

MINUTES
YANCEYVILLE PLANNING BOARD
April 15, 2015
5:15 PM

The meeting of the Planning Board was held at the Yanceyville Municipal Services Building on April 15, 2015 at 5:15 p.m.

Board members present: Chairman Fred Smith, Vice-Chairwoman Patricia Price Lea, Sylvia Johnson, Layton Everitt, and Darrell McLean.

Staff: Brian Collie, Town Manager.

1. Call To Order

Chairman Smith called the meeting to order at 5:15 PM.

2. Approval of Minutes- January 21st, 2015

After short review Mrs. Lea made a motion to approve the Yanceyville Planning Board minutes from January 21st, 2015 as presented. The motion was seconded by Mrs. Johnson and passed with a unanimous vote.

3. Special Use Permit Application

Manager Brian Collie presented a special use permit to the Planning Board from Strata Solar Development for R.M. Johnston Jr. The application was for a “Solar Electric Power Plant” for property owned by Mr. Johnston off of Murray Rd. Mr. Collie stated that since Town Council had not yet amended the Town’s Zoning Ordinance to allow solar facilities as a special use the applicant submitted the application as a public utility. Mr. Collie presented the Board with two letters of opinion from Town Attorney, Lee Farmer and Dr. Adam Lovelady, professor with the UNC School of Government specializing in Solar stating that their interpretations were that a solar was not considered a public utility. Mr. Collie brought to the Board’s attention that when approving a special use there are several findings that they would have to make before approval. He said that one of the findings must be that the use is a public necessity and that it does not substantially decrease surrounding property values. He said that if the Board thought that it may not be able to make that finding for a solar facility that they may consider changing the solar draft from a special to a permitted use. Mr. Collie recommended that the Planning Board wait until Council had approved the solar draft amendment into the Town’s ordinance before we consider this application.

Chairman Fred Smith said that the Board needed to make a decision on whether they felt that a solar facility should be reviewed as a public utility. Louis Iannone from Strata Solar addressed the Planning Board arguing that the state of N.C. viewed solar facilities as a public necessity and presented a general statute to support his claim. Mr. Iannone also explained why he felt that it should be considered a public utility.

After further discussion the Board agreed that they would not consider the special use application as a public utility but to instead wait until next month's meeting after the hopeful adoption of specific solar facility language into the Town's code.

4. Solar Ordinance Draft Review & Discussion

Mr. Collie stated that Town Council had requested that the Planning Board review the Solar Facility draft once again before Council made a final decision based on the fact that the Planning Board had not discussed questions and concerns from the Town's Solar Workshop yet.

After discussion the Board started to address issues brought up during the solar workshop by first looking at the definition of a solar facility. Mr. Collie said that someone had pointed out that we may need to strengthen the definition so that residential solar panels aren't interpreted to be regulated by these regulations. Mrs. Johnson suggested adding "to convert solar energy to another source for direct power consumption". Mr. Collie asked would removing the words "principally" and "primarily" from the definition clear it up. The Planning Board agreed.

Mr. Collie stated that some concerns were also brought up concerning the setbacks and if they were too stringent. The Planning Board felt that 100 feet from all property lines was adequate for the Town's needs. He then stated that questions were asked regarding the decommissioning plan and if it was strong enough to safeguard the Town. Mr. Iannone explained that the odds of one of these projects going broke is very small, and he argued that it wouldn't make sense to require a decommissioning bond on solar unless the Town did the same to all real estate development. He gave examples of apartment complexes, Walmart, shopping centers, etc... Mrs. Johnson asked if during a 30 year lease would the panels ever need to be replaced. Mr. Iannone said that the panels are warranted to perform at 85% after 25 years so they should not need to be replaced. Mrs. Johnson then asked how it would be possible to restore the property to its original condition prior to development when all the trees have been cut. Mrs. Lea suggested that the Board could add "& reforestation" to section K(c). The Board agreed.

Mrs. Johnson then asked if the Board could require the decommissioning plan to be recorded with the Register of Deeds. The Board agreed to add "Caswell County Register of Deeds" to section K(2) after the words "submitted to the". Mrs. Johnson then stated that she has a problem with allowing solar facilities in residential areas. She stated that she feels solar facilities would be more suitable in the Town's manufacturing districts.

After further discussion Mrs. Lea made a motion to approve the draft solar facility language as a special use into the Town's code of ordinances with the agreed upon changes in section 1 and section K. Mrs. Johnson stated that she thinks the Board needs to take more time before approval to look into allowing solar facilities in different districts other than residential. Without further discussion Chairman Smith seconded Mrs. Lea's motion. The motion passed with a 4 to 1 vote, with Mrs. Johnson voting "no".

5. Adjournment

Mrs. Price Lea made a motion to adjourn seconded by Mr. Everitt. The motion passed with a unanimous vote.

Respectively Submitted:

Fred Smith, Chairman

Brian Collie, Town Manager, prepared the above minutes. They represent a brief description of those matters that were addressed at this meeting. A detailed account of this meeting is available for review on tape at the Yanceyville Municipal Services Building.