

Resolution of the Chatham County Board of Commissioners

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT REQUEST

BY Flatwood Farm, LLC

WHEREAS, Flatwood Farm, LLC has applied to Chatham County for a conditional use permit on Parcel No. 5751, located at 2361 Corinth Road, Cape Fear Township, for solar farm, and;

WHEREAS, the Chatham County Board of Commissioners having considered all of the evidence in the whole record and based upon the competent, substantial and material evidence in the record, including, without limitation, the Applicant's written materials, all of which are incorporated herein by reference, hereby finds as follows:

1. The use/s requested are among those listed as eligible uses in the district in which the subject property is located or is to be located. The use being proposed is allowed in the R-1 zoning district as a conditional use permit. Adjacent and adjoining parcels are zoned R-1 Residential, R-1 Residential with a Conditional Use Permi for an RV Campground, R-1 Non-conforming mining operation currently being use for coal ash storge, and IH Heavy Industrial. There is no error in the ordinance.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, solar is a clean, inexpensive, and unlimited resource that is being guided by current needs from the utility companies for diversity in electrical power sources. The project will be unmanned, no traffic impacts other than those associated with construction and on-going monitoring, and have no lighting issues. There would be little to no environmental impacts with the exception of the clearing of trees for the project area.
3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community. This parcel adjoins or is adjacent to a mix of agricultural uses, industrially zoned properties, residential, and residential with a conditional use permit for a public and private recreation campground. To the north is a coal ash landfill located on a non-conforming mining operation. Solar farms by nature do not create odor, noise, dust, light, or adverse environmental impacts. The owner of the property is proposing to lease the property to Strata Solar, which affords them an opportunity to receive additional revenue from the use of their land.
4. The requested permit is consistent with the objectives of the Land Development Plan by, Objective 4, page 41 of Plan Chatham (the "Plan") promotes diversifying the tax base when and where appropriate. This property is currently under land use for forestry agricultural use. This affords the landowner a substantially reduced tax rate while in operation. When the agricultural use of no longer exists, the property is removed from the present use value program administered through the Tax Department which in turn brings in more tax revenue for the county.

Objective 5, page 42 encourages the avoidance or minimizing landscape fragmentation. This property will be kept as one tract which reduces the possibility for development. The use helps to preserve the night sky by minimizing light pollution.

Objective 8, page 43 promotes projects that are more resilient by mitigating, responding, and adapting to emerging threats. Clean, renewable energy is an emerging alternative power source to supplement existing utility infrastructure and supports efforts to move more toward a more carbon neutral county.

5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided through the proposal consistent with the County's plans, policies and regulations and confirmed through any additional conditions placed on its approval as seen below. The solar facility will not require use of the county water system, or wells or septic systems. The project will be required to meet all erosion and sedimentation control and stormwater regulations, as well as stabilization of the area once panels are installed. This is usually done with grass. A commercial driveway permit will be required from NCDOT.

The property is located within the WSIV-PA Protected Area watershed but is not located within the Jordan Lake buffer rule area. Up to 36% of the parcel can be developed in impervious surface. Under the watershed regulations solar panels are not considered impervious surface and therefore are not counted in the calculation making the project less than 10% impervious surface based on the submitted site plan.

The property does have a streams per the NRCS Soils Map and USGS Map that are being shown as buffered for any land disturbance and development activity. The site plan shows these areas buffered and protected with no disturbance of existing vegetation.

NOW, THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS, as follows:

That a Conditional Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter; and

BE IT RESOLVED FURTHER, that the Chatham County Board of Commissioners hereby approves the application for the conditional use permit in accordance with the plan submitted by the Applicant, Flatwood Farm, LLC, and incorporated herein by reference with specific conditions as listed and as shown in Attachment A below;

Site Specific Conditions

1. The recommendations of the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and as shown on the submitted site plan that reflects the adopted design guidelines. Planning staff and/or CCAC members may inspect said requirements at any time for compliance with the ordinance guidelines and standards.
2. A building permit shall be obtained and remain valid at all times within two years of the date of this approval or the conditional use permit becomes null and void.

Standard Site Conditions

3. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provide for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Storm water

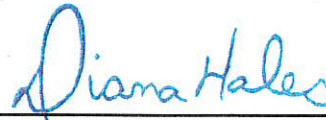
Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process and compliance with all stated regulations and standards of approval.

Standard Administrative Conditions

5. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
6. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
7. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
8. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

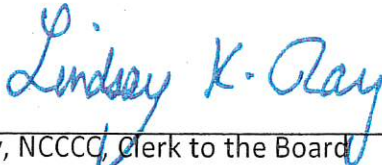
BE IT FURTHER RESOLVED, that the Board of Commissioners of the County of Chatham hereby approves the application for a conditional use permit in accordance with the plans and conditions listed above.

Adopted this, the 20 day of August 2018

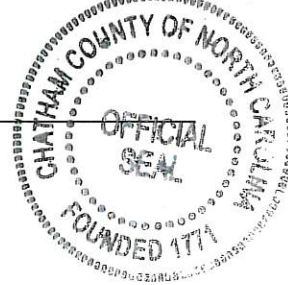


Diana Hales, Chairman
Chatham County Board of Commissioners

ATTEST:



Lindsay K. Ray, NCCCC, Clerk to the Board
Chatham County Board of Commissioners



ATTACHMENT "A"

Tax parcel 5751 being approximately 46.80 acres, Cape Fear Township, zoned R-1 Residential w/CUP has an approved Conditional Use Permit approval as a solar farm.

