

STATE OF NORTH CAROLINA)	OFFICE OF THE COMMISSIONERS
)	STOKES COUNTY GOVERNMENT
COUNTY OF STOKES)	DANBURY, NORTH CAROLINA
)	TUESDAY JUNE 2, 2020

The Board of Commissioners of the County of Stokes, State of North Carolina, met for a regular session (Planning) in the Commissioners’ Chambers of the Ronald Wilson Reagan Memorial Building (Administration Building) located in Danbury, North Carolina on Tuesday June 2, 2020 at 7:00 pm with the following members present:

Chairman Andy Nickelston
 Commissioner Ernest Lankford
 Commissioner Rick Morris
 Commissioner Jimmy Walker

Absent:
 Vice Chairman Ronnie Mendenhall

County Personnel in Attendance:
 County Manager Jake M. Oakley
 Assistant County Manager/Clerk to the Board Shannon Shaver
 Planning Director David Sudderth

Chairman Nickelston called the meeting to order and welcomed those in attendance.

INVOCATION

Commissioner Lankford delivered the invocation.

GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE

Chairman Nickelston invited those in attendance to join the Board in the Pledge of Allegiance.

GENERAL GOVERNMENT – GOVERNING BODY – APPROVAL OF AGENDA

Chairman Nickelston entertained a motion to approve or amend the June 2nd Agenda.

Commissioner Lankford moved to approve the June 2nd Agenda as presented.

Commissioner Morris seconded and the motion carried unanimously.

PUBLIC COMMENTS

Chairman Nickelston opened the floor for public comments at 7:01pm.

The following spoke during public comments:

Valencia Bullins
1142 Wild Rose Drive
Walnut Cove, NC 27052

RE: Solar Farm

- I am here concerning the solar farm.
- I own a large tract of land that adjoins the west side of the proposed solar farm.
- My property shares a creek with the proposed solar farm.
- A major concern of mine is a lack of county ordinance and oversight regarding these large scale solar farms.
- It was apparent in the planning board meeting that there were more questions than answers in how the county would handle specific situations.
- Therefore, the decision by the zoning board was an interesting one.
- A predominant concern is the future.
- What happened when these solar farms are decommissioned?
- What happens to the metal, glass, and fencing?
- Who oversees the decommissioning?
- As I understand it the property owner would see the necessary steps are implemented at the end of the lease but suppose the energy company changes hands or environmental issues arise.
- Will there be routine water testing of the retention ponds to be sure there is no contamination from herbicides or other chemicals?
- If there are questions on this perhaps more discussion is necessary.
- Another question is who monitors the implementation of the bond before decommissioning?
- At the end of life who is making sure it is done right?
- Agriculture and solar energy could co-exist but our county needs to lay the responsible ground work for making sure we can mediate any potential grievances that may arise in the coming years.
- The project on Fowler Rd. in Walnut Cove has not been the best example.
- Going forward decisions you make now can affect what happens at the end of life with these farms.
- What we do not want to see is unused structure littering the landscape.
- As Commissioners please do your part to secure the beauty that our county affords.

- If solar farms are in our future possibly an acreage cap could be established.
- Allocation of a certain amount dedicated to solar farm usage within the county.
- Let Stokes County be a leader in the best practices to ensure that developers, land owners, farmers, and citizens are equally represented.
- Again my concerns stem from the fact that the proposed farm adjoins my land.
- Bear Branch Solar has reached out to me and hopefully will be addressing concerns that I have with the initial setback proposal.
- This demonstrates to me that Bear Branch is trying to do what is necessary to be a good neighbor, but let's also make sure that our county has the proper ground work to protect everyone.

With no further speakers Chairman Nickelston closed the time for public comments at 7:05 pm.

PUBLIC HEARING/PRESENTATION/DISCUSSION

Chairman Nickelston turned the floor over to Planning Director David Sudderth.

Planning Director David Sudderth presented the following information to the Board.

STAFF REPORT
Denny Family Trust - Harold Denny
RA to RA-CZ # 20-155

REQUEST: Rezone approximately 1.723 acres from RA (Residential Agricultural) to **RA-CZ (Residential Agricultural Conditional Zone)** for the purpose of subdividing the property for a one (1) lot major subdivision for a single family residential home.

SITE OWNER: Denny Family Trust – Harold Denny

APPLICANT: Wayne Ratcliffe - Clayton Homes

SITE LOCATION: The property is located at 5472 NC Hwy 66 S, King, NC 27021 across from where Denny Rd. SR# 2000 intersects with NC Hwy 66 S.

Map: 6904 **Parcel:** portion of 0512 **PIN #:** portion of 690404600512
Deed Book: 523 **Page:** 1354 **Township:** Yadkin

SITE INFORMATION:

PARCEL SIZE: Total tract 7.63 acres. Area proposed for rezoning 1.723 acres

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: RA-CZ (Residential Agricultural Conditional Zone) for a one (1) lot major subdivision for a single family dwelling.

FLOOD HAZARD AREA: N/A

FIRM MAP #: N/A

FIRM MAP ZONE: Zone X - Area outside 500-year floodplain.

WATERSHED DISTRICT: N/A

SCHOOL DISTRICTS: Mt. Olive Elementary, Chestnut Grove Middle, West Stokes High School

EMERGENCY SERVICES: Sauratown VFD, EMS - Station # 103/104 Pinnacle.

EROSION CONTROL: N/A

SEPTIC/WATER: The Stokes County Environmental Health section has approved the proposed site for a septic system adequate for a three (3) bedroom home. The site will be served by public water.

ACCESS: The proposed residence will have a driveway access off of NC Hwy 66 S.

SURROUNDING LAND USE: The subject property is located on NC Hwy 66 S. The surrounding land use consists of mixed residential uses and wooded property. The adjacent property is zoned RA (Residential Agricultural).

ISSUES TO CONSIDER:

- Consistency with surrounding development.
- Impact on community infrastructure, roads, public services etc.

STAFF COMMENTS: The rezoning request comes to the Board as a conditional zoning request to rezone the property to RA-CZ (Residential Agricultural Conditional Zone); you may discuss the site plan in specific terms. The necessity of hearing the proposal is due to the number of lots previously subdivided from the parent parcel. The current proposed subdivision would exceed the number of lots that the department is allowed to approve as a minor subdivision under the subdivision ordinance. The proposed subdivision is surrounded by residential, commercial and vacant properties. The applicant is proposing to place a multi-sectional manufactured single family residence on the newly created lot if approved. The site previously had a singlewide mobile home located on it. The Planning staff has no problems with the proposed request.

PLANNING BOARD RECOMMENDATION: The Planning Board recommended by a vote of 8 to 0 to recommend approval of this rezoning request. The Board felt it was consistent with the Stokes 2035 Comprehensive Plan and was a reasonable request.

PUBLIC INFORMATION MEETING: The applicant submitted a report for a Public Information Meetings for this proposal. This meeting was on Tuesday, February 24, 2020 at 6:00 pm at the proposed site located at 5472 NC Hwy 66 S King, NC. (See Attachment B for attendance and minutes of the meeting)

STOKES COUNTY PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
1014 MAIN STREET PO BOX 20 DANBURY, NC 27016
OFFICE 336-593-2439 OR 336-593-2444 FAX: 336-593-5434

Conditional Rezoning Petition
Statement of Consistency and Reasonableness

Case No. **#20-155**
Applicant: **Wayne Ratliffe**
Property Owner: **Denny Family Trust – Harold Denny**
Parcel ID# **69047600512**
Location: **Property is located at 5472 NC Hwy 66 S, King, NC 27021 across from where Denny Rd. SR# 2000 intersects with NC Hwy 66 S.**

Proposed Amendment: **Rezone 1.723 acres from RA to RA-CZ for a one (1) lot major subdivision for residential single family dwelling.**

The Stokes County 2035 Comprehensive Plan identifies portions of the county through the Land Use Transect methodology which shows transition zones between rural areas and more urbanized areas of the county. The proposed rezoning is best described in the transect zone identified as Growth Sector (G-1) Low Density Growth areas. This is an area associated with primarily residential/low density development. The proposed development is for a Residential 1- lot Major Subdivision that would be consistent with the surrounding residential development in the area and the area identified in the comprehensive plan. The Low Density Growth area is identified as an area with limited access to water or sewer infrastructure.

This proposed amendment **is consistent** with the Stokes County 2035 Comprehensive Plan and other adopted plans in that: The parcel is currently zoned RA (Residential Agricultural) and the requested zoning district is RA-CZ (Residential Agricultural Conditional Zone). The proposed use of this property and site development plan is consistent with the (G-1) Low Density Growth area development as identified in the Stokes County 2035 Comprehensive Plan and is consistent with the surrounding neighborhood residential property development along NC Hwy 66 S.

This proposed amendment **is reasonable and in the public interest** in that: **This property is currently zoned RA (Residential Agricultural) and is being proposed to be rezoned to RA-CZ (Residential Agricultural Conditional Zone) for the purpose of subdividing and locating a residential single family dwelling on one (1) lot.**

Chairman Nickelston opened the floor for any discussion/questions/comments.

There was no discussion/questions/comments on the request.

ACTION

Chairman Nickelston entertained a motion regarding the request to rezone approximately 1.723 acres from RA (Residential Agricultural) to RA-CZ (Residential Agricultural Conditional Zone) for the purpose of subdividing the property for a one (1) lot major subdivision for a single family residential home.

Commissioner Walker moved to approve the request to rezone approximately 1.723 acres from RA (Residential Agricultural) to RA-CZ (Residential Agricultural Conditional Zone) for the purpose of subdividing the property for a one (1) lot major subdivision for a single family residential home and noted that it is consistent with the Stokes County 2035 Comprehensive Plan and is a reasonable request.

Commissioner Lankford seconded the motion.

Chairman Nickelston opened the floor for discussion/questions/comments.

With no further discussion the motion carried with a 4-0 vote.

PUBLIC HEARING/PRESENTATION/DISCUSSION

STAFF REPORT

Adam Stewart – RA to H-B-CZ # 20-156

(Mini Storage Warehouses & Climate Controlled Storage Facilities)

REQUEST: Rezone approximately 6.09 acres from RA (Residential Agricultural) to H-B-CZ (Highway Business Conditional Zone) for Mini-Storage Warehouses and Climate Controlled Storage Facilities.

SITE OWNER: Adam Stewart

APPLICANT: Adam Stewart

SITE LOCATION: The property is located on the north side of NC Hwy 8 & 65 approximately 700 ft. west of the intersection NC Hwy 8 & 65 in Germanton, NC.

Map: 6931 **Parcels:** 8839 **PIN #:** 6931878839

Deed Book: 632 **Pages:** 861 **Township:** Meadows

SITE INFORMATION:

PARCEL SIZE: Total tract 6.74 acres

PARCEL SIZE PROPOSED: 6.09 acres

CURRENT USE: The property is currently vacant.

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: H-B -CZ (Highway Business Conditional Zone)
Minimum lot size is 20,000 sq. ft. (.459 acre)

FLOOD HAZARD AREA: A small area in the northwest portion of the rear of the property is located in a flood hazard area, (Zone AE). The majority of the property is located in (Zone X) which is outside the 500-Year flood. The proposed site plan shows no construction of any structures or open storage within the special flood hazard area.

FIRM MAP #: 3710693100 J

FIRM MAP ZONE: Zone X - Area outside 500-year floodplain. Zone AE – Base flood elevations determined.

WATERSHED DISTRICT: No

SEPTIC/WATER APPROVAL: N/A - Mini-Storage Warehouses without an attendant do not require bathroom facilities.

SCHOOL DISTRICTS: N/A

EMERGENCY SERVICES: Rural Hall VFD, EMS - Station # 101 Walnut Cove.

EROSION CONTROL: N/A until construction begins.

ACCESS: The applicant has proposed to use the existing commercial driveway access currently serving the Dollar General store. He has an access easement agreement, (Deed Book 658 page 697) with the property owner of the Dollar General store. NCDOT will need to approve the use of the existing commercial driveway access off of NC Hwy 8 & 65 for this purpose.

SURROUNDING LAND USE: The adjacent surrounding properties are zoned RA (Residential Agricultural) to the north, H-B (Highway Business) to the east and west and RA (Residential Agricultural) across NC 8 & 65. There are commercial districts located on NC Hwy 8 & 65 from the county line to the intersection where NC Hwy 8 and NC Hwy 65 split. The mixed use of residential and commercial property extends on into Walnut Cove. The closest commercial H-B

(Highway Business zoning districts to the proposed site are the Creekside Supply, Dollar General and the Germanton BP Station.

ISSUES TO CONSIDER: As with all rezoning petitions the Board should consider all the impacts both positive and negative that a commercial development brings with it.

- Impact on surrounding development.
- Consistency with the Stokes County Land Development Guide
- Consistency with surrounding development
- Impact on community infrastructure, roads, public services etc.
- Increase in commercial tax base.
- Potential opportunities for employment.
- Community acceptance
- Traffic

STAFF COMMENTS: This rezoning request comes to the Board as a Conditional rezoning request. The Board may discuss this application in detail. The applicant is requesting this rezoning to create a location for a new business, Mini-Storage warehouses and climate controlled storage facilities. The applicant is proposing to construct in phases (287) mini-storage warehouse units, two (2) 80 x 150 Climate Controlled storage facilities, one (40 x 175) Covered Car Storage area and an open area for the storage of RV's and Boats in the rear of the property. The applicant currently owns and operates businesses adjacent to the proposed site as well as (2) two sets of Mini-Storage Warehouses, (Creekside Self Storage LLC) approximately .4 mile east of the site across from the Stokes County School Bus Garage. The Planning staff does not see a problem with the request. The addition of a new commercial business at this site will increase the commercial tax base of the county and will infill an area currently vacant between two existing commercial zones. There are multiple commercial zones within a mile of the site. The proposed site is adjacent to Creekside Supply and a Dollar General. Both of these properties are zoned H-B (Highway Business). Mr. Stewart was granted zoning approval on 4.755 acres that was rezoned to H-B (Highway Business) on December 6, 2011. He opened a landscaping business, Creekside Supply on the site. The proposed site of the Mini-Storage warehouses and climate controlled storage facilities is located on the same side of the road adjacent to applicants existing business, Creekside Supply. On October 7, 2014 the property adjacent to and east of the proposed site was rezoned to H-B (Highway Business). This site is currently the location of the Dollar General. There are mixed residential and commercial uses along the length of NC Hwy 8 & 65 in the Germanton community. This particular stretch of land on the north side of NC Hwy 8 & 65 between Friendship Rd. and the NC Hwy 8 & 65 intersection appears to be best suited for commercial development. There are limitations due to finding suitable soils for septic disposal in the area but there is the availability of public water. The addition of a commercially zoned property in this area should not have an adverse effect on the community and should benefit the commercial tax base of the county as well as providing additional services for the area.

PLANNING BOARD RECOMMENDATION: The Planning Board recommended by a vote of 8 to 0 to recommend approval of this rezoning request. The Board felt it was consistent with the Stokes 2035 Comprehensive Plan and was a reasonable request.

PUBLIC INFORMATION MEETING: The applicant submitted a report for a Public Information Meetings for this proposal. This meeting was on Tuesday, February 26, 2020 at 5:00 pm at Creekside Supply, 3386 NC Hwy 8 & 65, Germanton, NC. (See Attachment D for attendance and minutes of the meeting)

STOKES COUNTY PLANNING & INSPECTIONS DEPARTMENT

1014 MAIN STREET PO BOX 20 DANBURY, NC 27016
OFFICE 336-593-2439 OR 336-593-2444 FAX: 336-593-5434

Zoning Amendment Statement of Consistency and Reasonableness

Case No. #20-156

Applicant: Adam Stewart

Parcel ID# 6.09 acre portion of parcel 6931878839
Location: North side of NC Hwy 8 & 65, about 700 feet west of NC Hwy 8 & NC Hwy 65 intersection in Germanton, NC.

Proposed Amendment: Rezone approximately 6.09 acres from RA to H-B-CZ for “Mini Storage Warehouses and Climate Controlled Storage Facilities”.

The use of the property for the development of a commercial Highway Business should fit into this **G-3 Mixed-Use Centers and Corridors** Transect Zone as identified in the Stokes County 2035 Comprehensive plan. The NC Hwy 8 & 65 corridor in Germanton is currently developed as a mixed use area with commercial development stretching from the Stokes/Forsyth County line to properties east of the intersection of NC Hwy 8 & 65 on both sides of the highway. The corridor is served by a public water supply but is still reliant on subsurface sewer systems for waste disposal.

This proposed amendment **is consistent** with the Stokes County 2035 Comprehensive Plan and other adopted plans in that: The parcel is currently zoned RA (Residential Agricultural) and the requested zoning district is H-B-CZ (Highway Business Conditional Zoning). The request for “**Mini Storage Warehouses and Climate Controlled Storage Facilities**” is a permitted use in the H-B-CZ (Highway Business Conditional Zoning District). The vacant properties in this section of the NC Hwy 8 & 65 corridor of the Germanton community are more likely to be developed for commercial purposes rather than residential uses.

The proposed use of this property is consistent with the Medium to High Density development, Regional Centers and Industrial Districts development described in the transect zone **G-3 Mixed-Use Centers and Corridors** as identified in the Stokes County 2035 Comprehensive Plan.

This proposed amendment **is reasonable and in the public interest** in that: **The property is currently zoned RA (Residential Agricultural) and is being proposed to be rezoned to an H-B-CZ (Highway Business Conditional Zoning) district. This property is located in an area with mixed development and is located along NC Hwy 8 & 65 which is a major corridor in the county.**

Chairman Nickelston opened the floor for any discussion/questions/comments.

There was no discussion/questions/comments on the request.

ACTION

Chairman Nickelston entertained a motion regarding the request to rezone approximately 6.09 acres from RA (Residential Agricultural) to H-B-CZ (Highway Business Conditional Zone) for Mini-Storage Warehouses and Climate Controlled Storage Facilities.

Commissioner Lankford moved to approve the request to rezone approximately 6.09 acres from RA (Residential Agricultural) to H-B-CZ (Highway Business Conditional Zone) for Mini-Storage Warehouses and Climate Controlled Storage Facilities, and noted that it is consistent with the Stokes County 2035 Comprehensive Plan and is a reasonable request.

Commissioner Morris seconded the motion.

Chairman Nickelston opened the floor for discussion/questions/comments

With no further discussion the motion carried with a 4-0 vote.

PUBLIC HEARING/PRESENTATION/DISCUSSION

STAFF REPORT

**Adam Stewart – RA to H-B-CZ # 20-157
(Greenhouses)**

REQUEST: Rezone approximately .65 acres from RA (Residential Agricultural) to H-B-CZ (Highway Business Conditional Zone) for “Greenhouses” to be combined into parcel (6931873728) to expand the existing business.

SITE OWNER: Adam Stewart

APPLICANT: Adam Stewart

SITE LOCATION: The property is located on the north side of NC Hwy 8 & 65 approximately 1100 ft. west of the intersection NC Hwy 8 & 65 in Germanton, NC.

Map: 6931 **Parcels:** 8839 **PIN #:** 6931878839
Deed Book: 632 **Pages:** 861 **Township:** Meadows

SITE INFORMATION:

PARCEL SIZE: Total tract 6.74 acres

PARCEL SIZE PROPOSED: .65 acres

CURRENT USE: The property is currently vacant.

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: H-B -CZ (Highway Business Conditional Zone)
Minimum lot size is 20,000 sq. ft. (.459 acre)

FLOOD HAZARD AREA: The area of the property proposed for rezoning is located in (Zone X) which is outside the 500-Year flood.

FIRM MAP #: 3710693100 J

FIRM MAP ZONE: Zone X - Area outside 500-year floodplain.

WATERSHED DISTRICT: No

SEPTIC/WATER APPROVAL: The proposal to add greenhouses to the Creekside Supply company property will not require an expansion of the septic disposal area.

SCHOOL DISTRICTS: N/A

EMERGENCY SERVICES: Rural Hall VFD, EMS - Station # 101 Walnut Cove.

EROSION CONTROL: N/A until construction begins.

ACCESS: The proposed “Greenhouses” will be adjacent to Creekside Supply and will be served by the existing commercial driveway access.

SURROUNDING LAND USE: The adjacent surrounding property is zoned RA (Residential Agricultural) and H-B (Highway Business). The property located across NC 8 & 65 is zoned RA (Residential Agricultural). There are commercial districts located on NC Hwy 8 & 65 from the county line to the intersection where NC Hwy 8 and NC Hwy 65 split. The mixed use of

residential and commercial property extends on into Walnut Cove. The closest commercial H-B (Highway Business) zoning districts to the proposed site are Creekside Supply, Dollar General and the Germanton BP Station.

ISSUES TO CONSIDER: As with all rezoning petitions the Board should consider all the impacts both positive and negative that a commercial development brings with it.

- Impact on surrounding development.
- Consistency with the Stokes County Land Development Guide
- Consistency with surrounding development
- Impact on community infrastructure, roads, public services etc.
- Increase in commercial tax base with expansion of existing business.
- Potential opportunities for employment.
- Community acceptance
- Increased traffic

STAFF COMMENTS: This rezoning request comes to the Board as a Conditional rezoning request. The Board may discuss this application in detail. The applicant is requesting this rezoning to expand the applicants existing Creekside Supply business. The applicant is proposing to construct four (4) 30 ft. x 80 ft. greenhouse units on approximately .65 acres. The applicant currently owns and operates Creekside Supply which is adjacent to the proposed site. This proposal would allow for product expansion of the existing business which sells landscaping materials. The Planning staff does not see a problem with the request to expand the existing business. The addition of a new commercial structures at this existing commercial site will increase the tax base of the county. There are multiple commercial zones within a mile of the site. The addition of a commercially zoned property in this area should not have an adverse effect on the community and should benefit the commercial tax base of the county as well as providing additional services for the area.

PLANNING BOARD RECOMMENDATION: The Planning Board recommended by a vote of 8 to 0 to recommend approval of this rezoning request. The Board felt it was consistent with the Stokes 2035 Comprehensive Plan and was a reasonable request.

PUBLIC INFORMATION MEETING: The applicant submitted a report for a Public Information Meetings for this proposal. This meeting was on Tuesday, February 26, 2020 at 5:00 pm at Creekside Supply, 3386 NC Hwy 8 & 65, Germanton, NC. (See Attachment F for attendance and minutes of the meeting)

STOKES COUNTY PLANNING & INSPECTIONS DEPARTMENT

1014 MAIN STREET PO BOX 20 DANBURY, NC 27016
OFFICE 336-593-2439 OR 336-593-2444 FAX: 336-593-5434

Zoning Amendment Statement of Consistency and Reasonableness

Case No. #20-157

Applicant: Adam Stewart

Parcel ID# .65 acre portion of parcel 6931878839
Location: North side of NC Hwy 8 & 65, about 1100 feet west of NC Hwy 8 & NC Hwy 65 intersection in Germanton, NC.

Proposed Amendment: Rezone approximately .65 acres from RA to H-B-CZ for “(4) Greenhouses”.

The use of the property for the development of a commercial Highway Business should fit into this

G-3 Mixed-Use Centers and Corridors Transect Zone as identified in the Stokes County 2035 Comprehensive plan. The NC Hwy 8 & 65 corridor in Germanton is currently developed as a mixed use area with commercial development stretching from the Stokes/Forsyth County line to properties east of the intersection of NC Hwy 8 & 65 on both sides of the highway. The corridor is served by a public water supply but is still reliant on subsurface sewer systems for waste disposal.

This proposed amendment **is consistent** with the Stokes County 2035 Comprehensive Plan and other adopted plans in that: The parcel is currently zoned RA (Residential Agricultural) and the requested zoning district is H-B-CZ (Highway Business Conditional Zoning). The request for (4) “**Greenhouses**” is a permitted use in the H-B-CZ (Highway Business Conditional Zoning District). The vacant properties in this section of the NC Hwy 8 & 65 corridor of the Germanton community are more likely to be developed for commercial purposes rather than residential uses.

The proposed use of this property is consistent with the Medium to High Density development, Regional Centers and Industrial Districts development described in the transect zone **G-3 Mixed-Use Centers and Corridors** as identified in the Stokes County 2035 Comprehensive Plan.

This proposed amendment **is reasonable and in the public interest** in that: **The property is currently zoned RA (Residential Agricultural) and is being proposed to be rezoned to an H-B-CZ (Highway Business Conditional Zoning) district. This property is located in an area with mixed development and is located along NC Hwy 8 & 65 which is a major corridor in the county.**

Chairman Nickelston opened the floor for any discussion/questions/comments.

There was no discussion/questions/comments on the request.

ACTION

Chairman Nickelston entertained a motion regarding the request to rezone approximately .65 acres from RA (Residential Agricultural) to H-B-CZ (Highway Business Conditional Zone) for “Greenhouses” to be combined into parcel (6931873728) to expand the existing business.

Commissioner Lankford moved to approve the request to rezone approximately .65 acres from RA (Residential Agricultural) to H-B-CZ (Highway Business Conditional Zone) for “Greenhouses” to be combined into parcel (6931873728) to expand the existing business, and noted that the request is consistent with the Stokes County 2035 Comprehensive Plan and is a reasonable request.

Commissioner Morris seconded the motion.

Chairman Nickelston opened the floor for discussion/questions/comments.

With no further discussion the motion carried with a 4-0 vote.

RECESS

Chairman Nickelston called for a short recess at 7:25 pm.

Chairman Nickelston called the meeting back to order at 7:30 pm.

PUBLIC HEARING/PRESENTATION/DISCUSSION

STAFF REPORT Bear Branch Solar LLC RA to M-1-CZ #20-158

REQUEST: Bear Branch Solar LLC is requesting to rezone approximately 499.4 acres of a 744.57 acre tract of land owned by Wilson Samuel Farms of Stokes LLC from RA (Residential Agricultural) to M-1-CZ (Light Manufacturing Conditional Zoning) for a 35 MW ac “Utility Scale Solar Photovoltaic Facility”. The property is located on the east side of Tuttle Rd. (SR# 1717) approximately 850 ft. south of the intersection of Fulp Rd. (SR# 1719) and Tuttle Rd. (SR# 1717) in Walnut Cove, NC in Sauratown Township.

SITE OWNERS: Wilson Samuel Farms of Stokes LLC

APPLICANT: Bear Branch Solar LLC

SITE LOCATION: The property is not currently addressed. The parcel is located off of Tuttle Rd. (SR# 1717)

PARCEL INFORMATION:

Parcel 6974159192 — Approximately **744.57 acres** – Wilson Samuel Farms of Stokes LLC, Deed Book/Page – 642/2067 - Tuttle Rd. (SR# 1717)

SITE INFORMATION:

TOTAL PARCEL(s) SIZE: Approximately **744.57 acres**

REZONING PARCEL SIZE: Total tract approximately **499.4 acres**

ZONING DISTRICT: RA (Residential Agricultural)

PROPOSED DISTRICT: M-1-CZ (Light Manufacturing Conditional Zoning) for a Utility Scale Solar Photovoltaic Facility (35 megawatt ac) production

FLOOD HAZARD AREA: Portions of this parcel requested for rezoning are located in a flood hazard area along the Dan River.

FIRM MAP #: 3710696400J

FIRM MAP ZONE: The portion of the parcel proposed to be utilized for solar panels is located in Zone X, which is an area determined to be outside the 500-year floodplain. A portion of the parcel is located within a zone AE along the Dan River. The AE zone is an area determined to be within the 1% annual chance floodplain, (100-year floodplain) where base flood elevations are determined. The applicant is not proposing any development in these AE zones.

WATERSHED DISTRICT: Parcels not located in a drinking supply watershed area.

SEPTIC/WATER APPROVAL: N/A -The site will not need septic or water.

SCHOOL DISTRICTS: N/A

EMERGENCY SERVICES: FIRE – Walnut Cove (Station 35) EMS- Walnut Cove (101)

EROSION CONTROL: The applicant is aware of the need to be approved for an erosion control plan from NCDEQ prior to any land disturbing activities.

ACCESS: If conditional rezoning is approved the applicant will be required to apply to NCDOT for commercial driveway access permits off of the state road, (Tuttle Rd. SR# 1717) where they propose an access point.

TRAFFIC: Average daily traffic counts of roads serving the proposed parcel.

There was no data available as to the (vpd)-vehicles per day traffic count. This is typical of many secondary roads in the county in that NCDOT considers many of these roads to be underutilized. Tuttle Rd. (SR# 1717) is a secondary road in the county intersecting with Power Dam Rd. (SR# 1712) to the north and US Hwy 311 to the south. There are three (3) intersecting roads to the north of the proposed site, Fulp Rd. (SR#1719), Old Tilley Rd. (SR#1714) and Rothrock Rd. (SR#1715).

SURROUNDING LAND USE: The proposed project is located on a single parcel accessed by one (1) state road. The proposed parcel submitted for conditional rezoning located off of Tuttle Rd. (SR# 1717) is bordered by residential and agricultural property. The density of development in the area surrounding the proposed solar facility is relatively low.

ISSUES TO CONSIDER:

- Potential tax base increase due to commercial property and roll back tax.
- Best utilization of existing land
- Sustainable energy source
- Short term job creation
- Long term effects of the project
- Compatibility with surrounding development

STAFF COMMENTS: This rezoning request comes to the Board as a conditional rezoning from RA (Residential Agricultural) to M-1-CZ (Light Manufacturing Conditional Zoning) for a **Utility Scale Solar Photovoltaic Facility, 35 ac megawatt production.** The Board may discuss this application in detail. The applicant is requesting this rezoning to create a location for a **499.4 acres facility within a parcel of land consisting of +/-744.57 acre.**

A portion of the proposed parcels is located in a flood zone as shown on the county flood maps. The developer has proposed to avoid these areas of the property in the placement of the solar panels and associated equipment. The applicant has stated that approximately **499.4 acres** of the proposed area will be utilized for the project.

The applicant has submitted information stating that the project would consist of **114.372 solar panels** for the total project. The developer has a twenty and a half (20 ½) year lease agreement with a possible four (4) five (5) year extensions for a possible operating life span of forty and half (40 ½) years. The applicant has stated that the model of solar panels will be Hanwha Q Cells (or equivalent); Model: Q. Peak Duo L-G5.3, Bifacial (or equivalent). The panels approximately three (3) ft. x six (6) ft. in dimension situated at a maximum of fifteen (15) ft. off the ground. The panels will be adjustable to maximize the efficiency of the panel. The applicant states in their submitted site plan the solar facility will be enclosed with fencing eight (6) ft. tall with an additional three (3) strands of barbed wire.

The proposed facility has not received approval from the NC Utilities Commission to construct a facility if approved by the local jurisdiction. Bear Branch Solar LLC filed an application for a **“Certificate of Public Convenience and Necessity”** dated February 25, 2020 with the NC Utilities

Commission for their review. The notice for comments to the NC Utilities Commission concerning the Certificate of Public Convenience and Necessity was published in the Stokes News once a week for four weeks beginning March 19 through April 9, 2020. The applicant has stated that during the allotted comment period no comments were received about the proposal, however the Utilities Commission has not taken a final vote on the Certificate of Public Convenience and Necessity.

A utility substation will have to be constructed by Duke Energy to be able to utilize the electricity produced by the facility. This substation and interconnection point is being proposed to be built on site. Duke Energy determines the time frame for the construction of this facility.

After reviewing the submitted documentation by the applicant for the proposed conditional rezoning the Planning staff has no problem with the proposed location of the facility. The proposed site and the existing stand of timber on the property should allow the proposed site to be adequately buffered from the state road and surrounding properties. Tuttle Rd (SR# 1717) is a secondary county road with no public water or sewer infrastructure therefore probably limiting its land use potential to agricultural or residential uses in the future. The creation of a Utility Scale Solar Photovoltaic facility on the property should assist in increasing the tax base from a strictly agricultural use value as well as assisting in creating short term employment opportunities. As shown in previous studies presented at the last hearing concerning a large solar facility the effect of a “solar farm” on the surrounding property values were shown to have had little impact. **The one impact that can’t be determined at this time is the long term effect on the surrounding community. The county has no track record or past experience with dealing with these type of large scale solar facilities.**

The sites that were approved for Lick Creek Solar, (616.67 total acres) in October of 2019 were the first of their kind that the county has reviewed. It was stated by the applicant at that hearing it would take anywhere from eighteen (18) months to thirty-six (36) months to get that facility up and running.

The conditional zoning aspect of the request limits the property to the request as submitted and the nature of large scale solar facilities with their leasing agreements and large revenue expenditures help keep the use of these properties the same for multiple decades. The proposed thirty-five (35 ac) megawatt electric production anticipated by the developer will be sold to Duke Energy. The NC General Assembly has set a minimum percentage (8%) for renewable power generation for Duke Energy by 2025. The “utility” aspect of a large scale solar photovoltaic requires interconnectivity with the power grid to enable the facility to transmit the electric power produced back to the public utility.

The conditional zoning process allows the Boards to request conditions on the request. The Planning staff recommends that if the county approves the Bear Branch Solar LLC Conditional Rezoning request that it requires the same conditions as was approved in the Conditional Rezoning approved by the county for the Lick Creek Solar proposal for a Utility Scale Solar Photovoltaic facility approved on October 2, 2019. These conditions would create a consistent seamless project for both the community and the developer. The following recommended conditions are as follows:

1. Jobs and Local Contracts

The applicant shall coordinate with the Stokes County Economic Development by providing a timely list of all services, materials and jobs that will be needed during the construction and maintenance phases of the project so that local qualified businesses and individuals can have the opportunity to bid on any contract.

2. Decommissioning

At least one (1) year prior to the expiration date of the ground lease agreement utilized by the solar energy facility, the owner of the facility shall set aside decommissioning security in the amount of one-hundred ten percent (110%) of the decommissioning cost of the facility. Such decommissioning cost shall be estimated by a North Carolina licensed engineer and shall include the cost to decommission the solar energy facility (as described below) and net out the resale or salvage value of any components of the solar energy facility.

Decommissioning of the solar energy facility shall include the removal of all non-utility owned equipment, structures, fencing, foundations, and conducting, including equipment that may be buried below grade. Decommissioning shall also include removal of all graveled areas and access roads, if any, unless the property owner requests that they remain in place, as well as reseeding of all disturbed areas.

Decommissioning shall be completed within one-hundred twenty (120) days after the expiration of the ground lease agreement.

Decommissioning security shall be in favor of the property owner and in the form of cash deposited into an escrow account, performance bond, or letter of credit. Details of the decommissioning security and engineer's decommissioning cost estimate shall be provided to the county manager within thirty (30) days of the date that the decommissioning security has been set aside.

3. Recycling

Recycling. As part of decommissioning, the owner of the facility shall fully recycle all materials as reasonably possible.

4. Vegetative Buffer

The applicant shall leave a minimum seventy-five foot (75') vegetative buffer along the general western boundary of the property. The vegetative buffer shall remain in its undisturbed and natural state. On all other boundaries the panels shall be reasonably concealed from view by either natural vegetation or planted evergreen vegetation. When relying on existing vegetation, the buffer shall be no less than 50 feet in width. When using planted vegetation to conceal the fence and panels in locations where there is no view from a residential structure, the applicant shall plant a staggered double row of evergreens. In locations where the facilities can be viewed from a residential structure other than the western boundary, the applicant shall use three rows of evergreens, staggered. When using planted vegetation to conceal the facility, the vegetative buffer shall be no

less than 20 feet in width. The final landscaping plans shall be approved by the Planning Director or his designee to ensure compliance with this condition.

5. Panel Setback

There shall be a minimum one-hundred seventy-five foot (175) ft. setback between any panel and the general western boundary of the property.

6. Maintenance

The applicant shall post a prominent sign at the property entrance. The sign shall contain the name and contact information of the person or company responsible for owning and operating the facility so that any issue can immediately be reported.

7. Site Plan

The applicant/developer shall submit a final site plan showing a detailed layout of the facility including location of all solar panels and associated equipment, including access points, interior service roads, setbacks and vegetative buffers existing and planted prior to the issuance of building permits for the project.

PLANNING BOARD RECOMMENDATION: The Planning Board voted 4 to 3 with one (1) non excused abstention concerning the proposal. After consulting with Shannon Shaver, Clerk to the Board of Commissioners, County Attorney Ty Browder, reviewing over the existing NC General Statutes addressing this situation, and referring to the adopted rules of procedure of the Board of County Commissioners it was concluded that this non excused abstention is counted as an affirmative vote. This results in a 5-3 vote in favor of the request. The initial motion was made to recommend the proposal stating that it was consistent with the Stokes 2035 Comprehensive Plan and was a reasonable request.

PUBLIC INFORMATION MEETING: The applicant submitted a report for a Public Information Meetings for this proposal. This meeting was on Tuesday, February 25, 2020 at 5:00 pm at the Walnut Cove Public Library. (See Attachment H for attendance and minutes of the meeting)

Chairman Nickelston opened the floor for any discussion/questions/comments.

There was discussion among the Board on the request as well as information provided from Bear Branch Solar.

ACTION

Chairman Nickelston entertained a motion on the rezoning request #20-158 submitted by Bear Branch Solar LLC to rezone approximately **499.4 acres** of land owned by Wilson Samuel Farms of Stokes LLC from RA (Residential Agricultural) to **M-1-CZ (Light Manufacturing Conditional Zoning)** for a **35 MW ac** **“Utility Scale Solar Photovoltaic Facility”**. The parcel identification number is 6974159192 and the site is located in Sauratown Township on the east side of Tuttle Rd. (SR# 1717) approximately 850 ft. south of the intersection of Fulp Rd. (SR# 1719) and Tuttle Rd. (SR# 1717) in Walnut Cove, NC

Commissioner Walker moved to approve the rezoning request #20-158 submitted by Bear Branch Solar LLC to rezone approximately **499.4 acres** of land owned by Wilson Samuel Farms of Stokes LLC from RA (Residential Agricultural) to **M-1-CZ (Light Manufacturing Conditional Zoning)** for a **35 MW ac** **“Utility Scale Solar Photovoltaic Facility”**. The parcel identification number is 6974159192 and the site is located in Sauratown Township on the east side of Tuttle Rd. (SR# 1717) approximately 850 ft. south of the intersection of Fulp Rd. (SR# 1719) and Tuttle Rd. (SR# 1717) in Walnut Cove, NC with the recommended conditions as presented. Commissioner Walker noted that this request is consistent with the Stokes County 2035 Comprehensive Plan and is a reasonable request.

Commissioner Lankford seconded the motion.

Chairman Nickelston opened the floor for discussion/questions/comments

With no further discussion the motion carried with a 3-1 vote with Commissioner Morris voting against the motion.


Adjournment

There being no further business to come before the Board, Chairman Nickelston entertained a motion to adjourn the meeting.

Commissioner Lankford moved to adjourn the meeting.

Commissioner Walker seconded and the motion carried with a 4-0 vote.

The meeting was adjourned at 10:35 pm.



Shannon Shaver
Clerk to the Board



Andy Nickelston
Chairman