



Development & Facilities Services

298 E. Depot Street, Ste 100 | Mocksville, NC 27028 | 336.753.6050 | f 336.751.7689

DavieCountyNC.gov



There will be a meeting of the **Davie County Planning Board** on **Tuesday December 21, 2021** **at 3:00** p.m. in the 2nd floor Commissioners Room of the Davie County Administration Building, 123 South Main Street, Mocksville, N.C. The public is invited to attend. Business will be conducted as follows:

- A. **Call to order**
- B. **Approval of the Minutes** of November 23, 2021
- C. **Public Comment.**
- D. **Zoning Map Amendment 2021-10.** Gary Sibert has applied to rezone an approximately 1.6 acre portion of a 3.04 acre parcel of land from Residential-20 (R-20) to Residential Agricultural (RA). The subject property is located at 226 Crabtree Road and is further described as parcel of Davie County Tax Map D300000024.
- E. **Zoning Text Amendment 2021-01.** The Board will review and make a recommendation on text amendments to the Zoning Ordinance and Comprehensive Plan for solar energy generating facilities.
- F. **Old or New Business**
- G. **Adjournment.**

**Minutes of the
Davie County Planning Board
November 23, 2021**

A. CALL TO ORDER

Attendee Name	Title	Status
Ellen Grubb	Board Member	Absent
Mark White	Board Member	Present
Tamara Taylor	Board Member	Absent
Mariam Wright	Board Member	Present
Alan Miller	Board Member	Present
Christopher Cole	Board Member	Absent
Keith Beck	Board Member	Present
Andrew Backus	Alternate Member	Present

Others present: Andrew Meadwell, Amy Flyte, Adam Barr
Chairman Wright called the meeting to order.

B. APPROVAL OF THE AGENDA

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Mark White
SECONDER: Andrew Backus
AYES: White, Wright, Beck, Backus
ABSENT: Grubb, Taylor, Cole, Miller

C. APPROVAL OF THE MINUTES --REGULAR MEETING - OCTOBER 26, 2021 3:00 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Keith Beck
SECONDER: Mark White
AYES: White, Wright, Beck, Backus
ABSENT: Grubb, Taylor, Cole, Miller

D. PUBLIC COMMENT

There was none.

E. ZONING AMENDMENT

Zoning Text Amendment 2021-01. The Board will review text amendments to the Zoning Ordinance for solar energy generating facilities.

Andrew Meadwell introduced the item.

Alan Miller and Tamara Taylor arrive.
The Board held discussion on the amendment.

Chairman Wright opened the public comment period.

1. Hank Van Hoy encouraged the Board to make this a Quasi-Judicial decision and not a legislative one.
2. Dr. Bonnie Grigsby commented on the solar standards including buffering and berms.

F. OLD OR NEW BUSINESS

There was none.

G. ADJOURNMENT

RESULT:	ADJOURNED [UNANIMOUS]
MOVER:	Keith Beck
SECONDER:	Alan Miller
AYES:	White, Taylor, Wright, Miller, Beck, Backus
ABSENT:	Grubb, Cole

Davie County
ZONING MAP AMENDMENT 2021-10
Gary Sibert

Submittal Date
December 01, 2021

STAFF REPORT TO THE BOARD
 December 21, 2021 Meeting Date

Planning Staff
 Amy Flyte

I. REQUEST

To rezone a 1.6 acre portion of a 3.04 acre parcel of land from Residential-20 (R-20) to Residential Agricultural (R-A).

II. PROJECT LOCATION

The subject property is located at 226 Crabtree Road and is further described as Davie County Tax Map D300000024.

III. PROJECT PROFILE

DAVIE COUNTY PIN: D300000024

ZONING DISTRICT: Residential-20 (R-20)

LAND USE PLAN: Rural Residential

WATERSHED: N/A

CROSS REFERENCE FILES: N/A

APPLICANT: Gary Sibert

PROPERTY OWNER: Dwight Cranfill

PROPERTY SIZE: 1.6 portion of 3.04 acres

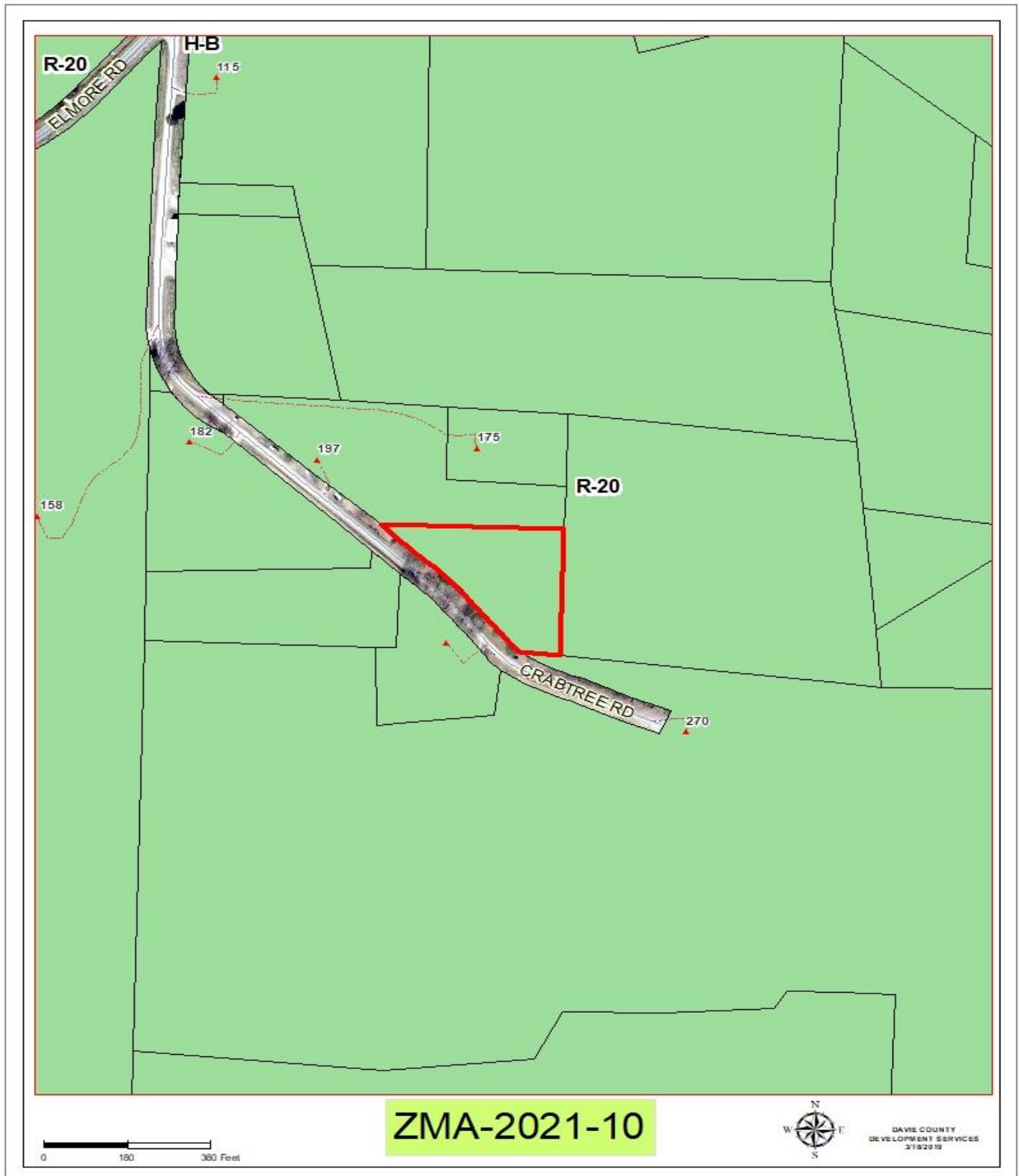
CURRENT LAND USE: Residential

PROPOSED LAND USE: Residential

PROJECT SETTING – SURROUNDING ZONING DISTRICTS AND LAND USES

DIRECTION	LAND USE	ZONING
North	Residential	R-20
West	Residential	R-20
South	Residential, Agricultural	R-20
East	Vacant, Wooded	R-20

IV. Zoning Map



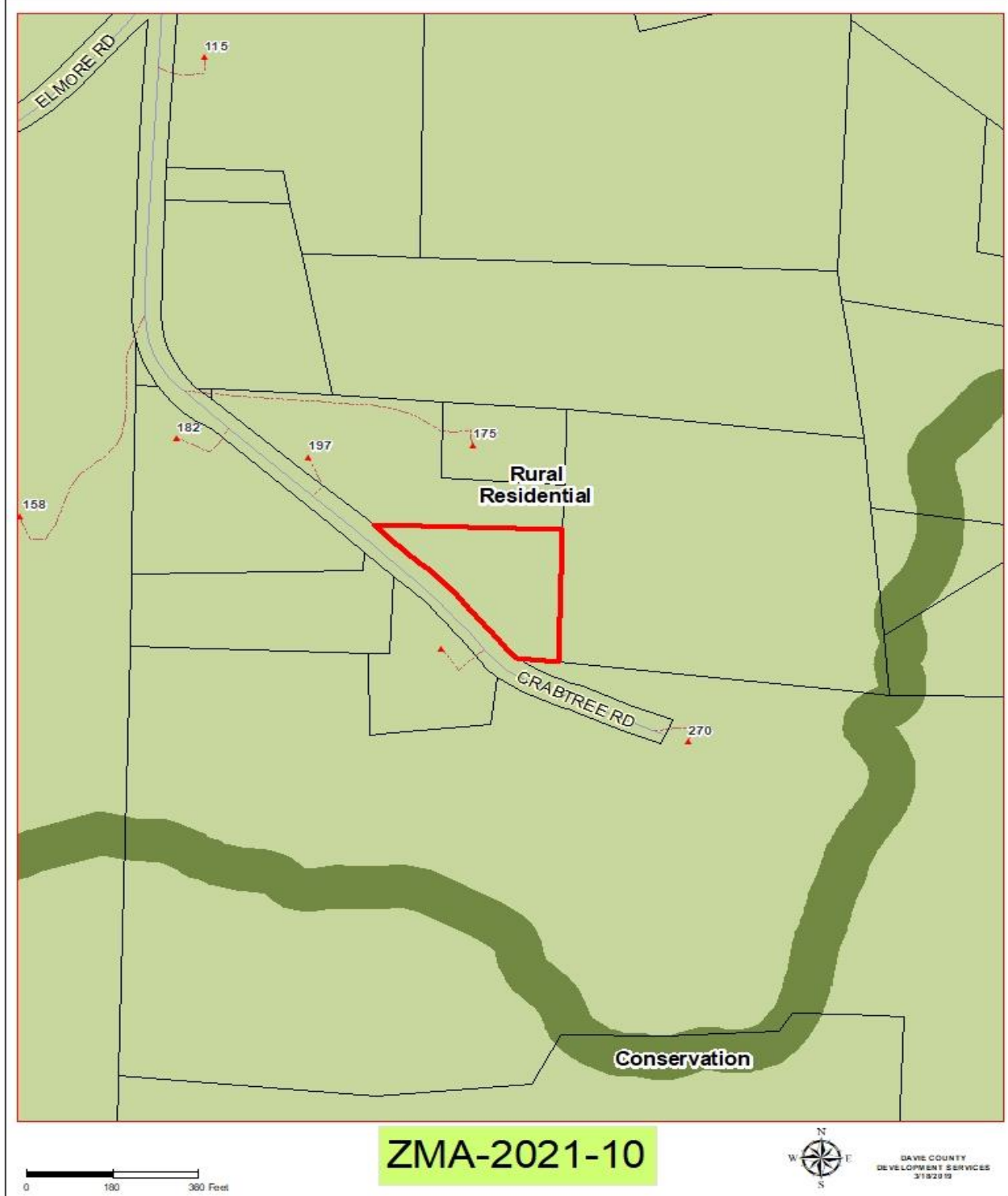
Attachment: DC_PB_packet_20211221 (Zoning Map Amendment 2021-10: Gary Sibert)

V. 2018 Aerial Map



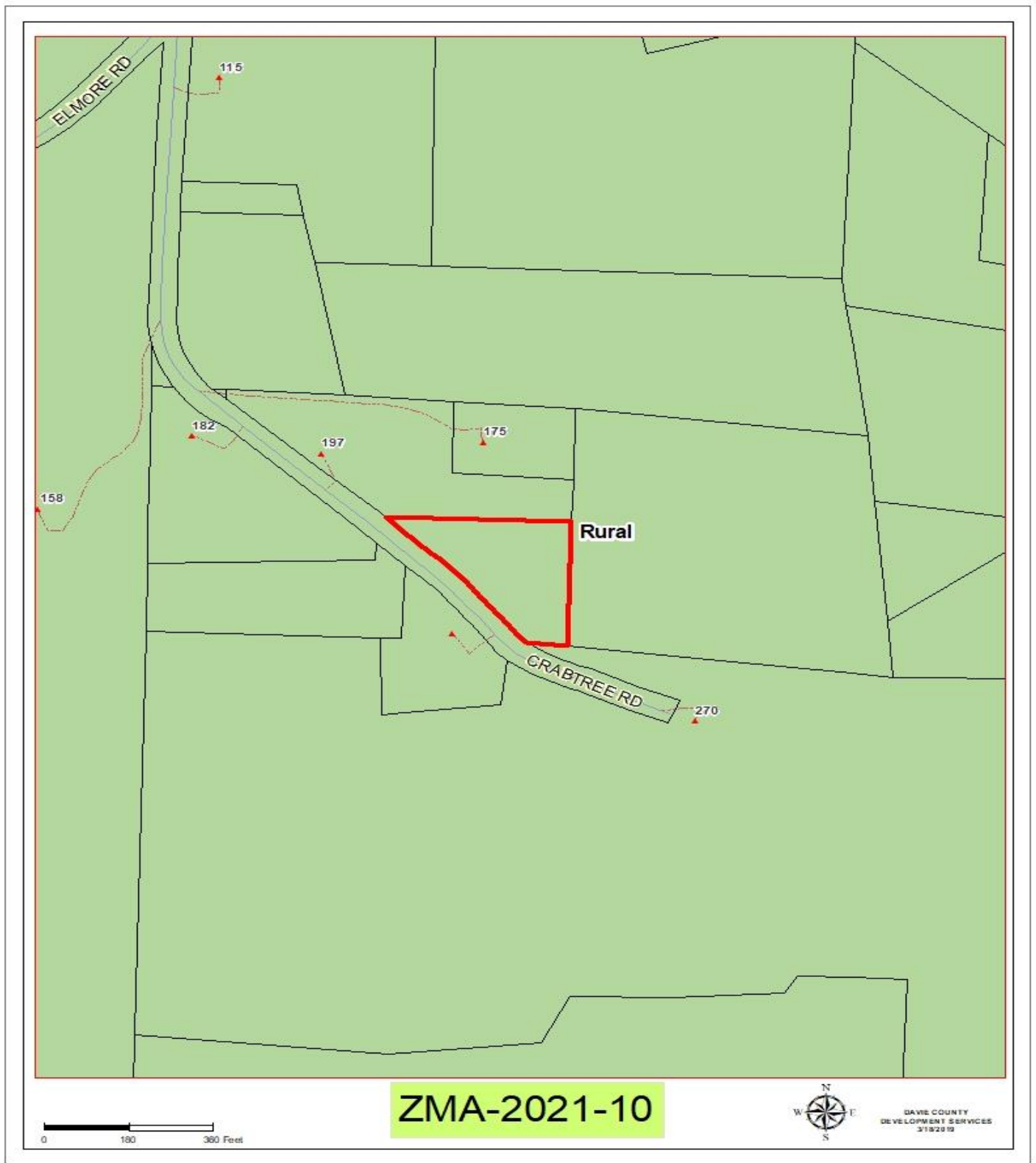
Attachment: DC_PB_packet_20211221 (Zoning Map Amendment 2021-10: Gary Sibert)

VI. 2019 Future Land Use Map



Attachment: DC_PB_packet_20211221 (Zoning Map Amendment 2021-10: Gary Sibert)

VII. Davie County Growth Enhancement Strategy Map



Attachment: DC_PB_packet_20211221 (Zoning Map Amendment 2021-10: Gary Sibert)

VIII. LAND USE/ ZONING HISTORY

- **1973:** The property was originally zoned R-20.

A. Proposed Zoning

The R-A Residential-Agricultural District is established to maintain a rural development pattern where Single-family housing dwellings are intermingled with agricultural uses. Two family dwellings will be allowed with the issuance of a Special Use Permit. Generally, houses will be separated from one another by open fields or wooded areas. The impact of one homeowner's activities on his or her neighbors will be less than if the property owners were located side by side in a subdivision. Consequently, the property owner may have more freedom to use his or her land as he or she sees fit. Therefore, some limited commercial uses will be permitted along with residential and agricultural uses; however, the intent is clearly to exclude commercial and industrial uses or residential subdivisions that require public services (principally water and sewer systems) before they are generally needed in the area.

B. Utilities

The property is served by private septic and well.

C. Davie County Land Development Plan

The property is located in an area designated as Rural Residential. The land use category presented on the future land use map are intended to indicate the predominant land uses for that particular area of the county. It is not a map of zoning district but is a general geographical guide for land use and development. The Davie County Comprehensive plan describes the Rural Residential area as rural activities including farming, rural commercial business, and limited residential development to preserve the rural character of the County. Not intended for intense urban or suburban development, including major residential subdivisions.

The Comprehensive Plan future development policy recommendations state:

- Increase infill development by incentivizing reuse of existing vacant or underutilized buildings and properties.
- Support innovative and flexible land planning techniques as a means of encouraging development configurations which are more desirable and which may better safeguard existing natural land and water resources.
- Increase housing options across Davie County and its municipalities, including multi-family, single-family, patio homes and other options where infrastructure allows.
- Improve existing housing stock age and quality.
- Discourage the rapid proliferation of manufactured housing in the county by encouraging housing alternatives in the same price range.

E. Davie County Growth Enhancement Strategy

The property is located in an area that is designated as a Rural Growth Area. This area is characterized by traditional agricultural operations, pasture land, forestry, and open space scattered non-farm residences on large tracts of land. Rural scenic vistas are a natural part of the landscape. There is normally an abundance of large, undeveloped tracts not experiencing significant residential development encroachment or pressure. There are natural, scenic, historic, or other heritage assets that contribute to the special characteristics of the area that might require special conservation and management. Land use changes in this area should be designated to protect the rural character and discourage premature public infrastructure demands by sustaining groundwater recharge capacity.

The Growth Enhancement Strategy describes policies within the rural growth area as:

Policy 5.15 The County will encourage creativity in design of residential subdivisions by allowing for greater flexibility in the design, provided that the development is not greater than that normally allowed in the district.

Policy 5.16 The County will create compact neighborhoods accessible to open space amenities and with a strong community identity.

Policy 5.18 New driveway connections will be designed in a way to minimize new locations on existing public roads.

Policy 5.19 Each lot in a subdivision planned for single-family residential development will be designed to contain

well and septic tank system on the same lot as residence unless alternate system is approved through “open space” design.

IX. ISSUES TO CONSIDER

The Planning Board may not consider any specific use of the property but all possible uses in the Residential Agricultural district. The Planning Board may approve or deny, or defer the request for additional consideration. The Board should consider the following in making its recommendation:

1. The properties potential as a residential site
2. If rezoning is approved, any new structure will go through a Zoning Review to ensure compliance with zoning ordinance standards such as setbacks, etc.
3. Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of adopted plans for the area.
4. Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.
5. Applicable Zoning Ordinance Sections: The following sections of the Zoning Ordinance are applicable to this request: §155.125(B) Table of Uses; 155.161 and, §155.250-253 Changes and Amendments.

X. PLANNING BOARD RECOMMENDATION

The Board should consider one of the following actions:

Rezoning

☐ **Move that the following statement be adopted in support of a Motion to Approve;**

The proposed zoning amendment is consistent with the Davie County Comprehensive Plan because:

1. The property is rural residential on the 2019 plan.
2. The Comprehensive Plan policy goals to increase infill development by incentivizing reuse of existing vacant or underutilized buildings and properties.
3. The property is indicated as a rural growth area on the Growth Enhancement Strategy map within the Comprehensive Plan.

Therefore, we find this zoning amendment is reasonable and in the public interest because it supports the Comprehensive Plan policies and maps above and because:

1. The property's location near agriculture, forestry, and open space.
2. The property's location near similar housing types.
3. The lack of availability of public infrastructure including water and sewer.

☐ **Move that the following statement be adopted in support of a Motion to Deny,**

The proposed zoning amendment is not consistent with the Davie County Comprehensive Plan because:

1.

Therefore, we find this zoning amendment is unreasonable and not in the public interest because it does not support the Comprehensive Plan policies and maps above and because:

1. The amendment does not protect the areas residential rural historic character.
2. The proposed amendment is incompatible with the surrounding residential structures.

3. The amendment will have detrimental effects and will not protect or enhance a high quality of life and image enjoyed by area residents due to.....

☐ **Defer** the amendment for additional consideration

How will the public be notified of the Zoning Map Amendment change?

The public will be notified in three ways. First, a sign will be posted on the property being rezoned. Second, a public notice will be submitted by the Davie County Development Services Department to the *Davie County Enterprise*. Third, by a notice being sent to all property owners located within 500 feet of the property lines of the property being rezoned.

Davie County Application for a Zoning Map Amendment

To: Board of County Commissioners of Davie County

Date: ____/____/____

Applicant's Name: Gary Sibert

Applicant's Address: _____

Address and brief description of the property 227 Crabtree Rd.Tax Map: 5812 902546To be rezoned or amendment to be made: Mocksville, NC 27028

Parcel(s): _____

Property previously had a SW mobile home on it and now zoning will not allow singlewide
we need to Rezone in order to put ^{SW} mobile home on lot, can't afford bigger home and pw would
be outside set

 Applicant's interest in the property: ☐ Ownership ☒ Lease Agreement ☐ Other (explain below)

If Property is not owned by the applicant, lease agreement or other binding legal documentation stating Applicant's legal right(s) for use of the above listed property shall be required upon submittal of application.

Type of rezoning requested:

From: R20To: RA

(or brief description of request): We are just requesting to be able to put a singlewide
mobile home on property but county states the property is now zoned against singlewide

Reason(s) for the requested rezoning: Zoning Changed for this property in the last few years
and now it is restricted against singlewide mobile homes, single wide is only home that will fit on
property

 Applicant's Signature: Gary W. Sibert This the 1 day of December, 2021
 (Applicant)

By signing this form, applicant hereby states all information written herein is accurate and true. Applicant further states the Planning and Zoning Staff have fully explained the requirements of the ordinance and the information required for the Board of Commissioners to render a decision.

Attachment: DC_PB_packet_20211221 (Zoning Map Amendment 2021-10: Gary Sibert)

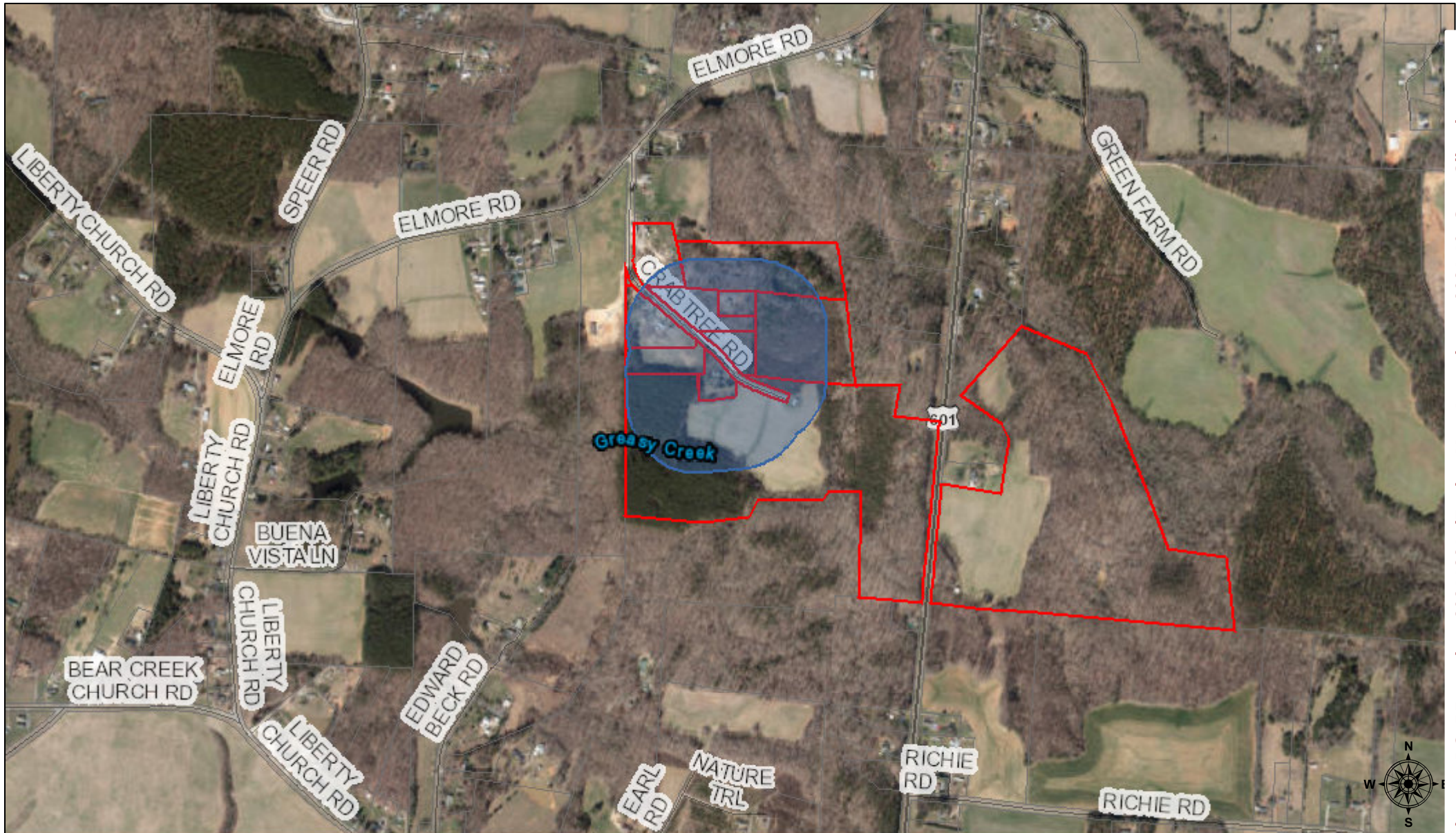
Project Overview Statement

On the following lines, please give a synopsis or overview of the project, including information relevant to use, density, lot, layout, housing type, planned amenities, and similar information. Please attach any supporting documentation to your application.

We are trying to purchase a home to be installed at 227 Crabtree rd Mocksville, NC
 We have had environmental health do a septic check and everything checked out.
 We applied for a building permit through Clayton Homes but were informed the zoning had changed since the lot had a singlewide on it previously.
 The zoning changed from being ok with singlewides to restricted to Doublewide, mod and stick built but there is no room for anything wider than a singlewide.
 There is an existing septic system in the ground and there is barely enough room to fit ~~another~~ a singlewide so there would be no way to fit a doublewide or a modular on that site and still meet the County Setback in front

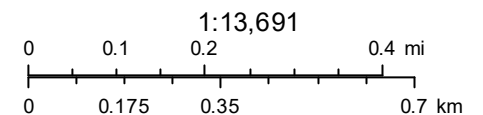
Mailing Letters Map

D.1.a



December 6, 2021

- ▲ Address ★ Special Uses & Variances
- Driveways Watershed Structure
- Parcels



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA/USGS, AeroGRID, IGN, and the GIS User Community
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

HARRIS DONALD ALTON
431 ELMORE ROAD

MOCKSVILLE, NC 27028-4746

CRANFILL DWIGHT E
226 CRABTREE ROAD

MOCKSVILLE, NC 27028-4731

ELMORE TIM GENE
449 MADISON ROAD

MOCKSVILLE, NC 27028

ELMORE WILLIE C
4279 NC HIGHWAY 801 NORTH

MOCKSVILLE, NC 27028-0000

WHITE JOHN SHANNON
182 CRABTREE RD

MOCKSVILE, NC 27028-0000

KELLEY PATRICK
175 CRABTREE RD

MOCKSVILLE, NC 27028-4723

JONES ANDREW CLAY/AMY JEAN
137 CRABTREE RD

MOCKSVILLE, NC 27028-4723

WHITE ANN
197 CRABTREE RD

Mocksville, NC 27028-4723

SIBERT GARY
226 CRABTREE ROAD

Mocksville, NC 27028-4723



Development & Facilities Services

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DECEMBER 21, 2021

Text Amendment—Solar Energy Generating Facilities

Section 155.130.29 Conditions for solar energy facilities
155.151 Special Purpose District

Background

The purpose of this text amendment is to consider changes to the requirements for solar energy generating facilities.

Other changes are proposed outside of the Zoning Ordinance are in the fee schedule.

Fee Schedule:

These include increasing the application fee for a Special Purpose zoning district (rezoning) request from \$800-1,000 to \$5,000. The zoning permit fee for a solar facility shall be increased from \$150 to \$3,000. A \$300 fee for a site inspection, occurring every two years, is proposed. The fee schedule will be amended to reflect these changes.

§ 155.125 TABLE OF USE DISTRICTS.

(A) *Types of uses by districts.*

(1) X. Indicates permitted uses.

(2) S. Indicates special use required.

(3) P. Indicates permitted uses that must be approved by the Project Review Committee to insure compliance with the prescribed development standards.

(4) P/C. Indicates permit required from Zoning Administrator; use must meet additional conditions

(B) *Table of use districts.*

USE DISTRICTS											
Use	R-A	R-20	R-12	R-8	R-M	H-B	N-B	C-S	S-P	G-I	H-I
Solar Energy Generating Facility. See §155.130.29									P/C		

Proposed text amendment in section § 155.130.29 of the Zoning Ordinance. New text will be bold and underlined. Deleted text will have a ~~strikethrough~~.

§155.130.29 Solar Energy Generating Facility (SGF).

I. Site & Operation Standards

1. Solar energy generation structure shall not exceed a height of fifteen (15) feet.
2. All equipment producing noise or sound, **including inverters,** shall be setback ~~one hundred (100)~~ **(250) two hundred fifty** feet from any side or rear property line ~~in~~ **adjacent to** any residentially zoned district.
3. All storage must be located indoors. No outdoor storage shall be allowed.
4. The facility shall be enclosed with a security fence with a minimum height of eight (8) feet. **Fencing may include Wildlife Permeable Fencing 8 feet in height without barbed wire using the design standards approved by the N.C. chapter of the Nature Conservancy.**
~~A Type B buffer shall be required.~~
5. **Buffer Required. The buffer shall be installed around the perimeter of the facility and be at minimum 35' in width. The buffer shall be located adjacent to the property line and between the property line and the fence. The buffer shall consist of three (3) rows of evergreen plants no less than 6' at planting, in staggered rows. One row shall be of a variety that reaches at least 25' in height; one row that of a variety that reaches 15 feet in height; and one row of evergreen shrubs that will reach a height of at least 6 feet. At least 3 varieties or types of plants shall be used. The buffer shall reach 80% opacity within four (4) growing seasons.** ~~The buffer shall be located adjacent to the property line and between the property line and the fence.~~
6. **Required vegetative buffers shall be permanently maintained, and dead or diseased plants shall be replaced for the life of the facility. A landscaping plan for routine and permanent maintenance shall be submitted and approved as part of the application process. The plan shall include types of plants proposed. All vegetation shall be suitability for local soils and climate. The plan shall be recorded in the Register of Deeds office. Failure to maintain the buffer as required shall result in zoning violations as provided in the Davie County Zoning Ordinance. The solar operator shall annually certify to the Planning Department that maintenance has been performed.**
7. **Areas around the solar panels should be planted in native grasses or in pollinator friendly habitat or a combination thereof.**
8. ~~No lighting shall be directed onto adjacent property. Flood lights or other high intensity lighting shall be prohibited.~~ **Solar facilities may not have exterior lighting.**
9. The solar facility shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
10. **Battery storage shall be allowed as an accessory use and shall be setback 300 feet from any property line to a lot featuring a residence.**
11. **No facility shall be larger than 100 acres. As required in §155.151, the minimum acreage is 25 acres.**

12. An emergency access plan shall be submitted to the Fire Marshal and emergency services for review and approval prior to issuance of a zoning permit. Emergency services may require the facility owner to provide annual materials, education and/or training in order to safely respond to on site emergencies.
13. The facility operator shall provide any special equipment that may be required to ensure the safety of fire and rescue personnel when responding to an emergency at the facility at no cost to the county.
14. In case of emergencies, a sign stating the owner's contact information including name, address and phone number shall be located at the entrance of the facility. Typical warning signs at the entrance shall also be required.
15. The owner or future owner of the property on which a solar energy generating facility is installed assumes all risk associated with diminished performance of said system caused by any present or future adjacent structure or landscaping that may interfere with the system's ability to produce power at its rated capacity, regardless of when that adjacent structure or landscaping is constructed or installed.
16. Facilities are exempt from parking requirements if there is not a building component.
17. No more than 75% of a solar generating facility tract of property may be covered with panels.
18. Facilities shall be maintained and in good working condition and be free from debris and nuisances.
19. All applicable state and federal permits shall be submitted with the zoning permit application i.e., NCDOT, NCDENR, FAA.
20. Any other conditions found necessary by Staff or the Board of Adjustment Commissioners to meet the standards of the Ordinance.
21. Every two years the facility owner shall provide documentation stating their compliance with all provisions. Any deficiencies noted shall be corrected upon receipt of notice from the planning department.
22. The facility owner shall keep and maintain adequate liability insurance for the facility and supply proof of effective liability insurance to the county on an annual basis. The facility owner shall minimally obtain Commercial general liability insurance of not less than \$2,000,000 General Aggregate Limit (other than Premises and Products-Completed Operations), \$2,000,000 Premises and Products Completed Operations Aggregate Limit, \$1,000,000 Personal and Advertising Injury Limit, \$1,000,000 Each Occurrence Limit, and \$100,000 Fire Damage Limit. For facilities that include battery storage the Fire Damage Limit shall be \$500,000. All insurance companies must be licensed in North Carolina and be acceptable to Davie County. Insurance Policies shall be endorsed (1) to show Davie County as additional insured, as their interests may appear and (2) to amend cancellation notice to 30 days, pursuant to North Carolina law. Certificates of insurance shall be signed by a licensed North Carolina agent and be amended to show 'thirty (30) days' notice of change or cancellation will be given to Davie County by certified mail." Failure of the County to demand such certificates or other evidence of full compliance with these

insurance requirements or failure of the County to identify a deficiency from evidence provided shall not be construed as a waiver of the facility owner's obligation to maintain such insurance.

II. Approval Requirements

The following are required in order to be considered for recommendation by the Planning Board and approval by the Board of County Commissioners:

1. A site plan, drawn and stamped by a North Carolina licensed surveyor or engineer, shall be submitted showing the following: The location and dimensions of all proposed areas for the placement of solar panels, screening/fencing and related improvements; Any preexisting structures on the same lot; and principal structures on other properties that would affect the placement of solar panels; Parking and access areas; Location of any proposed solar access easements. Location where wiring is brought together for interconnection to system components and/or the local utility power grid and the location of the disconnect switch, any proposed new structures; and any other relevant elements as requested by Staff.
2. The ~~Planning Director~~ **county** shall be provided copies of any lease agreement, solar access easement, and a copy of the decommissioning plan for removal of the system/equipment. All other applicable local and state approvals shall be submitted as part of the ~~Special Use Permit or Zoning Permit~~. **The property owner and/or permit holder shall submit any changes in the lease to the County within forty five (45) days of the revision.**
3. **Approvals from the North Carolina Utilities Commission and the Certificate of Public Convenience and Necessity (CPCN) shall be provided to Planning Staff with the application for a zoning map amendment.**
4. **Utility notification. No grid tied photovoltaic system shall be approved until evidence has been given to the Planning Department that the owner has been approved by the utility company to install the system.**
5. **Material specifications and the model number from the panel manufacturer shall be provided in addition to horizontal and vertical (elevation) to scale drawings with dimensions of proposed solar collector panels, inverters and energy storage structures shall be provided with the application for a rezoning.**
6. **Solar panels used in the project must be shown to be manufactured in their as-installed form to be free from any perfluoroalkyl substances ("PFAS"). This includes, but is not limited to, certification that no polytetrafluoroethylene (PTFE) films were applied to panels after their manufacture. The County may request proof of this provision at its discretion before, during, and after the installation of the photo-voltaic panels.**
7. **Documentation regarding the type and quantity of battery storage units and configurations, if onsite battery storage systems are to be used. Any battery storage technology that contains PFAS must be noted in the application. If the project intends on using PFAS containing battery storage technology, a containment plan and a separate decommissioning plan from the plan described below must be submitted for approval. If the battery decommissioning plan includes recycling as a**

- method for disposition of the spent batteries, the name of the recycling facility permitted to accept PFAS-containing batteries must be provided. If the project does not intend to use PFAS-containing batteries, certification from the battery manufacturer must be provided stating that the batteries used do not contain PFAS.
8. Prior to the meeting, members of the Planning Board and Board of Commissioners shall visit the property requesting a solar facility.
 9. A visual impact analysis demonstrating the project shall be supplied, if deemed necessary by the County, in order to minimize the impact on the visual character of the county. The applicant shall provide accurate, to scale, photographic simulations showing the relationship of the facility and its associated amenities and development to its surroundings. The photographic simulations shall show such views of solar structures from locations such as property lines and roadways as deemed necessary by the County as part of the application for a zoning map amendment.
 10. A Phase 1 Environmental Assessment prepared by a duly licensed professional in the State of North Carolina is required as part of the application for a zoning map amendment.
 11. An Environmental Impact Assessment shall be provided as part of the application for a zoning map amendment.
 12. An erosion and sedimentation control plan shall be prepared by a North Carolina licensed engineer and shall meet the storm water requirements of the NC Department of Environmental Quality ("NCDEQ") and shall provide for ongoing monitoring of storm water runoff.
 13. Other relevant studies, reports, certifications, information, documents and approvals as may be reasonably requested by the County to ensure compliance with this ordinance. Recognizing the unique environmental challenges of such facilities, studies that may be required under this paragraph may include but are not limited to the following:
 - (a) Field surveys for all State or Federal listed species that are protected under State or Federal Law;
 - b. Geologic reports mapping and describing geological resources such as bedrock outcrops, groundwater recharge zones, seeps, springs and general characterization of groundwater resources;
 - c. Surface water resources including wetlands;
 - d. Site specific soil surveys to include information on prime farmland soils as classified by the USDA Natural Resources Conservation Service, hydric soils and hydric components of non-hydric soil series, soil erodibility, agricultural suitability and site index for growing timber;
 - e. Environmental constraints analysis;
 - f. Other studies of the project site, receiving waters, and adjacent or nearby natural and environmental resources as may be requested by any County agency.

III. Decommissioning

A decommissioning plan shall be prepared by a North Carolina licensed third party professional engineer and shall include terms/provisions that state or include the following minimum requirements:

- a. **A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) describing the plan shall be provided to Planning Staff with the application for a zoning permit. The applicant shall provide evidence that the signed decommissioning plan was recorded with the Register of Deeds.**
- b. **The plan shall include an estimated cost of decommissioning, as described in (g) below;**
- c. The land owner or tenant must notify the County when the site is abandoned.
- d. Solar farm owners shall have twelve (12) months to complete decommissioning of the solar facility if no electricity is generated for a continuous period of twelve (12) months. This period may be extended by the Davie County Board of Adjustment, if evidence is provided that the delay is due to circumstances beyond the facility owner/operator's reasonable control.
- e. Decommissioning shall include removal of solar collectors, cabling, electrical components, and any other associated facilities down to thirty-six (36) inches below grade.
- f. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas are not to be restored.
- g. **The owner of the facility is required to establish and maintain a financial assurance in favor of the County for the decommissioning of the facility in the form of certified funds, cash escrow, bond from a financial institution acceptable to the County, or irrevocable letter of credit in an amount at least equal to the greater of**
(1) \$100,000 per installed (nameplate) MW or
(2) one hundred fifty percent (150%) of the estimated cost of decommissioning the facility as prepared by a professional third-party engineer licensed in North Carolina with experience in preparing decommissioning estimates. This engineer shall be selected by Davie County, and the cost of creating the decommissioning analysis shall be reimbursed to the County by the facility owner. Such estimated cost shall equal the total projected cost of decommissioning plus at least a ten percent (10%) allowance for estimated administrative costs related to a default of the facility owner and at least a three percent (3%) annual inflation factor. Said financial assurance shall ensure that sufficient funds are available for decommissioning the facility and reclamation of the property to its condition prior to commencement of activities on the site, even if the owner of the facility becomes insolvent or ceases to reside in, be incorporated in, do business, or maintain assets in North Carolina. Said financial assurance must be provided to the County prior to the issuance of any permits for the construction and installation of a facility. Should the facility owner elect to use a bond, it must renew automatically, and be from a company on the U.S. Department of Treasury's Listing of Certified Companies. Should the

facility owner elect to use an irrevocable letter of credit, it must be for the entire estimated life of the facility and be issued by a federally chartered bank with a branch in Davie County in favor of Davie County. The institution issuing the guarantee shall provide to the County a notice no less than 90 days in advance of any renewal, cancellation, termination or expiration of the guarantee. The bond or other guarantee shall be held by Davie County or in escrow with a financial institution designated as an official depository of the County and shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition reasonably comparable to that which existed prior to the creation of the facility. In the event the facility owner fails to properly decommission the facility pursuant to the requirements of this ordinance, the proceeds from the bond or other guarantee shall be used by the County to decommission the facility.

- h. Three (3) years after the facility is activated and every third (3rd) year interval thereafter, or upon change of ownership of either the property or the facility, a review of the decommissioning plan and a cost analysis shall be updated by a North Carolina licensed engineer in accordance with the procedure provided in (G) above and the amount of the financial assurance held by the County shall be adjusted to the greater of (1) the inflation adjusted value of \$100,000 per installed (nameplate) MW or (2) 150% of the updated cost of decommissioning . Any changes or updates to the decommissioning plan shall be recorded with the Davie County Registry of Deeds.
- i. Failure to comply with any requirement in this section shall result in the immediate termination and revocation of all prior approvals and permits; further, the County shall be entitled to make immediate demand upon, and/or retain any proceeds of, the surety, which shall be used for the decommissioning and/or removal of the facility, even if still operational.
- ~~h. The plan must describe the anticipated life of the solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored. Estimates for decommissioning the site and salvage value shall be determined by a North Carolina licensed engineer or a licensed contractor. It is the responsibility of the applicant to provide the County with the certified cost estimate.~~
- ~~i. Prior to the issuance of a Zoning Compliance Certificate, the applicant must provide the County with a performance guarantee as provided in subsection I below. The amount of the guarantee shall be 1.25 times the estimated decommissioning cost minus the salvageable value.~~
- ~~j. The following types of performance guarantees are permitted:~~
- ~~k. A surety or performance bond that renews automatically, includes a minimum 60-day notice to the County prior to cancellation, is approved by the Finance Director, and is from a company on the U.S. Department of Treasury's Listing~~

~~of Certified Companies. A bond certificate must be submitted to the Finance Department each year verifying the bond has been properly renewed.~~

~~ii. A certified check deposited with the county finance director, as escrow agent, who will deposit the check in an interest bearing account of the County, with all interest accruing to the applicant. Funds deposited with the county finance director will be returned when the solar farm is decommissioned and any necessary site restoration is completed.~~

~~iii. A no-contest irrevocable bank letter of credit from a banking corporation licensed to do business in the State of North Carolina. The terms of the letter must include the absolute right of the County finance director to withdraw funds from the bank upon certification by the County manager that the terms and conditions of the performance guarantee have been breached. The letter of credit must be valid up to 12 months from the date the performance guarantee was approved.~~

~~iv. The full amount of the bond, certified check, or letter of credit must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration is completed.~~

§ 155.151 SPECIAL PURPOSE DISTRICT (S-P).

(A) Intent. The Special Purpose district is established to accommodate uses that may constitute health or safety hazards, have greater than average impacts on the environment, or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odors, glare, vibration, commercial vehicle traffic, or similar nuisances.

If there are discrepancies with this section and 155.130.29, the stricter requirement shall prevail.

(B) Dimensional requirements.

1. Lot size. Twenty-five (25) acres shall be the minimum lot area. Any part of the property located in the road right-of-way shall not be included in this minimum lot area.
2. Lot width. No specified minimum.
3. Front yard. One hundred feet shall be the minimum setback of the structure or any installed equipment, measured from the nearest point of the building and the right-of-way line.
4. Side yard setback. Twenty-five feet shall be the minimum side yard for each structure or any installed equipment, measured from the nearest point of the building to the side lot line.

5. Rear yard setback. Forty feet shall be the minimum rear yard for each structure or any installed equipment, measured from the point of the building nearest the rear line and the rear lot line.
6. Off-street loading and unloading. Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading space as required in §§ 155.070 through 155.072 of this chapter.
7. Off-street parking. Requirements specified in §§ 155.050 through 155.053 of this chapter.
8. Buffer strip. Upon any lot line which abuts a residential district or public street, there shall be a densely planted and maintained Type B buffer strip as specified in 155.172 of this chapter.

(C) Access. Except for Solar Energy Generating Facilities, which shall require access to a state maintained road, the Special Purpose site shall be accessed by a major or minor arterial road way as identified on the Davie County Comprehensive Transportation Plan.

(D) Community Meeting. The applicant shall organize and conduct a community meeting with the surrounding property owners at minimum 30 days prior to the scheduled Planning Board meeting date. The petitioner must file in the office of the county clerk a written report of any community meeting held by the petitioner. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting.

A second community meeting shall be arranged by the application following the Planning Board meeting and notes submitted to the Planning Department at least fifteen days prior to the next regular Board of Commissioners meeting.

(Ord. passed 2-6-17; Ord. Amend 10/7/19)

Planning Board Recommendation:

The Board should consider adopting one of the following actions and consistency statements:

☐ **Approve;** the Planning Board finds the amendment promotes public health, safety and general welfare; is consistent with all applicable adopted plans and considers the action to be reasonable and in the public interest; that said approval furthers the goals, objectives, actions and policies of the Comprehensive Plan and Growth Enhancement Strategy by clarifying standards for utility scale solar facilities.

☐ **Recommend Approval with changes:** The Planning Board finds that the amendment is not fully consistent with the Comprehensive Plan, but the changes agreed upon will make it fully consistent and considers the action to be reasonable and in the public interest.

☐ **Denial**, the amendment is not consistent with all applicable adopted plans and does not consider the action to be reasonable and in the public interest due to...

☐ **Defer** the amendment for additional consideration.

MEMO

TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: COMPREHENSIVE PLAN EDITS

DATE: 12/21/2021

Attached are the edits proposed to page 42 of the Comprehensive Plan to address utility scale solar. The new language is highlighted in yellow.

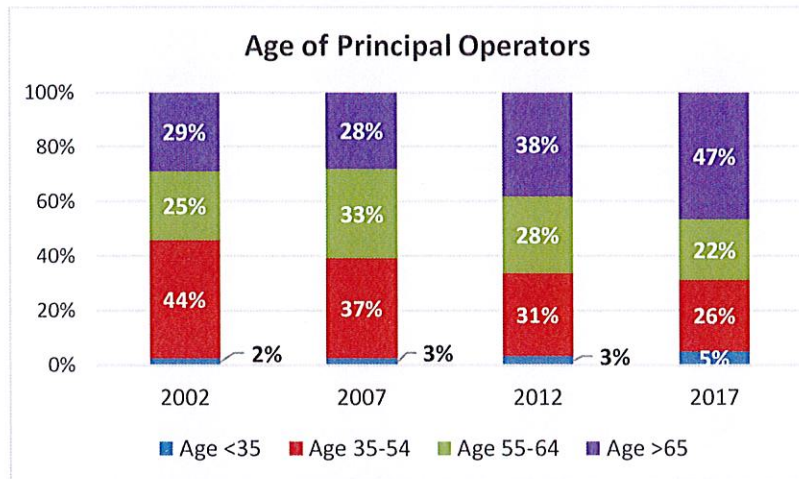


Figure 12: Age of Principal Operators

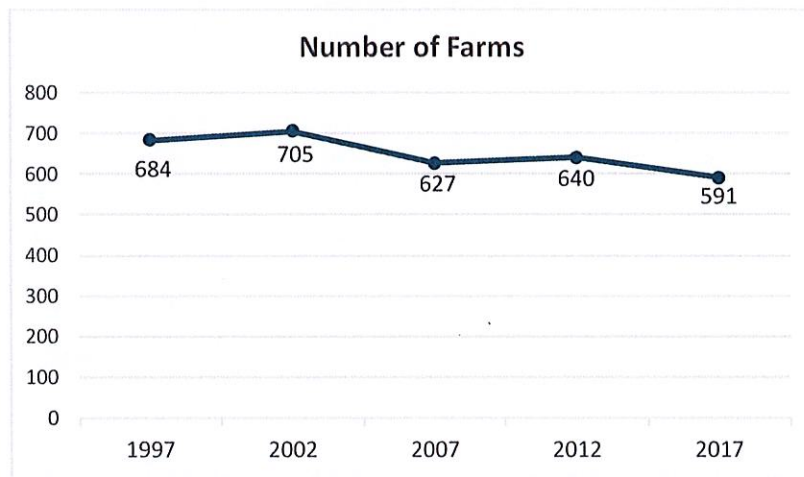


Figure 13: Number of Farms

trained in order to ensure the long-term sustainability of farms in Davie County.

As the number and size of farms has declined, agricultural production has continued to rise. Between 2002 and 2017, the market value for all agricultural products nearly doubled from \$14 million to \$26.9 million, while the average market value of agricultural products sold per farm increased by 129% from \$19,908 to \$45,568. Most of these gains were in crop values, which increased by 185% from \$4.3 million to \$12.4 million.

CONSERVATION EFFORTS

Davie County has taken significant steps to preserve farmland and open space throughout the County. Below are some of

the policies and programs the County has instituted to balance growth demands and resource protection.

DEVELOPMENT POLICIES

As part of the County's Growth Enhancement Strategy, the County has designated Rural Growth Areas where high-intensity residential growth is discouraged. The Growth Enhancement Strategy and other open space zoning regulations incorporate a system of incentives, such as density bonuses, to encourage developers to conserve open space, natural heritage areas, and other significant natural resources through cluster development and other techniques. The County's Flood Damage Prevention Ordinance and Watershed Ordinance help protect natural resources

by restricting development in flood-prone areas and imposing higher development standards around or upstream from drinking water supplies. Davie County also adopted an Agribusiness Use Ordinance in 2007, which streamlines permitting processes for the construction of buildings, signs, and parking associated with an existing farm operation.

FARMLAND PRESERVATION PLAN

Davie County commissioned a Farmland Preservation Plan in 2016. This plan inventories existing conditions and agricultural trends, evaluates potential threats and opportunities for the continuance of agriculture, and recommends practical policies and strategies to protect agriculture for future generations.

UTILITY SCALE SOLAR

Utility scale solar facilities should be located in areas that do not remove viable agricultural properties from production. Solar facilities should be located in areas near existing industrial development and should not be clustered within a specific area or township. The county discourages grouping properties under separate ownership for the use of solar. Further, such facilities should not be located in environmentally sensitive areas and should avoid the use of steep slopes.

VOLUNTARY AGRICULTURAL DISTRICTS

There are a number of voluntary programs that are offered for landowners that wish to preserve property that holds significant conservation, scenic, historic, or open space value. In 2008, Davie County developed a Voluntary Agricultural Districts (VAD) program, which allows landowners to protect their land from urban development. Landowners that sign up for the program receive a set of benefits in exchange for restricting development on their land for a specific time period. The purpose of this