



Town of Fairview

PLANNING AND ZONING BOARD

Agenda

August 18, 2020 @ 6:30 p.m.

Meeting will be held Virtually

1. Roll Call and Determination of Quorum --- Chair Randall
2. Public Comments
3. Report on Council actions ---Ed Humphries
4. Business:
 - a. Review present solar energy facility ordinance and updated draft
 - b. Update on proposed subdivision planned:
Parcel ID 0819001A, Parcel ID 08186006, Parcel ID 08225015, Parcel ID 0819200
5. Approval of Previous Minutes:
 - a. May 19, 2020---Regular meeting
6. Public Comments
7. Adjourn

Review Solar Farm Ordinance

1. The Wind Energy Facility Owner shall have 6 months to complete decommissioning of the Facility if no electricity is generated for a continuous period of 12 months.

2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, and any other associated structures required by staff.

3. Disturbed earth shall be graded and re-seeded.

(Amended March 2012)

Section 180P Solar Energy Facilities

1. Minor Solar Energy Facilities:

- a. Minor solar facilities shall be allowed in all zoning classifications
- b. Minor free-standing facilities must comply with accessory structure setbacks and spacing.
- c. Minor rooftop solar energy facilities shall not be considered as rooftop equipment on any building type and therefore, do not require screening and are not subject to any architectural standards that would prohibit reflective materials.

2. Major Solar Energy Facilities

- a. Shall require the issuance of a Conditional Use Permit and in addition shall include the following:
 - i. Placement of solar panels shall be based on preserving existing features to the extent practical.
 - ii. Major solar energy facilities are exempt from any parking requirements in the Fairview Zoning ordinance if there is no commercial or office building component.
 - iii. Setbacks
 1. Shall meet the minimum required setbacks for the underlying zoning district.
 2. Shall be a minimum of 20 feet from any property line.

iv. Height:

1. Free standing major solar facilities shall be a maximum of 8 feet in height as measured from the grade at the base of the structure to the apex of the structure.
2.
 - a. The minimum lot size requirement for major solar facilities is 2 acres.
 - b. Glare resistant solar panels shall be used if the solar facility is adjacent to any airport and Certification of any FAA requirements.
 - c. Rooftop major solar energy facilities should not be considered as rooftop equipment on any building type and therefore, does not require screening and are not subject to any architectural standards that would prohibit reflective materials.

3. Decommissioning

- a) The Solar Energy Facility Owner shall have 6 months to complete decommissioning the Facility if no electricity is generated for a continuous period of 12 months.
- b) Decommissioning shall include removal of panels, buildings, cabling, electrical components, and any other associated structures or equipment.
- c) Disturbed earth shall be graded and re-seeded.

(Amended March 2012)

Section 180Q Electronic Gaming Operations

Except as authorized herein, electronic gaming operations are prohibited.

- A. Electronic gaming operations are permitted as a Conditional Use (C) in the Light Industrial (LI)
- B. In addition to the regulations provided for elsewhere in this code, electronic gaming operations shall be subject to the following requirements:
 1. Hours of Operation. Electronic gaming operations may operate from 8:00 a.m. until 10:00 p.m., seven (7) days per week;

Sec. 180P - Solar electric power generation.

The following development standards shall apply to the construction of any solar facility designed to generate electricity for a commercial purpose. Any solar facility on properties less than ten (10) acres, and or any solar facility containing battery storage shall be prohibited:

- a. A site plan, signed and sealed by a professional engineer licensed pursuant to Chapter 89C of the General Statutes shall be prepared in accordance with section 12-33(a). The site plan shall show the location of any structures within one hundred (100) feet of the property line, and it shall also demonstrate compliance with the other standards in this section.
- b. A landscape plan, signed and sealed by a professional landscape architect licensed pursuant to Chapter 89A of General Statutes shall be prepared demonstrating compliance with this chapter.
- c. Natural woodland buffering shall be installed between the security fence and adjacent non-participating property and the road right-of-way, prior to the operation of any solar equipment. Natural Woodland Buffering shall be planted at a depth of one hundred (100) feet consisting of species native to Town of Fairview with a mixture of ornamental evergreen trees.
 1. The aforementioned natural woodland buffer area shall consist of a maximum 75% native pine trees.
 2. Trees within the natural area shall be installed at a minimum of one (1) tree per 100 square feet. Use of existing vegetation is encouraged.
 3. In addition to the above mentioned density requirements ornamental evergreen trees shall be installed within the natural woodland buffer one (1) tree per three hundred (300) square feet.
 4. Ornamental evergreen trees shall be installed at six (6) feet planted height.
 5. Reference Nonnative Invasive Plants of Southern Forest by the United States Department of Agriculture for examples of species.
- d. Security fencing shall be installed around the perimeter of the solar facility. The fencing shall be a minimum of six (6) feet in height, chain link or other fencing sufficient to ensure no public access, and equipped with a gate and locking mechanism.
- e. Setbacks shall be measured from the security fencing:
 1. One hundred (100) feet from any non-participating property;
 2. Two hundred (200) feet from any street right-of-way, habitable dwelling, or residentially zoned property.
 3. Five Hundred (500) feet from the right-of-way of any arterial street; and
 4. One thousand (1,000) feet from the right-of-way of a NCDOT Scenic Byway.
- f. Maintenance: Natural woodland buffer, fencing, gates and warning signs shall be maintained in good appearance and safe operating condition. The site shall be compliant with the adopted

ordinance and all approved permits until the facility is decommissioned pursuant to subsection (i) below.

g. Emergency Access: Current contact information for the facility owner and lessee if applicable, shall be posted at a visible location at each gate accessing the facility including:

1. Name,
2. Contact phone number,
3. Address,
4. Emergency contact phone number.

Facility owner shall further file an annual statement by February 1 of each year with the Town of Fairview Planning Department containing the information listed in subsections (1) through (4) above.

h. Federal, State, and Local Requirements: Following issuance of a conditional use or zoning permit and prior to issuance of a building permit for construction of a new solar facility, the applicant shall supply documentation to the Planning Department that all necessary federal, state, and local approvals have been obtained and notifications have been made pursuant to applicable federal and state requirements for building a new solar facility. At a minimum, these shall include:

1. A Boundary Survey signed and sealed by a professional surveyor licensed in North Carolina showing compliance with the standards of this chapter submitted to the Planning Department;
2. A site plan showing emergency access shall be submitted to and approved by Union County Emergency Management;
3. Official documentation demonstrating compliance with any permitting required from the North Carolina Department of Environmental Quality (NCDEQ);
4. Official documentation demonstrating compliance with any permitting required from the National Environmental Policy Act (NEPA);
5. Official documentation demonstrating compliance with the Endangered Species Act (ESA).

i. Decommission:

1. A decommissioning plan shall be signed and sealed by a professional engineer licensed pursuant to Chapter 89C of the General Statutes and submitted to the Town of Fairview Planning Department prior to the issuance of a zoning permit or conditional use permit (example provided at the end of this Section 12-160): the decommissioning plan must be signed and notarized by both the owner/operator of the solar facility and the land owner. However, nothing about the issuance of a Conditional Use or Zoning permit, including a decommissioning plan, relieves the landowner of the obligation to remove the equipment as outlined in the Conditional Use or Zoning permit.

2. The decommissioning plan must be renewed, signed, and notarized by the facility owner/operator and the land owner every five (5) years from the time the permit is issued, or upon any change of the solar facility ownership or land ownership.
 3. An estimated net cost of decommissioning, inclusive of salvage proceeds, is required and shall be prepared by a professional engineer, licensed pursuant to Chapter 89C of the General Statutes. The estimated net cost shall be revised on each decommissioning plan renewal every five (5) years and should account for inflation, deflation, and depreciation.
 4. Decommissioning shall include, but not necessarily be limited to the removal and disposal of solar panels, buildings, cabling, electrical components, roads, fencing, and any other associated facilities down to thirty-six (36) inches below grade. Further, the land shall be reasonably rehabilitated unless an agreement is reached with the land owner to leave as is.
 5. Prior to the issuance of any building permits or electrical permits, a surety bond naming Town of Fairview as beneficiary shall be posted for one-hundred and twenty-five percent (125%) of the estimated net cost of decommissioning established within the approved Decommissioning Plan, or twenty-five percent (25%) of the estimated decommissioning cost excluding salvage value, whichever is greater. The surety bond shall be renewed every five (5) years at the same time the decommissioning plan is renewed.
 6. The Town of Fairview Planning Department shall perform a re-validation inspection at minimum once every five (5) years from the date of the issuance of a permit to ensure that the solar facility remains in compliance with all standards of this chapter and the surety bond is valid.
 7. A copy of the sales contract for electricity, with any information made confidential by state or federal law redacted, shall be submitted to the Town of Fairview Planning Department prior to obtaining a building permit, naming the buyer of electricity, the seller of electricity, and the beginning and end dates of the contract.
 8. If the owner/operator of the solar facility fails to ensure the removal of the equipment within six (6) months after commercial power production ceases for a period of twelve (12) continuous months, the landowner shall be in violation of the Conditional Use or Zoning permit, and be subject to the penalties set forth in section 114.
 9. Each day that the violation continues after notification to the landowner by the administrator, shall be considered a separate offense for purposes of penalties and remedies.
- j. Enforcement by injunction, abatement and liens.
1. In addition to any other remedies or enforcement methods allowed by any law, if a violation continues under section 114, the violation may be enforced by an order of abatement issued by the general court of justice for failure of the landowner to correct the unlawful condition of the property. Upon issuance of an abatement order by the general court of justice, a landowner must comply with the order within the time limit

specified. If the landowner fails to do so, the county may take steps necessary to correct the condition of the property. The cost to correct the condition shall be a lien on the property in the nature of a mechanic or material man lien.

2. The equipment which remains shall be deemed abandoned and salvaged for the cost of decommissioning.
3. Should the salvage value exceed the cost of decommissioning, the balance shall be placed with the office of the clerk of court for abandoned funds.

Example of the Decommissioning Plan

Decommission Plan for Big Bright Solar ("Facility"), located at _____.
Prepared and Submitted by _____, the owner of Big Bright Solar
This decommissioning plan is presented as required by Subsection 12-160(f) of the Town of Fairview Code.

Decommissioning will occur as a result of any of the following conditions:

1. The land lease ends;
2. The system does not produce power for 12 months; or
3. The system is damaged and will not be repaired or replaced

The owner of the Facility, as provided for in its lease with the landowner, will do the following as a minimum to decommission the project.

1. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least three feet below grade.
2. Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.
3. Restore the land to a condition reasonably similar to its condition before SES development, including replacement of top soil removed or eroded.
4. Re-vegetate any cleared areas with warm season grasses that are native to the Piedmont region, unless requested in writing by the owner of the real estate to not re-vegetate due to plans for agricultural planting.

All said removal and decommissioning shall occur within 12 months of the facility ceasing to produce power for sale.

The Facility Owner, currently _____, is responsible for this decommissioning. Nothing in this plan relieves any obligation that the real estate property owner may have to remove the facility as outlined in the Conditional Use Permit in the event the operator of the facility does not fulfill this obligation.

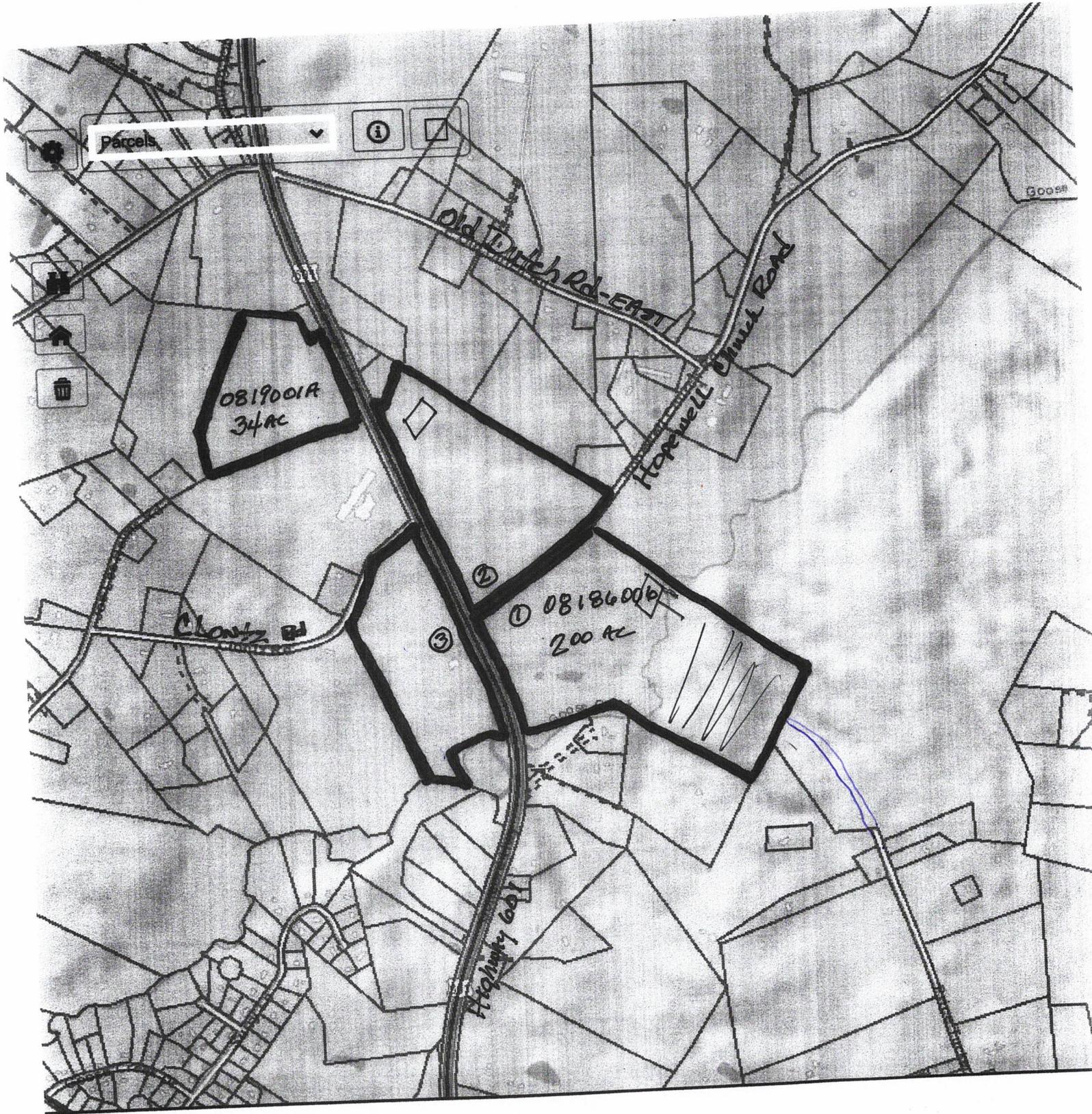
The owner of the Facility will provide the Town of Fairview Planning Department and the Register of Deeds with an updated signed decommissioning plan within 30 days of change in the Facility Owner. This plan may be modified from time to time and a copy of any modified plans will be provided to the Town of Fairview Planning Department and filed with the Register of Deeds by the party responsible for decommissioning.

Facility Owner Signature: _____ Date: _____

Landowner (if different) Signature: _____ Date: _____



Discuss Proposed Subdivision

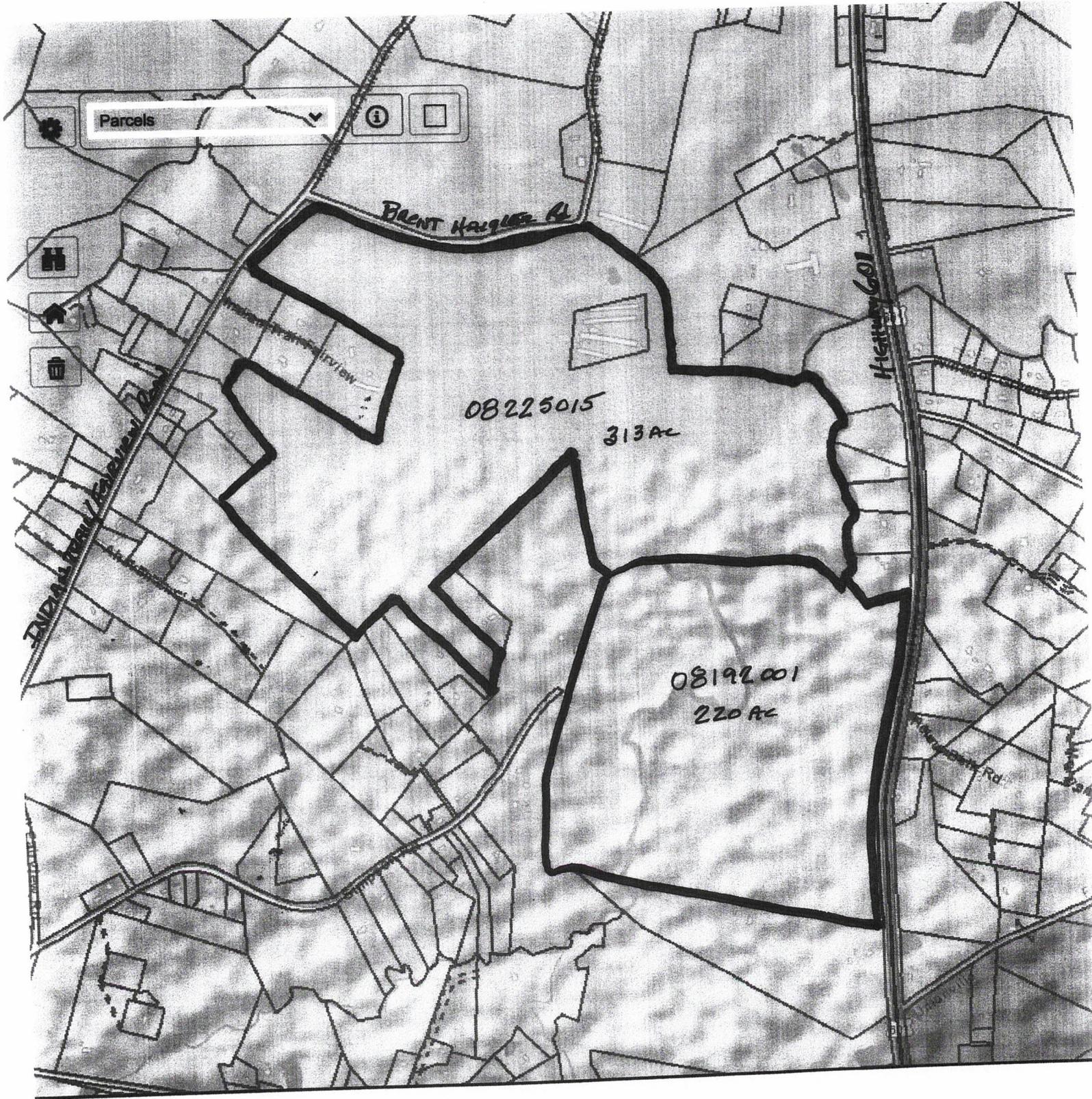


0.4km
 1 Results 0.2mi



10

Union County Planning Department



0.4km
 1 Results 0.2mi



Approve Minutes



**Town of Fairview
Planning Board Meeting
February 18, 2020**

The following Planning Board members were present: Doug Buchanan, Tony Helms, Mike Medlin, Greg Morgan, Rick Pigg, Nancy Randall and Bill Thomas

Others present: Ed Humphries, Land Use Administrator / Deputy Clerk, Teresa Gregorius, Town Clerk, Spencer Thomas, Intern

Public Comments

None

Reports

Ed Humphries reported that the Council hired N-Focus to update the Lane Use Ordinance. It should be ready for review by July 1st.

Items of Business

A. Discuss Permit # CUP 20-013 Event/Venue

Mr. Humphries presented Conditional Use Permit # CUP 20-013 request from Richard Laney and Danielle Duval to operate an "Event/Venue" (Bella Terra) on their property at 8920 Mill Grove Road. The Board discussed the conditions and decided that in addition to operating on Friday, Saturday and Sunday they would add operating times on (State/Federal) holidays and 2 weekdays per month.

Tony Helms made a motion to recommend approval of the amended Conditional Use Permit # CUP 20-013 to the Council. Greg Morgan seconded the motion. Board members Buchanan, Helms, Medlin, Morgan, Pigg, Randall and Thomas voted yes (7-0).

B. Review The Comprehensive Plan

Mr. Humphries advised the Board that he would like them to start reviewing the Fairview Comprehensive Plan (formerly Fairview Land Use Development Plan) starting with the first

couple of sections and bring their recommendations to the next meeting. Ms. Randall made suggestions regarding page one (see Appendix A).

C. Minutes

Bill Thomas made a motion to approve the January 21, 2020 minutes. Mike Medlin seconded the motion. Board members Buchanan, Helms, Medlin, Morgan, Pigg, Randall and Thomas voted yes (7-0).

Rick Pigg made a motion to adjourn. Greg Morgan seconded the motion. Board members Buchanan, Helms, Medlin, Morgan, Pigg, Randall and Thomas voted yes (7-0).

Respectfully submitted,

Teresa Gregorius
Town Clerk

Nancy Randall
Chair

Approved this _____ day of _____, 2020

Appendix A

Fairview Comprehensive Plan

GUIDELINES

The Town of Fairview Comprehensive Plan combines the goals and objectives of its residents with sound planning principles in conjunction with the attached *Future Land Use Map* by way of the following general guidelines:

1. To provide a low-density, rural atmosphere allowing single-family residential and agricultural uses. Additionally, in select nodes small-scale office and retail developments will be allowed that serve the needs of the Fairview community. Light industrial uses that provide employment opportunities to residents will also be considered.
2. To avoid, where possible, destruction of trees and landscape.
3. To protect environmentally sensitive areas such as floodplains and watersheds and to promote and preserve open space.
4. To maintain the existing quality of residential neighborhoods through enforcement of land use and building codes.

The Comprehensive Plan provides an overall framework to guide operational decisions in planning and acts as a basis for rational decisions regarding zoning, subdivision control, redevelopment, and related issues. The Plan reflects an estimate of future land requirements. It indicates how and where development should proceed to ensure a desirable physical investment. The Plan adheres to the highest standards of health, safety, and welfare in a living environment.

~~For the purposes of this document~~ The Fairview Comprehensive Plan is defined as:

This plan serves as a guide to official decisions regarding the distribution and intensity of private development, as well as public decisions on the location of future public facilities and open spaces.