



**BOARD OF COMMISSIONERS MEETING
MONDAY, JULY 20, 2015, 7 P.M.
ROBERT E. HIBBITTS MEETING ROOM
1924 COURTHOUSE, NEWTON, N.C.**



The Board held a public hearing to receive citizen comments and approved an application to rezone 45 acres from R-30 Residential to R-80-CD Conditional District, specifically for a solar farm. The current R-30 Residential district requires a minimum lot size of 30,000 square feet (0.68 acres per dwelling), and is considered a medium density “general use” district. Predominant uses in this district include single-family homes and agriculture. The R-80 Residential district requires a minimum lot size of 80,000 square feet (2 acres per dwelling) and is considered a low density “general use” district. Predominant uses in this district include single-family homes and agriculture in a more rural surrounding. Conditional district zoning is based on a “specific use” such as the solar farm being proposed. It would be bound by a set of regulations specific to the request accompanied by a site plan. If approved, the base zoning district would be R-80-CD.

The property is located at 2327 Mt. Olive Church Road in the Balls Creek Small Area Planning District, Newton Township, zoned R-30 Residential, developed with a residence and also used for agricultural purposes. Birdseye Renewable Energy LLC is proposing to lease 45 acres located in the southern portion of the 119 acre tract to install and operate a solar facility. Parcels to the north, south and east are zoned R-30 Residential and contain single family homes, accessory structures and an operating fish lake. Several of these are vacant or used for agricultural purposes. Parcels to the west are zoned R-30 Residential and R-20 Residential, with some in the City of Newton’s planning jurisdiction.

According to the site plan submitted, the tract (comprising 45 acres of lease area) would be developed according to the development standards found in Section 44-633 of the Catawba County Unified Development Ordinance (UDO) which applies to Utility-Scale Solar Applications.

The proposed use does not require wastewater or potable water services. The proposed solar facility will connect to the utility grid in the northeast portion of the property. Mt. Olive Church Road (State Road 1802) is designated as a minor arterial road in the Catawba County Thoroughfare Plan. This section of Mt. Olive Church Road is generally designed and constructed to carry between 12,000 and 15,000 vehicles per day. Traffic counts taken in 2013 along Mt. Olive Church Road, north and south of the site, measured 2,700 and 2,500 average trips per day, respectively. Development of the property will consist of temporary construction traffic and will not overburden the existing roadway or cause significant congestion issues during normal operations.

The Balls Creek Small Area Plan, adopted on June 16, 2003, serves as the current land use plan for this area. Future land use recommendations depict the property as being located in an area recommended for village/multi-family/office-institutional uses. The use and size of the land area associated with the request for a solar farm at this location is inconsistent with the uses and density recommendations of the plan. There are a considerable number of adjacent properties that are sizable tracts (5 plus acres) accommodating agricultural, residential development, and woodlands to the north, south, east and west.

Staff recommends the 45 acres to be leased by Birdseye Renewable Energy LLC be rezoned from R-30 Residential to R-80-CD Conditional District subject to the conditions listed and illustrated on the conceptual site plan based on the relatively low density pattern of the surrounding community consistent with density required in the R-80 district (80,000 square feet, 2 acres), combined with conditional zoning designating a solar farm as the exclusive use; the proposed development meeting the standards of Section 44-633 of the UDO as identified on the site plan; the topography of the site, existing vegetation, and additional vegetation to be planted would combine to offer minimal visibility of the site; and the UDO allowing for the consideration of solar farms as a permitted use in the R-80-CD Conditional District.

The Planning Board held a public hearing on June 29, 2015, to consider the request. One citizen spoke in favor of solar farms and asked that the applicant consider planting White Dutch Clover as a cover crop to assist the bee population. One board member expressed concern about the viewshed of the solar farm from the Claremont Road area during the winter months and shared that it is difficult to understand the possible impacts while deciduous trees are in the growing season. Representatives with Birdseye Renewable Energy gave a project overview. No one spoke in opposition to the request.

The Planning Board voted 8-1 to submit a favorable recommendation to the Board of Commissioners to rezone 45 acres from R-30 Residential to R-80-CD Conditional District subject to the conditions listed and illustrated on the conceptual site plan and based on the reasons stated above for staff recommendation as well at the recommended requirements that existing vegetation be left in place and not removed during or after the construction process, that the applicant obtain an Erosion and Sedimentation Control Permit, and that additional trees, with an increased maturity height, be planted in the southeastern portion of the property to further shield the solar farm from adjacent properties along Claremont Road.

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