



LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT
302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE 704-732-9010 FAX

To: Board of Commissioners
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: August 20, 2014

Re: UDO Proposed Amendments #2014-2
Planning and Inspections Department, applicant

The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on September 8, 2014.

This is a proposal to amend the Lincoln County Unified Development Ordinance as follows:

- **Amend Section 12.3.2 to add a definition for solar farm.**
- **Amend Section 2.3.3 to specify that the use group "Major Utility" does not include a solar farm.**
- **Amend Section 2.2.1 to add "solar farm" as a conditional use in the R-R, R-T, B-G, B-C, I-L and I-G districts.**
- **Amend Section 2.5.1.F to add "solar farm" as a conditional use in the Eastern Lincoln Development District**
- **Amend Section 4.3 to add standards for a solar farm.**

In drafting the proposed amendments, staff reviewed regulations adopted by other counties and an ordinance template developed by a stakeholders group that included solar industry representatives, local planners and other governmental officials.

This proposal comes amid continued interest in the possible establishment of solar farms in Lincoln County. The proposed amendments address issues that arose with previous applications for conditional use permits for such projects.

This proposal would:

— Create a separate classification in the Use Table for solar farms. Currently, a solar farm falls under the definition of "Major Utility," a classification that is listed as a conditional use in all zoning districts.

— Limit the zoning districts in which a solar farm is listed as a conditional use, meaning a solar farm would not be permitted in certain districts, including the R-SF district.

— Establish a uniform 50-foot minimum setback from road right-of-ways and property lines for structures and fencing. Currently, the minimum setback is typically less than 50 feet and varies depending on the zoning district and which side of a property is involved.

— Establish a standard for screening a site where it abuts but a public road or a residential use. Currently, a Class A buffer, a relatively minimal landscaping standard, is required where a site abuts an arterial or collector road. No buffer is required otherwise.

— Require applicants to submit information concerning potential glare to the Federal Aviation Administration if the proposed site is within five miles of a FAA-regulated airport.

— Require applicants to submit and record a plan for removing equipment and restoring a site after a solar farm ceases to generate electricity.

— Require a solar farm to be decommissioned within 12 months after it's deemed defunct.

Following is the full text of the proposal:

Amend Section 12.3.2 to add a definition for solar farm:

§12.3.2. General Terms

SOLAR FARM. A solar photovoltaic facility whose primary purpose is to generate power for off-site use, typically to sell to energy companies.

Amend Section 2.3.3 to specify that the use group "Major Utility" does not include a solar farm:

§2.3.3. Civic Use Groups

Utility, Major: A large-scale utility such as water or wastewater treatment plant, water tower, electrical generation plant, or transmission facility or any similar use. "Solar farm" is specifically excluded from the definition of "Major Utility."

Amend Section 2.2.1 to add "solar farm" as a conditional use in the R-R, R-T, B-G, B-C, I-L and I-G districts:

§2.2.1 Use Table

Civic Uses	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G	B-C	I-L	I-G	Use Standard
P = Permitted	S = Special Use (§9.10)				C = Conditional Use (§9.11)						* = Group of Uses (§2.3)					
Solar farm	C	C										C	C	C	C	§4.3.7

Amend Section 2.5.1.F to add "solar farm" as a conditional use in the Eastern Lincoln Development District:

§2.5.1 Eastern Lincoln Development District

F. Permitted Use Chart

Eastern Lincoln Development District Uses		ELDD
P = PERMITTED	S = SPECIAL (9.10)	C = CONDITIONAL (9.11)
Civic Uses		
Solar farm		C

Amend Section 4.3 to add standards for a solar farm:

§4.3.7. Solar Farm

- A. All structures and security fencing shall be set back a minimum of 50 feet from property lines and road right-of-ways.
- B. Where a site abuts a public road or property with a residential use, the following screening shall be provided unless a modification is approved by the Board of Commissioners: two parallel rows of evergreen trees or shrubs, a minimum of five feet in height at planting, arranged in a staggered manner a maximum of 10 feet apart in each row, with the rows a maximum of 10 feet apart.
- C. No panel structures shall be greater than 20 feet in height.
- D. The electrical collection system shall be placed underground except near points of interconnection with the electric grid.
- E. A map analysis showing a radius of five nautical miles from the center of the project with any airport operations in the area highlighted shall be submitted with the conditional use permit application. If a Federal Aviation Administration (FAA) regulated airport is located within the radius, all required information shall be submitted to the FAA for review. Proof of delivery of notification and date of delivery shall be submitted with the permit application.
- F. A decommissioning plan signed by the party responsible for decommissioning and the landowner shall be submitted with the permit application and shall be recorded with the Register of Deeds prior to final electrical inspection. The plan shall include the following information: defined conditions upon which decommissioning will be initiated, the anticipated manner in which the solar farm project will be decommissioned and the site restored, a timetable for completion of decommissioning, description of any agreement with the landowner regarding decommissioning, the party responsible for decommissioning, and plans for updating the decommissioning plan.
- G. A solar farm that ceases to produce energy on a continuous basis for 12 months shall be considered abandoned and the property owner and other responsible party shall be required to decommission the facility and restore the site to its prior condition within 12 months from the time that the facility is deemed to be abandoned, unless substantial evidence is presented to the Director of the intent to maintain and reinstate the operation of the facility.
- H. In the event the property owner and/or responsible party fail to timely decommission the solar farm facility as required above, Lincoln County and the Director shall be entitled to take all measures allowed by this UDO and the North Carolina General Statutes, including, but not limited

to, the right to levy penalties as provided in §11.2.1, the right to obtain a permanent injunction ordering the removal of such solar farm facility, and the right to obtain a court order permitting Lincoln County to remove such solar farm facility.



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Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness

Case No. **UDO Proposed Amendments #2014-2**

Applicant **Planning and Inspections Department**

Proposed amendments

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- **Amend Section 2.3.3 to specify that the use group "Major Utility" does not include a solar farm.**
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These proposed amendments **are consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

Strategy 4.1.1 of the Land Use Plan calls for having criteria in place to ensure that residential development is buffered from other types of uses. Guiding Principle 5 calls for protecting the appearance of roadsides.

These proposed amendments **are reasonable and in the public interest** in that:

The regulations will limit the areas in which solar farms may be located and establish standards for locating solar farms in other areas, while still allowing ample opportunities for such projects.



UDO Text Amendment Application

Lincoln County Planning and Inspections Department
Zoning Administrator
302 N. Academy St., Suite A, Lincolnton, NC 28092
Phone: (704) 736-8440 Fax: (704) 732-9010

Part I

Applicant Name Lincoln County Planning and Inspections Department

Applicant Address 302 N. Academy St., Suite A, Lincolnton, NC 28092

Applicant Phone Number (704) 748-1507

Part II

Briefly describe the proposed text amendments.

- Amend Section 12.3.2 to add a definition for solar farm.
- Amend Section 2.3.3 to specify that the use group "Major Utility" does not include a solar farm.
- Amend Section 2.2.1 to add "solar farm" as a conditional use in the R-R, R-T, B-G, B-C, I-L and I-G districts.
- Amend Section 2.5.1.F to add "solar farm" as a conditional use in the Eastern Lincoln Development District
- Amend Section 4.3 to add standards for a solar farm.

I hereby certify that all of the information provided for this application and attachments is true and correct to the best of my knowledge.

Randy Awwkins
Applicant

July 25, 2014
Date