



REQUEST FOR BOARD ACTION

ITEM NO. 16

DATE OF MEETING: January 19, 2016

REQUESTED BY: Megan O'Hare, Senior Planner, Planning & Community Development

SHORT TITLE: Resolution Requesting Approval of a Special Use Permit (SUP) for the Construction and Operation of a Solar Farm.

BACKGROUND: Innovative Solar 67, LLC, applicant, on behalf of Maxine C. Cartwright, owner, is requesting approval of a Special Use Permit for the construction and operation of a solar farm (NAICS 221119). The property is zoned RA, Rural Agricultural zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; other electric power generation (NAICS 221119) is permitted via Special Use Permit. There is one (1) tract associated with this request totaling approximately \pm 424.5 acres and is located south of Shiloh Road (SR 1209) between Penderlea HWY (SR 1332) and Horse Branch Road (SR 1336). The subject property may be further identified by Pender County PIN 2391-98-3013-0000.

SPECIFIC ACTION REQUESTED: To Hold a Public Hearing and Consider the Approval of a Special Use Permit for a solar farm.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

on January 19, 2016 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit request as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ McCoy ___ Keith ___ Piepmeyer ___ Williams ___

George Brown, Chairman 1/19/2016
Date

ATTEST 1/19/2016
Delivered Date

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: January 19, 2016
Applicant: Innovative Solar 67, LLC.
Property Owner: Maxine C. Cartwright
Case Number: SUP 75-2015

Land Use Proposed: Innovative Solar 67, LLC, applicant, on behalf of Maxine C. Cartwright, owner, is requesting approval for a Special Use Permit for the construction and operation of a solar farm (NAICS 221119).

Property Record Number and Location: There is one (1) tract associated with this request and is located south of Shiloh Road (SR 1209) between Penderlea HWY (SR 1332) and Horse Branch Road (SR 1336). The subject property may be further identified by Pender County PIN 2391-98-3013-0000.

Zoning District of Property: The property is zoned RA, Rural Agricultural zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; other electric power generation (NAICS 221119) is permitted via Special Use Permit.

PROJECT DESCRIPTION:

Innovative Solar 67, LLC, applicant, on behalf of Maxine C. Cartwright, owner, is requesting approval for a Special Use Permit for the construction and operation of a solar farm (NAICS 221119). The property is zoned RA, Rural Agricultural zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; other electric power generation (NAICS 221119) is permitted via Special Use Permit. There is one (1) tract associated with this request and is located south of Shiloh Road (SR 1209) between Penderlea HWY (SR 1332) and Horse Branch Road (SR 1336). The subject property may be further identified by Pender County PIN 2391-98-3013-0000.

The subject property is zoned RA, Rural Agricultural zoning district, and according to the Pender County Unified Development Ordinance Section 5.2.3; solar farms (NAICS 221119) are permitted via Special Use Permit in the RA, Rural Agricultural zoning district.

The ± 424.5 acre subject parcel is currently occupied by agricultural uses, vacant farmland, and a single-family residence. The proposal includes the construction of a solar power plant on ±259.68 acres of leased property. According to the applicant's submitted narrative, the project consists of installing 140,000 Photovoltaic solar panels on metal racking supported by columns driven into the ground and facing south for optimum energy production. There will be several inverters and transformer assemblies constructed on concrete pads. A Duke Energy Power House will be constructed on a 150' x 150' concrete pad along with a 200' x 200' substation on a concrete pad. The power generated from the thirty-five (35) megawatt solar farm will be sold to Duke Energy Progress for use by consumers. The project will connect with existing Duke Energy Progress transmission lines.

Hours of Operation

There will be no daily staff used to operate the solar farm. Employees will visit the site on a weekly basis.

Landscape and Buffers

All landscape and buffers are to be approved in accordance with Section 8.2.8, Project Boundary Buffer of the Pender County Unified Development Ordinance. All commercial or uses other than residential uses (excluding industrial uses) in the Residential Districts shall provide a Buffer A along all street boundaries. A Buffer C is required along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than one (1) acre and when a single family structure is within fifty (50) feet of the boundary of the development. A Buffer B is required along all other non-street boundaries (Attachment 1).

The applicant proposes a B-2 Buffer along the project boundary, which is in compliance with the landscaping standards found in Section 8.2.2 of the Pender County Unified Development Ordinance. Section 8.2.2 states when a site is five (5) acres or larger, the required buffer may be located within the outer perimeter of the limit of disturbance of the project area on the lot or parcel. If the limit of disturbance is expanded, the buffer shall be adjusted accordingly. The applicant's submitted landscaping and buffering is in compliance with ordinance standards.

Driveway Access

The applicant is showing direct access to project area via an existing driveway off of Shiloh Road (SR 1209) and is subject to review and approval by the NCDOT through a driveway permit which may be required at the Site Development Plan submittal.

Utilities

The proposed project does not include any water or sewer services.

Solar Farm Considerations

At the point of which the project is no longer operational for 12 months, considerations shall be made for disassembling and dismantling the equipment to ensure the site is vacant. This is accomplished through a Decommissioning Plan. If the site ceases to produce energy on a continuous basis for 12 months, it will be considered abandoned unless the current responsible party (or parties) with ownership interest provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of that facility.

Removal shall be considered for all non-utility owned equipment, conduit, structures, fencing, roads and foundations. Such can be captured in a Decommissioning Plan recorded within the Pender County Register of Deeds prior to final electrical inspection of the facility. If the responsible party (or parties) fails to comply, the Zoning Administrator may remove the equipment from the site, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the facility and restore the site to a non-hazardous condition.

The project bounds shall be fenced to ensure the health, safety and well-being of the site and the surrounding community. Fencing the project is submitted for six (6) feet in height with barbed wire.

Prior to the issuance of final zoning approval, a site development plan must be submitted and approved in accordance with applicable provisions of the Pender County Unified Development Ordinance. In

In addition, all other applicable permits and approvals must be obtained including inspections and health department regulation compliance.

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES											
Other Electrical Power Generation	221119	S	S			S			P	P	

EVALUATION:

- A. Public Notifications:** Advertisements for the proposal have been placed in the Pender-Topsail Post & Voice. Adjacent property owners were notified by first class mail; as well as a sign advertising the public hearing was placed on the subject property.
- B. Basis for Granting SUP:** See Attachment A for approval procedures (§3.12.3 of Unified Development Ordinance) and revocation procedures (§3.12.4 of Unified Development Ordinance).
- C. Unified Development Ordinance Compliance:** The property is currently zoned RA, Rural Agricultural, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; solar farms are permitted via Special Use Permit in the RA, Rural Agricultural zoning district. The Rural Agricultural District is intended to accommodate non-residential agricultural uses and very low density residential development (minimum of 1 du/ac), as well as limited non-residential uses, in rural areas adjacent to agricultural operations. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal.
- D. 2010 Comprehensive Land Use Plan Compliance:** The subject property is classified as Rural Growth and Suburban Growth in the 2010 Comprehensive Land Use Plan.

The Rural Growth land use classification defines those areas of Pender County where urban services, i.e., public water and sewer services, are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agricultural operations is a primary concern and where conflicts between agricultural and non-agricultural uses are to be discouraged. Rural Growth areas are intended to protect agricultural and forestry operations that are a major part of the County's economic base and that are key to preservation of the County's rural landscape. Major job-creating activities that are compatible with farms, forestry and very low-density development are appropriate.

The Suburban Growth land use classification identifies those areas of Pender County where significant residential growth is expected to occur within the planning horizon. Areas designated as Suburban Growth are located primarily adjacent to municipal planning jurisdictions and within or near high growth, unincorporated areas of the County, i.e., Hampstead/Scotts Hill, Rocky Point, and portions of US 421 South. Suburban Growth designates areas where public water and public sewer are available or are planned in the near future. This project is consistent with the Rural Growth and Suburban Growth classifications in the 2010 Pender County Comprehensive Land Use Plan.

- a. The SUP request may be supported by policies within the 2010 Comprehensive Land Use Plan:
 - i. **Policy 1A.1.5** -The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike
 - ii. **Policy 8A.1.5** Encourage alternative energy development as a viable land use and standards, as necessary, to ensure minimal impact on surrounding land uses

This SUP request does not conflict with any goals and policies in the 2010 Pender County Comprehensive Land Use Plan.

- E. Existing Land Use in Area:** The subject parcel is bordered by low density residential properties the north and east, with undeveloped wooded tracts of land to the south and west.

F. Site Access Conditions: The applicant is showing direct access to Shiloh Road (SR 1209) via an existing driveway and is subject to review and approval by the NCDOT through a driveway permit which may be required at the Site Development Plan submittal.

G. Conditions To Consider In Issuing the Special Use Permit For This Project:

1. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.
2. Any violations of the conditions of this permit, confirmed by the Zoning Administrator shall result in this permit becoming void, if not corrected within 30 days of receipt of the notice of violation.
3. The applicant shall meet all other local, state and federal regulations.
4. The obligations imposed by this permit will be the responsibility of the property owner and operator and shall continue in affect for the duration of this permit.
5. The facility must be fenced surrounding the entire project bounds.
6. A Decommissioning Plan shall be recorded within the Pender County Register of Deeds. The plan shall identify and establish procedures for removal of equipment, conduit, structures, fencing, roads, and foundations once the site has ceased to produce energy on a continuous basis for 12 months.
7. A site that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of that facility. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible they must remove the facility and restore the site to its condition prior to development of the site within three hundred and sixty (360) days of notice by the Zoning Administrator.
8. If the responsible party (or parties) fails to comply, the Zoning Administrator may remove the equipment from the site, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the facility and restore the site to a non-hazardous condition.
9. Any expansions of solar farm acreage shall require a revision to the Special Use Permit approval.

Attachment A

3.12.3 Procedures for Reviewing Applications

- A. The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.
- B. The Board of County Commissioners, acting in a quasi-judicial manner and setting, shall hear evidence from the applicant and any interested members of the public.
- C. The Board of Commissioners shall hold a public hearing on the application for a Special Use Permit within sixty (60) days after the completed application is filed.
- D. The Administrator shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing.
- E. All Special Use Permit applications must be presented to the Administrator for a determination of completeness.
- F. An appeal from a completeness determination may be made to the Board of Adjustment within twenty (20) days of the determination.
- G. The Board of Commissioners shall approve, modify, or deny the application for a Special Use Permit. In approving a Special Use Permit, the Board of Commissioners, with due regard to the nature and state of all adjacent structures and uses in the district within same is located, shall make written findings that the following are fulfilled:
 - 1. The use requested is listed among the special uses in the district for which application is made, or is similar in character to those listed in that district;
 - 2. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;
 - 3. The proposed use shall not constitute a nuisance or hazard;
 - 4. The requested use will be in conformity with the Pender County Land Use Plan and other official plans or policies adopted by the Board of County Commissioners;
 - 5. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
 - 6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads;
 - 7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and
 - 8. The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.

3.12.4 General Provisions Concerning Special Use Permits

- B. Revocation - In any case where the Special Use Permit or the conditions of a Special Use Permit have not been or are not being complied with, the Administrator may initiate a notice of violation for the provisions of this ordinance and the conditions of the Special Use Permit not in compliance or the Administrator, may initiate notice of a public hearing to consider revocation of the permit by the Board of Commissioners or both actions may be initiated. Procedures for notice of such hearing shall be the same as procedures for consideration of an initial application for a Special Use Permit and the permittee shall be notified.

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP 75-2015	Date	11-3-15
Application Fee	\$ 2846.80	Receipt No.	Inv. 00000039
Pre-Application Conference	10-3-15	Hearing Date	1-25-16
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Innovative Solar 67, LLC	Owner's Name:	Maxine C. Cartwright
Applicant's Address:	1095 Hendersonville Rd.	Owner's Address:	441 Shiloh Rd.
City, State, & Zip	Asheville, NC 28803	City, State, & Zip	Willard, NC 28478
Phone Number:	(828) 424-7884	Phone Number:	(910) 612-9013
Legal relationship of applicant to land owner:	Lease Holder		
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	2391-98-3013-0000	Total property acreage:	424.50
Zoning Classification:	RA - Rural Agricultural	Acreage to be disturbed:	259.68
Project Address:	1001 Shiloh Rd. Willard, NC 28478	NAICS Code:	221119
Description of Project Location:			
Describe activities to be undertaken on project site:	35 MW Solar Farm		
SECTION 3: SIGNATURES			
Applicant's Signature	<i>Lama Roddy</i>	Date:	11/2/15
Owner's Signature	<i>Maxine C. Cartwright</i>	Date:	10/9/15
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 1. Applicant must also submit the information described on the Special Use Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Commissioners or other authorized person agrees to table or delay the hearing. 4. Applicant may wish to review the required findings for approval of a Special Use Permit found on page 1 of this application. 5. Permit will become void after 12 months if a final zoning permit is not obtained, unless specifically requested at the time of public hearing. 			

Office Use Only							
<input checked="" type="checkbox"/> General/ Fees: \$300 +\$10 per acre over 5 acres, Max. of \$5,000 <input type="checkbox"/> Tower over 75 Feet/ Fees \$500 <input type="checkbox"/> Minor Revisions / Fees \$100 <input type="checkbox"/> Mining Fees \$750				Total Fee Calculation: \$ 2846.80 Application#: 75-2015 Date of Hearing:			
Attachments Included with Application: (Please include # of copies)							
CD /other digital version	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large 2	# of 11X17 20	Other documents/Reports	<input type="checkbox"/> Y <input type="checkbox"/> N	
Payment Method:	Cash : <input type="checkbox"/> \$ _____		Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		Check: <input checked="" type="checkbox"/> Check # 2839		
Application received by: <i>Pat O'Neil</i>						Date: 11-3-15	
Application completeness approved by: <i>Pat O'Neil</i>						Date: 11-9-15	

Special Use Permit Checklist

<input checked="" type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input checked="" type="checkbox"/>	Application fee
<input checked="" type="checkbox"/>	Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address of these property owners (The application will not be advertised for public hearing until the list is accurate & complete)
<input checked="" type="checkbox"/>	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
<input checked="" type="checkbox"/>	Project Narrative-- Written description of the project (max of 3 pages) including the following: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Location of the project and type of access to project site <input checked="" type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc. <input checked="" type="checkbox"/> Description of all construction activities to be undertaken on the site <input checked="" type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers <input checked="" type="checkbox"/> List of all state and federal permits that will be required for the project <input checked="" type="checkbox"/> Applicant must specifically address the 8 written findings for Special Use Permit approval which are identified on page 1 of this application and in the Pender County Unified Development Ordinance (Section 3.12.3.G.). Describe any potential impacts the project will have on the community or adjacent properties such as traffic, noise, etc. and explain efforts to mitigate these impacts. The applicant may also wish to describe any positive benefits the project will provide for the community and/or neighbors of the project.
<input checked="" type="checkbox"/>	Project Map(s)-- Map or maps of the special use project site with boundaries of the project if less than the parcel boundaries. This map or maps shall be drawn to a <u>readable</u> scale. The scale shall be not more than 200' to the inch. The map shall display an accurate bar graph scale, date prepared, north arrow and the author of the map. This map(s) shall show the following: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Boundaries of the property upon which the special use will be located, the acreage in the property and project site, with a north arrow and bar graph. <input checked="" type="checkbox"/> Access from the site and/or project boundaries to the nearest publicly maintained road. <input checked="" type="checkbox"/> Location of any existing structures or uses on the property and within 50' of the property. <input checked="" type="checkbox"/> Location of the project boundaries if they do not coincide with the property boundaries. <input checked="" type="checkbox"/> Existing and proposed structures, other on-site improvements, and location of all activities associated with the use, location of well, septic tank, and/or other utilities. <input checked="" type="checkbox"/> Boundary of all clearing, grading, and/or land disturbing activities on the site and the calculated acreage of all land disturbing activities on the site. <input checked="" type="checkbox"/> Parking, loading areas, and access to the project (See Article 7, Pender County UDO) <input checked="" type="checkbox"/> Landscaping and buffering (See Article 8, Pender County UDO) <input checked="" type="checkbox"/> All signs to be located on the property (See Article 10, Pender County UDO) <input checked="" type="checkbox"/> Pedestrian walks, area lighting and flood lighting. <input checked="" type="checkbox"/> Existing natural features of the site including, wooded areas, tree lines, ponds, streams, other water bodies or ditches on or adjacent to the site, designated flood hazard areas & known or designated wetlands on the site. <input checked="" type="checkbox"/> Drainage plan and/or direction of flow of runoff from the project and site. <input type="checkbox"/> After review by the Planning and Community Development Department, additional information may be required to be submitted. <input checked="" type="checkbox"/> Two full size and twenty reduced size (max. 11"x17") copies of this map(s) shall be submitted.
RETURN COMPLETED APPLICATION TO: Pender County Planning & Community Development P.O. Box 1519 Burgaw, NC 28425	

Print Form

Innovative Solar 67, LLC Project Narrative

Land Use Proposed: Innovative Solar 67, LLC, applicant, is requesting approval of a Special Use Permit for the construction and operation of a solar farm.

Property PIN: The property may be identified by Pender County PIN 2391-98-3013-0000. The owner of the subject property is Maxine C. Cartwright.

Property Location: The Subject Site is located in the east region of North Carolina approximately 9 miles southwest of Willard and 32 miles north of Wilmington. It lies 1.5 miles west from the intersection of Shiloh Road and State Road 1336/Horse Branch Road and is directly off of Shiloh Road in Pender County, North Carolina. The site will be accessed from Shiloh Road.

Zoning District of Property: The current zoning of the subject property is RA, Rural Agricultural district and solar farms are permitted via Special Use Permit in the RA, Rural Agricultural zoning district.

Project Description: Innovative Solar 67, LLC (IS 67) will be a 35 MW AC solar photovoltaic system located at 1001 Shiloh Rd., Willard, NC 28478 (Pender County). The system will be ground mounted and comprised of major system components considered "Tier 1" quality in the solar industry.

The Subject Site is an approximate 259.68 acreage tract made from the parent parcel 2391-98-3013-0000 having 425 approximate acres. The facility will consist of approximately 140,000 solar photovoltaic modules on an aluminum or steel racking structure. There will be a Duke Energy Power House constructed on a 150' by 150' concrete pad and a substation constructed on a 200' by 200' concrete pad. The project will connect with the existing Duke Energy transmission lines. The power produced on site will be sold to Duke Energy via a long-term power purchase agreement.

There will be no daily staff used to operate the solar farm. Employees will visit the site on a weekly basis.

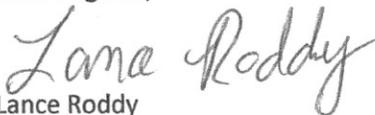
The facility will produce power during daylight hours all year. The system will be producing its maximum power in the summer months when the grid load is at its peak. The facility will have minimal audio and aesthetic impact on the surrounding area due to the design of the system and the nature of solar photovoltaic technology.

Permits Required: The permits that will be required (either through a study, an issued permit or a Finding of No Significant impact) will include: wetlands, riparian buffer, grading, erosion sediment control, endangered species, storm water, site plan, any special permits, electrical, and building, if structures are required.

Written Findings:

1. A solar farm is listed among the special uses in the district for which application is made, or is similar in character to those listed in that district.
2. The requested use of a solar farm will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property.
3. The proposed use of a solar farm shall not constitute a nuisance or hazard. The sound emitted from the solar farm is negligible and the panels will not produce any glare.
4. The requested use of a solar farm will be in conformity with the Pender County Land Use Plan and other official plans or policies adopted by the Board of County Commissioners.
5. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided to the solar farm.
6. Innovative Solar 67, LLC has taken adequate measures to provide ingress and egress access to the site to minimize the traffic congestion in the public roads.
7. The proposed solar farm will conform to the applicable regulations of the district in which it is located.
8. The proposed use of a solar farm shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.

With Regards,


Lance Roddy

8.2.4 Prohibited Use of Buffer Area

A buffer area shall not be used for any building or use, accessory building or use, parking or loading area, storage area, or other principal or accessory uses except as specifically permitted in this Ordinance.

8.2.5 Planting in Easements

- A. Where required plantings are located in easements, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their removal.
- B. No trees shall be planted in wet retention ponds, drainage maintenance easement, or any utility maintenance easements.
- C. Shrubs may be planted within easements, provided they are only within the outer three feet of the easement. No new trees may be planted in an easement.
- D. Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to the tree line, they are a species adapted to seasonal flooding and the pond is adequately maintained.

8.2.6 Buffer Descriptions and Options

The following descriptions list the specifications of each buffer. The requirements reflect the minimum and the developer may increase the buffer at his/her option. Buffer requirements are stated in terms of width of the buffer and the number of plant units required per one hundred (100) linear feet of buffer. The requirements of a buffer may be satisfied by any of the options under each letter designation or existing equivalent vegetation. All mathematical rounding shall be upward and shall be applied to the total amount of plant material required in the buffer, not to each one hundred (100) foot length. The required canopy and understory trees shall generally be spread uniformly along the buffer. Shrubs may be clustered when a 98% grass cover is provided in all areas of the buffer other than within 4 ft. of the base of any tree or shrub.

Buffer A

Buffer "A" This buffer is designed primarily for road frontage areas and should run parallel to the street to provide a continuous, aesthetically pleasing streetscape. The requirements for buffer "A" shall be met by any one of the following:

A-1) 15 foot wide strip with 3 canopy trees, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet (width may be reduced to 10' for existing developed lots that are subject to new buffer requirements), or

A-2) 20 foot wide strip with 3 canopy trees, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 18 shrubs per 100 linear feet, or

A-3) 25 foot wide strip with 1 canopy tree, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 21 shrubs per 100 linear feet, or

A-4) 30 foot wide strip with 1 canopy tree, 2 understory trees and either a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 32 shrubs per 100 linear feet.

Buffer B

Buffer "B" This buffer is a medium density planting area to be used primarily along non street boundary lines to provide spatial separation between similar types of uses. The requirements for buffer "B" shall be met by any one of the following:

B-1) 10 foot wide strip with 3 canopy trees, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or

B-2) 15 foot wide strip with 3 canopy tree, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or

B-3) 20 foot wide strip with 1 canopy tree, 2 understory tree and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 15 shrubs per 100 linear feet, or

B-4) 25 foot wide strip with 0 canopy trees, 5 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 21 shrubs per 100 linear feet.

Buffer C

Buffer "C" This buffer is designed to provide a high density screen primarily along non street boundary lines to provide buffer and separation between different categories of uses such as commercial adjacent to residential uses or other non-residential uses adjacent to high density single family residential uses. The requirements for buffer "C" shall be met by any one of the following:

C-1) 10 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence and 2 canopy trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or

C-2) 15 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence or an evergreen hedge* that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or

*Reference spacing requirements in plant list for specific species and spacing to achieve evergreen hedge

C-3) 20 foot wide strip with an evergreen hedge that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree or 3 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or

C-4) 25 foot wide strip with an evergreen hedge that will provide a continuous screen at least 6' high within 4 years, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet.

Buffer D

Buffer "D" This buffer is a low density planting area to be used along boundary lines in rural areas between large lots or tracts with substantial buffer width and setbacks to provide spatial separation between uses that are developed at very low density. The requirements for buffer "D" shall be met by any one of the following:

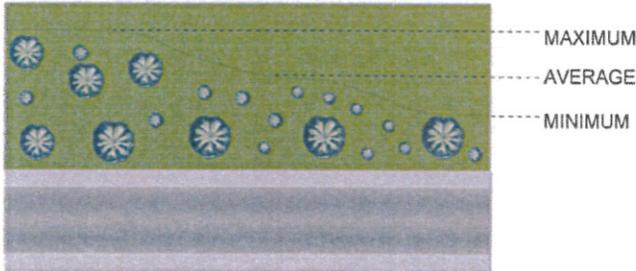
D-1) 15 foot wide strip with 3 canopy trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet, or

D-2) 20 foot wide strip with 2 canopy trees, 2 understory trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet, or

D-3) 25 foot wide strip with 1 canopy tree, 3 understory trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet.

8.2.7 Buffer Depth Averaging

While the buffer depth is normally calculated as parallel to the property line, design variations are allowed and are calculated on the average depth of the buffer per 100 feet of linear width measured along the property line. Minimum depth of buffer in any case shall not be less than 50% the required depth of the buffer chosen. Maximum depth shall not be more than 150% the required depth of the buffer chosen.



8.2.8 Project Boundary Buffer

The following are the buffering requirements of listed permitted uses in each district and certain special types of development. Special uses may be required to meet additional buffer requirements, but shall in all cases be required to have at a minimum the same buffer as permitted uses. Existing vegetation that meets or exceeds the requirements of the specific buffer is desired and allowed instead of any required new plantings.

Buffers Required for Mobile Home Parks - Mobile home parks shall be required to have the following buffers:	
Location of Buffer for Mobile Home Parks	Type Buffer
Along all boundaries adjacent to a street	Buffer A
Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the park	Buffer C
Along all other boundaries	Buffer B

Buffers Required for Multifamily and Planned Developments - Multifamily and Planned Developments shall be required to have the following buffers:	
Location of Buffer for Multi-family & Planned Developments	Type Buffer
Along all boundaries adjacent to a street	Buffer A
Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the development	Buffer C
Along all other boundaries	Buffer B

Buffers Required for Shopping Centers - Shopping centers shall be required to have the following buffers:	
Location of Buffer for Shopping Centers	Type Buffer
Along all boundaries adjacent to a street	Buffer A
Along all boundaries adjacent to Residential Districts or uses and adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the development	Buffer C
Along all other boundaries	Buffer B

Buffers Required for All Non-residential Uses (Excludes Industrial Uses) in All Residential Districts, (RA, RP, RM, MH) - Residential uses in Residential Districts are not required to have buffers, except as required for mobile home parks, Multifamily and Planned Developments. All commercial or uses other than residential uses (excluding industrial uses) in the Residential Districts shall provide the following buffers: Uses in these districts that require a special use permit will in addition, provide other buffers as specified in the special use permit.

Location of Buffer for Non-residential Uses in the Residential Districts	Type Buffer
Along all street boundaries of the Development	Buffer A
Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the development	Buffer C
Along all other non-street boundaries	Buffer B

Buffers Required for the Commercial Districts - All uses in the General Business and Office & Institutional Districts shall be required to have the following buffers:

Location of Buffer for GB and OI Districts	Type Buffer
Along all boundaries adjacent to street right-of-ways	Buffer A
Along all non-street boundaries adjacent to Residential Districts and adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the development	Buffer C
Along all other boundaries	Buffer B

Buffers Required For The Industrial Districts And Industrial Uses In Any Other Districts

Location of Buffer for Industrial Districts	Type Buffer
Along all street boundaries	Buffer D
Along all non-street boundaries adjacent to Residential Districts when adjacent to single family residential structures within 50' of the project boundary	Buffer C
Along all other boundaries	Buffer D

Buffers Required in the Watershed Overlays (WS-PA & WS-CA).

Type Use	Buffer Requirement Watershed Districts
Bona fide Farms	Bona fide Farms in the Watershed Critical Area District (WSCA) shall maintain a 10 foot permanently vegetated buffer adjacent to all perennial waters as shown on the most recent edition of the USGS 1:24000 (7.5 minute) topographic map. The buffer shall remain vegetated and shall be used only for access and utilities.
Silviculture Activities	Silviculture activities shall maintain buffers (Streamside Management Zones) as described in the Division of Forest Resources Rules and Best Management Practices Manual.
All activities, other than bona fide farms and silviculture activities	All activities, other than bona fide farms and silviculture activities shall maintain a 30 foot vegetated buffer adjacent to all perennial waters as shown on the most recent edition of the USGS 1:24000 (7.5 minute) topographic map. The buffer shall remain vegetated and shall be used only for access and utilities.



Applicant:
Innovative Solar 67, LLC.

Owner:
Maxine C. Cartwright

Special Use Permit:
#75-2015

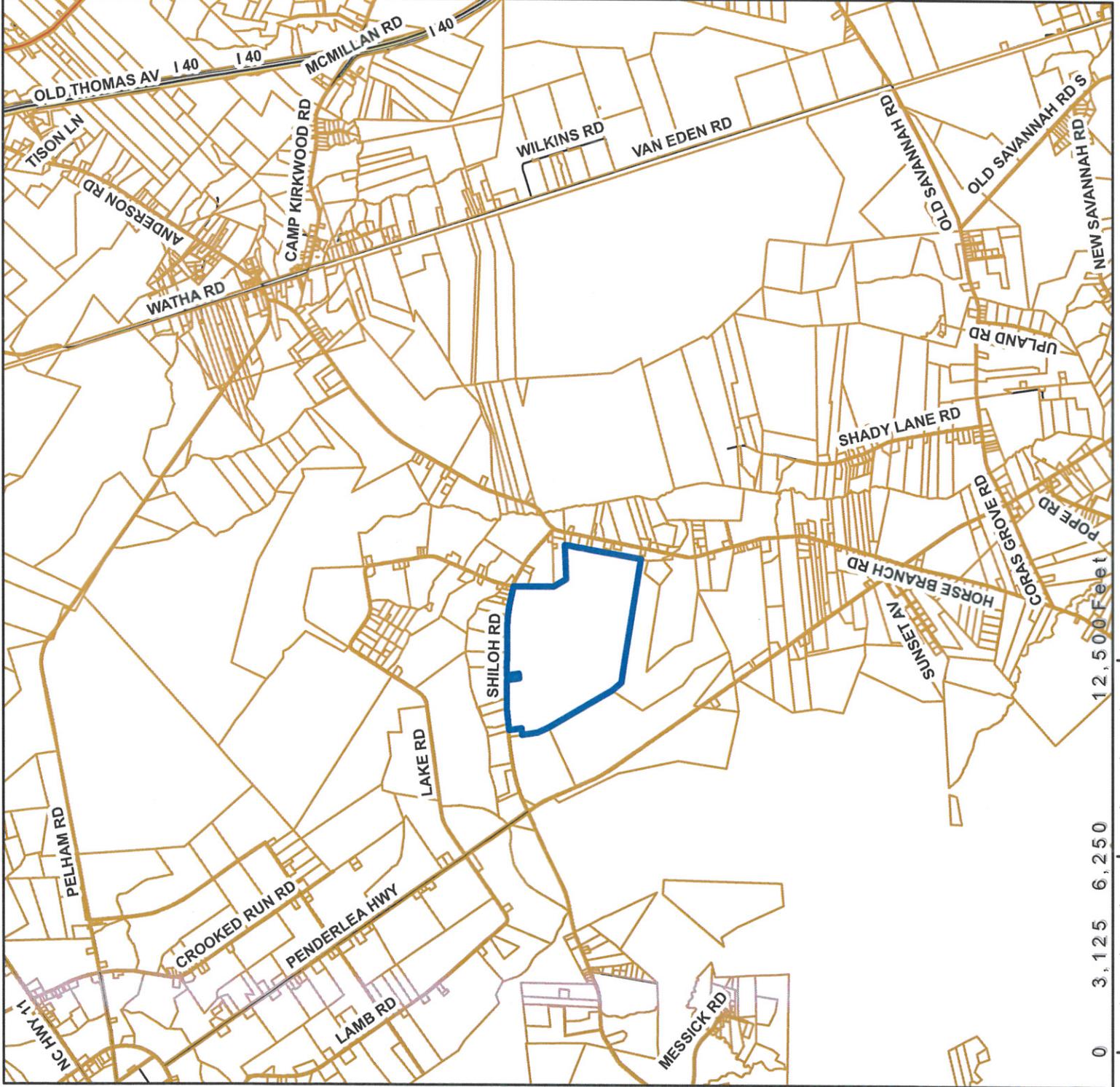
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Subject Property



Vicinity





Applicant:
Innovative Solar 67, LLC.

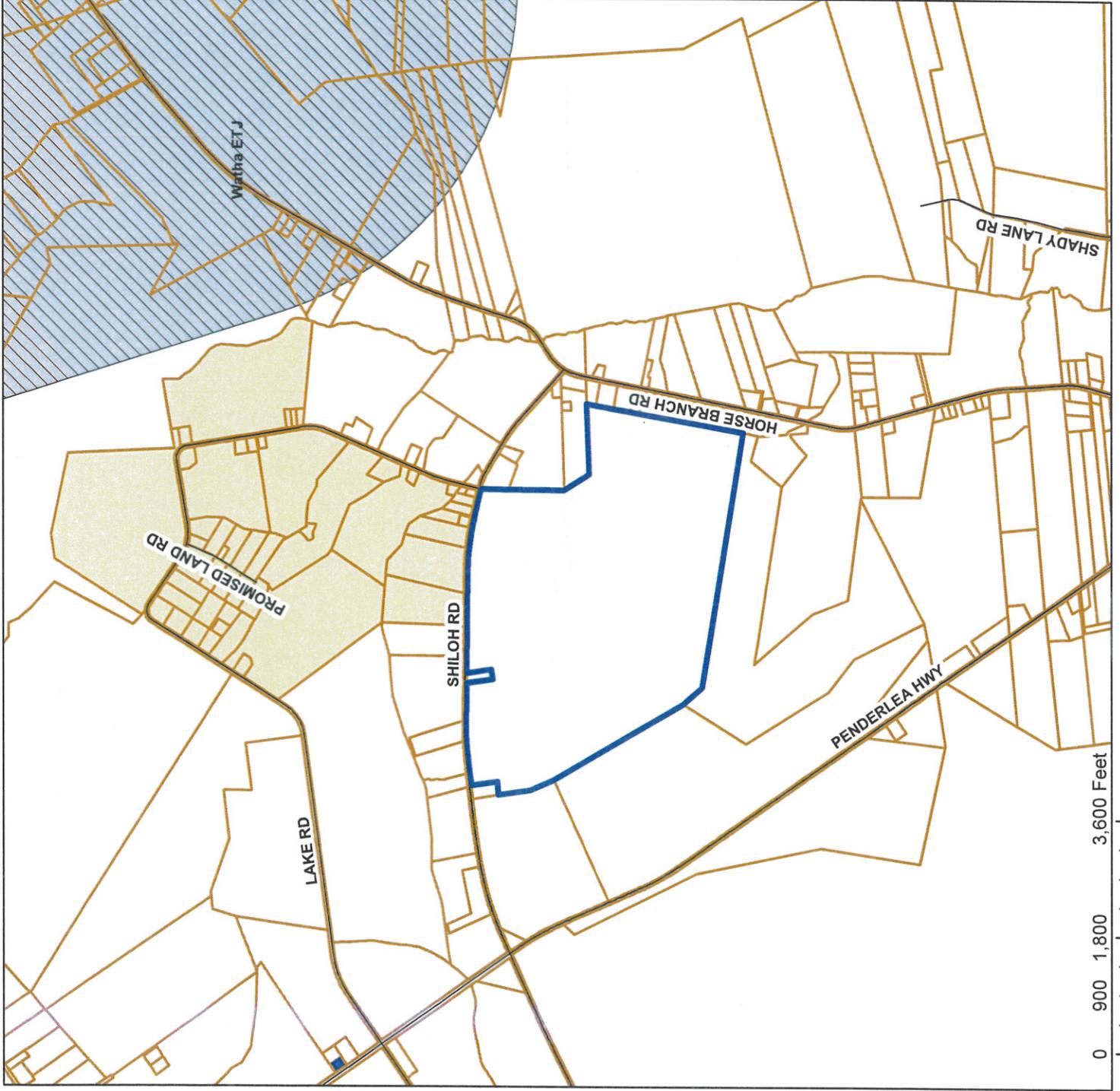
Owner:
Maxine C. Cartwright

Special Use Permit:
#75-2015

- Legend**
- UDO Zoning
 - EC, Environmental Conservation
 - GB, General Business
 - GI, General Industrial
 - Incorporated
 - IT, Industrial Transition
 - MH, Manufactured Housing
 - O&I, Office & Institutional
 - PD, Planned Development
 - RA, Rural Agricultural
 - RA-Conditional Zoning 1
 - RP, Residential Performance
 - Subject Property



Current Zoning





Applicant:
Innovative Solar 67, LLC.

Owner:
Maxine C. Cartwright

Special Use Permit:
#75-2015

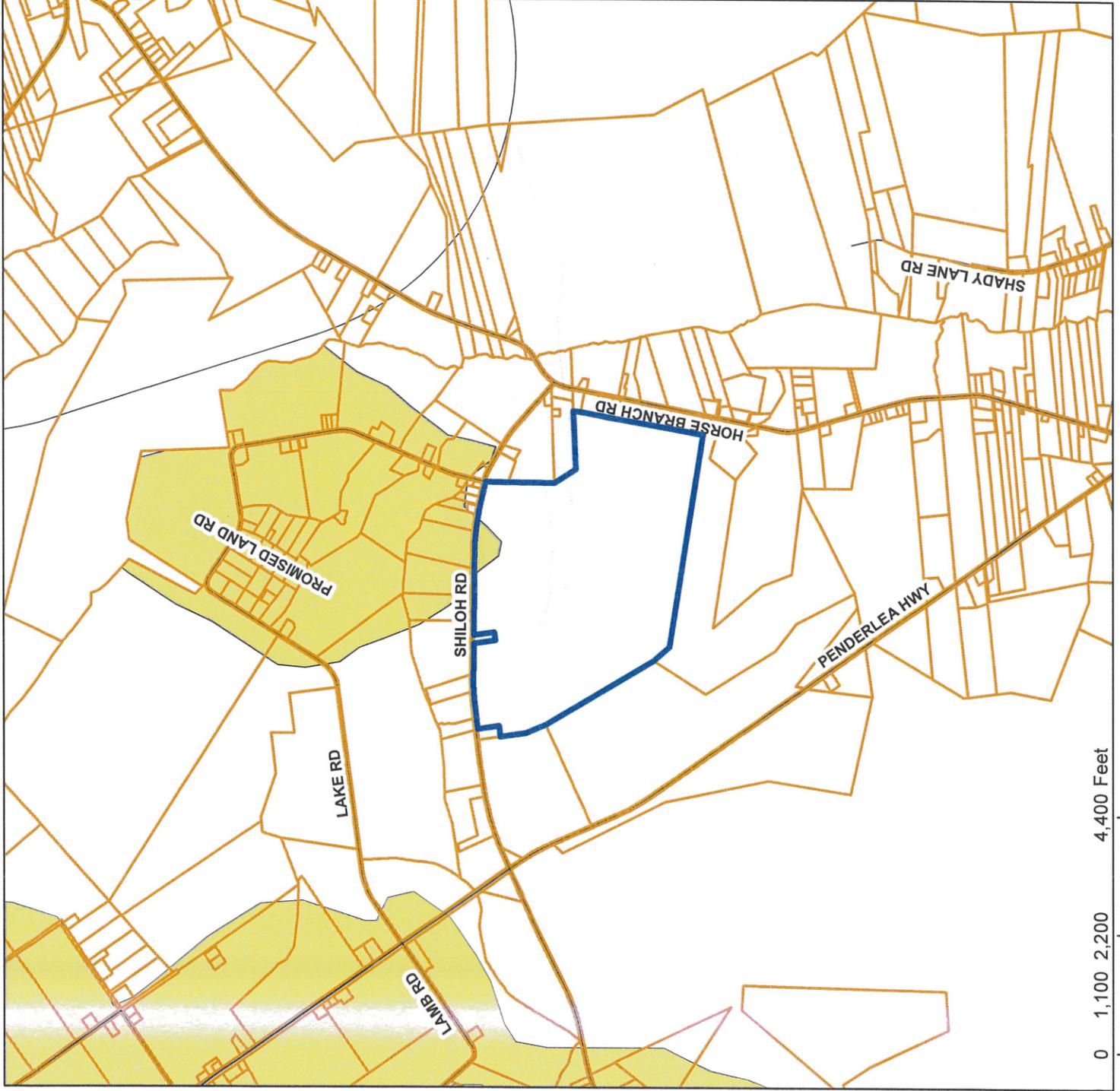
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Future Land Use

-  Industrial
-  Mixed Use
-  Office, Institutional, Business
-  Rural Growth
-  Suburban Growth
-  Subject Property



Future Land Use





Applicant:
Innovative Solar 67, LLC.

Owner:
Maxine C. Cartwright

Special Use Permit:
#75-2015

Legend

 Subject Property



2012 Aerial





Applicant:
Innovative Solar 67, LLC.

Owner:
Maxine C. Cartwright

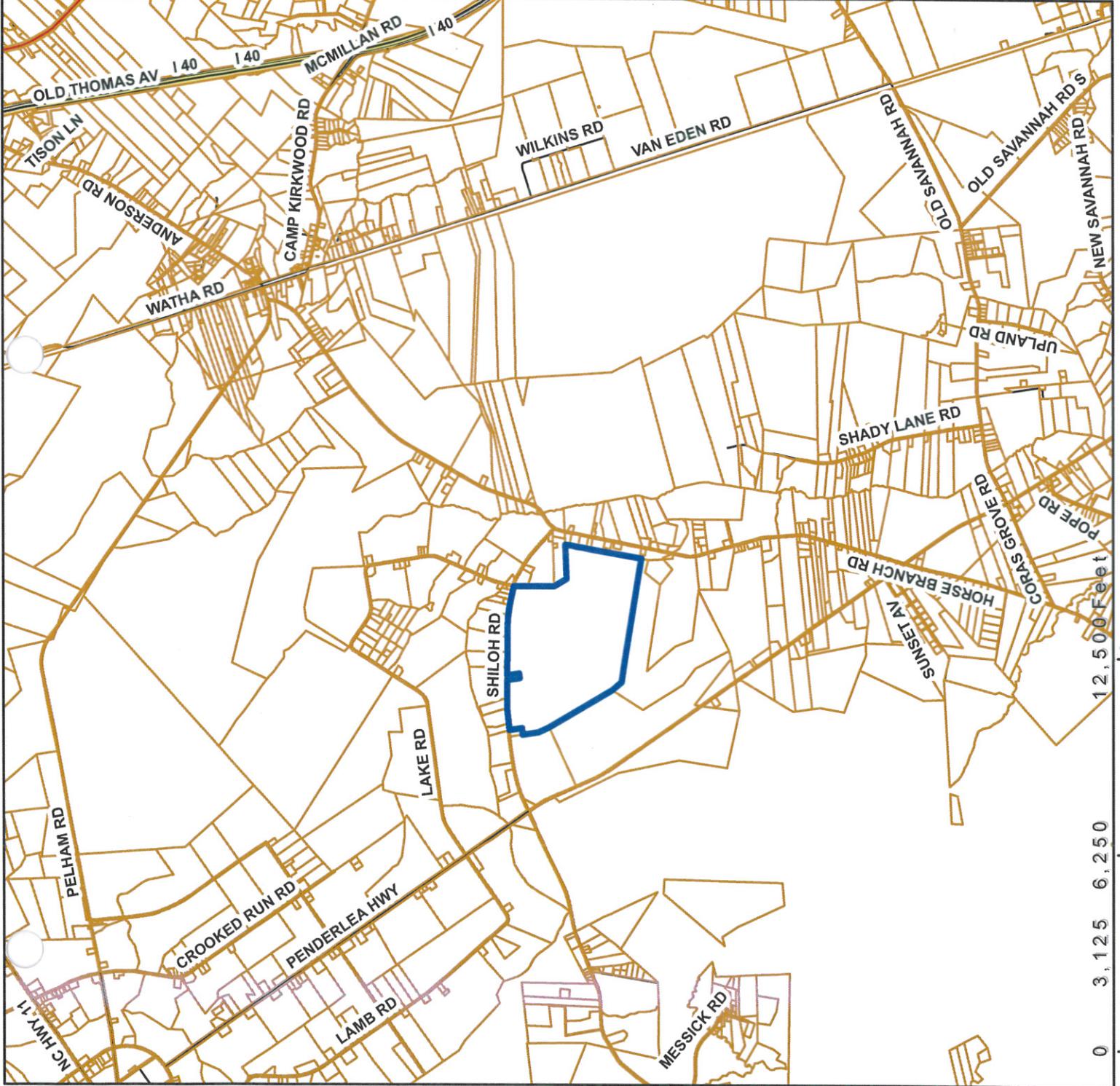
Special Use Permit:
#75-2015

Legend

 Subject Property



Vicinity





Applicant:
Innovative Solar 67, LLC.

Owner:
Maxine C. Cartwright

Special Use Permit:
#75-2015

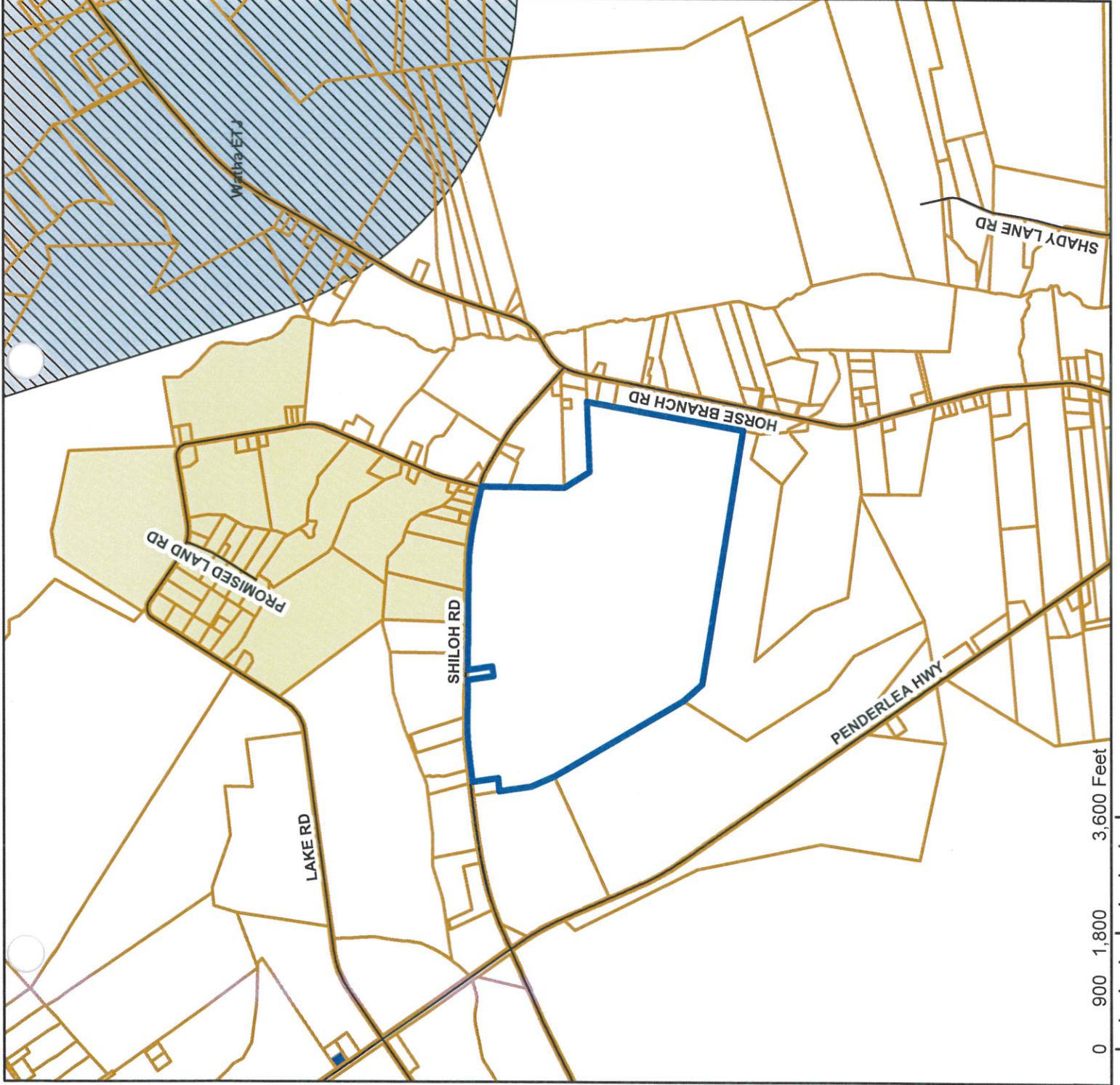
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UDO Zoning

-  EC, Environmental Conservation
-  GB, General Business
-  GI, General Industrial
-  Incorporated
-  IT, Industrial Transition
-  MH, Manufactured Housing
-  O&I, Office & Institutional
-  PD, Planned Development
-  RA, Rural Agricultural
-  RA-Conditional Zoning 1
-  RP, Residential Performance
-  Subject Property



Current Zoning





Applicant:
Innovative Solar 67, LLC.

Owner:
Maxine C. Cartwright

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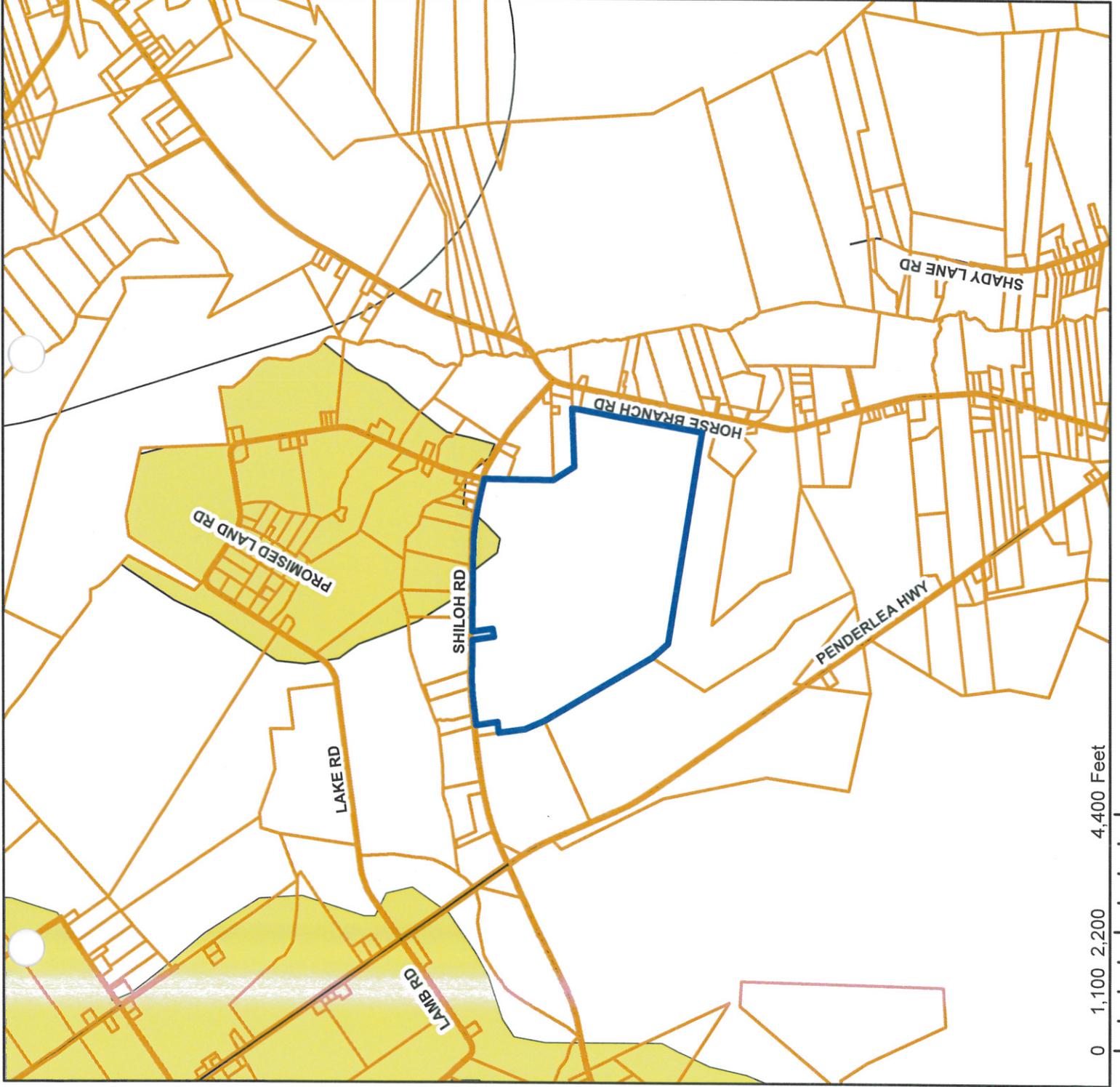
Legend

Future Land Use

-  Industrial
-  Mixed Use
-  Office, Institutional, Business
-  Rural Growth
-  Suburban Growth
-  Subject Property



Future Land Use





Applicant:
Innovative Solar 67, LLC.

Owner:
Maxine C. Cartwright

Special Use Permit:
#75-2015

Legend



Subject Property



2012 Aerial

