

Smithfield Planning Board Minutes
Thursday, June 2, 2016
6:00 P.M., Town Hall, Council Room

Members Present:

Vice-Chairman Stephen Upton
Daniel Sanders
Gerald Joyner
Jack Matthews
Ashley Spain
Mark Lane
Teresa Daughtry

Members Absent:

Eddie Foy

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Administrative Support Specialist

Staff Absent:

Also Present:

Bob Spence, Town Attorney
Paul Embler, Planning Director

CALL TO ORDER

APPROVAL OF MINUTES FROM APRIL 7, 2016.

Mark Lane made a motion, seconded by Jack Matthews to approve the minutes as written. Unanimous.

Public Hearings:

After all persons giving testimony were duly sworn, Mr. Upton opened the public hearing.

Mr. Upton identified Gerald Joyner as a voting member of the board due to a board members absence.

CUP-16-04 Grodproductions:

Mr. Helmer stated the applicant is requesting a conditional use permit to conduct a studio for the performing arts on property located within a B-2 (Business) zoning district. The property considered for approval is located on the south side of East Market Street approximately 200 feet southeast of its intersection with Bright Leaf Boulevard. The property is further identified as Johnston County Tax ID# 15027026.

Mr. Helmer stated the property considered for approval contained a large residential structure which fronts on Ninth Street and a smaller building which fronts on East Market Street. This smaller building contains a residential unit on the second floor and the first floor will contain the requested recording studio. Parking is provided in the rear of the building. The proposed use is a studio for audio and video recording of performing arts.

Mr. Helmer stated there does not appear to be any environmentally sensitive areas on the property considered for a Conditional Use Permit to include flood plains or designated wetlands. The proposed recording studio is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for commercial uses near the intersection of Bright Leaf Boulevard and Market Street. A recording studio is a permitted use within a B-2 (Business) zoning district with a valid Conditional Use Permit. Adequate parking exists in the rear of the structure and no other site improvements are requested at this time.

Mr. Helmer stated a recording studio at this location should not pose a compatibility issue with surrounding land uses providing that all noise ordinances are adhered to. The proposed recording studio will qualify for one wall sign. There does not appear to be adequate space on lot for a ground sign. The Town of Smithfield will provide fire protection as well as water/sewer and electric services.

Planning staff recommends approval of the Conditional Use Permit request to allow for the operation of a recording studio on property located within a B-2 (Business) zoning district.

The Planning Board is requested to review the petition and make a recommendation to Town Council in accordance with the finding of fact for a conditional use permit to allow for a recording studio on property located within a B-2 (Business) zoning district.

Mr. Upton asked if anyone wanted to speak for or against the proposal.

Mark Lane asked if the applicant was present.

Mr. Helmer stated the applicant was present.

Gerald Sanders, 103 Britt Street Smithfield, stated he was the applicant of the performing arts studio.

Daniel Sanders asked the applicant how the neighbors in the area felt about the recording studio coming to their neighborhood.

Gerald Sanders stated he spoke with the resident upstairs and requested him to let Mr. Sanders know if he was being too loud. Mr. Sanders stated the equipment that is used is mainly headphones and not large speakers and that loud noise should not pose a problem.

Mark Lane stated he was concerned with the level of noise.

Gerald Sanders stated the studio is more for recording and lots of outside noise can actually interfere with the music. You can do this type of work in a house, but this is more for commercial use.

Teresa Daughtry asked with there being a residence upstairs and commercial downstairs if the building met the fire code.

Mr. Helmer stated when the upstairs apartment was converted residential and the downstairs unit was rehabilitated for commercial uses; the fire inspector inspected the structure.

Teresa Daughtry asked if the project would still have to pass an inspection prior to permitting.

Mr. Helmer stated yes the applicant would have to get an inspection prior to occupying the space.

Daniel Sanders asked how Hugh Sanders, the funeral home owner, felt about the applicant moving in next door.

Gerald Sanders stated he hasn't had any problems with Hugh Sanders. He stated there's a separation between him and the funeral home. He stated he really hasn't had the time to speak with surrounding neighbors since there's a process to try and get everything for approval.

Teresa Daughtry asked if the studio would be open to the public and what would be the hours of operation.

Gerald Sanders stated the studio would be open to the public. He stated he has a full time job so starting off the studio would be open by appointment in the evenings.

Teresa Daughtry asked what evening time meant.

Gerald Sanders stated about 3 or 4 pm until 9pm.

Mark Lane asked if the house next door located on Ninth Street was vacant.

Gerald Sanders stated that house was occupied.

Mr. Helmer stated he did drive by the area and looked at the property. All three structures are owned by Bonnie Mac LLC and did see some activity and some personal items on the porch and looked as though it was occupied.

Mr. Helmer asked in modifying the internal space of the building if a sound proof booth would be constructed and control room.

Gerald Sanders stated yes, but there wouldn't be too much modification.

Teresa Daughtry stated she would like to know the definition of an art studio.

Gerald Sanders stated the art is more like open mic poetry, gospel, R&B, or someone who wants to express themselves through music.

Teresa Daughtry asked if it was a group of people gathering together.

Gerald Sanders stated no. He stated you really want to keep the sound down so that it doesn't interfere with the music because the microphones pick up so much.

Ashley Spain asked if it was more by appointment only.

Gerald Sanders stated that was correct.

Stephen Upton asked what the latest hour the studio would be open.

Gerald Sanders stated 9pm.

Mark Lane asked what the earliest hours he would be open.

Gerald Sanders stated 12pm.

Teresa Daughtry stated conditions should be placed on the permit for hours of operation.

Teresa Daughtry asked if 11pm was the noise ordinance time.

Stephen Upton stated 11pm.

Daniel Sanders asked the applicant what his hours would be if there is a viewing at the funeral home going on next door.

Gerald Sanders stated he would be conscious of what other businesses in the area have going on. Noise would not be going on in the studio since headphones are being used. The only time sound would come out is during playback.

Teresa Daughtry asked how many parking spaces are allowed and was that requirement being met.

Mr. Helmer stated the building was rehabbed a while back and at that time 8 parking spaces were allowed.

Ashley Spain asked with the building being a commercial setting, would it have to be handicap accessible internally and externally.

Mr. Helmer stated that was addressed at the time of rehab of the building. It is a building code issue and can be addressed at the time of inspection.

Gerald Sanders stated there was a ramp located at the back of the building.

Mark Lane asked if the building would pass handicap inspection.

Mr. Helmer stated the older buildings have to meet handicap accessibility as much as practical and most of those buildings do not have enough room.

Gerald Joyner asked if there will be any employees and if so how many. Mr. Joyner also asked how many cars would be in the parking lot at one time.

Gerald Sanders stated he would be the only employee and at most there will be two cars at one time.

Daniel Sanders asked the town attorney, Bob Spence, if the board could place time limits on the businesses operation hours.

Bob Spence stated yes as long as it has a reason related to noise etc.

Mark Lane asked if a noise problem arises could the permit be pulled.

Bob Spence responded that the permit could be pulled but it would be more difficult.

Being no further questions, Mr. Upton closed the public meeting for CUP-16-04.

Mark Lane made a motion, seconded by Jack Matthews, to move to the Finding of Fact.

The Planning Board shall recommend and the Town Council of the Town of Smithfield shall decide the matter of this Conditional Use Permit Application by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reason or conclusions reached in support of the motion.

1. *Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved or is approved with the following stated conditions.*

The proposed studio for the performing arts at this location will not materially endanger the public where shown because the site has existing parking available and layout of the site facilities safe movement of automobiles and pedestrian traffic with little additional congestion. *All members stated true.*

2. *Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.*

The proposed studio for the performing arts at this location conforms to standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance providing a conditional use permit is secured and a valid zoning permit issued. *All members stated true.*

3. *Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.*

The proposed studio for the performing arts at this location will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or

development of adjacent properties or other neighborhood uses providing noise does not exceed the published noise ordinance standards. *All members stated true.*

4. *Based on evidence and testimony presented it is the finding of the Planning Board that the application, if approved, would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following additional stated conditions.*

The proposed studio for the performing arts at this location will not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development proving all minimum development standards are met to include minimum parking standards. *All members stated true.*

Based upon satisfactory compliance with the above stated four findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative;

Teresa Daughtry made a motion, seconded by Mark Lane to recommend approval of a conditional use permit to conduct a studio for the performing arts on property located within a B-2 (Business) zoning district with the following conditions:

1. The hours of operation are set at 12pm-9pm.

Unanimous.

CUP-16-05 Canon Farm, LLC:

After all persons giving testimony were duly sworn, Mr. Upton opened the public hearing.

Mr. Helmer stated the applicant is requesting a Conditional Use Permit to construct and operate a solar farm on property located within an R-20A (Residential-Agricultural) zoning district. The property considered for approval is located on the southeast side of the intersection of Lee-Youngblood Road and Wilsons Mills Road. The property is further identified as Johnston County Tax ID# 17K09005.

Mr. Helmer stated the proposed use is a fixed tilt, photovoltaic solar farm with electrical power inverters, electrical transformers, buried conduit, security fence and planted buffer yards. The proposed facility will tie into Duke Energy power grid. There are environmentally sensitive areas on the property considered for a Conditional Use Permit which include (1) a jurisdictional buffer stream; (2) the Watershed Protection Overlay District and (3) close proximity to the Neuse River Conservation Overlay District.

Mr. Helmer stated the proposed solar facility is considered a utility and permitted in all zoning districts with a Town of Smithfield Town Council approved Conditional Use Permit. The entire facility will be fenced and gated and a fifty foot landscape buffer outside of the fence line. Access to the site will be from a private drive off of Wilson's Mills Road. NCDOT driveway permits will be required. The property will be served by private well and septic if needed. The Strategic Growth Plan has identified this area as being suitable for low density residential and agricultural land uses. The Strategic Growth Plan has identified a commercial node on Wilson's

Mills Road north of the subject property. A new commercial node has been created with the construction of the Durwood Stephenson Highway. Thus, the residential/commercial corridor should be reserved for future development as the comprehensive land use plan states.

Mr. Helmer stated public utilities type uses are permitted in all zoning districts with an approved conditional use permit and will be subject to any reasonable condition that may be placed on the project. The existing and surrounding land uses are low density residential and agricultural in nature. It is unlikely that negative impacts on existing farm uses will occur providing the site is properly buffered in accordance with the Town of Smithfield Unified Development Regulations. Existing residences will experience immediate aesthetic impacts due to the construction of the array. Future land uses will be hampered because of an industrial type use being located in a transportation corridor identified for future commercial and residential uses. Sign requirements will be minimal for the requested use. Wilson's Mills will provide fire protection, a private well and septic as needed, and Duke Progress Energy will provide electric services.

The Planning Department recommends that if the application is recommended for approval by the Planning Board, that the following conditions be placed on the project:

1. Provide a minimum 50 foot landscape buffer with required plant material and 100 foot buffer with required plant material where adjacent to residential homes.
2. Install security fence with gate prior to operation of the facility.
3. Secure an approved NCDOT driveway permit prior to construction of facility.

The Planning Board was requested to review the petition for a solar farm on property located in the R-20A (Residential-Agricultural) zoning district and make a recommendation to Town Council in accordance with the finding of fact for a conditional use permit.

Witnesses for the hearing were sworn.

Mr. Upton asked if anyone wanted to speak for or against the proposal.

Brett Hannah, attorney with Smith Moore & Leatherwood representing Canon Farm LLC, stated he has a few people with him representing this project. Sam Judd and Jim Haley who are engineers, Rich Kirkland an NC licensed appraiser, and Beth Trahos; law partner. Mr. Hannah stated he can tell by the crowd the solar farm is not popular with the audience but he believes it is nevertheless an ideal use for this property in that it does not disturb the land very much as far as the Watershed is concerned. The way these arrays are constructed, the poles are placed by hand in the ground so there is minimal grading required. Also, it is not an impermeable surface so there is little property runoff. Looking at the plan and thinking of the use, the use will not materially endanger the public or general welfare. It generates less traffic then a single family residence in a week. During the construction phase of approximately 6 months, there will be traffic but lasts a short time. The solar farm is not manned so there will not be anyone there on a regular basis. Someone does come by once a week to maintain the property. The property will be surrounded by a fence that is required. The applicant does not want to grade the site nor get rid of trees. The design meets the Town of Smithfield Unified Development Ordinance requirements. There will be no structures except utility poles on the site that are higher than

25ft. When these solar farms are built they are usually hard to see from the road and will blend in more with the surrounding areas of the site. There are no lights and there is a low hum noise from collecting energy only during daylight hours. There will be no glare coming from the panels and the use will not injure the attributes of adjoining properties. Mr. Hannah stated the use is very quiet and passive. The use will also be in harmony with the surrounding area and will not create any activities that would be adverse to the abutting properties.

Mark Lane asked Mr. Hannah if he had any expertise in the solar industry.

Mr. Hannah stated he has gained expertise in representing many solar developers for three years. He stated he has represented and got approval of approximately 200 solar farms across North Carolina, including Johnston County.

Teresa Daughtry asked if they could share with the board where the solar farm locations are in Johnston County.

Mr. Hannah stated the solar farms located in Johnston County are who he represents and are not Strata Solar developers.

Teresa Daughtry asked if Strata Solar has been anywhere in the area.

Sam Judd, Development Manager, stated the closest farm they have is in Nash County. He stated Strata Solar has approximately 100 farms either built or are currently in construction across the state.

Mark Lane asked what happens when the lifetime of the panels has expired in 25 years.

Jim Halley, Licensed Engineer, stated what Strata Solar thinks will happen is when new technology is created, the old panels will be replaced with new panels that will produce twice the amount of energy.

Teresa Daughtry asked if a traffic study was conducted and how are locations chosen.

Sam Judd stated there are certain things that have to be in place such as electrical infrastructure, including heavy gauge 3 phase Duke Progress wire and the site has to be in a certain proximity of a substation with enough capacity to accommodate one of these projects. He stated this site is the only property Strata could make contract with.

Mark Lane asked what if in 25 years Strata decides they don't want this property.

Jim Halley stated if the owner does not want to renew the lease after 25 years Strata comes in and pulls off all of the panels and recycle them, the posts and inverters come out and is easily reverted back to a farm field.

Mark Lane asked who would be responsible for the cost of the decommissioning.

Jim Halley stated Strata Solar.

Stephen Upton asked who is the beneficiary is of the solar power.

Sam Judd stated the power is produced at the farm and transferred over to the substation and then distributed to the local community.

Stephen Upton asked who the owner of the substation is.

Sam Judd stated Duke Energy.

Daniel Sanders asked what the setback is from Wilson's Mills Road.

Sam Judd stated 50ft.

Stephen Upton asked if the setback can be pushed back.

Sam Judd stated at the request of the board it can be.

Mr. Hannah added the closest panel from a residence is 215 feet.

Rich Kirkland, 9408 Northfield Ct Raleigh, stated he is a Certified General Appraiser for 20 years and is also a member of the National Appraiser Institute. He referenced a subdivision located in Goldsboro that is next door to a solar farm, he stated those homes in that subdivision have been sold before and after the construction of the farm. Data shows there have been no impact on property values in that area. Mr. Kirkland referenced two agricultural pieces of property; one in Orange County and one in Person County, both of which did not have any negative impacts on property values. He stated it was his professional opinion that the adjoining properties will not be negatively impacted and that the farm would be a harmonious use. There are no foul odors emitted from the farm and there's minimal noise. The height of the panels would be shorter than a single story house and are easily screened.

Daniel Sanders excused himself from the meeting due to a family emergency.

Mark Lane asked if any of the land values of the sites Mr. Kirkland referenced were impacted.

Mr. Kirkland stated the land values were not negatively impacted.

Mark Lane asked if the Wilson's Mills Road site was the only property that was looked at for the project.

Mr. Kirkland stated no.

Teresa Daughtry stated she has been told that some solar farms have had issues in the morning when the sun is shining bright and the panels heat up that birds have died. Ms. Daughtry asked if this has ever been an issue.

Jim Halley stated he has been employed with Strata for 2 ½ years and has been involved with approximately 80 farms and has never experienced this issue.

Karen Keen Casey, 922 Crocker Rd. Smithfield, stated she is an heir to the Roy Keen property which is directly across the street from the proposed project. Ms. Casey stated the solar farm located on Yelverton Grove Road in Smithfield has been maintained poorly with overgrown grass. She stated that representing the Keen family, they are satisfied with the agriculture and residents out there now and do not want the solar farm mainly because of the appearance. She stated everyone enjoys the wildlife that is there and wonder how the fencing will affect that wildlife. Ms. Casey is concerned with the traffic in this area due to fast approaching vehicles. She stated that when the solar farm on Yelverton Grove Road was constructed, cars were parked all over the side of the road and that will cause a dangerous situation.

Will Stephenson, 1824 Wilson's Mills Road, stated his property borders the southwest corner of the proposed site. He stated his main concern was the negative impacts on property values. He bought his house two years ago and at that time there were no plans of a solar farm. He noted of the properties the appraiser referenced earlier that they were subdivisions and believes the owners in this area would be impacted differently. Mr. Stephenson stated in the site plan, the solar panels vary in height between 6 and 7 feet, it shows a chain-link fence at 6 feet with barbed wire above, along with shrubs at a height of 6 feet after 3 years of growth. He stated the topography of the area where the solar panels will be placed is higher in the center which means he won't have much of a buffer. Mr. Stephenson asked if this project is comparable to a utility or is there a city ordinance specific to a solar farm.

Mr. Helmer stated as far as buffer standards, the Town of Smithfield has a matrix. On one end of the spectrum is residential and the other end is industrial. The closer to the two uses are the wider the buffer gets. The Town of Smithfield Unified Development Regulations currently requires a 40 foot planted buffer between residential and industrial. The Planning Board can recommend and the Town Council can approve buffers that exceed the minimum buffers required.

Jim Wilson, 1679 Wilson's Mills Road, stated he had a petition protesting this project signed by all of the adjacent property owners in the area. He stated he is more concerned about the future development prospects and the potential of the property in the ETJ. The Future Land Use Plan has commercial zoning less than a mile from the project which is not good for future development. It is his strong belief that the future of our town is west by the 70 corridor, Buffalo Road, and Wilson's Mills Road. Wilson's Mills Road has County water, fiber optic cable, natural gas, and sewer. He stated Durwood Stephenson Highway was developed to induce commercial growth. This project will deter future growth of the town, will depress property values, will become a safety issue, and does not conform.

Beth Trahos, attorney with Smith Moore & Leatherwood representing Canon Farm LLC, stated for purposes of the record this hearing is unique being it's quasi-judicial. It is understood that the Planning Board makes a recommendation to the Town Council but in the interest of maintaining the formalities that are required of the quasi-judicial process on behalf of the project we would object to the inclusion of a petition in the record as hearsay. Evidence not permitted to be admitted in a quasi-judicial hearing we would also object to the testimony that has been heard about impact on property values, traffic generation, safety, and other topics which the individuals speaking to you are not qualified experts. She stated she would like a standing objection to be held.

Bob Spence stated everyone can appear before the Board, these cases come here for an advisory opinion. The Town keeps a formal record that is later used for appealed cases. At that time the Judge excludes all evidence that is not competent. NC, unlike some states, permits lay persons to give opinions on effects on fair market value of real property but the witness must have particular knowledge of the property as it relates to the issue involved. If a witness is unaware what competent evidence is, they should find someone with expertise to help you.

Alec Wilson, 1663 Wilson's Mills Road, stated he lives next to the proposed project. He stated there are many other locations around Johnston County that are a better fit for the solar farm. Mr. Wilson asked what benefit the solar farm will bring to this neighborhood. He stated the only benefit he can see is a property tax benefit for the County. The power will be sold through Duke Energy and that wouldn't mean lower power bills for the area.

Elaine Byrd, 1948 Wilson's Mills Road, stated she bought her property four years ago. She stated she is concerned with the drainage and who will maintain the farm. She stated she has known of some solar farms using animals to help maintain the grass.

Mr. Hannah stated most of the comments heard are mutually exclusive. He stated the traffic would be more limited than any other development in that area. There will be construction traffic but would only be for a short time. A site is hard to find with such a low impermeable surface such as this property. The appearance and screening will be addressed and are willing to work with the surrounding neighbors. Regarding the panels and heat, it's just like having a car heating up in the sun but the panels do not produce heat nor will it cause a glare.

Stephen Upton asked which way the panels will be facing.

Mr. Hannah stated south.

Stephen Upton asked if any projects have run longer than 30 years.

Sam Judd stated some farms have been running since the 1970's in the western part of the US.

Stephen Upton asked if any of the farms have had any adverse effects.

Sam Judd stated there have not been any that he knows of.

Stephen Upton asked if there will be any issues with the gas line.

Sam Judd stated they would receive help from the gas company and that it should not pose a problem.

Mark Lane stated the Unified Development Ordinance does not speak of solar farms.

Paul Emblar stated that is correct.

Mark Lane stated he has a problem voting on the project without having an ordinance in place. He stated a solar farm ordinance was asked by Council 1 ½ years ago.

Mr. Embler stated the Town has for some months now been working on major revisions to the UDO.

Bob Spence stated solar farm ordinances are frequently produced by the solar farm industry or its opponents so such specific ordinances are not inherently superior to the current UDO and suggested the members deal with the ordinance we have and the factual issues as applied to it. The board has to proceed under the current ordinance.

Teresa Daughtry stated by looking at the Comprehensive Strategic Growth Plan there was a slow rate of growth at one time however, a lot has happened since then. A new bridge is about to be constructed at Highway 70 and will make way for heavier traffic counts. This will be bringing in commercial and industrial businesses along this corridor. Also, west Smithfield is in the process of having a residential complex constructed which will bring in more growth and the tax base is important for every growing town. Ms. Daughtry also referred to the NCDOT traffic pattern and according to their plan; a traffic count that goes over 9,000 vehicles requires two movement lanes with one turn lane. The Durwood Stephenson Bridge was constructed to promote growth to that part of town. At the time of construction, it was also planned that Wilson's Mills Road have an intersection. She stated she is looking out for the future growth of the town. The proposed site has water, sewer, and gas already set up for future growth. She stated the Planning Board has approved solar farm projects in the past, but looking at this particular site it does not conform to the future growth plan set in place. If the four corners of Wilson's Mills are taken away, growth will be stunted for residential and commercial. The Comprehensive Strategic Growth Plan has a plan for the town's future.

Ashley Spain stated everyone should look at the big picture. He stated when projects are proposed you can't make everyone happy. He stated the project is open to interpretation.

Jack Matthews stated if an industrial site was constructed at this site, more traffic would be coming and going compared to only a short time of the construction period for the solar farm.

Being no further questions, Mr. Upton closed the public meeting for CUP-16-05.

Mark Lane made a motion, seconded by Teresa Daughtry, to move to the Finding of Fact.

The Planning Board shall recommend and the Town Council of the Town of Smithfield shall decide the matter of this Conditional Use Permit Application by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reason or conclusions reached in support of the motion.

1. *Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved or is approved with the following stated conditions.*

The proposed Solar Farm will not materially endanger the public health or safety. The site will generate almost no traffic. The solar farm will not be staffed daily; employees are expected to visit the property periodically to check and maintain the equipment, mow

the grass and make repairs. The proposed solar farm will meet requirements of the Water Supply Watershed Overlay District. The proposed Solar Farm will protect against soil erosion and sedimentation. Care is taken to minimize grading on the site by individually setting poles to support the solar cells. The areas beneath the solar panels will be planted with grass to stabilize the site. During construction, erosion control measures will be maintained in accordance with the state and local regulations. The site will comply with state and local storm water regulations. As there will be no employees on site, there is no need for utilities. State environmental buffers will be maintained and respected. *All members stated true to approve.*

2. *Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.*

The proposed Solar Farm meets all height requirements. As such, no system, equipment or solar arrays will exceed 25 feet in height excluding electrical transmission lines and utility poles. Power transmission lines will be located underground to the extent practical. The proposed Solar Farm meets all landscape and fencing requirements. Setbacks will be at least fifty feet (50') from street right-of-way and all external property boundaries. The active portion of the site containing equipment will be enclosed and secured by a fence. It will be accessible by emergency officials 24/7 via a gated entrance. Extensive tree cover/vegetation exists along the rear of the proposed Solar Farm site and will remain as shown on the site plan. Where existing vegetation does not meet code standards, a plant materials meeting code requirements will be installed. As noted on the accompanying site plan, no lighting is proposed for this site. The only sound occurs during daylight hours with the quiet hum of electrical transformers, inverters, and substation delivering solar power to the power grid. At night, when the sun is not available, there is no energy being created and no noise on the site. The proposed project is designed to conform to and will be installed in compliance with all building and electrical codes set forth by the state and local governments. All solar system components will have a UL listing and anti-reflective coating(s). Individual arrays/solar panels will be designed and located to prevent glare toward any inhabited buildings and street right-of-way. *Gerald Joyner, Jack Matthews, Ashley Spain, and Daniel Sanders vote is in the affirmative. Mark Lane, Stephen Upton, and Teresa Daughtry's vote is in the negative. Vote: 4-3 to approve.*

3. *Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.*

The solar farm will not adversely affect the use or any physical attribute of adjoining or abutting property. It will be completely screened by a landscape buffer, it will be fenced in and locked so there is no debris or emission coming from the site, and dependable,

renewable energy along with creation of new jobs is a benefit to the public. All members stated true to approve.

However the board felt that even with buffering adequate for the “existing” residential and agricultural uses the buffering as designed for such an residential agricultural area is inadequate in the light of the current future use of this area along the corridor and buffering cannot compensate for the inconsistency of this use in this area as stated in the findings as to issue 4 hereinafter.

4. *Based on evidence and testimony presented it is the finding of the Planning Board that the application, if approved, would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following additional stated conditions.*

The appropriate land uses of this area have changed during the past two decades due to the increased residential and commercial traffic flow that will be concentrated here with the new interstate highway extension to Kinston on this side of Highway 70 on this very Wilson Mills Road. A major node is planned at Wilson Mills Road less than half a mile away. Thus now the solar farm is located in a future development corridor as identified in the past decade in the Smithfield Comprehensive Land Use Plan (2001) which prioritizes commercial development along Wilson Mills Road at this point because of its close proximity to the anticipated future growth corridors along Wilson Mills Road and Booker Dairy Road. Furthermore the Town developed the Land Use Plan in 2001 well before it know of the even greater eventual intensity of use in this area with commercial and retail development due to the planned interstate expansion. Therefore buffers which might be consistent with current uses cannot adequately protect this area from the inconsistency of this solar farm as an industrial use in this prime corridor in the heart of our growth corridor. A solar farm at this location simply conflicts with the desired long term pattern of uses for this area based on the Land Use Plan and even more due to the interstate expansion.

Rather than be commercial development which will be consistent with and support the commercial and retail business which are anticipated to be densely developing at this traffic node, this solar panel utility and industrial use provides a rather passive, nonsupportive use covering a large area right near this traffic node and the inconsistency of this use cannot be buffered away. Water, Sewer, electric, gas and fiber optics services is all in close proximity of the array for the purpose of supporting residential/retail/commercial growth. However with the new designation of US 70 as a future interstate highway, the growth corridor identified in the Growth Management Plan must be preserved and a large industrial use such as the solar farm is inconsistent with these needs at this time. (Applicant fails to meet the criteria necessary for approval) Teresa Daughtry, Gerald Joyner, Mark Lane, Jack Matthews, Stephen Upton’s vote is in the affirmative to deny. Ashley Spain and Daniel Sanders vote is in the negative to approve. Vote: 5-2 to deny.

Based upon failure to meet all of the above four stated findings and for reasons stated therein the Planning Board recommends denial of the Conditional Use Permit Application CUP-16-05.

Teresa Daughtry made a motion, seconded by Jack Matthews to recommend denial of a conditional use permit to construct and operate a solar farm on property located within an R-20A (Residential-Agricultural) zoning district. Unanimous.

Old Business:

New Business:

Stephen Upton made a motion to adjourn, seconded by Teresa Daughtry. Unanimous.

Submitted this 2nd day of June, 2016.

Veronica Hardaway
Administrative Support Specialist
Planning Department