

MINUTES FROM A PUBLIC HEARING TO HEAR CITIZENS COMMENTS CONCERNING AMENDMENT TO WARREN COUNTY'S OFFICIAL ZONING ORDINANCE TO ADD "SOLAR FARMS" HELD BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF WARREN IN THE WARREN COUNTY ARMORY CIVIC CENTER MEETING ROOM ON MONDAY, MAY 2, 2016 AT 5:20 P.M.

The public hearing was called to order by Chairman Barry Richardson. Other Commissioners present: Bertadean Baker, Tare Davis, Victor Hunt and Jennifer Jordan. Others in attendance: County Manager Linda T. Worth, Finance Director Gloria Edmonds and County Attorney Chuck Kitchen.

Clerk to the Board Angelena Kearney-Dunlap read the Notice of Public Hearing:

**Warren County Board of Commissioners
Public Hearing**

Notice is hereby served that the Warren County Board of Commissioners has scheduled a public hearing to hear citizen comments regarding an amendment to add Solar Farms as a permitted use (with conditional use permit) to the Warren County Zoning Ordinance for Monday May 2, 2016 at 5:15 PM to be held in the Warren County Armory Civic Center-Meeting Room, 501 US Hwy 158 Business, East Warrenton, NC.

Written comments will be received at the following address until, Tuesday, April 26, 2016 at 4:30 pm:

Ken Krulik, AICP CZO, Planning and Zoning Administrator
542 West Ridgeway St, Warrenton, North Carolina 27589
Planning & Zoning: (252) 257-7027 ph Code Enforcement (252) 257-1305 ph
(252) 257-1083 fax kenkrulik@warrencountync.gov

All interested citizens are urged to attend this public hearing.

Barry Richardson, Chairman
Warren County Board of Commissioners

An overview of the amendment was given by Planning/Zoning Administrator Ken Krulik.

DRAFT FOR REVIEW/DISCUSSION ONLY
Per 3/1/16 Planning Board Meeting

Warren County Zoning Ordinance – Table Of Permitted Uses

1. **Solar Farm (also known as a Solar Energy System – SES – with Photovoltaic Systems):**
 - a. Setbacks - minimum of a one hundred feet (100') from all property lines (inclusive of equipment and fencing).
 - b. Security - fencing shall be a minimum of six feet (6' in height) and secured to reduce/eliminate trespassing.
 - c. Height - maximum (not including power lines) of ~~twenty-five feet (25')~~ **fifteen feet (15')**.
 - d. Buffers - minimum requirements of this ordinance shall be applied with vegetative buffers having a minimum of three feet (3') in height at the time of project construction and reaching a minimum of eight feet (8') in height within five (5) years.
 - 1) Landscaping including vegetative buffers, security fences and gates shall be maintained for the duration of the solar farm operation, up to and including decommissioning (dismantled/removed).
 - 2) Vegetative buffer shall be installed (exception granted if an existing natural buffer meeting the requirements of this ordinance exists) surrounding the solar farm site to screen adjacent properties - with the exception of the entrance-road frontage of the lot or parcel where a buffer is not required.
- a. Solar panels/arrays shall be constructed so as to minimize glare or reflection onto adjacent properties and roadways.
- b. Decommissioning - The Planning and Zoning Administrator, or his/her designee shall be advised, in writing within thirty (30) days, by the solar farm operator or property owners (whichever entity/party holds the zoning and building permits holder) in the event the project is sold or otherwise transferred to another entity/party and/or the current operator/owner abandons the project.
- c. At the time of applying for permits the applicant (solar farm developer or property owner) shall include a decommissioning plan with the anticipated life expectancy of the solar farm and the anticipated cost in current dollars, as well as the method (s) of insuring that funds will be available for decommissioning and restoration of the project site to its original, natural condition prior to the solar farm development.

1. If the site is damaged, the solar farm operate shall have twelve (12) months to bring the project back to its operational capacity. If for any reason the solar farm is not generating electricity after six (6) months, the operator shall have six (6) months to complete decommissioning of the solar farm in compliance with paragraph f (1) of this section above.
2. In the event of bankruptcy or similar financial default of the solar farm, the property owner of the project site shall bear the decommissioning costs.
- a. Other Applicable Codes/Inspections – all solar farms shall be in compliance the requirements of the most current State Building and Electrical Codes, the State of North Carolina and Warren County.
 - 1) All active solar farms shall be inspected by a Warren County Code Enforcement Officer (Building Inspector) on an annual basis to insure compliance with applicable State Building and electrical Codes.
 - 2) Each solar farm shall be required to have the facility inspected annually for three (3) years by the Planning and Zoning Administrator or his/her designee following the issuance of the zoning permit or development permit (applicable in the un-zoned areas of Warren County) to verify continued compliance with the Zoning Ordinance or Solar Farm Ordinance as applicable.
 - 3) Additional inspections shall be conducted as necessary in the event of complaints and shall not replace the noted inspections outlined in this section.

Definition

Solar Farm (also known as a Solar Energy System - SES) - the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

Solar Photovoltaic (PV) Systems – an electrical system or device that converts the energy of light directly into electricity by the photovoltaic effect through the use of photoelectric cells (also known as solar panels).

Solar Thermal Systems – large scale commercial-industrial energy system and related equipment for harnessing solar energy to generate thermal energy or electrical energy for use in connection with commercial and industrial operations.

Solar Hot Water Systems – small scale, roof-top energy systems in which the sun’s heat is gathered by a solar collector and used to increase the temperature of a heat-transfer fluid (such as water or a nonfreezing liquid) which flows through the pipes in the collector; the heat contained in this fluid then is conveyed and transferred to the water to be heated (this type of system is often used on homes, recreational centers and schools, hospitals and office buildings).

Commissioner Davis asked the following questions:

- 1 - Are the setback requirements the same as stated during February 1, 2016 public hearing?
- 2 - Explain the Plan for decommissioning?
- 3 - Is solar farms in Warren County a good thing?

Ken Krulik, Planning/Zoning Administrator’s answers:

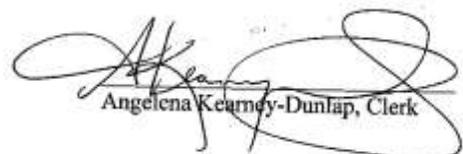
- 1) Yes 100 foot set back; citizens were concerned with 30 foot set back already existing.
- 2) Ordinance requires requester to set-up a decommissioning plan to return land to its original state. There are no financial penalties.
- 3) There is a slow-down in solar farm applications, tax cuts went to the solar farm developers and not the land owner.

Clerk to the Board Angelena Kearney-Dunlap read the Public Hearing Procedures.

Public Comments were as follows:

Steve Pelfrey (appeared in person as well as sent comments via e-mail which are on file in the office of Clerk to the Board): he stated he doesn’t feel the amendment is consistent with the model and stated he cannot support what has been presented the edits are even more restrictive than the original edits presented at February 1, 2016 public hearing.

On motion of Commissioner Baker, seconded by Commissioner Jordan, the public hearing was adjourned.


 Angelena Kearney-Dunlap, Clerk