

Chester County Planning Commission Minutes
June 21st, 2022

1. **Call to Order – Chairman Raines called the meeting to order.**
2. **Quorum Established:** Chairman Robert Raines, Commissioners Marvin Grant, Carolyn Williams, Azzie Lee Hill and Joe Howell were present. **Absent:** Vice Chairman Nathan Smith and Nancy Walley. **Staff:** Mike Levister, Jaime Chappell, Karen Lee, and County Attorney Joanie Winters.
3. **Approval of Agenda-** Chairman Raines stated John Ross, applicant for Griffin Land Holdings LLC withdrew his request for consideration. Chairman Raines motioned to approve the agenda as presented except for Case number CCMA22-04 being withdrawn, second by Commissioner Howell. Vote 5-0 to approve.
4. **Approval of Minutes from May 17th, 2022, Meeting**
Commissioner Howell motioned to approve, second by Commissioner Williams. Vote 5-0 to approve.
5. **New Business**
 - a. **Withdrawn CCMA22-04:** John H. Ross for Applicant: Griffin Land Holdings, LLC request Tax Map # 106-00-00-121-000 on Hwy 9 and Hwy 909 be rezoned from (Rural Two) R2 to (Planned Development (PD)).
 - b. **CCMA22-05: Birdseye Renewable Energy Request Tax Map # 144-00-00-022-000 on Mt. Vernon Road be rezoned from Rural Three (R3) to Rural Two (R2).** Brooks Camp, project developer with Birdseye Renewable Energy. They are a Charlotte based solar farm developer. He gave a brief intro to Birdseye which was founded in 2009. They have been developing solar projects in the Carolinas and across the southeast. For the last 13 years, developed 45 projects in North and South Carolina, roughly 545 megawatts, and over 3000 acres of operational projects during that time and their success is really driven by attention to details. Careful, citing thoughtful development, and engagement with planning staff and with local communities is what they pride themselves on and this is their first project in Chester County. Really hoping that they can set a precedent for future solar developments in the area, our current request. Their current request is to rezone six parcels from R three to R two, because solar farms in Chester County are allowed as a special exception in rural two district. They respectfully request a recommendation of approval from you to the county council. And if approved the next steps would be to apply for a special exception to the Zoning Board of approvals. And along the way based on feedback from this body and from the council. We will be revising the site plan in order to best meet the needs of the community.

The project will be built on portions of seven parcels all those parcels are just north of Fort Lawn, South Carolina. And the actual project area that would be solar panels and, in a fence, line would be roughly 450 acres, so it will be broken up into a couple of different sections across those parcels. When completed, the total project would be 70 megawatts of power. And it will interconnect to the Duke 100 kV line that runs just there from Highway 21, I believe it is across Corbett Road north. And we expect construction to begin in early 2025. So that that schedule depends somewhat on Duke Energy and how we move through their interconnection process. But at this point, that's what we're expecting. So, this this project was cited, and the site plan was designed to mitigate as many impacts as possible to the surrounding community. We did have a community meeting on June 2, and we had some folks come out from the surrounding areas, had some really good discussions, people voiced some concerns, and we did revise the site plan that we originally submitted to you guys as a result of those conversations.

So, I'll go over the changes that were made in a few minutes. But in general, solar projects are quiet, safe, low to the ground, low traffic and passive uses when properly designed and properly constructed. And they really represent an opportunity for landowners to realize some revenue on land that would otherwise take a good bit of effort to cultivate and manage and it offers the county an opportunity to collect some additional tax revenue. So, we will be engaging with the county council to request a tax abatement, but we expect still our tax payments at the very lowest level to represent roughly 150 times the current tax payment under ag deferment.

All the parcels are owned by the Carter family under a couple of different entities, LLC, and a family trust. And so solar farms are permitted as a special exception in rural two district and there are very few differences between R two and R three. The R two designation will maintain the low-density development requirements that exist in R three. And any additional uses that would be allowed in the R two district also require a conditional use permit of some kind, so it doesn't really change the available uses significantly.

This is a compatible use to the Chester County 2020 2030 Comprehensive Plan and the future land use plan. Most of the surrounding area is rural two and with a few exceptions that are zoned ag represents a minor change to the zoning map and does maintain that low density rural character of the area. But just want to go over kind of what we think out that the design and development of a solar facility. There are three basic types of impact to surrounding properties from any kind of development. And that would be visual impact, noise impact, and smell. Solar farms do not emit any kind of fumes or noxious gases. There's no smell impact of any kind. Once construction is complete, the solar farm is low traffic, low noise, very low impact and what we've done to mitigate any visual or sound impact that may occur is first for the visual impact. We are including visual buffers vegetative buffers around all roadways and adjacent residential parcels and our minimum buffer will be 50 feet wide. And I'll go over the buffer types. We use wildlife permeable fencing, which is a little bit lower profile than your average chain link fence and kind of fits in blends into the background a little bit better. It also allows small wildlife to move in and out of the facility rather than rallying them through adjacent parcels. For the sound impact, there's not much sound emitted from a solar farm but there are pieces of electrical equipment that can emit noise. So, you know from learning from experience, what we've decided to do is first include the vegetative buffers once mature, those will present a strong physical impediment to any noise escaping from the facility, but we also locate our inverters which are the noise producing piece of equipment internal to the array, so we've committed to keeping at least 150 feet of solar modules between our inverters and the outside of that project.

So here you have a couple of different exhibits that show the two types of buffers that we plan to use on the Rutabaga project. So again, we're using a 50-foot minimum width, vegetative buffer and we I guess we submitted to you originally committing to 30-foot buffers, and after discussing with the community and talking through their concerns, you know, the visual impact was on the top of the list as well. As wildlife corridors. So, in order to increase the concealment of the project, as well as to give wildlife a little more avenue to move through that area. We've increased our buffer width to 50 feet, and that's a minimum it does get larger than that in certain areas. And we will utilize this is a timber farm now. And our plan is to utilize existing vegetation anywhere that we can. So, where there is standing timber, we would come to an agreement with the Carter family and have them harvest inside of that 50-foot boundary but leave 50 feet of standing timber around the edges where we're showing buffers on our site plan. And that allows us to keep the general appeal of that forested roadway. And what we found is you leave a strip of standing mature trees on either side of that strip, you're going to have low growth regroups that sprouts up and kind of fills in the gaps between those trees because I'm sure you're all familiar with a well-managed timber farm. You can see a decent way back into the forest. If you allow sun underneath that canopy, you're going to get a lot of regrowth sprouting up and within a season or two, it's going to be very thick. So that has proven to be an effective visual buffer in our experience.

Our other strategy is something that we've worked with North Carolina Wildlife Federation Fish and Wildlife Service to develop a method called Managed regrowth and with that, we go into an area there are certain

parcels on this project area that have already been timbered by the Carter family. So, there's no mature standing trees. And in those areas, we would supplement the natural regrowth of that area with some saplings, native species normally, you know, medium height, mature species but we plant them as smaller seedlings and that just supplements the natural regrowth of that native seed bank and allows that area to grow in and look more natural than say a prescribed Leyland Cypress buffer that from what we've seen in solar farms around the Carolinas if they plant six-foot material, it's already mature. And we do so for miles along a roadway. It just doesn't get done well it doesn't get irrigated well and a good bit of it dies. So, our answer to that problem is to work with nature. And then to allow the native plants to populate that buffer area and to give him a little kickstart with some sapling plants.

Chairman Raines asked how much of the acreage was currently being forested and how many years of service did they expect from the solar farm?

Mr. Camp stated the entire seven parcels that totaled 800 acres under timber management, some was harvested a few years ago. We're looking at these as 40-year lifetime facilities. But one of the most valuable pieces of this project will be the interconnection to that transmission grid. So, if the solar project comes to the end of its life and those solar modules and inverters are no longer producing well enough, then most likely the facility would be retrofitted either another solar facility or some other kind of electrical generation would be placed there in order to take advantage of that interconnection point. The lifespan of the initial equipment was warranted for twenty-five years, along with the inverters for fifteen to twenty years. The facility itself was seen as a forty-year investment.

Commissioner Grant asked if the buffers would be placed along the roads.

Mr. Camp stated yes, they would be fifty-foot buffers.

Commissioner Howell asked how many vehicles would be used to build the sites and if they had contacted SCDOT.

Mr. Camp stated during the twelve-month construction period there would be around 150 to 200 trucks delivering equipment. There would be a lot of traffic on the road during that time of construction, but they could agree to some mitigation measures.

Mr. Camp stated they were open to feedback and adjust the site plan. Birdseye is owned by Dominion Energy they are a subsidiary of Dominion Energy which operates in South Carolina, North Carolina and Virginia. The intent is for Dominion to own and operate this site as well. There is a possibility the project could be sold if Dominion can't get a return on its investment. We would look for reduction in taxes from the county for full tax appraisal since this is like a commercial and industrial development.

Attorney Winters asked did does the department of energy or DHEC have anything to do with your decommissioning report, do they have to approve it.

Mr. Camp stated no the Department of Energy does not approve it. DHEC currently doesn't.

Attorney Winters stated you mentioned incentives from the county, if the county doesn't give you any what will this do the project.

Mr. Camp stated it would make it difficult to compete and would kill the project. He stated they do have application with Duke Energy and currently in the interconnection process. They have received very favorable results on the interconnection side through phase one of that study, but there's still a couple more to go. Before they make those deposits, they would like to have comfort knowing they have the permission from County Council.

Chairman Raines stated he had two people to sign up to speak.

Vernon Ross and Rhonda Ross, 6117 Thrailkill Road, Fort Lawn stated he was not for the project, he believed the setup and equipment would be across the road from his house. He was worried about contamination to his well. Mrs. Ross asked how they chose the sites.

Mr. Camp stated the areas were chosen through an agreement between Birdseye and the Carter Family. The Carter family agreed they would lease their land for use as a solar farm.

Chris Sandifer from Birdseye Renewable Energy stated there were no toxic substances in the panel and no liquids. The panels are tested by OSHA and meets their standards before they can be installed.

Commissioner Grant asked after everything is built the only time anyone would be at the sites would be for maintenance is that correct.

Mr. Sandifer stated that was correct.

Jenny Burton Mull, 1577 Mt. Vernon Road, Fort Lawn stated the area was rural, why sacrifice wildlife and have road construction to tear up the roads.

Chairman Raines called for a motion, Commissioner Grant motioned to approve CCMA22-05, second by Chairman Raines. Commissioner Howell stated he would like to add a reverter clause stating at the end of 25 years they would have to readdress this council for re approval for their site.

Attorney Winters stated that was not a reverter clause, the commission is recommending the zoning you could put the reverter on if it ever stops being a solar farm then it would go back to R3 otherwise it would stay a solar farm forever.

Chairman Raines stated they could use the reverter clause if the project isn't developed to fruition in four years it would revert to the original zoning.

Mr. Camp asked if they could request five years since the project could hit delays with Duke Energy.

Chairman Raines withdrew his second, Commissioner Grant withdrew his motion. Chairman Raines motioned to approve the rezoning as it's been requested with the reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make solar farm basically operational if not it would revert to R 3 zoning the time would start with final approval from County Council second by Commissioner Howell. Vote 4-1 to approve. Commissioner Hill opposed.

- c. **CCMA22-06:** Birdseye Renewable Energy Request Tax Map # 155-00-00-025-000 on George Angus Road be rezoned from Rural Three (R3) to Rural Two (R2). Chairman Raines withdrew his second, Commissioner Grant withdrew his motion. Chairman Raines motioned to approve the rezoning as it's been requested with the reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council second by Commissioner Howell. Vote 4-1 to approve. Commissioner Hill opposed.

- d. **CCMA22-07:** Birdseye Renewable Energy Request Tax Map # 144-00-00-021-000 on Mt. Vernon Road be rezoned from Rural Three (R3) to Rural Two (R2). Chairman Raines withdrew his second, Commissioner Grant withdrew his motion. Chairman Raines motioned to approve the rezoning as it's been requested with the reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make solar farm basically

operational if not it would revert back to R 3 zoning the time would start with final approval from County Council second by Commissioner Grant. Vote 4-1 to approve. Commissioner Hill opposed.

- e. **CCMA22-08:** Birdseye Renewable Energy Request Tax Map # 155-00-00-039-000 on Thrailkill Road be rezoned from Rural Three (R3) to Rural Two (R2). Chairman Raines withdrew his second, Commissioner Grant withdrew his motion. Chairman Raines motioned to approve the rezoning as it's been requested with the reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make solar farm basically operational if not it would revert to R 3 zoning the time would start with final approval from County Council second by Commissioner Howell. Vote 4-1 to approve. Commissioner Hill opposed.

- f. **CCMA22-09:** Birdseye Renewable Energy Request Tax Map # 144-00-00-019-000 on Thrailkill Road be rezoned from Rural Three (R3) to Rural Two (R2). Chairman Raines withdrew his second, Commissioner Grant withdrew his motion. Chairman Raines motioned to approve the rezoning as it's been requested with the reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make solar farm basically operational if not it would revert back to R 3 zoning the time would start with final approval from County Council second by Commissioner Howell. Vote 4-1 to approve. Commissioner Hill opposed.

- g. **CCMA22-10:** Birdseye Renewable Energy Request Tax Map # 144-00-00-018-000 on Mt. Vernon Road be rezoned from Rural Three (R3) to Rural Two (R2). Chairman Raines withdrew his second, Commissioner Grant withdrew his motion. Chairman Raines motioned to approve the rezoning as it's been requested with the reverter clause for five years for Birdseye to complete their project. In addition to that, they would have two years to connect and have Duke make a connection to the 100 kV line to make solar farm basically operational if not it would revert to R 3 zoning the time would start with final approval from County Council second by Commissioner Howell. Vote 4-1 to approve. Commissioner Hill opposed.

- h. **CCLDV22-8:** Terry Hucks request a Street Access Easement for Tax Map # 039-00-00-043-000 located on 2247 New Hope Church Road, Chester, SC 29706. Mr. Hucks stated he and his wife wanted to give two acres to their daughter and her husband to build a house but they need access to get to the property. Chairman Raines motioned to approve, second by Commissioner Williams. Vote 5-0 to approve.

- i. **RNC22-07:** Terry Hucks request naming a Street Access Easement on Tax Map # 039-00-00-043- 000 located off New Hope Church Road, Chester, SC 29706. The name requested is Muleshoe Trail and approved by the 911 Address Coordinator. Chairman Raines motioned to approve, second by Commissioner Howell. Vote 5-0 to approve.

- j. **CCLDV22-09:** Bryan Enfinger request Street Access Easement for Portion of Tax Map # 145-00-00-007-000 located off Lancaster Hwy and Bryant Corner Road in Richburg, SC 29729. Wesley Harrison, Civil engineer for Carlisle Associates stated they were in the process of putting an industrial spec building in Industrial Park off Hwy 9. They need the road right of way dedicated for the first entrance into the industrial park to obtain a 911 address. Commissioner Howell motioned to approve, second by Commissioner Grant. Vote 5-0 to approve.

- k. **RNC22-08:** Bryan Enfinger request naming a Street Access Easement on Tax Map # 145-00-00- 007- 000 off Lancaster Hwy and Bryant Corner Road in Richburg, SC 29729. The name requested is Junior's Place and approved by the 911 Address Coordinator. Commissioner Howell motioned to approve, second by Commissioner Williams. Vote 5-0 to approve.

- I. **CCPCLDP22-01- Final Plat for Knights Bridge Subdivision with 292 lots located on Edgeland Road, Richburg, SC- 98.333 acres. Tax Map # 124-00-00-048-000 with RSI (Residential Single Family) zoning district.** Chairman Raines stated this was basically things that the Commission approved upfront when they initially done the rezoning along with the administrative check boxes. Some things were negotiated between staff and the developers.

Commissioner Howell stated he was concerned with the proposed force main sewer through the middle of the lots he had spoken with Director Levister.

Planning Director Levister stated he had spoke with the engineer he told him the lots are bigger than normal lots in the rest of the neighborhood to address the issue where they all have the same buildable area. The waterline is that force main in the area because of flood areas in the back part of the parcel. That includes the setbacks and would have the same buildable area as any other lot in the subdivision. That was the engineer's reason as to why the lots were bigger than the rest of the neighborhood. Commissioner Grant motioned to approve, second by Commissioner Hill. Vote 4-1 to approve. Commissioner Howell opposed.

6. **Comments/Discussion- There was none.**

7. **Adjourn**

Chairman Raines motioned to adjourn, second by Commissioner Howell. Vote 5-0 to adjourn.

Time: 8:30 PM

Notice of Meeting: Public Notices providing time, date, and place for this meeting were posted in the Chester County Government Complex, Chester County Court House, and published in the June 1st, 2022 Chester News & Reporter. All properties were also posted.