you also have to  
20 have infrastructure that's going to be able to pull and use  
21 that power.

22 This site here is a little bit different, having  
23 some adjoining industrial use with a rock quarry next door.  
24 When the small subset of cases where there are industrial, a  
25 lot of times the solar farm serves as a sort of a buffer

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1 between industrial uses and residential uses. Anyway,  
2 similar to this layout.

3           Again, when I'm looking at these adjoining uses,  
4 I'm also looking at how close homes are to solar panels.  
5 The standard I've been using is that I'm looking at how  
6 close the closest panel is to the closest house.

7           Again, looking across the state, I'm finding that  
8 typically that starts at around 90 feet between house and  
9 panel.

10           In this case, the closest home is 250 feet away,  
11 so again, you've got a pretty good buffer on this -- this  
12 site compared to normal.

13           So it is my professional opinion that this is a  
14 harmonious location for a solar farm. The adjoining uses  
15 are compatible and consistent with what I've seen across the  
16 state.

17           Looking at matched pairs or paired sales analysis,  
18 this is sort of the methodology for looking at whether or  
19 not there is an impact on adjoining properties. The  
20 Appraisal Institute puts this forward. It's a very straight  
21 forward idea. You look at the sale of a property next to a  
22 solar farm compared to a identical or near identical  
23 property nearby that's not next to a solar farm to see if  
24 there's an impact.

25           I -- included in this report, and I assume you've

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1 got a copy. I could maybe direct your attention to the  
2 summary page on these, but on page 22, there's a summary of  
3 the eight different solar farms that I've looked at.

4 On these you can see on the following pages, pages  
5 23 and 24, you can see that I've pulled out about 17 matched  
6 pairs from those eight solar farm showing no impact on  
7 adjoining property values with homes as close as close as  
8 175 feet.

9 Again, the distance, at this location it's further  
10 than that so it fits within the range of what I've been  
11 looking at. The pages preceding that, page 22, really is  
12 just the details that goes through and shows you exactly  
13 where those solar farms are, shows you the data on the sales  
14 and how to look at the matched pairs.

15 But again, it is my professional opinion that the  
16 project here is identified and if built as proposed, would  
17 have no impact on adjoining property values.

18 The distances to homes are very similar, or  
19 further than many of the matched pairs that I've looked at  
20 and again, consistent with what I've seen around the --  
21 around the state and also looking at just specifically  
22 around Granville County.

23 Page 27 of my report, you can see where I've  
24 broken down a list of solar farms that I've looked at either  
25 in Granville, or adjoining counties.

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1           Looked at 29 different solar farm projects and you  
2 can see looking there, the closest home, looking from there,  
3 the closest was about a hundred feet and the -- the median  
4 distance close -- to the closest home was about 289 feet,  
5 which is very similar from this location to their closest  
6 point.

7           The reason, oh, again, I mention, I did a lot of  
8 impact analysis, when -- when I do find impacts, generally  
9 they come from certain categories.

10           One of the reasons why I'm not finding negative  
11 impacts on the adjoining property values at -- around solar  
12 farms is it really doesn't trigger a lot of the categories  
13 of problems that do cause problems.

14           The number one thing that causes the biggest  
15 impact on adjoining property value is hazardous material,  
16 anything that could endanger the -- the water supply --  
17 anything like that. Again, there's no hazardous material  
18 concerns associated with the solar farms or the solar  
19 panels.

20           Coming down, the next biggest category that could  
21 cause a problem on adjoining property values would be odor.  
22 I've looked at solid waste facilities. I've looked at  
23 poultry farms. I've looked at wastewater treatment  
24 facilities. Again, you can't really screen an odor, so,  
25 again, there's no odors that come off of a solar farm that

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1 would trigger that category of problem.

2           After that comes noise. You know heavy industrial  
3 uses, things of that nature could certainly trigger that.  
4 I've actually been seeing issues related to outdoor  
5 amphitheaters.

6           There -- there's no noise issues associated with a  
7 solar farm, so again, that next sort of category of problem  
8 is not an issue with a solar farm.

9           Traffic -- again, traffic is not an issue in solar  
10 farms. It has a very low amount of traffic.

11           Stigma is the next category down. That's  
12 typically associated with more adult establishments or uses  
13 that might be of concern and again, there's never been an  
14 issue like that associated with solar farms.

15           But the one category that solar farms do trigger  
16 on is appearance. Appearance is when I can track and find  
17 the problem associated with appearance, it's typically the  
18 smallest range of impacts. It's also the hardest to nail  
19 down because since it's so small it often falls within the  
20 range of real estate just normal up and down the gauge, you  
21 know, real estate.

22           The appearances on the solar farm is very  
23 consistent with agriculture uses and agricultural buildings.  
24 I've -- I've included the report on page 29. You can see  
25 some green houses and solar farms. I take pictures of green

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1 houses all over the state while I'm driving and they have a  
2 very similar appearance.

3           And, again, green houses typically are not  
4 screened, whereas, in this project they have a lot of  
5 landscape screening and buffering to limit any appearance  
6 impacts.

7           So, those are just some of the reasons why I'm  
8 finding no impact. Again, I've looked at over 400 solar  
9 farms to pull these data. There's other matched pairs that  
10 I have, but I have not included in this report, but those  
11 were just the subset that seemed to most apply to this  
12 situation.

13           I -- again, I can go into a lot more detail on any  
14 of these solar farms, or matched pairs, or answer any  
15 questions. I'd be happy to answer any questions.

16           VICE CHAIRMAN PRINCE: Thank you very much.

17           Any other evidence to be presented by the  
18 applicant?

19           MR. TERRELL: We do not have any additional  
20 evidence to add. We may have some rebuttal. If there's no  
21 opportunity to rebut because there's no evidence, we would  
22 like about 30 seconds to close and then maybe before we did,  
23 get just a little more clarity on the conditions, but at  
24 this point we have finished.

25           I know there is one person, a neighbor who would

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1 like to speak in favor.

2 VICE CHAIRMAN PRINCE: We need a little time.

3 Let's -- I'm going to ask for a five minute recess.

4 (BREAK, 8:35 - 8:14 P. M.)

5 VICE CHAIRMAN PRINCE: Mr. Attorney, do we need  
6 any clarity for anything up to this point?

7 BOARD ATTORNEY KOINIS: Mr. Chairman, not to my  
8 knowledge. I think if there's any rebuttal evidence, I  
9 think that would be the next place to go. If not, I think  
10 the applicant would just like to do a brief closing before  
11 the Board deliberates.

12 VICE CHAIRMAN PRINCE: All right. Would you like  
13 to have a closing?

14 MR. TERRELL: Yes, sir. If I may ask, is there  
15 anybody to speak against it? (Turns to audience)

16 (No response from members of audience.)

17 MR. TERRELL: Or, Mr. Howle, were you going to  
18 speak for it?

19 MR. HOWLE: If necessary.

20 MR. TERRELL: I don't know -- I think you don't  
21 need to, but thank you for being here and willing to do  
22 that.

23 I'll just close. I think your attorney will tell  
24 you that in North Carolina when you have a quasi-judicial  
25 proceeding, it's our job to present you substantial evidence

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1 on every single one of your standards. Not some of them,  
2 but every single one and that's why we've put together a  
3 book to show you substantial evidence that we did meet -- do  
4 meet every single one of your standards.

5           And where you may have had some doubt, you've also  
6 asked us to impose some additional conditions, but the law  
7 in North Carolina also is that there is an entitlement to  
8 the permit when we present to you all of this evidence and  
9 there is no contrary evidence in the record.

10           Once we've met our burden of production of that  
11 evidence, that there is an entitlement to the permit. It's  
12 -- it's -- we can't help the way North Carolina law has  
13 evolved, but, of course, we -- we want to make sure that you  
14 understand that.

15           We've enjoyed being here tonight. Thank you for  
16 the opportunity to be here and to listen.

17           VICE CHAIRMAN PRINCE: Thank you.

18           Are there any individuals who wish to present  
19 evidence against the Special Use Permit?

20           (No response.)

21           VICE CHAIRMAN PRINCE: Appears to be none. We  
22 will continue.

23           Ms. Hodges, do you have anything else that you  
24 would like to add?

25           PD HODGES: No, sir.

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1           VICE CHAIRMAN PRINCE: Does the applicant have any  
2 further evidence to present in rebuttal?

3           MR. TERRELL: No, sir, we don't.

4           VICE CHAIRMAN PRINCE: Do any individuals have any  
5 further rebuttal evidence?

6           (No response.)

7           VICE CHAIRMAN PRINCE: Do member of the Board have  
8 any questions?

9           (No response.)

10          VICE CHAIRMAN PRINCE: At this time, since there  
11 is none to the previous three questions, I will entertain a  
12 motion to close the quasi-judicial hearing.

13          BOARD MEMBER DANIEL: I make a motion to close the  
14 hearing.

15          BOARD MEMBER CHEEK: I second it.

16          VICE CHAIRMAN PRINCE: Okay. We have a motion and  
17 a second. Show of a right hand for all in favor.

18          (Board votes.)

19          VICE CHAIRMAN PRINCE: None opposed.

20          Mr. Attorney, would you please summarize the  
21 evidence that has been presented to the Board?

22          BOARD ATTORNEY KOINIS: Yes, I will begin to  
23 clarify what Mr. Terrell has just stated towards the end.  
24 Again, this is a quasi-judicial decision so there are  
25 standards and if the Board finds that those standards are

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1 met, it has to be approved as opposed to a legislative  
2 decision where the Board could just decide yes or no, based  
3 on whether or not they wanted to. So, this is based on  
4 evidence and whether that evidence meets the standards that  
5 we'll be going through. As far as the evidence, Board  
6 Member Bill Crosby at the beginning of the hearing, a  
7 potential conflict was disclosed.

8           The applicant indicated -- he indicated to the  
9 applicant that he had no fixed opinions prior to this  
10 hearing. The applicant indicated that he had no objections  
11 to him participating and voting in this hearing. The Board  
12 also considered the issue as well and voted unanimously to  
13 allow Mr. Crosby to partake in this hearing.

14           Ms. Hodges, Town of Butner Planner, gave an  
15 overview of the plan. Also addressed a few of the proposed  
16 conditions.

17           The applicant was here represented by Tom Terrell.  
18 The applicant in this matter is Tarpey Farm. Tarpey Farm is  
19 a subsidiary of Strata Solar. Mr. Terrell went over the  
20 standards and presented his application on behalf of Tarpey  
21 Farms and presented an application for Special Use Permit  
22 into evidence.

23           Brent Niemann, also spoke on behalf of Strata  
24 Solar, and indicated and gave an overview of the concept  
25 plan. Also, went over a few of the conditions that were to

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1 be -- be imposed.

2           And also, speaking on behalf of the applicant was  
3 Rick Kirkland, a State Certified Appraiser. He testified  
4 that the proposed special -- proposed solar farm would be  
5 compatible with surrounding areas and that the solar farm  
6 would have no adverse impact on property values in adjoining  
7 areas.

8           There was a thorough presentation of the evidence.  
9 I won't belabor the Board with any additional details other  
10 than what's previously been presented. If there are any  
11 questions I'll be happy to answer them.

12           VICE CHAIRMAN PRINCE: Any questions for the  
13 attorney.

14           BOARD ATTORNEY G. KOINIS: The only other thing I  
15 will add is that we had -- the proposed conditions being  
16 that the applicant agreed to during the course of his  
17 presentation was to amend the application, the general site  
18 plan from a Type A buffer to a Type B buffer that's in  
19 compliance with terms of the Ordinance.

20           Also amend the application from solar panels being  
21 a height of fifteen feet, as shown on the concept plan, to  
22 being no more than ten feet as required by the Ordinance.

23           Also agreeing to -- that the decommissioning plan  
24 be subject to a final review by the town attorney and all  
25 that's going to require is that the decommissioning plan

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1 complies with the terms of the Ordinance. Nothing more  
2 beyond that.

3           The other two conditions that the Board considered  
4 imposing, and the applicant indicated that they have no  
5 objection to if the Board wishes to so impose, were  
6 establishing a pollination species outside of the array for  
7 any cleared area as well as establish pollination species on  
8 open pasture areas on the southern portion of the tract and  
9 the other condition being removal of any outbuildings or  
10 structures currently located on the property.

11           It was indicated there were probably about three  
12 or four currently situated on one or more of the tracts  
13 that's the subject of this application.

14           Those are the proposed conditions that the Board  
15 discussed with the applicant.

16           Any other questions, I'll be happy to answer them.

17           VICE CHAIRMAN PRINCE: We have no other question.

18           Does anyone who has been sworn in object to the  
19 attorney's summary of the evidence?

20           (No response.)

21           MR. TERRELL: We have no objection to that. When  
22 the Order is drafted, we would hope that you would feel free  
23 to add to that anything that was in the book, or that might  
24 be in the testimony.

25           VICE CHAIRMAN PRINCE: Thank you.

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1 I will now open the floor to the Board members to  
2 discuss the application as a whole before we move into  
3 discussions and voting on each required finding of fact.

4 Do you have any discussion?

5 (No response.)

6 VICE CHAIRMAN PRINCE: There appears to be none,  
7 we will now move on to each required finding of fact.

8 Mr. Attorney, would you please read the first  
9 required finding of facts?

10 BOARD ATTORNEY KOINIS: The Board must find that  
11 the proposed use will not be detrimental to the health,  
12 safety or general welfare of persons residing or working in  
13 the vicinity, or injurious to the property or improvements  
14 in the vicinity.

15 VICE CHAIRMAN PRINCE: You have heard the first  
16 finding of fact. Does the Board believe that there is  
17 competent and substantial evidence to support that finding?

18 If so, please identify that specific evidence for  
19 the record.

20 BOARD MEMBER CROSBY: Mr. Chairman, I find that  
21 the first finding of fact on the first, would be acceptable.  
22 I don't see no safety problem, or issues of health. I would  
23 approve the first finding of fact.

24 VICE CHAIRMAN PRINCE: Is there any other  
25 discussion as to the evidence supporting the first finding

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1 of fact?

2 (No response.)

3 VICE CHAIRMAN PRINCE: I will entertain a motion  
4 either for or against finding the first finding of facts.

5 BOARD MEMBER DANIEL: I make a **motion** to approve  
6 the first finding of fact.

7 BOARD MEMBER WORTHAM: Second.

8 VICE CHAIRMAN PRINCE: We will vote at this time.  
9 All those for, please show your right hand.

10 (Board votes.)

11 VICE CHAIRMAN PRINCE: None opposed.

12 Mr. Attorney, would you please read the second  
13 required finding of facts?

14 BOARD ATTORNEY KOINIS: The Board must find that  
15 the proposed use is in compliance with all the Use Specific  
16 Standards set forth in Section 7.3. Those Use Specific  
17 Standards are included in the staff report.

18 Those are generally the Type B buffer strip, the  
19 decommissioning plan that was discussed as well as solar  
20 panels being a maximum of ten feet. Those are in the  
21 standards that are set forth in the staff report.

22 VICE CHAIRMAN PRINCE: You have heard the second  
23 finding of facts. Does the Board believe that there is  
24 competent and substantial evidence to support that finding?  
25 If so, please identify that specific evidence for the

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1 record.

2 BOARD MEMBER DANIEL: Following the communication  
3 with the Town and the permits and inspections, the proposed  
4 use will be in compliance with Section 7.3, and specifically  
5 7.1.3(B) of the Land Development Ordinance.

6 VICE CHAIRMAN PRINCE: Is there any other  
7 discussion as to the evidence supporting the second finding  
8 of fact?

9 (No response.)

10 VICE CHAIRMAN PRINCE: I will now entertain a  
11 motion either for or against finding the second finding of  
12 facts.

13 BOARD MEMBER DANIELS: Mr. Chairman, I make a  
14 **motion** that -- that it is acceptable in terms of the  
15 requirements and that we should approve it.

16 BOARD MEMBER DANIEL: I'll second.

17 VICE CHAIRMAN PRINCE: I have a motion and a  
18 second. It's time to vote all for by a show of your right  
19 hand.

20 (Board votes.)

21 VICE CHAIRMAN PRINCE: Have none against.

22 Mr. Attorney, would you please read the third  
23 required finding of fact?

24 BOARD ATTORNEY KOINIS: The Board must find that  
25 the proposed use is compatible with the character of

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1 surrounding property and uses permitted in the zoning  
2 districts of surrounding property.

3 VICE CHAIRMAN PRINCE: You have heard the third  
4 finding of facts. Does the Board believe that there is  
5 competent and substantial evidence to support that finding?  
6 If so, please identify that specific evidence for the  
7 record.

8 BOARD MEMBER DANIEL: I think with the use of Type  
9 B buffer it would be a minimum site hazard and is in  
10 compliance with the character of the surrounding property.

11 VICE CHAIRMAN PRINCE: Is there any other  
12 discussion as to the evidence supporting the third finding  
13 of facts?

14 (No response.)

15 VICE CHAIRMAN PRINCE: I will now entertain a  
16 motion either for or against finding of the third finding of  
17 facts.

18 BOARD MEMBER CROSBY: Mr. Chairman, I make a  
19 **motion** that we accept the third finding of fact.

20 BOARD MEMBER CHEEK: I second.

21 VICE CHAIRMAN PRINCE: We have a motion and  
22 second. At this time we will vote for by showing your right  
23 hand.

24 (Board votes.)

25 VICE CHAIRMAN PRINCE: Did you vote?

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1 BOARD MEMBER CHEEK: Yes.

2 VICE CHAIRMAN PRINCE: Mr. Attorney, will you  
3 please read the fourth required finding of fact?

4 BOARD ATTORNEY KOINIS: Yes, but we need to have  
5 the record reflect that that last finding of fact passed  
6 unanimously.

7 The fourth finding of fact is the Board must find  
8 that the proposed use is configured in a manner to minimize  
9 any adverse effect on surrounding lands.

10 VICE CHAIRMAN PRINCE: You've heard the fourth  
11 finding of fact. Does the Board believe there is competent  
12 and substantial evidence to support that finding?

13 If so, please identify that specific evidence for  
14 the record.

15 BOARD MEMBER DANIEL: I believe with the -- all  
16 the tree areas and the planting of a buffer and the minimal  
17 road footage that the -- and the ponds that are existing  
18 being left that it will have minimal adverse effects on the  
19 surrounding areas, with the addition of the pollination  
20 areas being planted, they will probably improve it.

21 VICE CHAIRMAN PRINCE: Is there any other  
22 discussion as to the evidence supporting the fourth finding  
23 of fact?

24 I will entertain a motion either for or against  
25 finding the fourth finding of facts.

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1 BOARD MEMBER DANIEL: I make a **motion** for the  
2 fourth finding of fact.

3 BOARD MEMBER DANIELS: Second.

4 VICE CHAIRMAN PRINCE: We have a motion and a  
5 second and at this time we will vote for by a show of your  
6 right hand.

7 (Board votes.)

8 VICE CHAIRMAN PRINCE: None against.

9 Mr. Attorney, would you please read the fifth  
10 required finding of fact?

11 BOARD ATTORNEY KOINIS: The Board must find that  
12 the proposed use will not adversely impact traffic  
13 circulation on or in the vicinity of the site.

14 VICE CHAIRMAN PRINCE: You have heard the fifth  
15 finding of fact. Does the Board believe there is competent  
16 and substantial evidence to support that finding? If so,  
17 please identify that specific evidence for the record.

18 BOARD MEMBER DANIELS: Mr. Chairman, I think it's  
19 been, based on testimony, it's been made quite clear that  
20 it's minimal traffic impact with the use of a solar farm.

21 VICE CHAIRMAN PRINCE: Is there any other  
22 discussion as to the evidence supporting the fifth finding  
23 of fact?

24 I will entertain a motion either for or against  
25 the finding of the fifth finding of fact.

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1 BOARD MEMBER DANIELS: Mr. Chairman, I make a  
2 **motion** that we accept or vote for this finding of fact.

3 BOARD MEMBER CROSBY: I will second that.

4 VICE CHAIRMAN PRINCE: We have a motion and a  
5 second. At this time we'll vote by the raising of our right  
6 hand for it.

7 (Board votes)

8 VICE CHAIRMAN PRINCE: All for and none against.

9 Mr. Attorney, would you please read the sixth  
10 required finding of fact?

11 BOARD ATTORNEY KOINIS: The Board must find that  
12 the proposed use will not be detrimental to the value of  
13 adjacent or nearby property.

14 VICE CHAIRMAN PRINCE: You've heard the sixth  
15 finding of fact. Does the Board believe that there is  
16 competent and substantial evidence to support that finding?

17 BOARD MEMBER DANIELS: Mr. Chairman, our applicant  
18 has presented written evidence and has brought in expert  
19 testimony containing documentation supporting the fact that  
20 this project will not be detrimental to the value of  
21 adjacent or nearby property and it will be harmonious in  
22 terms of the area itself.

23 VICE CHAIRMAN PRINCE: Is there any other  
24 discussion as to the evidence supporting the sixth finding  
25 of fact? I will entertain a motion either for or against

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1 finding the sixth finding of facts.

2 BOARD MEMBER DANIELS: Mr. Chairman, I make a  
3 **motion** that we vote for this finding of fact in terms of no  
4 detrimental -- to the value of adjoining properties.

5 BOARD MEMBER CHEEK: I second it.

6 VICE CHAIRMAN PRINCE: We have a motion and a  
7 second and at this time we will show by the raising of right  
8 hands those that are for.

9 (Board votes.)

10 VICE CHAIRMAN PRINCE: All for. None opposed.

11 Mr. Attorney, would you please read the seventh  
12 required finding of fact?

13 BOARD ATTORNEY KOINIS: The Board must find that  
14 the proposed use is in full compliance with all other  
15 relevant Town laws and ordinances, State and Federal laws,  
16 and regulations.

17 VICE CHAIRMAN PRINCE: You've heard the seventh  
18 finding of fact. Does the Board believe that there is  
19 competent and substantial evidence to support that finding?

20 BOARD MEMBER DANIEL: I believe with the testimony  
21 and the evidence presented -- presented and the approval of  
22 finding of facts one through six that a Special Use Permit  
23 18-2 is full compliance with Town laws, ordinance and state  
24 and federal laws and regulations.

25 VICE CHAIRMAN PRINCE: Is there any other

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1 discussion as to the evidence supporting the seventh finding  
2 of facts?

3 I will entertain a motion either for or against  
4 the finding of the seventh finding of facts.

5 BOARD MEMBER DANIEL: I make a **motion** to approve  
6 the seventh finding of fact.

7 BOARD MEMBER WORTHAM: Second.

8 VICE CHAIRMAN PRINCE: We have a motion and a  
9 second. We will show by voting for by raising our right  
10 hand.

11 (Board votes.)

12 VICE CHAIRMAN PRINCE: All for. None opposed.

13 BOARD MEMBER DANIELS: Mr. Chairman, based on the  
14 finding of facts on these -- these seven issues, there have  
15 been none of them negative or any kind of detriment, I make  
16 a **motion** that the -- this Board grant the Special Use Permit  
17 for this solar farm, but it would be based on the special  
18 use conditions that have already been outlined and the  
19 applicant has expressed a willingness to comply to.

20 VICE CHAIRMAN PRINCE: Okay. The Board has voted.

21 BOARD ATTORNEY KOINIS: For the Board's  
22 clarification that the conditions that have been discussed,  
23 for the sake of your vote, were the application is being  
24 amended to show a Type B buffer; application is being  
25 amended to show maximum height for the solar panels at ten

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1 feet; decommissioning plan be subject to the attorney's  
2 approval; the pollination species be planted in the open  
3 pasture areas on the southern portion of the tract and along  
4 any cleared areas outside the array; and then the removal of  
5 the handful of outbuildings that are located on the  
6 property.

7           Those are my understanding of the conditions that  
8 the Board -- that the Board wishes to impose. And those  
9 conditions are agreeable to the applicant, is that correct?

10           MR. TERRELL: Yes, they are.

11           BOARD MEMBER CROSBY: Was that a motion?

12           BOARD MEMBER DANIELS: Yes, it was.

13           MR. CROSBY: I second that motion.

14           VICE CHAIRMAN PRINCE: The Board has voted in  
15 support of each required finding of fact. Is there anything  
16 else to discuss as it relates to this application for a  
17 Special Use Permit?

18           BOARD MEMBER CROSBY: Call for the vote.

19           VICE CHAIRMAN PRINCE: Fixing to. If not, I will  
20 entertain a motion to approve the Special Use Permit without  
21 conditions.

22           BOARD ATTORNEY KOINIS: We have a motion.

23           VICE CHAIRMAN PRINCE: The motion with conditions.

24           BOARD ATTORNEY KOINIS: Yes. We have a motion on  
25 the floor with conditions.

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1 VICE CHAIRMAN PRINCE: Okay, with conditions, at  
2 this time we will vote with a show of our right hands. All  
3 for?

4 (Board votes.)

5 VICE CHAIRMAN PRINCE: All for. None opposed.  
6 The Special Use Permit is permitted.

7 MR. TERRELL: And we thank you.

8 (WHEREUPON, THE HEARING WAS CONCLUDED AT 9:05 P. M.)

9 **(Verbatim Transcript of Special Use Permit**  
10 **Hearing, SUP-18-02 concludes, 9:05 P.M.)**

11 **(END OF VERBATIM RECORD - 9:05 P.M.)**

12 **PLANNING DIRECTOR'S ANNOUNCEMENTS:**

13 Vice Chairman Prince called on Planning Director  
14 Hodges for any announcements.

15 PD Hodges reported the following:

16 Phase IV of Wynngate now has their final plat and  
17 pulling permits for construction;

18 Falls Lake High School is under construction and  
19 anticipated to be open for fall;

20 The rezoning allowed on Fleming Farm now has plat  
21 ready to present to Planning Board;

22 There is a proposed change to the Ordinance to  
23 allow microbreweries in the commercial district;

24 In recreation, there is a new playground at Lake  
25 Holt as well as 2 gazebos and the new fishing pier;

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1 PD Hodges announced that this is her last Board of  
2 Adjustment meeting since she has resigned effective June 25.

3 **BOARD MEMBERS COMMENTS:**

4 Various board members expressed their gratitude to  
5 Planning Director Hodges for her 10 years of service and  
6 guidance in the Planning Department.

7 **ADJOURNMENT:**

8 There being no other business, Vice Chairman  
9 Prince called for a motion to adjourn.

10 Board Member Wortham made a **motion** to adjourn.

11 Second by Board member Daniels, motion passed.

12 Meeting adjourned at 9:10 P.M.

13 - - - - -

14

END OF TRANSCRIPT

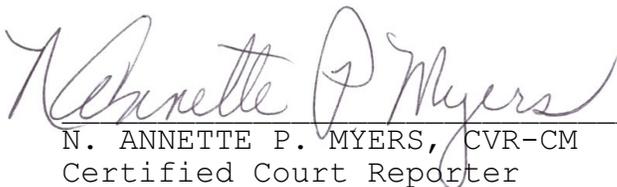
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CERTIFICATION OF TRANSCRIPT

This is to certify that the verbatim portions of the foregoing transcript of the **Public Hearing** proceedings taken at the May 24, 2018, Butner, North Carolina Board of Adjustment meeting is a true and accurate transcript of the proceedings to the best of my ability. The proceedings were reported by me using the voice writing method and the transcript was produced by me or under my supervision.

I further state that I am not related in any way to any party, attorney or board member in these proceedings and that I have no interest in the actions of the Board.

This 8th day of June, 2018.

A handwritten signature in cursive script, reading "N. Annette P. Myers", is written over a horizontal line.

N. ANNETTE P. MYERS, CVR-CM  
Certified Court Reporter  
P.O. Box 461  
Oxford, North Carolina 27565