

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

JULY 12, 2021
OTHERS PRESENT

Gordon Powell
Kyle W. Puryear
C. Derrick Sims
Charlie Palmer
Patricia Gentry

Heidi York, County Manager
Brenda B. Reaves, Clerk to the Board
Robert Hornik, County Attorney

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, July 12, 2021 at 9:00am in the commissioners' boardroom 215 in the Person County Office Building.

Chairman Powell called the meeting to order and offered an invocation. Vice Chairman Puryear led the group in the Pledge of Allegiance.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

Chairman Powell stated the need to add two Closed Sessions to the agenda: 1) to consult with the attorney and 2) economic development project update.

A **motion** was made by Commissioner Gentry and **carried 5-0** to add the two Closed Sessions to the agenda and to approve the agenda as adjusted.

CLOSED SESSION #1

A **motion** was made by Commissioner Sims and **carried 5-0** to enter into Closed Session #1 per General Statute 143-318.11(a)(3) at 9:03am for the purpose to consult with the county attorney in order to preserve the attorney-client privilege with the following individuals permitted to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, County Attorney, Bob Hornik, Planning Director, Lori Oakley and Planner I, Angela Blount.

Chairman Powell called the Closed Session #1 to order at 9:05am.

A **motion** was made by Commissioner Sims and **carried 5-0** to return to open session at 9:30am.

July 12, 2021

PUBLIC HEARING:

PETITION SUP-01-21 – A REQUEST BY ROXBORO STOR-N-LOCK, INC. FOR A SPECIAL USE PERMIT TO ALLOW A SELF-STORAGE BUSINESS AT A SITE LOCATED ON CARVER DRIVE IN ROXBORO, NC (TAX MAP & PARCEL 132-3) IN THE B-2 (NEIGHBORHOOD SHOPPING) ZONING DISTRICT:

A **motion** was made by Commissioner Sims and **carried 5-0** to open the duly advertised public hearing for a request by Roxboro Stor-n-Lock, Inc. for a special use permit to allow a self-storage business at a site located on Carver Drive in Roxboro, NC (Tax Map & Parcel 132-3) in the B-2 (Neighborhood Shopping) Zoning District.

The public hearing set to hear a request by Roxboro Stor-n-Lock, Inc. for a special use permit to allow a self-storage business at a site located on Carver Drive in Roxboro, NC (Tax Map & Parcel 132-3) in the B-2 (Neighborhood Shopping) Zoning District required a quasi-judicial zoning decision whereby witnesses are to be sworn in and subject to cross examination, no ex parte communication and requires findings of fact. Chairman Powell administered the Oath of Sworn Testimony to the following individuals who would offer testimony during the public hearing:

Ms. Lori Oakley, Mr. Mathew Sams, and Mr. Stephen Wilson

Planning Director, Lori Oakley stated all state statutes and planning ordinance requirements have been met for this public hearing. She requested her Staff Report be entered into record.

July 12, 2021

**Special Use Permit SUP-01-21
Roxboro Stor-n-Lock, Inc.
Self-Storage Facility**

EXPLANATION OF THE REQUEST

A request by Roxboro Stor-n-Lock, Inc. for a special use permit to allow a self-storage business at a site located on Carver Drive in Roxboro, NC (Tax Map & Parcel 132-3) in the B-2 (Neighborhood Shopping) Zoning District.

LOCATION & CURRENT LAND USE

Currently, the subject property is vacant and contains woodlands. The property is zoned B-2 (Neighborhood Shopping). Condition and land use of the surrounding properties are:

- To the West – vacant land that is partially wooded in Person County zoned R (Residential).
- To the North– vacant wooded land in the City of Roxboro zoned R-6 (Residential).
- To the East – a small tract of vacant wooded land and a commercial business (Davita Dialysis) in the City of Roxboro zoned B-2 (Neighborhood Business).
- To the South – two commercial businesses (Roxboro Stor-n-Lock, Inc. and Roxboro Healthcare and Rehabilitation Center) and a vacant lot in the City of Roxboro zoned B-2 (Neighborhood Business).

SITE HISTORY

On June 3, 2019, the Person County Board of Commissioners unanimously approved a general rezoning petition for this site from R (Residential) to B-2 (Neighborhood Shopping).

On November 6, 2019, the Person County Board of Adjustment unanimously approved a conditional use permit for this site for a self-storage business containing seven conventional style enclosed storage buildings and one open-air storage building. The seven enclosed buildings were originally proposed for the northeast corner of the site and the open-air storage building was to be located on the southern portion of the site (please see previously approved attached site plan).

In the spring of 2021, the engineer for the site contacted the Planning Department about some proposed modifications to the original approved plan. Staff informed both the engineer and property owner that the modifications were significant and required Board approval. Also, conditional use permits were removed from the Planning Ordinance in the spring of 2021 per NC General Statutes and that the new proposed plan would require the approval of a special use permit by the Board of Commissioners. On May 28, 2021, the applicant submitted the special use permit application.

LAND USE / SITE PLAN

- The property is zoned B-2 and the *Table of Permitted Uses* in Appendix C of the Planning Ordinance lists "Storage, Household and Commercial" as a special use in the B-2 (Neighborhood Shopping).
- The applicant is requesting to build six conventional, single story self-storage buildings for rent to the general public to expand the operations of the adjacent Roxboro Stor-n-Lock. The six buildings will have a total of 57,250 square feet (*the previous approval was for 83,250 square feet of buildings*).

- The applicant plans to provide fencing surrounding the buildings. In addition, there will be pedestrian and golf cart connectivity to the site from the existing Roxboro Stor-N-Lock facility to the south via a gravel pathway.
- The applicant will provide a paved driveway into the site, as well as pave the areas around each storage building. Per the Person County Planning Ordinance, this use does not require parking.
- The property is located within the Roanoke Watershed.
- The property does not lie within the 100-year special flood hazard area according to the FEMA map. The property contains a previously unidentified intermittent stream on the western portion of the site. Per the North Carolina Department of Environmental Quality, an intermittent stream is “a well-defined channel that contains water for only part of the year (typically during winter and spring). The flow may be heavily supplemented by stormwater. When dry, they typically lack the biological and hydrological characteristics commonly associated with continuous conveyances of water”. These streams are regulated by the North Carolina Division of Water Resources and the U.S. Army Corp of Engineers. The property also contains wetlands, which are regulated through NC Division of Environmental Quality and the U.S. Army Corp of Engineers.

COMPREHENSIVE PLAN

The Person County Land use Plan identifies the proposed site as Suburban/Residential. Suburban/Residential is defined as:

Residential land uses including subdivisions and manufactured home parks at densities of 1-3 dwelling units per acre; commercial, office, industrial, public/institutional uses meeting locational criteria. Locational criteria for nonresidential uses within this land use category would include frontage and access to a major State highway or secondary road, proximity to similar uses and spatial separation from non-compatible uses such as existing residential development. Land uses within this category could develop with or without public sewer.

Appendix O of the Land Use Plan lists goals and objectives for the county including the following:

- 1.0 – Promote an orderly and efficient land use development pattern, which allows for a variety of land uses while being sensitive to environmental concerns.
- 2.0 – Provide a strong local planning environment that supports and enhances the economic growth potential of Person County.

PLANNING STAFF ANALYSIS

The property is zoned B-2 and the *Table of Permitted Uses* in Appendix C of the Planning Ordinance lists “Storage, Household and Commercial” as a special use in the B-2 (Neighborhood Shopping).

The applicant is requesting to utilize a vacant lot for expansion of Roxboro Stor-n-Lock, Inc. operations. Current Roxboro Stor-N-Lock, Inc. operations are located on an adjacent parcel in the City of Roxboro. The applicant plans to erect six traditional storage buildings with a paved driveway/access area to the site along with a fence around surrounding the six buildings.

Planning staff recommends that if the Board approves the request, the following conditions be placed on the Special Use Permit:

1. The applicant is to obtain all permits necessary from the County Planning and Zoning Department and Building Inspections Department.
2. The applicant is to obtain all permits necessary from the North Carolina Department of Environmental Quality, the U.S. Army Corps of Engineers, and the North Carolina Department of Transportation.

In approving an application for a special use permit, the Board of Commissioners may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board.

The Board shall issue a special use permit if it has evaluated an application and determined:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all of the required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.

*****Please refer to the 4 Findings of Fact listed above when making a decision*****

Submitted by: Lori Oakley, Planning Director

Ms. Oakley shared the following presentation with the group:

July 12, 2021

Special Use Permit *SUP-01-21*

Special Use Permit - Request

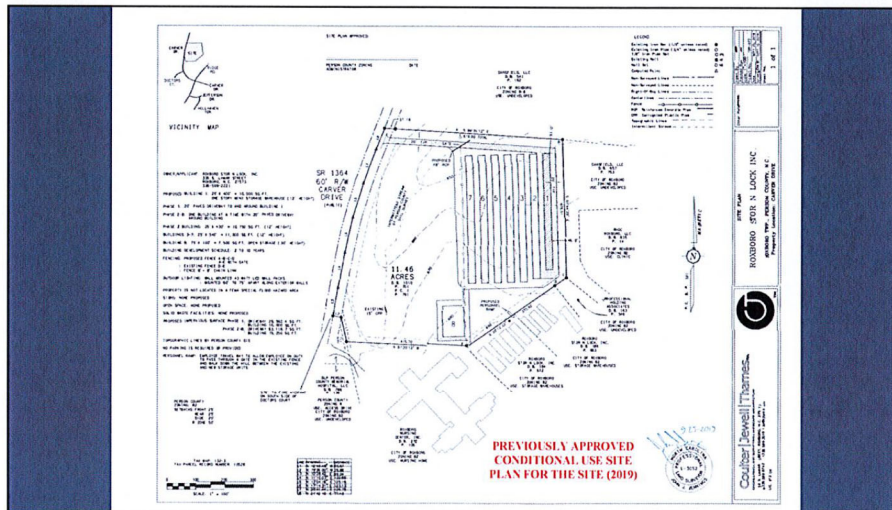
SUP-01-21– Explanation of Request

A request by Roxboro Stor-n-Lock, Inc. for a special use permit to allow a self-storage business at a site located on Carver Drive in Roxboro, NC (Tax Map & Parcel 132-3) in the B-2 (Neighborhood Shopping) Zoning District.

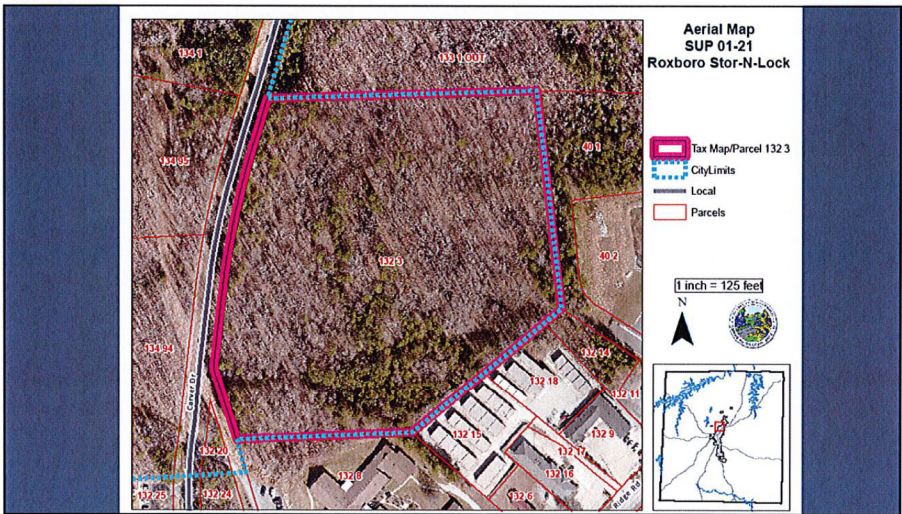
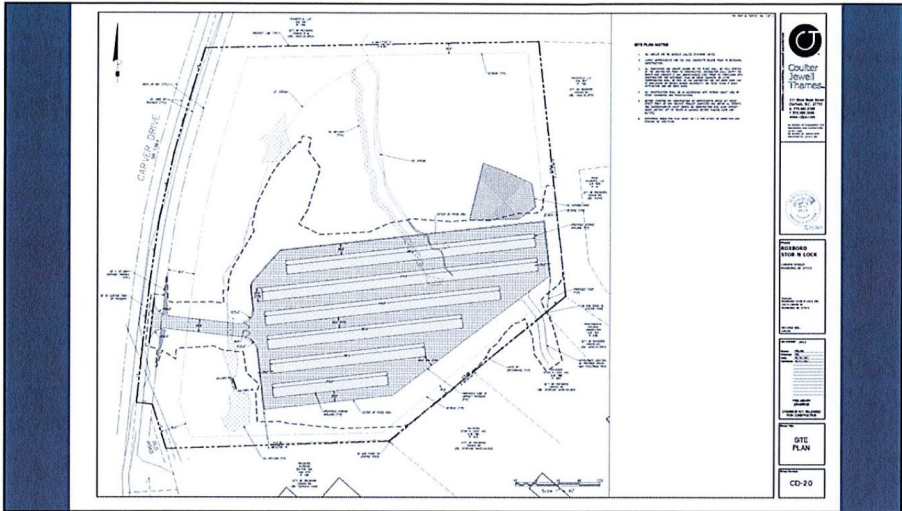
Special Use Permit - Request

SUP-01-21- Site History

- On June 3, 2019, the Person County Board of Commissioners unanimously approved a general rezoning petition for this site from R (Residential) to B-2 (Neighborhood Shopping).
- On November 6, 2019, the Person County Board of Adjustment unanimously approved a conditional use permit for this site for a self-storage business containing seven conventional style enclosed storage buildings and one open-air storage building. The seven enclosed buildings were originally proposed for the northeast corner of the site and the open-air storage building was to be located on the southern portion of the site (please see previously approved attached site plan).

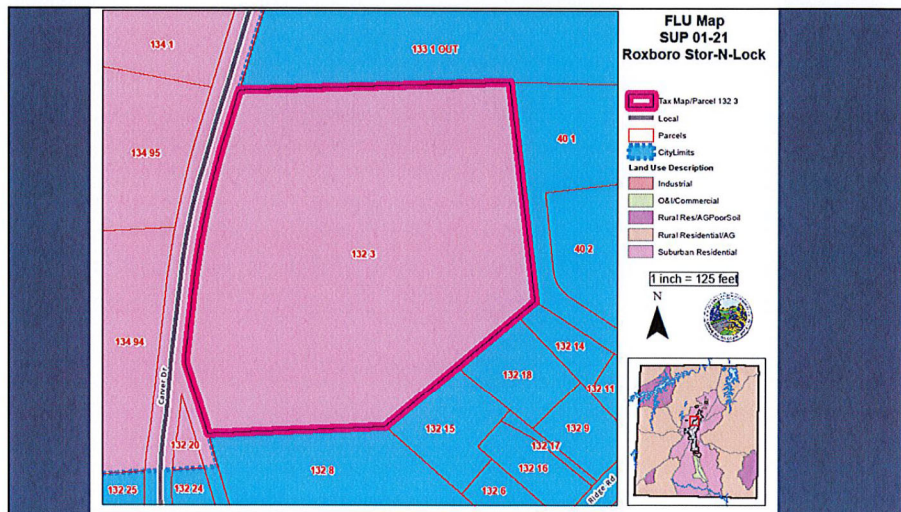
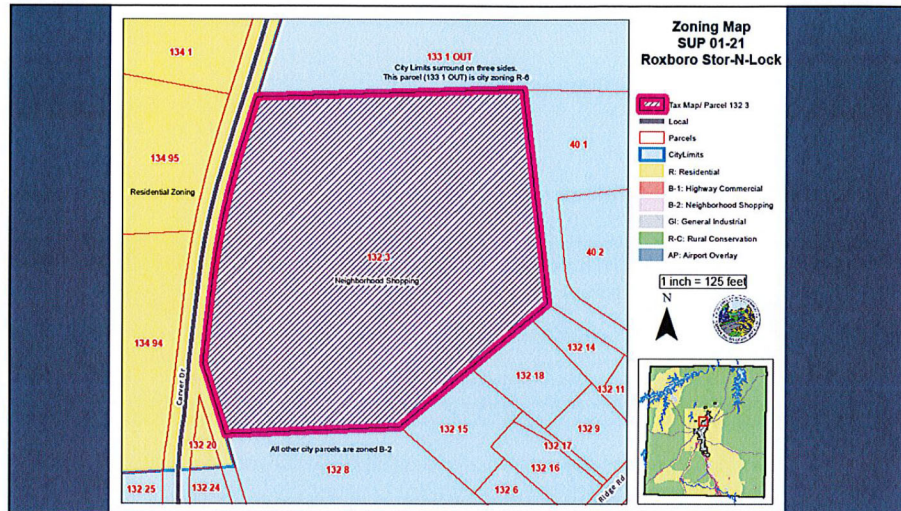


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Special Use Permit - Request

SUP-01-21– Planning Staff Analysis

- The property is zoned B-2 and the *Table of Permitted Uses* in Appendix C of the Planning Ordinance lists “Storage, Household and Commercial” as a special use in the B-2 (Neighborhood Shopping).
- The applicant is requesting to utilize a vacant lot for expansion of Roxboro Stor-n-Lock, Inc. operations. Current Roxboro Stor-N-Lock, Inc. operations are located on an adjacent parcel in the City of Roxboro. The applicant plans to erect six traditional storage buildings with a paved driveway/access area to the site along with a fence around surrounding the six buildings.

Special Use Permit - Request

SUP-01-21– Planning Staff Analysis

Planning staff recommends that if the Board approves the request, the following conditions be placed on the Special Use Permit:

- The applicant is to obtain all permits necessary from the County Planning and Zoning Department and Building Inspections Department.
- The applicant is to obtain all permits necessary from the North Carolina Department of Environmental Quality, the U.S. Army Corps of Engineers, and the North Carolina Department of Transportation.

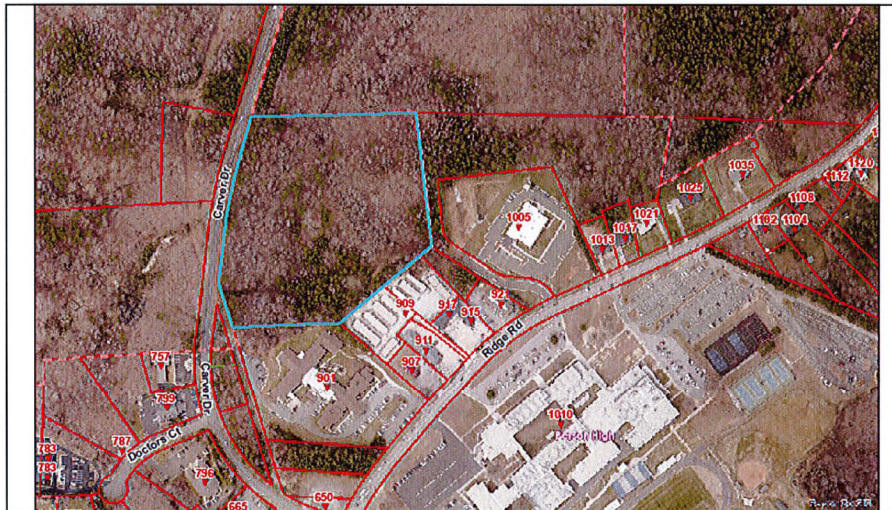
Special Use Permit - Request

SUP-01-21– Planning Staff Analysis

The Board shall issue a special use permit if it has evaluated an application and determined:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all of the required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.

*****Please refer to the 4 Findings of Fact listed above when making a decision*****



Speaking in favor of the request by Roxboro Stor-n-Lock, Inc. for a special use permit to allow a self-storage business at a site located on Carver Drive in Roxboro, NC (Tax Map & Parcel 132-3) in the B-2 (Neighborhood Shopping) Zoning District were the following:

Mr. Mathew Sams of 917 Ridge Road, Roxboro stated his comments were pretty simple and straightforward. He said they are the adjacent property and was here to hear the changes and see the difference between the previous site plan to this one. Today seeing a cart path located between the two properties and the entrance is located on Carver Drive. The previous agreement for commercial traffic, specifically 18-wheelers that use the Stor-n-Lock, offered to move to this new property, felt very beneficial for Ridge Road, a) for the high school traffic with the tractor trailers backing in there blocking the entire Ridge Road for a significant amount of time – they currently do avoid most school hours of coming and going and moving them to this property would be pretty beneficial. Mr. Sams said today they had no qualms with this property change; this change was very beneficial for the whole city as everybody needs a place to store items safely and securely so considering the changes that on the books he appreciated the time for the Board to listen to everyone feelings.

Mr. Stephen Wilson (the applicant) of 121 Jenny Lane, Timberlake said he did not have any statement to make and asked if he needed to make a statement. Clerk to the Board, Brenda Reaves stated he did not have to make a statement however if he wanted to offer any testimony, this was his opportunity. Mr. Wilson said he would answer any questions that anyone might have. Ms. Reaves noted Mr. Wilson was available for questions from anyone.

Commissioner Gentry stated she had a quick question; she asked Mr. Wilson what was the need to change the building layout from the previous to what was displayed on the screen and Mr. Wilson stated it was due to a jurisdictional water (stream) identified that caused the building layout to change.

There were no individuals appearing before the Board to speak in opposition to a request by Roxboro Stor-n-Lock, Inc. for a special use permit to allow a self-storage business at a site located on Carver Drive in Roxboro, NC (Tax Map & Parcel 132-3) in the B-2 (Neighborhood Shopping) Zoning District.

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to close the public hearing for a request by Roxboro Stor-n-Lock, Inc. for a special use permit to allow a self-storage business at a site located on Carver Drive in Roxboro, NC (Tax Map & Parcel 132-3) in the B-2 (Neighborhood Shopping) Zoning District.

CONSIDERATION TO GRANT OR DENY REQUEST BY ROXBORO STOR-N-LOCK, INC. FOR A SPECIAL USE PERMIT TO ALLOW A SELF-STORAGE BUSINESS AT A SITE LOCATED ON CARVER DRIVE IN ROXBORO, NC (TAX MAP & PARCEL 132-3) IN THE B-2 (NEIGHBORHOOD SHOPPING) ZONING DISTRICT:

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to approve the request by Roxboro Stor-n-Lock, Inc. for a special use permit to allow a self-storage business at a site located on Carver Drive in Roxboro, NC (Tax Map & Parcel 132-3) in the B-2 (Neighborhood Shopping) Zoning District with the following conditions be placed on the Special Use Permit, as recommended by Planning staff:

1. The applicant is to obtain all permits necessary from the County Planning and Zoning Department and Building Inspections Department.
2. The applicant is to obtain all permits necessary from the North Carolina Department of Environmental Quality, the U.S. Army Corps of Engineers, and the North Carolina Department of Transportation.

Vice Chairman Puryear stated the request met the following Findings of Fact:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all of the required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.

PUBLIC HEARING:

PETITION SUP-02-21 - A REQUEST BY THE APPLICANT, BEREASOLAR, LLC, ON BEHALF OF THE PROPERTY OWNERS, ELIZABETH CHRISTIAN AND CATHERINE PHELPS, JOHN AND LINDA MANGUM, MALCOLM MANGUM, JR. AND MARY SUSAN WILLIAMS, MATTHEW MOORE, JEFFRY HENDRIKS AND EM & RM LLC, (ELVIN MANGUM) ON TAX MAP AND PARCEL NUMBERS A110-7, A110-2, A110-31, A110-29, A110-6, A111-5 AND 0961-06-5906 (GRANVILLE COUNTY PIN), TOTALING 920 ACRES LOCATED ON BEREASOLAR, BETHANY CHURCH AND ISHAM CHAMBERS ROADS, FOR A SPECIAL USE PERMIT TO ESTABLISH A LEVEL 3 (10 ACRES OR GREATER) SOLAR ENERGY SYSTEM:

By reference, the attached Deposition of Hearing dated July 12, 2021 (prepared by Veritext Legal Solutions and reported by Audra Smith) is to be incorporated in the minutes of the Person County Board of Commissioners in the above referenced matter. The following is a representative of the order of the events as described in the depositional legal proceedings.

A **motion** was made by Commissioner Gentry and **carried 5-0** to open the duly advertised public hearing for a request by the applicant, Berea Solar, LLC, on behalf of the property owners, Elizabeth Christian and Catherine Phelps, John and Linda Mangum, Malcolm Mangum, Jr. and Mary Susan Williams, Matthew Moore, Jeffry Hendriks and EM & RM LLC, (Elvin Mangum) on Tax Map and Parcel numbers A110-7, A110-2, A110-31, A110-29, A110-6, A111-5 and 0961-06-5906 (Granville County PIN), totaling 920 acres located on Berea, Bethany Church and Isham Chambers Roads, for a special use permit to establish a Level 3 (10 acres or greater) Solar Energy System.

The public hearing set to hear a Special Use Permit request by the applicant, Berea Solar, LLC, on behalf of the property owners, Elizabeth Christian and Catherine Phelps, John and Linda Mangum, Malcolm Mangum, Jr. and Mary Susan Williams, Matthew Moore, Jeffry Hendriks and EM & RM LLC, (Elvin Mangum) on Tax Map and Parcel numbers A110-7, A110-2, A110-31, A110-29, A110-6, A111-5 and 0961-06-5906 (Granville County PIN), totaling 920 acres located on Berea, Bethany Church and Isham Chambers Roads, for a special use permit to establish a Level 3 (10 acres or greater) Solar Energy System required a quasi-judicial zoning decision whereby witnesses are to be sworn in and subject to cross examination, no ex parte communication and requires findings of fact. Chairman Powell administered the Oath of Sworn Testimony to the following individuals who would offer testimony during the public hearing:

July 12, 2021

Ms. Lori Oakley, Ms. Angela Blount, Mr. Tom Terrell, Ms. Jen Lester, Mr. Nick Kuhn, Mr. Rich Kirkland, Mr. Ben Hitchings, Mr. Chris Sandifer, Mr. Tommy Cleveland, Mr. Rex Young, Ms. Mary Susan Williams, Mr. John Mangum, Ms. Elizabeth Christian, Mr. Norman Boyette, Mr. Paul Lynch, Mr. Chris Weaver, Mr. Barton Warren, Ms. Lisa Hall, Ms. Bonnie Jones, and Ms. Cindy Lynch.

Planning Director, Lori Oakley introduced Angela Blount, Planner I to present petition SUP-02-21. Ms. Blount stated all state statutes and planning ordinance requirements have been met for this public hearing. The Staff Report for SUP-02-21 is hereby entered into record.

**Special Use Permit SUP-02-21
Berea Solar LLC
Level 3 Solar Energy System**

EXPLANATION OF REQUEST

Petition SUP-02-21 is a request by the applicant, Berea Solar, LLC, on behalf of the property owners, Elizabeth Christian and Catherine Phelps, John and Linda Mangum, Malcolm Mangum, Jr. and Mary Susan Williams, Matthew Moore, Jeffry Hendriks and EM & RM LLC, (Elvin Mangum), on Tax Map and Parcel numbers A110-7, A110-2, A110-31, A110-29, A110-6, A111-5 and 0961-06-5906, (Granville County PIN), on approximately 920 contiguous acres located on Berea, Bethany Church and Isham Chambers Roads, for a special use permit to establish a Level 3 (10 acres or greater) Solar Energy System.

LOCATION AND CURRENT LAND USE

These tracts are located on the South Eastern side of Person County near the Granville County line. All the properties are zoned RC (Rural Conservation).

Condition and land use of the surrounding properties for Tax Map & Parcel number **A110-6** along Berea Rd are:

- To the North – Vacant and wooded.
- To the East – Vacant, a mixture of open pasture/farm land and woodlands.
- To the South – A mixture of pasture/farm land and woodlands with a few single family dwellings.
- To the West – Bordered on the West by Range Rd, property on the other side of Range Rd is mainly wooded with a few single family dwellings.

Condition and land use of the surrounding properties for Tax Map & Parcel number **A110-7** along Berea Rd are:

- To the North – Property bordered on the North by Berea Rd, properties across Berea Rd are mainly woodlands with some pasture/farm land and a few single family dwellings. Property North also contains a power line easement.
- To the East – Properties bordering to the East are located in Granville County and are a mixture of pasture/farm land, woodlands, tree farms and 1 or 2 single family dwellings.
- To the South – Mainly woodland with a few areas of pasture/farm land, 1 or 2 single family dwellings.
- To the West – Mixture of Woodland, pasture land and a few single family dwellings.

Condition and land use of the surrounding properties for Tax Map & Parcel number **A110-2** along Bethany Church Rd are:

- To the North – Mostly woodland with a small amount of pasture land.
- To the East – Woodlands.
- To the South - Bordered by Bethany Church Rd., largely wooded with a small area of pasture/farm land and a few single family dwellings.
- To the West – Intersection of Range and Bethany Church Rds., several single family dwellings and a Church. (Bethany Baptist Church).

Condition and land use of the surrounding properties for Tax Map & Parcel number **A110-31** are:

- To the North – Mixture of woodlands and pastureland.
- To the East – Properties to the East are located in Granville County and are mainly woodlands with a few single family dwellings.
- To the South – Mostly woodlands with a small area of pasture/farm land.
- To the West – Mixture of woodlands and pasture/farm land and 1 or 2 single family dwellings.

Condition and land use of the surrounding properties for Tax Map & Parcel number **A110-29** are:

- To the North – Bordered by Bethany Church Rd, mainly woodland.
- To the East – Properties bordering on the East are located in Granville County and are mainly pasture/farm land and a few single family dwellings.
- To the South – Mainly woodlands, and 1 or 2 single family dwellings.
- To the West – Mainly woodlands, a small amount of pasture/farm lands and 1 or 2 single family dwellings.

Condition and Land use of the surrounding properties for Tax Map & Parcel number **A111-5** are:

- To the North – Mainly woodland with a small amount of pasture/farm land.
- To the East – Properties bordering on the East are located in Granville County and are mainly woodland with a few single family dwellings.
- To the South – Property is bordered by Camp Creek Lane (Isham Chambers Rd) is mainly wooded and borders on the Durham County line.
- To the West – Mainly Woodlands and 1 or 2 single family dwellings.

Condition and Land use of the surrounding properties for Granville County Map number **0961-06-5906** are:

- To the North – Mainly woodlands, with 1 or 2 single family dwellings.
- To the East - Mixture of woodlands, pasture/farm lands, tree farms and a few single family dwellings.
- To the South – Mixture of woodlands, pasture/farm lands. Property to the South contains a power line easement.
- To the West – Property to the west is a mixture of woodlands with a majority of pasture/farm land. Property to the West contains a power line easement.

LAND USE / SITE PLAN

- The property is zoned RC (Rural Conservation), and the Person County Solar Energy System Ordinance lists a Level 3 (10 acres or greater) Solar Energy System as a Special Use in this zoning district. The proposed project incorporates approximately 910.5 contiguous acres in separate ownership.
- The proposed Solar Energy System will consist of approximately 230,920 solar panels with a generating capacity of 80 Mega Watts of power combined.
- The panels will not exceed 15' in height.
- The property is located within the Neuse and Pamlico watersheds and is subject to the Falls Lake Stormwater Rules regulating land disturbance.
- The site plan identifies the access to each site from a state maintained roadway.
- The site plan shows an existing 150' vegetative buffer and the location of a proposed 150' vegetative buffer around the perimeter of the project and along road rights-of-way.

- The site plan shows a 50' riparian buffer from streams.
- Article 2, Section 2.1 of the Person County Solar Energy Ordinance allows facilities that are to be located on multiple contiguous lots of record in separate ownership, to apply building setbacks and buffer requirements only to exterior perimeters, providing those property owners sign a waiver. Signed waivers have been provided and are on file.
- The property does not lie within the 100-year special flood hazard area according to the FEMA map. The site plan shows the location of a blue line stream on parcels A111-5, A110-31 and A110-7 and the required buffers (50' either side of stream). The applicant does not show "Cub Creek", a well-defined blue line stream located on parcel A110-6, which will need to observe the 50' buffer on both sides.

COMPREHENSIVE PLAN

The Person County Land Use Plan identifies the proposed tracts as Rural Residential and Rural Residential/AG (poor soils). Rural Residential is defined as:

Low-density residential (single site-built and manufactured homes); agriculture, forestry, churches; very limited commercial, office or public/institutional uses meeting locational criteria. Most of the land within protected water supply watersheds should be placed in this category. Locational criteria for non-residential uses within this land use category would include frontage and access to a major State highway or secondary road, proximity to similar uses and spatial separation from non-compatible uses such as existing residential development. Land uses within this category would be expected to develop without public sewer, i.e. with private septic tank systems. (AG Poor Soils refers to the ability for the property to perk).

Appendix O of the Person County Land Use Plan lists goals and objectives for the County including the following relevant statements:

Goal 1.0 – Promote an orderly and efficient land use development pattern, which allows for a variety of land uses while being sensitive to environmental concerns.

Goal 2.0 – Provide a strong local planning environment that supports and enhances the economic growth potential of Person County.

PLANNING STAFF ANALYSIS

The parcels are all zoned RC (Rural Conservation). A Level 3 (10 acres or greater) Solar Energy System is allowed in this zoning district as a special use under the Person County Solar Energy System Ordinance.

The site plan shows existing vegetative buffers at the required 150' feet, and the proposed buffers of 150' to be planted. The site plan shows a 300' setback from any dwelling, and 50' buffers on either side of a stream, with the exception of "Cub Creek". The site plan also shows the approximate location of access for each tract.

This area of the county is very rural, with woodlands and pastures or farmland. There are scattered single family dwellings.

PLANNING STAFF SUMMARY

The proposed site plan meets the setback and buffering requirements set forth in the Solar Energy System Ordinance, where applicable, and is an allowed use within the RC (Rural Conservation) zoning district with a special use permit.

Planning staff recommends that if the Board approves the request, the following conditions be placed on the Special Use Permit:

1. The riparian buffers for "Cub Creek" located on Tax Map & Parcel number A110-6 be added to the site plan.
2. The applicant is to obtain all necessary permits for the Solar Energy System project and adhere to all requirements listed in the Person County Solar Energy System Ordinance and the Planning Ordinance.

In approving an application for a special use permit, the Board of Commissioners may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board.

The Board shall issue a special use permit if it has evaluated an application and determined:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. That the use meets all of the required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.

*****Please refer to the 4 Findings of Fact listed above when making a decision*****

Submitted by: Angela Blount, Planner I

Ms. Blount shared the following presentation:

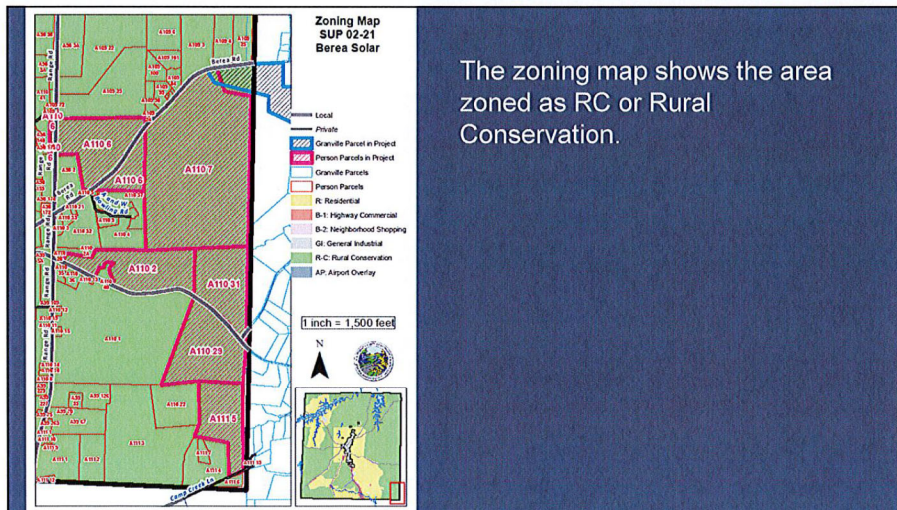
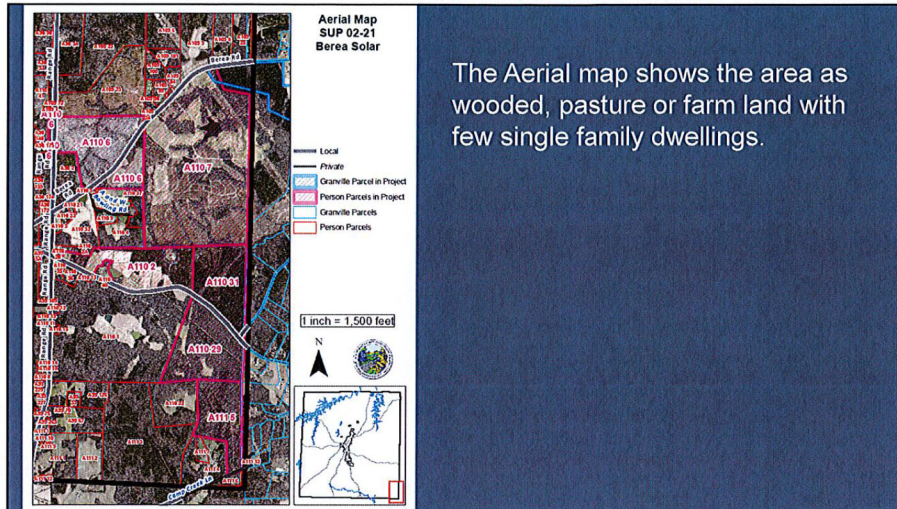
Special Use Permit

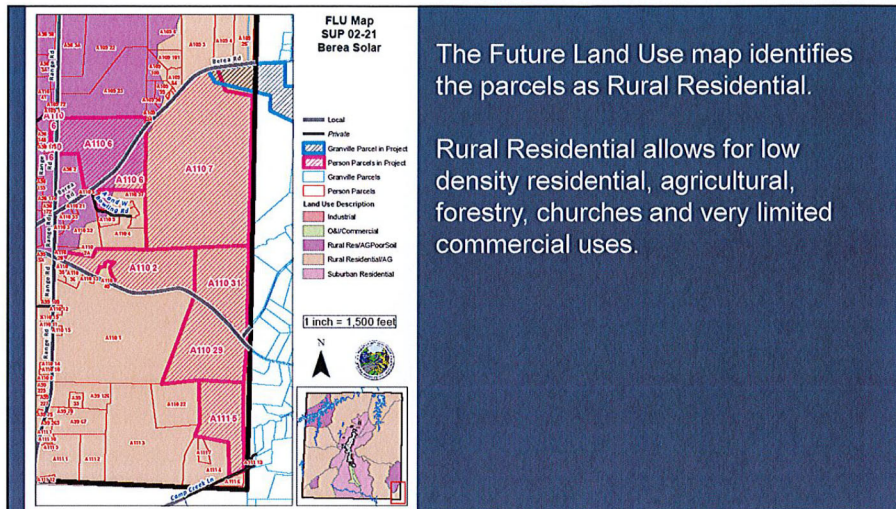
SUP-02-21

Special Use Permit - Request

SUP-02-21— Explanation of Request

Petition SUP-02-21 is a request by the applicant, Berea Solar, LLC, on behalf of the property owners, Elizabeth Christian and Catherine Phelps, John and Linda Mangum, Malcolm Mangum, Jr. and Mary Susan Williams, Matthew Moore, Jeffrey Hendriks and EM & RM LLC, (Elvin Mangum) on Tax Map and Parcel numbers A110-7, A110-2, A110-31, A110-29, A110-6, A111-5 and 0961-06-5906 (Granville County PIN), located on Berea, Bethany Church and Isham Chambers Roads, for a special use permit to establish a Level 3 (10 acres or greater) Solar Energy System. The proposed project involves approximately 920 contiguous acres in separate ownership.





Special Use Permit

SUP-02-21 – Planning Staff Analysis

This request for a Level 3 Solar Energy System is comprised of seven (7) parcels, all zoned RC (Rural Conservation). A Level 3 (10 acres or greater) Solar Energy System is allowed in this zoning district as a special use under the Person County Solar Energy System Ordinance.

The site plan shows existing vegetative buffers at the required 150' feet, and the proposed buffers of 150' to be planted. The site plan shows a 300' setback from any dwelling and 50' buffers on either side of a stream. The site plan also depicts the approximate location of access for each tract.

Special Use Permit

SUP-02-21 – Planning Staff Analysis

The parcels are all zoned RC (Rural Conservation). A Level 3 (10 acres or greater) Solar Energy System is allowed in this zoning district as a special use under the Person County Solar Energy System Ordinance.

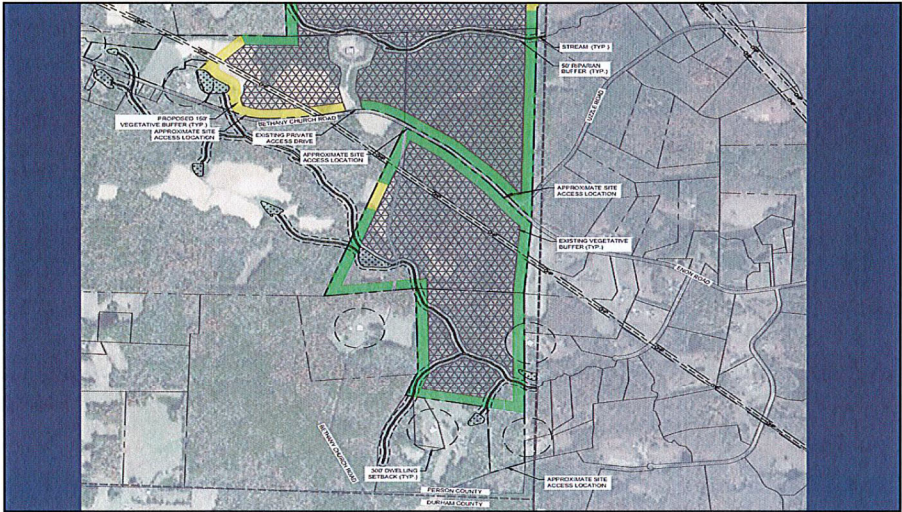
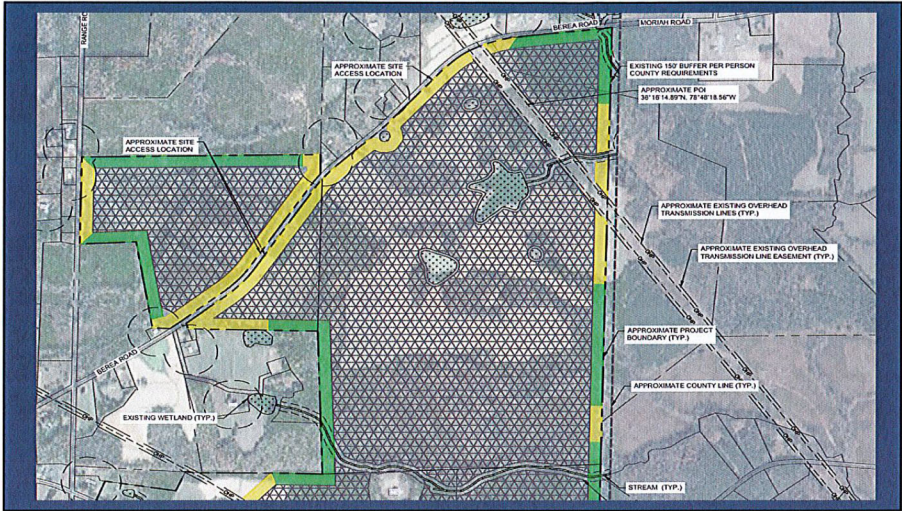
The site plan shows existing vegetative buffers at the required 150' feet, and the proposed buffers of 150' to be planted. The site plan shows a 300' setback from any dwelling, and 50' buffers on either side of a stream, with the exception of "Cub Creek". The site plan also shows the approximate location of access for each tract.

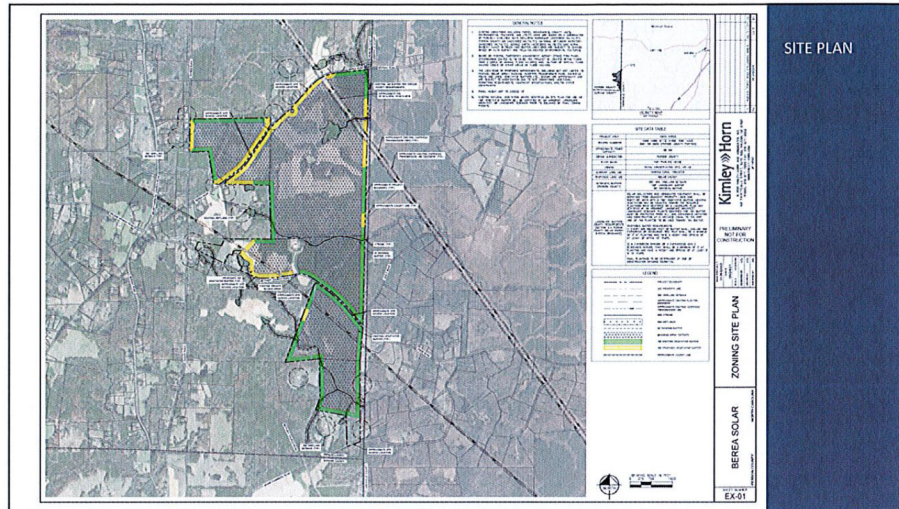
This area of the county is very rural, with woodlands and pastures or farmland. There are scattered single family dwellings.

Special Use Permit

SUP-02-21 – Site Plan

- The proposed Solar Energy System will consist of approximately 230,920 solar panels with a generating capacity of 80 Mega Watts of power combined.
- The panels will not exceed 15' in height.
- Article 2, Section 2.1 of the Person County Solar Energy Ordinance allows facilities that are to be located on multiple contiguous lots of record in separate ownership, to apply building setbacks and buffer requirements only to exterior perimeters, providing those property owners sign a waiver. Signed waivers have been provided and are on file.
- The property does not lie within the 100-year special flood hazard area according to the FEMA map. The site plan shows the location of a blue line stream on parcels A111-5, A110-31 and A110-7 and the required buffers (50' either side of stream) have been delineated on the map. The site plan omits "Cub Creek", a well-defined blue line stream located on parcel A110-6, which will need to be added to the site plan.
- The property is located within the Neuse/Falls Watershed area and will be subject to the Falls Lake Stormwater rules governing land disturbance.





Special Use Permit

SUP-02-21 – Planning Staff Summary

- The proposed site plan meets the setback and buffering requirements set forth in the Solar Energy System Ordinance where applicable, and is an allowed use within the RC (Rural Conservation) zoning district with a special use permit.
- Approximately half of the perimeter requiring 150' wide vegetative buffers are existing.

If the Board approves the request, Planning Staff would recommend the following conditions to be placed on the special use permit:

1. The riparian buffers for "Cub Creek" located on parcel A110-6 be added to the site plan.
2. The applicant is to obtain all necessary permits for the Solar Energy System project and adhere to all requirements listed in the Person County System Ordinance and the Planning Ordinance.

Special Use Permit - Request

SUP-02-21 – Findings of Fact

In approving an application for a special use permit, the Board of Commissioners may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board.

The Board shall issue a special use permit if it has evaluated an application and determined:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
2. That the use meets all of the required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.

Person County Board of Commissioners

July 12, 2021

Speaking in favor of the request by the applicant, Berea Solar, LLC, on behalf of the property owners, Elizabeth Christian and Catherine Phelps, John and Linda Mangum, Malcolm Mangum, Jr. and Mary Susan Williams, Matthew Moore, Jeffry Hendriks and EM & RM LLC, (Elvin Mangum) on Tax Map and Parcel numbers A110-7, A110-2, A110-31, A110-29, A110-6, A111-5 and 0961-06-5906 (Granville County PIN), totaling 920 acres located on Berea, Bethany Church and Isham Chambers Roads, for a special use permit to establish a Level 3 (10 acres or greater) Solar Energy System were the following:

Mr. Thomas Terrell, Jr. of 230 N. Elm, Greensboro, NC with Fox Rothschild, LLP, counsel representing the applicant

Ms. Jennifer Lester of 420 Fayetteville St., Raleigh, NC with Kimley-Horn

Mr. Nicholas Kuhn of 420 Fayetteville St., Raleigh, NC with Kimley-Horn

Mr. Richard Kirkland of 9408 Northfield Ct., Raleigh, NC and a State Certified General Appraiser

Mr. Ben Hitchings of 2018 Wilson St., Durham, NC

Mr. Chris Sandifer, P.E., of 3118 Green Rd., Spring Hope, NC and a member of the Nash County Planning Board Member

Mr. Tommy Cleveland, P.E. of 4141 Laurel Hills Rd, Raleigh, NC, a NC professional engineer

Mr. Rex Young of 606 Wade Avenue, Ste. 102, Raleigh, NC

Ms. Mary Susan M. Williams of 109 Westlake Dr., Henderson, NC, property owner

Mr. John B. Mangum of 1101 Bethany Church Road, property owner

Ms. Elizabeth M. Christian of 200 Southglen Dr., Cary, NC, property owner

July 12, 2021

Speaking in opposition to the request by the applicant, Berea Solar, LLC, on behalf of the property owners, Elizabeth Christian and Catherine Phelps, John and Linda Mangum, Malcolm Mangum, Jr. and Mary Susan Williams, Matthew Moore, Jeffry Hendriks and EM & RM LLC, (Elvin Mangum) on Tax Map and Parcel numbers A110-7, A110-2, A110-31, A110-29, A110-6, A111-5 and 0961-06-5906 (Granville County PIN), totaling 920 acres located on Berea, Bethany Church and Isham Chambers Roads, for a special use permit to establish a Level 3 (10 acres or greater) Solar Energy System were the following:

Mr. Norman Boyette of 2156 Emerald Ln., Franklinton, NC

Mr. Paul Lynch of 395 Union Grove Church Rd., Hurdle Mills, NC

Mr. Chris Weaver of 542 Satterfield Farm Rd., Timberlake, NC

Mr. Barton Warren of 3833 Helena Moriah Rd., Rougemont, NC

Ms. Lisa Hall of 387 Camp Creek Ln., Rougemont, NC

Ms. Bonnie Jones of 181 Camp Creek Ln., Rougemont, NC

Ms. Cindy Lynch of 395 Union Grove Church Rd., Hurdle Mills, NC

A **motion** was made by Commissioner Sims and **carried 5-0** to close the public hearing for a request by the applicant, Berea Solar, LLC, on behalf of the property owners, Elizabeth Christian and Catherine Phelps, John and Linda Mangum, Malcolm Mangum, Jr. and Mary Susan Williams, Matthew Moore, Jeffry Hendriks and EM & RM LLC, (Elvin Mangum) on Tax Map and Parcel numbers A110-7, A110-2, A110-31, A110-29, A110-6, A111-5 and 0961-06-5906 (Granville County PIN), totaling 920 acres located on Berea, Bethany Church and Isham Chambers Roads, for a special use permit to establish a Level 3 (10 acres or greater) Solar Energy System.

CONSIDERATION TO GRANT OR DENY REQUEST BY THE APPLICANT, BEREASOLAR, LLC, ON BEHALF OF THE PROPERTY OWNERS, ELIZABETH CHRISTIAN AND CATHERINE PHELPS, JOHN AND LINDA MANGUM, MALCOLM MANGUM, JR. AND MARY SUSAN WILLIAMS, MATTHEW MOORE, JEFFRY HENDRIKS AND EM & RM LLC, (ELVIN MANGUM) ON TAX MAP AND PARCEL NUMBERS A110-7, A110-2, A110-31, A110-29, A110-6, A111-5 AND 0961-06-5906 (GRANVILLE COUNTY PIN), TOTALING 920 ACRES LOCATED ON BEREAS, BETHANY CHURCH AND ISHAM CHAMBERS ROADS, FOR A SPECIAL USE PERMIT TO ESTABLISH A LEVEL 3 (10 ACRES OR GREATER) SOLAR ENERGY SYSTEM:

Commissioner Gentry proposed a continuation to the August 2, 2021 Board meeting allowing more time to go over the data that was presented and the testimonies that the Board heard. She added she would like a site visit.

Mr. Hornik suggested the Board consider two separate motions: 1) to continue this item to the Board's August 2, 2021 meeting and 2) to reopen the public hearing to a date certain at which time the Board may go and see the property, if so desired. Mr. Hornik added as an alternative, the Board could visit the site individually and when the Board reconvenes, every one of the commissioners should report if and when a visit to the site took place, what was observed and whether or not the visit would impact their ability to make an unbiased, fair decision. Commissioner Puryear stated it would work out best for everyone's schedules to visit the site individually.

A **motion** was made by Commissioner Gentry and **carried 5-0** to continue consideration to the August 2, 2021 Board meeting to allow time to go over the data presented as well as make individual site visits.

A **motion** was made by Commissioner Gentry and **carried 5-0** to reopen the public hearing to continue to August 2, 2021.

Mr. Hornik said after the Board reconvenes the meeting on August 2, 2021, commissioners should disclose and allow for any kind of rebuttal time, and then close the public hearing. This way all of the information will have been gathered. Mr. Hornik asked each of the commissioners to disclose any ex parte communications, either orally or in writing thus far, disclose generally what those communications were and state whether they were able to make an unbiased, fair decision on the application.

Chairman Powell stated he had received two emails, one from Ray Foushee and the other from Anthony Horton noting he did not reply to either and that their stated concerns about this solar farm would have no impact on his decision. Commissioner Gentry stated the two emails were directed to all five commissioners. Vice Chairman Puryear confirmed he received the same two emails and they had not swayed his opinion.

Commissioner Palmer said that neither of the emails had an impact on his thoughts as far as developing this site. He added he already developed his thoughts way before they emailed him. Commissioner Gentry said she received the same emails from the same two men to which she did not respond to them. She added she did speak with Ray Foushee as he happens to be her neighbor and they both said they could not talk about this. Commissioner Sims confirmed he had received the same emails and that he did not respond to either one of them, and it was not going to sway his decision in any way.

Chairman Powell announced a brief recess at 12:12pm; the meeting reconvened at 12:23pm.

INFORMAL COMMENTS:

The following individuals appeared before the Board to make informal comments:

Mr. John Seepe of 277 Barefoot Landing Ln., Semora, NC addressed the Board related to its public comment period noting of all 100 counties in NC, he could not find anyone that held public comments for less than 30-minutes; he added some counties allow individuals to bequeath their time to others while others were silent in that arena. Mr. Seepe stated a RFQ was discussed back in December and he requested a status of such shell building two months ago to which he has not received an answer; he noted he did not have confidence in his county government.

Ms. Liz Bradsher of 976 Estate Rd., Semora, NC asked the Board why hadn't a task force been formed as stated by the EPA for the citizens on what will happen to the coal plants. Ms. Bradsher noted an email dated June 17, 2021 from Tanya Evans to support a proposed resolution related to the closing of the plants on or before 2024 for Hyco or on or before 2027 for Mayo without having certainty of what will happen to the plants. She added Person County is the only county with two coal plants that are a tremendous asset; she asked what will happen to the lakes, the land, the jobs, the plants, and the people.

Ms. Anderson Clayton of 546 Flat River Church Rd., Roxboro, and Chair of the Person County Democratic Party addressed a GOP blog post written by Commissioner PJ Gentry that addressed ineffective government as she noted all members of the Board belong to the same party. Ms. Clayton stated she works virtually for a broadband group expanding broadband throughout rural communities, which was something she would like to see the County focus on, as there are still parts of the county not connected. She added the digital economy was where the county could invest and emphasize. Ms. Clayton asked the Board to focus on issues and not on politics.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to approve the Consent Agenda with the following items:

- A. Approval of Minutes of June 8, 2021,
- B. Approval of Minutes of June 10, 2021,
- C. Approval of Minutes of June 21, 2021,
- D. Budget Amendment #1,
- E. Pay and Classification Schedule,
- F. Person Industries' Record Destruction,
- G. Person County Schools Application to NC Education Lottery for Public School Building Capital Fund in the amount of \$1,050,000 for North End Parking and Queue,
- H. FY2022 Home and Community Care Block Grant for Older Adults Agreement for the Provision of County-Based Aging Services,
- I. Health Department Fee Requests for the administration of COVID-19 first and second doses to submit claims to insurance companies, and
- J. Tax Adjustments for July 2021
 - a. Tax Releases
 - b. NC Vehicle Tax System pending refunds

NEW BUSINESS:

TAX COLLECTOR SETTLEMENT:

Tax Administrator, Russell Jones stated as required by General Statute 105-373(a)(3), an annual settlement for taxes for the fiscal year ending June 30, 2021 and all previous years must be made with the governing body of the taxing unit. Mr. Jones shared the following presentation with the Board:

July 12, 2021

2020 Tax Collector Settlement

Introduction:

Per N.C. General Statute 105-373 the Tax Collector must make a report of settlement for the fiscal Year 2020-2021 and prior years.

Mr. Jones noted the below numbers are unadjusted noting the uncollected reflects \$137,582.17 less than last year uncollected. County Manager, Heidi York and the Board praised Mr. Jones and his staff for achieving the highest percentage ever collected at 99.08% for real and personal property.

7/12/2021

2020 County Levy			
Real/Personal Property			
Total Billed	Actual Collections	Uncollected	% Collected
\$24,525,229.42	\$24,299,610.94	\$225,618.48	99.08%
Public Service			
Total Billed	Actual Collections	Uncollected	% Collected
\$6,625,681.62	\$6,625,681.62	\$0.00	100.00%
Motor Vehicles			
Total Billed	Actual Collections	Uncollected	% Collected
\$3,057,736.32	\$3,054,199.56	\$3,536.76	99.88%

Total 2020 County Levy			
Combined Collections			
Total Billed	Actual Collections	Uncollected	% Collected
\$34,208,647.36	\$33,979,492.12	\$229,155.24	99.33%
Total 2020 County Levy-Adjusted			
Combined Collections			
Total Billed	Actual Collections	Uncollected	% Collected
\$34,186,376.13	\$33,979,492.12	\$184,612.78	99.39%

2

Mr. Jones noted Collections for Stormwater Fees were at 98.21%, City collections at 99.01%, inclusive of DMV and the Fire Tax collections when factored in DMV were at 99.39%.

5 Year Comparison By Category				
Real/Personal Property				
6/30/2021	6/30/2020	6/30/2019	6/30/2018	6/30/2017
99.08%	98.53%	98.43%	98.37%	98.39%
Public Service				
6/30/2021	6/30/2020	6/30/2019	6/30/2018	6/30/2017
100.00%	100.00%	100.00%	100.00%	100.00%
Motor Vehicles				
6/30/2021	6/30/2020	6/30/2019	6/30/2018	6/30/2017
99.88%	99.83%	99.87 %	99.90 %	99.85 %

5 Year Comparison Overall Collection Rate				
6/30/2021	6/30/2020	6/30/2019	6/30/2018	6/30/2017
99.33%	98.91%	98.85%	98.81%	98.74%

Mr. Jones said the 5-Year Comparison Overall collection rate includes DMV but with no adjustments for bankruptcy bills.

Mr. Jones noted there were 1,000 accounts that had garnishments and 250 accounts with a bank attachment. He noted Kania brought in \$97,714.63 in foreclosures at no cost to the County.

7/12/2021

Collections Tools Used

Delinquent Notices	Mailed out in January and May each year
Advertising	Listed in newspaper early March
Garnishments	Instructs employer to withhold/submit 10% of gross wages
Attachment	Instructs bank to withdraw available funds to pay taxes
Escheats	Also known as NCCash
Debt Setoff	For debts over \$50/submitted against NC Tax Refunds & Lottery Winnings
Payment Arrangements	Many taxpayers, especially those with fixed income, make payments even before bills are mailed
Foreclosure	Results in the sale of property at public action

Other Collections

Pre-Payment	Collection Fees	Stormwater/Interest
\$202,356.48	\$75,249.50	\$287,069.97
Prior Year Taxes	Animal Taxes	Fire Tax/Interest
\$476,437.46	\$533.43	\$1,020,816.89
County Interest	Gross Receipts	Copy Fees
\$169,928.59	\$17,935.96	\$482.01
Late Listing	Beer License	City
\$47,396.99	\$2,600.00	\$4,325,686.66
Grand total for all taxes & fees		= <u>\$37,478,977.64</u>

11th Year Insolvents-2010

2010 County Taxes	Original Levy	Balance	%
Real Estate/Other	\$25,040,920.65	\$11,540.84	99.95%
Vehicle	\$2,002,211.03	\$7,163.29	99.64%
Final Collection Rate Overall	\$27,043,313.68	\$18,704.13	99.82%

Other Tax Office Items

Deceased Owners	224 bills with a 2020 county amount due of \$51,360
2021 Reappraisal	Completed appeals before June 30. Next Reappraisal scheduled for 2025
Gap Billing	Created 2,271 new bills, county taxes due of \$52,235, collected \$39,820, or 76.23%.
Staffing-collections	Replaced 2 collection staff, and both new employees have completed necessary training
Staffing-Appraisal	Property Appraisal Manager retired April 1, 2021

Based on last year's numbers, Person County ranks #8 in the state with its collection rate and #2 in the County's peer group.

Mr. Jones noted the next reappraisal might take place in 2025 if the market continues as it is currently.

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to accept the Tax Collector Settlement Report for fiscal year ending June 30, 2021.

ORDER TO COLLECT TAXES:

Tax Administrator, Russell Jones stated as required by General Statute 105-321, the governing board of the taxing unit must issue an order of collection to tax collectors. This gives the tax collector legal authority to collect taxes.

Mr. Jones requested a motion from the Board of Commissions to direct Tax Collector to collect taxes for 2021 and all-delinquent taxes from prior years.

A **motion** was made by Vice Chairman Puryear and **carried 5-0** to direct Tax Collector to collect taxes for 2021 and all-delinquent taxes from prior years.



PERSON COUNTY

OFFICE OF THE TAX ADMINISTRATOR

Person County Tax Office
P.O. Box 1116
13 Abbitt St
Roxboro, North Carolina 27573-1116
(336) 597-1721 Fax No. (336) 322-8619

County of Person

To the Tax Collector of the County of Person:

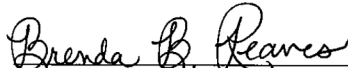
You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of Person County Tax Office and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Person, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 12th day of July 2021.



Attest:


Gordon Powell, Chairman
Board of Commissioners of Person County


Brenda B. Reaves, Clerk to the Board of Commissioners

July 12, 2021

REAPPOINTMENT OF COUNTY TAX ASSESSOR:

Tax Administrator, Russell Jones said as required by General Statute 105-294(a), the Person County Board of Commissioners must appoint a Tax Assessor. The Board of Commissioners appointed the current tax assessor, Russell Jones, on July 10, 2017 for a 4-year term, which expires this month. The current tax assessor is certified by the North Carolina Department of Revenue as an Assessor, and therefore eligible for a 4-year appointment. It is customary for counties to appoint an Assessor for the full 4-year term.

Mr. Jones requested the Board to appoint a County Tax Assessor for a designated term and administer the oath.

A **motion** was made by Commissioner Palmer and **carried 5-0** to appoint Russell Jones as Person County's Tax Assessor for a 4-year term. Chairman Powell administered the oath to Mr. Jones.

Vice Chairman requested the Chairman and fellow commissioners to excuse him from the meeting to which the Board consented. Vice Chairman Puryear left the Board meeting at 12:53pm.

PERSON AREA TRANSPORTATION SYSTEM TRANSPORTATION ADVISORY BOARD BY-LAWS UPDATE AND APPOINTMENT:

Transportation Director, Kurt Neufang for the Person Area Transportation System (PATs) presented to the Board an update to the Transportation Advisory Board (TAB) By-Laws noting the Person County Board of Commissioners is the governing board for the TAB which serves in an advisory capacity. Mr. Neufang noted the NC Department of Transportation (NCDOT) requires that the Board of Commissioners approve updates to the TAB By-Laws. Mr. Neufang explained the recommended update to the By-Laws include increasing the number of TAB members from 13 to 14. The additional position would be designated for a City of Roxboro representative, which would enhance collaboration with city staff on efforts to improve transit services in our community. It also includes updating the "Occupational Affiliation" description for the Economic Development member to "Economic Development/Chamber of Commerce" to expand representation of the business community on the TAB.

Mr. Neufang recommended consideration of Vernell Davis's application for appointment to the TAB in Economic Development/Chamber of Commerce position for a 3-year term noting she is employed by Louisiana Pacific and a member of the Roxboro Chamber of Commerce.

A **motion** was made by Commissioner Sims and **carried 4-0** to approve the requested update to the Transportation Advisory Board By-Laws and to appoint Vernell Davis to represent in the Economic Development/Chamber of Commerce position on the Transportation Advisory Board for a 3-year term.

July 12, 2021

APPOINTMENT TO THE JUVENILE CRIME PREVENTION COUNCIL AND KERR TAR REGIONAL COG:

Clerk to the Board, Brenda Reaves stated David R. Carter, Chief Court Counselor had previously designated Brian Matlock to be his designated representative on the Person County Juvenile Crime Prevention Council (JCPC). Mr. Matlock is no longer working in Person County and Mr. Carter would like the Board to recognize and appoint him, in his capacity as the Chief Court Counselor, to this designated position on the JCPC. Ms. Reaves said the term for this position was set to expire on December 31, 2021 and requested Board consideration to appoint David R. Carter to serve effective immediately to serve out the unexpired term as well as a new 2-year term to December 31, 2023.

A **motion** was made by Commissioner Gentry and **carried 4-0** to appoint David R. Carter to the JCPC in his capacity as the Chief Court Counselor to fulfill the unexpired term of Brian Matlock as well as a new 2-year term to expire December 31, 2023.

Ms. Reaves noted for some time, Person County has advertised for two citizen alternates for the Kerr Tar Regional Council of Governments (COG) board representing the private sector or the retired community for an unexpired term. Diane Cox, Executive Director of the COG informed the County that some of the member governments do appoint alternates that have the authority to vote and count towards quorum if one of the designated member government-voting members are not able to attend a meeting. Jimmy Clayton, former commissioner and retired citizen, has submitted an application for appointment to serve as an alternate on the COG Board representing the retired community for an unspecified term.

A **motion** was made by Commissioner Sims and **carried 4-0** to appoint Jimmy Clayton to serve as an alternate on the Kerr Tar Regional Council of Governments (COG) board for an unspecified term.

DESIGNATION OF VOTING DELEGATE TO NC ASSOCIATION OF COUNTY COMMISSIONERS ANNUAL CONFERENCE:

Clerk to the Board, Brenda Reaves stated voting credentials for the 2021 NC Association of County Commissioners Annual Business Session scheduled on August 14, 2021 in New Hanover County must be submitted by August 9, 2021 in order for Person County's delegate to participate in the association's annual election of officers and policy adoption.

Ms. Reaves requested Board consideration to designate Commissioner Sims, who was registered to attend the Conference in-person, as Person County's delegate.

A **motion** was made by Commissioner Gentry and **carried 4-0** to designate Commissioner Sims to serve as Person County's voting delegate at the 2021 NC Association of County Commissioners Annual Business Session on August 14, 2021.

CONSIDERATION OF THE ORGANIZATION AND GOVERNANCE STRUCTURE FOR COUNTY HUMAN SERVICES:

Commissioner Gentry requested to put this item on the Board's August 2, 2021 agenda so that Vice Chairman Puryear could participate to which all consented.

CHAIRMAN'S REPORT:

Chairman Powell announced a Groundbreaking Ceremony for the construction of a new hangar would take place at the Raleigh Regional Airport at Person County on July 14, 2021 at 9:00am.

MANAGER'S REPORT:

County Manager, Heidi York had no report.

COMMISSIONER REPORT/COMMENTS:

Commissioner Palmer commented it was a good meeting.

Commissioner Gentry stated she had attended the National Association of Counties annual conference virtually and highlighted some of the topics included broadband, economic development, water property rights, workforce innovation, equity, regional growth, academia, aviation, and demographic trends. She added that mortgage rates were not projected to rise higher than 4% as the market should continue through the next two years.

Commissioner Sims commented that he liked the 10-minute public comments period as is noting it is a time to listen to the comments from the public and not address or dialogue unless during the commissioner report/comments period.

Vice Chairman Puryear was absent for commissioner report/comments.

CLOSED SESSION #2

A **motion** was made by Commissioner Palmer and **carried 4-0** to enter into Closed Session at 1:14pm per General Statute 143-318.11(a)(4) for the purpose of discussion of matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations with the following individuals permitted to attend: County Manager, Heidi York, Clerk to the Board, Brenda Reaves, Economic Development Director, Sherry Wilborn and County Attorney, Robert Hornik.

Chairman Powell called the Closed Session #1 to order at 1:15pm.

A **motion** was made by Commissioner Sims and **carried 4-0** to return to open session at 1:31pm.

ADJOURNMENT:

A **motion** was made by Commissioner Gentry and **carried 4-0** to adjourn the meeting at 1:31pm.

Brenda B. Reaves
Clerk to the Board

Gordon Powell
Chairman

July 12, 2021



Deposition of:

Hearing

July 12, 2021

In the Matter of:

**Person County Board Of
Commissioners**

Veritext Legal Solutions

800.743.DEPO (3376) | Calendar-carolinas@veritext.com |

www.veritext.com

PERSON COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

IN RE:

PETITION SUP-02-21

BEREA SOLAR, LLC, Applicant,
on behalf of the property owners
ELIZABETH CHRISTIAN and CATHERINE
PHELPS, JOHN AND LINDA MANGUM,
MALCOM MANGUM, JR., AND MARY SUSAN
WILLIAMS, MATTHEW MOORE, JEFFRY
HENDRIKS AND EM & RM LLC (Elvin Mangum)
on Tax Map and Parcel numbers
A110-7, A110-2, A110-31, A110-29, A110-6
A110-5 and 0961-06-5906.

JULY 12, 2021

9:46 A.M.

Roxboro, North Carolina

Reported by: Audra Smith

APPEARANCES

BOARD OF COMMISSIONERS:

Gordon Powell, Chairman

Kyle W. Puryear, Vice Chairman

Charlie Palmer

Patricia J. Gentry

C. Derrick Sims

OTHERS PRESENT:

Clerk to the Board: Brenda Reaves

County Manager: Heidi York

Counsel representing the Board: Robert E. Hornik, Jr., Esq.

Presenters: Lori Oakley, AICP, Planning Director

Angela Blount, Planner I

COUNSEL REPRESENTING THE APPLICANT:

Thomas Terrell, Jr., Esq.

FOX ROTHSCHILD LLP

230 N. Elm Street, Suite 1200

Greensboro, NC 27401-2171

Also Present on behalf of the Applicant:

Rex Young, Esq., Oakhurst Energy Development Attorney

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1 P R O C E E D I N G S

2 CHAIRMAN POWELL: Next item on the agenda
3 is the public hearing. This will be number 3.
4 Is that correct?

5 MS. REAVES: That's correct, Item 3.

6 MR. POWELL: We would like to view/open,
7 as advertised, the public hearing to consider
8 Petition SUP-02-21, a request by the applicant,
9 Berea Solar LLC, on behalf of the property
10 owners, Elizabeth Christian and Catherine
11 Phelps, John and Linda Mangum, Malcolm Mangum,
12 Jr. and Mary Susan Williams, Matthew Moore,
13 Jeffry Hendriks and EM & RM LLC (Elvin Mangum)
14 on Tax Map and Parcel Numbers A110-7, A110-2,
15 A110-31, A110-29, A110-6, and A111-5 and
16 0961-06-5906. (Granville County PIN), totaling
17 920 acres located on Berea, Bethany Church and
18 Isham Chambers Roads, for a special use permit
19 to establish a Level 3 (10 acres or greater)
20 Solar Energy farm.

21 Do we have a motion?

22 MS. GENTRY: So moved.

23 CHAIRMAN POWELL: All in favor say "aye."
24 (All county commissioners answered aye.)

25 MR. POWELL: Again, this is a

1 quasi-judicial zoning decision whereby
2 witnesses are to be sworn in and subject to
3 cross-examination. No ex parte communication,
4 and required, findings of fact.

5 MS. REAVES: Because we have so many
6 people to be sworn in, the attorney has advised
7 that I will call the names of those who have
8 signed up and you can stand at your place and
9 be affirmed, raise your right hand and be
10 affirmed.

11 So those that are offering testimony are:
12 Tom Terrell, Jen Lester, Nick Kuhn, Rich
13 Kirkland, Ben Hitchings, Chris Sandifer, Tommy
14 Cleveland, Rex Young, Paul Lynch, Cindy Lynch,
15 Norman Boyette, Paul Lynch again, Chris Weaver,
16 Barton Warren, Lisa Hall and Bonnie Jones.

17 This is all the folks who have signed
18 up --

19 MR. TERRELL: We have two --

20 MS. REAVES: -- in favor of in and in
21 opposition to.

22 MR. TERRELL: We have two landowners,
23 Ms. Williams and John Mangum.

24 Have you-all signed up?

25 Is it too late for them to sign up?

1 MS. REAVES: I think it's fine, yep.

2 Please come forward, please. And if I
3 called your name, if you would stand up,
4 please.

5 (Mary Susan Williams, John R. Mangum and
6 Elizabeth Christian added their names to the
7 Speaker Registration "In Favor Of.")

8 MS. REAVES: Chairman, I think you can
9 administer the oath.

10 MR. POWELL: Because we have a sizable
11 number, I'll read the oath, and at the end, you
12 will simply say "I do," if you don't mind.

13 I do solemnly swear or affirm that I will
14 tell the truth, the whole truth and nothing but
15 the truth as testimony offered in the public
16 hearing for Petition SUP-02-21. A request by
17 the applicant, Berea Solar LLC, on behalf of
18 property owners, Elizabeth Christian and
19 Catherine Phelps, John and Linda Mangum,
20 Malcolm Mangum, Jr. and Mary Susan Williams,
21 Matthew Moore, Jeffry Hendriks and EM & RM LLC
22 (Elvin Mangum) on Tax Map and Parcel Numbers
23 A110-7, A110-2, A110-32, A110-29, A110-6,
24 A111-5 and 0961-06-5906 (Granville County PIN),
25 totaling 920 acres located on Berea and Bethany

1 Church and Isham Chambers Road, for a special
2 use permit to establish a Level (10 acres or
3 greater) Solar Energy farm.

4 (Witnesses affirmed.)

5 MR. POWELL: Thank you.

6 Ms. Oakley.

7 MS. OAKLEY: Mr. Chairman, Members of the
8 Board, for SUP-02-21 today, Angie Blount, staff
9 planner, will be presenting this case to you.

10 MS. BLOUNT: Good morning.

11 MR. POWELL: Good morning.

12 MS. BLOUNT: This is a special use permit
13 request for Case Number 02-21. Here we go.

14 This is a request by the applicant, Berea
15 Solar LLC on behalf of the property owners,
16 Ms. Elizabeth Christian, Catherine Phelps, John
17 and Linda Mangum, Malcolm Mangum, Jr. and Mary
18 Susan Williams, Matthew Moore, Jeffry Hendriks
19 and EM & RM or Elvin Mangum. This is for the
20 following tax map numbers, A110-7, A110-2,
21 A110-31, A110-29, A110-6, A111-5 and then one
22 that is located within Granville County, which
23 is known by the Tax Map 0961-06-5906. This is
24 located on Berea and Bethany Church and Isham
25 Chambers Roads. Again, it is a special use

1 application to establish a Level 3, which is 10
2 acres or greater, Solar Energy System. This is
3 to include 920 contiguous acres in separate
4 ownership.

5 This is a map of the property. You'll see
6 that to the north of the properties are -- it's
7 wooded. There is some pastureland. To the
8 west of the properties, it's also wooded and
9 farm or pasturelands. There are scattered
10 single-family dwellings. To the west is the
11 Granville County line, and to the south is
12 Durham County, and it is also wooded and --
13 with some pasture and farmlands with, again,
14 scattered single-family dwellings.

15 The next map shows that the area is zoned
16 RC or Rural Conservation. This is true of the
17 entire area.

18 The Future Land Use map identifies the
19 parcels as rural residential. Rural
20 residential allows for low-density residential,
21 agricultural, forestry, churches and limited
22 commercial uses. Our analysis is that this
23 Level 3 request for a Level 3 Solar Energy
24 System, it's comprised of seven parcels. All
25 of the parcels are zoned, again, Rural

1 Conservation. Level 3 is 10 acres or greater.
2 It's allowed in this district with a special
3 use permit.

4 The site plan shows existing vegetative
5 buffers at the required 150 feet and proposed
6 buffers of 150 feet to be planted. The site
7 plan shows a 300-foot setback from any dwelling
8 and 50-foot buffers on either side of a stream.
9 The site plan also depicts the approximate
10 location of access for each tract.

11 Okay. There's one of my maps. This shows
12 some of the properties that are at the north
13 part. The green indicates the 150-foot buffer
14 that already exists. The yellow is what would
15 be planted to that standard. They also show
16 a -- let me see if I can find it -- sorry about
17 that.

18 Okay. Along this easement there, there's
19 an electrical easement, power line easement
20 that goes through there. You'll see where it
21 says POI, which stands for the point of
22 interconnectivity. This is where they plan to
23 have it low to the grid. This is the lower
24 half of those parcels. It shows the access
25 where they plan to access each lot from the

1 roadways. That's shown also -- again, the
2 green is the existing 150-foot vegetative
3 buffer. The yellow is what would be planted to
4 that standard.

5 There's an overall view which shows it
6 hugs that Granville County line, comes down
7 almost into Durham County.

8 The proposed site plan meets the setback
9 and buffering requirements set forth in the
10 Solar Energy System Ordinance where applicable,
11 and is an allowed use within the RC or Rural
12 Conservation district with a special use
13 permit.

14 Approximately half of the perimeter
15 requiring 150-foot wide vegetative buffers are
16 already existing.

17 If the board approves this request,
18 planning staff would recommend the following
19 conditions to be placed on the special use
20 permit. The riparian buffers for Cub Creek
21 located on Parcel A110-6 need to be added to
22 the site plan. This was left off, and I
23 brought it to their attention, and they have
24 indicated they've done the research and that it
25 would appear on the site plan.

1 The applicant is to obtain all necessary
2 permits for the Solar Energy System project and
3 adhere to all requirements listed in the Person
4 County System Ordinance and the planning
5 ordinance.

6 I had some stats on watt power. This is
7 an 80 megawatt farm. None of the -- the height
8 limit is 15 feet. None of these solar panels
9 would exceed that in height. The total amount
10 that they're planning to place, it's 230,920.
11 It's 80 megawatts of power combined, all of
12 those solar power panels together.

13 The site plan shows access to each site is
14 from a state maintained roadway. The property
15 is located within the Neuse and Pamlico
16 Watersheds and will be subject to Falls Lake
17 Watershed rules regulating land disturbance.

18 I know that we have representatives from
19 Berea Solar here today, as well as some of the
20 owners. Everything having to do with the case
21 was duly advertised and carried through per
22 state statute. That's all the presentation
23 that I have. If you have any questions, I'll
24 try to answer them.

25 COMMISSIONER GENTRY: The parcel that, is

1 there -- my understanding is there's a parcel
2 in Granville County?

3 MS. BLOUNT: There is a parcel that --
4 part of it exists over into Person. It's ours
5 as far as zoning regulations and ours to zone.

6 COMMISSIONER GENTRY: Thank you.

7 MS. BLOUNT: Uh-huh.

8 CHAIRMAN POWELL: Public comments at this
9 time?

10 MS. REAVES: Yes, sir. We have quite a
11 few to speak in favor of, as well as in
12 opposition to. So the first speaker to speak
13 in favor of is Mr. Tom Terrell.

14 MR. TERRELL: Mr. Chairman, I'm Tom
15 Terrell with the law firm Fox Rothschild, 230
16 North Elm Street in Greensboro. I'm here today
17 representing Berea Solar, the applicant, but
18 Berea Solar is a wholly owned site specific LLC
19 of Pine Gate Renewables, which I'll introduce
20 to you very quickly.

21 We understand that this is a hearing on
22 evidence. Your county adopted very specific
23 standards, and it's our duty to present
24 evidence to you showing that we have met those
25 standards.

1 To do that, there are six experts we have
2 here today. Most of what those experts have to
3 say has been reduced to writing, and that's why
4 you have a notebook in front of you. I've
5 asked each of them to keep their comments to a
6 higher level of about five minutes each, so
7 that we don't take your entire day today.

8 I would like to walk you through the tabs
9 in this, just so you know the evidence that's
10 in front of you. And as I do this, I would
11 like, first, to introduce the entire notebook
12 into evidence.

13 (Applicant's Exhibit presented to the
14 Board.)

15 MR. TERRELL: I'll just go through these a
16 tab at a time very quickly. The first tab is a
17 project overview. It gives you a lot of what
18 Angie has already provided for you.

19 At the second tab, we have Development and
20 Ownership. There are two companies. Oakhurst
21 Energy is represented by Mr. Young here today.
22 Oak Hurst is the developer for this site, but
23 Pine Gate Renewables, which is one of the
24 largest and most active energy companies in
25 North Carolina, will be the long-term owner,

1 operator and manager.

2 We have some information here on Pine
3 Gate. They will be the ones who build it; they
4 will be the ones that handle everything.

5 And if you look at the tab behind it,
6 there's -- it says Commitment to
7 Sustainability. I don't get to say this about
8 other companies that I represent, but Pine Gate
9 has a true commitment to sustainable
10 everything. They put up fencing that allows
11 wildlife to go through instead of just having a
12 wildlife corridor so that a facility does not
13 block wildlife from where they have food
14 sources, mating, things like that.

15 They also, where they can do this, they
16 work and have and allow farmers to have sheep
17 inside these facilities. They do -- they have
18 a pollinator program where they plant
19 pollinator grasses to aid local agriculture.
20 And they recently have established a
21 partnership with the Arbor Day Foundation --
22 and this is in here as well -- where for every
23 tree that comes down for solar panels, they
24 plant two. So this is their commitment as a
25 company.

1 The next tab is Economic Benefits. We
2 attach a study to this that shows -- this was
3 done by a nonprofit that when you take all the
4 solar farms in North Carolina and look at what
5 their tax value was before they became solar
6 versus what their tax value was to the county
7 after it was converted, it's about a 2,000
8 increase on average, which is important because
9 there are communities like Person County who
10 are losing things like coal plants as Duke
11 decommissions these facilities. And
12 counties -- it's not just unique to Person --
13 are looking for ways to replace that tax base
14 because you have schools that you have to pay
15 for and you have other services. Solar farms
16 increase that tax base, but at the same time
17 they don't draw on your services. So there's a
18 tremendous economic benefit from that that we
19 outlined there quickly.

20 The next tab is the Site Plan. I'm going
21 to have somebody come up and introduce that
22 very briefly. I would say on this point,
23 though, that this site that is here before you
24 today, you may think of as large, no solar farm
25 ever again will be a 5 megawatt, 50 acre. Duke

1 Energy has taken over the market here based on
2 legislation adopted in 2017. You have to apply
3 to Duke Energy, and in order to have your
4 facility accepted, you pretty much have to have
5 a large site.

6 And in this case, you have to have a much
7 larger site because of the setbacks and the
8 buffers in order to get the amount of panels
9 that are required. There are some small sites
10 still being done, but those are what are called
11 "legacy sites" that have been in a pipeline and
12 approved in years past.

13 Some of you -- I don't know how many of
14 you are brand new to this type of hearing, but
15 we did put a little tab in here on the law of
16 quasi-judicial proceedings that explains
17 essentially you've decided that a solar farm
18 goes in this zoning district. All we have to
19 do is present competent, material and
20 substantial evidence, and we take that very
21 seriously, and we have a summary of that.

22 And in the following, if you wanted to see
23 the exact language, we have the SUP standards.
24 Following the SUP standards, there's something
25 we call a General Statement of Compliance that

1 has everything, all of our evidence summarized.

2 After that, we have two different tabs on
3 Health and Safety. One from Mr. Sandifer and
4 one of Mr. Cleveland. They will be
5 addressing -- this is actually a larger topic,
6 and each of them will be addressing it from
7 different angles.

8 The tab following that, we want you to
9 know that Pine Gate uses Tier 1 panels. You
10 really can't get financing for this unless you
11 use a Tier 1 panel. We explain what a Tier 1
12 panel is.

13 And behind that, we show you the specs of
14 the panels. Pine Gate purchases from Canadian
15 Solar, and we have -- we can't promise it will
16 be Canadian, but this is where they buy from.
17 We don't know if they'll continue to be in
18 business or what the prices will be at any
19 given time, but that's where they have been
20 acquiring their equipment.

21 Chemical Control comes up as an
22 environmental question: Are the chemicals
23 dangerous? And Mr. Sandifer is going to
24 explain they're a lot less than agriculture,
25 and they're done by licensed applicators, and

1 everything is within all EPA and State
2 guidelines.

3 We often hear about stream protection as a
4 matter of environmental health. This is part
5 of the public health and safety equation, and
6 we have a lot of information here. It's
7 written sort of in bullet form to show that
8 this site is somewhere around 4 percent
9 impervious. It's very, very, very low percent
10 impervious. It's 7 or 8 times less than the
11 trigger for having to put in a stormwater
12 device, but we have a civil engineer who will
13 go over that briefly.

14 The next tab, we are testifying that we
15 meet all of your specifications and conditions,
16 but we have an engineer who will say that to
17 put it into the records.

18 We are required to have a maintenance plan
19 and a decommissioning plan. Both of those are
20 at the next two tabs, just in case you wish to
21 look at that.

22 The bottom line is, when the plant is
23 finished, Pine Gate has to pay a bond to make
24 sure that they're to remove it -- it's a very
25 quick process; most everything is recyclable --

1 and in this case, it's only about \$400,000 is
2 the estimate of what it would be. That's a
3 good-faith engineering estimate.

4 We have to demonstrate that this will not
5 substantially injure the value of adjacent or
6 adjoining property. This is done in this case
7 by a licensed appraiser, Mr. Richard Kirkland.
8 I'm going to introduce him to you in just a
9 moment. He has been called, many times "the
10 world's leading expert on the impact of solar
11 farms on adjoining property." He has done
12 these studies using public data in
13 approximately 20 states, somewhere between 7-
14 and 800 studies, and he uses only the standards
15 required by the Appraisal Institution and the
16 North Carolina Appraisal Board. It's a fixed
17 study, but once again, it is based upon data
18 that shows how people are spending money in the
19 marketplace.

20 The next tab is Harmony Consistency. We
21 have several people who will be addressing
22 this, but I would like for you, if you will --
23 I'm going to walk you through a few pages. If
24 you go a few pages into that, there's a
25 little -- it's like four pages after it, it

1 says Photos Illustrating Harmony.

2 If you find the first one, that's actually
3 from up in Rougemont. Many of you have
4 probably driven past that. It's right across
5 from the Hanson Quarry. This is what, I think,
6 Person County is trying to avoid with a solar
7 farm. They're very low to the ground, but
8 there's nothing there to prevent you from
9 seeing it. I emphasize: This is what it will
10 not be.

11 The next page, I put out here to show you
12 the existing site is not pristine farm
13 buildings. There's a lot of infrastructure on
14 this site that has -- it's starting to fall
15 down. It's very -- I speak from experience.
16 It's very expensive to farm.

17 The page after that shows a lot of
18 equipment that is right up in a stream buffer
19 that's currently on the site. Why? Because
20 there's nothing preventing that on a -- if it's
21 on agriculture. If it's in a solar farm, that
22 50 feet has to be maintained.

23 And there are a couple more pages showing
24 things that shouldn't be right in or at or
25 against a water feature, are there right now.

1 You can see also in the next page, you're
2 starting to see the infrastructure is on the
3 site. I show you the equipment that's on this
4 farm. These are photographs from farm
5 structures on this site. These tractors are
6 allowed. There is nothing in a solar farm that
7 you will hear outside this facility. There is
8 something called an inverter. Those inverters
9 are like loud air conditioners, but you get
10 farther away from them, you cannot hear them
11 over the ambient noise. I have never heard an
12 inverter outside a solar facility.

13 There's some photographs that showed you,
14 "This is what neighbors see now." And if you
15 were an adjoining owner of this property, there
16 are 90-foot towers out there that have
17 transmission lines. Those 90-foot towers
18 cannot be shielded from public view by any
19 vegetation. They have been there for decades,
20 and this is part of the landscape.

21 And then I have some -- in addition to
22 that, I have some photographs that were taken
23 on Bethany Church Road that show you, even from
24 the roadway, this is what you see. There are
25 several photographs, you know, showing double

1 rows of transmission towers.

2 And then there's a -- on page 13 of these
3 essays, I want to show you, there are four
4 photos that illustrate how what 20 feet of
5 vegetative buffer does in one place where it's
6 not that thick. At the top, you see the area
7 behind. At the bottom, you see is the buffer,
8 and then you go across the street, and you see
9 how much shielding is done by the pines that
10 are there.

11 And then on pages 15 and 16, 17 and 18,
12 you see what the existing buffer is on Berea
13 Road and Bethany Church. This is illustrative.
14 These are not selective photos. This is
15 everywhere.

16 Now, if you look at page 19 -- this is my
17 favorite illustration, I've never done this --
18 but this is Mr. Young. He and I were visiting
19 the site. He's standing at the roadside, and I
20 asked him to do long paces into the brush to
21 mark off 20 feet. And if we need him to
22 testify that's what he did, he will affirm
23 that. You see him from the road, but he goes
24 20 feet in.

25 And if you look on that second page --

1 second photograph, you can see his gray shirt
2 at the far left in that photograph, that's
3 20 feet. And this is before the leaves have
4 come out. This was done in late March, early
5 April, and you can see the deciduous trees had
6 not come. I know where he is in the last
7 photograph. If we could move on. I apologize
8 for that lengthy walk-through those photos.

9 We have a rendering from Kimley-Horn that
10 shows you what the buffer will be, and we'll
11 have a landscape architect. That is the next
12 testimony coming up. And he'll tell you, it's
13 going to take \$2 million, or just a few dollars
14 under that, to plant this buffer, so it's not
15 an inexpensive one.

16 We have, the next tab, what other
17 people -- and these are county commissioners
18 and others from other places -- say about solar
19 and how they welcome it. And then I can go
20 through these next tabs very quickly.

21 One of the standards we have to
22 demonstrate is that it will not materially
23 endanger -- I'm sorry -- substantially injure
24 the value of adjoining property or it's a
25 public necessity. And both Mr. Cleveland and

1 Mr. Sandifer have information here on public
2 necessity, and what they will tell you is that
3 as Duke is decommissioning its coal plants, as
4 we have issues with approving a nuclear
5 facility -- there will never be a new nuclear
6 facility ever approved because of public
7 opposition. Solar has become and is becoming
8 our next move for our country to make sure that
9 we have a reliable source of energy for homes,
10 schools, churches, businesses, the places we
11 live and the places we work. You can't do this
12 effectively on small acres. You have to have
13 large. And as we move to the tracker systems
14 that trap sun, we put batteries in these
15 places. They are getting more and more and
16 more efficient. And they will tell you, when
17 it comes to efficiency, they're actually more
18 efficient data-wise -- and the numbers support
19 this -- than any other form of energy, and they
20 use governmental data to demonstrate that.

21 And then finally toward the end, I did put
22 in here -- we have a five-page letter that we
23 sent to adjoining owners where we explained to
24 them that they will not be able to see it, hear
25 it; it won't generate traffic; that it won't

1 generate dust; that it will be a neighbor
2 they're unaware of.

3 And when we had our neighborhood meeting,
4 I will tell you nobody -- and I really mean
5 nobody -- showed up that did not want this. We
6 had -- we gave our personal information.
7 Nobody reached out to express opposition.

8 I was a little bit surprised to see people
9 signing up, I think, maybe to speak against it,
10 but they did not take the opportunity to come
11 to the neighborhood meeting, if they did.

12 And then finally, our last item in here, I
13 realize that this is hearsay, so we're going to
14 have them speak as well. These are property
15 owners who are paying taxes in Person County
16 who are here asking for a reasonable use of
17 their land, and they're asking you in these
18 letters, and they'll ask you in person, to
19 allow them to increase the taxes that come to
20 you. They're going to ask you to allow them to
21 do something that's reasonable -- they think
22 they've earned the right to do that -- that
23 does not harm their neighbors.

24 And with that, I'm glad to answer any
25 questions, and if we don't have any, I would

1 like to call up Jen -- or Jennifer Lester who
2 is with Kimley-Horn -- and she will introduce
3 the site plan. She will address how this
4 use meets all conditions, and she'll briefly
5 address stream protection because that's a
6 matter of environmental health.

7 Jennifer.

8 MS. LESTER: Good morning. My name is Jen
9 Lester. I'm a licensed professional engineer
10 in the state of North Carolina. I hold a
11 bachelor of science in civil engineering from
12 the University of Alabama, and currently a
13 project manager at Kimley-Horn & Associates
14 located at 421 Fayetteville Street in Raleigh,
15 North Carolina.

16 I've worked on over 80 solar sites across
17 North Carolina, the southeast, and the
18 Mid-Atlantic areas. Ranging from preliminary
19 design, detailed design to construction admin,
20 that includes grading, stormwater and erosion
21 and sediment control, which does cover
22 protections to stream and wetlands from
23 construction stormwater runoff.

24 MR. TERRELL: Mr. Chairman, we would like
25 to tender Ms. Lester as an expert in civil

1 engineering.

2 CHAIRMAN POWELL: Okay. Thank you.

3 UNIDENTIFIED MALE SPEAKER IN GALLERY:
4 Please stay in the microphone. Please. Thank
5 you.

6 MS. LESTER: As a recap, the site is
7 approximately 910.5 acres. It's located in
8 southeast Person County frontage, primarily
9 along Berea Road and Bethany Church Road. The
10 POI is located to the north of the site along
11 the existing overhead transmission line, which
12 runs diagonally across the site and across
13 Berea Road.

14 Let's see. The existing land cover is
15 primarily agricultural fields and wooded areas.
16 The proposed use will be primarily stabilized
17 meadow grass and approximately 3 percent
18 impervious area, which covers access roads,
19 inverter pads, substation pad, and piles.

20 Based on the change in land use,
21 stormwater runoff for the site is anticipated
22 to decrease in the final condition.

23 You'll also see internal to the site,
24 streams and wetlands which have been field
25 delineated at this time. There will be a

1 50-foot riparian buffer around them. It's the
2 intent of the site to avoid these, to the
3 extent possible. We're required for crossings
4 on roads or electrical wires, if any impacts do
5 occur, they will be permitted accordingly
6 through the U.S. Army Corps of Engineers and
7 Person County.

8 During construction, you'll see a series
9 of erosion control measures around the site,
10 likely silt fence in low-lying areas, a series
11 of diversion ditches and temporary sediment
12 basins.

13 You'll also see limited construction site
14 access. Called out on the site plan, and
15 internal laydown areas which will cover
16 equipment and materials to the site.

17 All design for the site will meet or
18 exceed North Carolina Department of
19 Environmental Quality and Person County
20 requirements.

21 Generally, zoning is the first step in the
22 process. So before construction can begin on
23 the site, we will need to acquire other
24 permits, including ones from NCDOT, NCDEQ, the
25 U.S. Army Corps of Engineers, and Person

Testimony on behalf of Applicant: Nick Kuhn, RLA,
CPRP

1 County. This is the same as any other type of
2 development; a church or a school or
3 subdivision would go through the same process.

4 So happy to answer any questions.

5 MR. TERRELL: Would you just state, is it
6 your opinion that this facility will meet all
7 the conditions and specifications required in
8 Person County?

9 MS. LESTER: Yes, that's correct.

10 MR. TERRELL: Okay. Thank you.

11 I'd like to call Mr. Nick Kuhn, an
12 architect from Kimley-Horn.

13 MR. KUHN: Good morning. My name is Nick
14 Kuhn. I'm a professional landscape architect,
15 licensed in the state of North Carolina with
16 the firm Kimley-Horn, located at 421
17 Fayetteville Street, Raleigh, North Carolina.
18 I have a bachelor of science in landscape
19 architecture from Ohio State and a master's in
20 landscape architecture from N.C. State.

21 As part of that, we'd like to talk a
22 little bit about the landscape vegetation
23 buffer --

24 MR. TERRELL: Before you do that, I'd like
25 to tender Mr. Kuhn to be an expert in landscape

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CPRP

1 architecture.

2 CHAIRMAN POWELL: So noted. Thank you.

3 MR. KUHN: Thank you.

4 The landscape vegetation buffer for this
5 project would include some illustrations here
6 on the board and you have in your packets as
7 well.

8 This project is -- majority of the
9 perimeter is existing vegetation buffer. There
10 are areas shown on the site map shown in --
11 highlighted in yellow that would include
12 proposed landscape vegetation buffer. In many
13 of those areas, the landscape that is proposed
14 will be supplemental to the existing
15 vegetation. Many of the areas along those
16 corridors include existing buffers, but do not
17 meet the 150-foot width. So it will be
18 supplemental to those areas.

19 This image here shown on the board is a
20 depiction of what the 150-foot proposed buffer
21 condition would be, and it's my opinion, as a
22 professional, that you will not be able to see
23 the solar panels behind or any of the
24 facilities of the solar generation behind those
25 buffers.

1 The proposed buffer vegetation is also
2 shown in plan view to the left side of that
3 image, and the proposed conditions would
4 include a mixture of evergreen and deciduous
5 trees to meet or exceed Person County
6 requirements for that vegetation.

7 So it's our opinion with a mixture of
8 those vegetations, we would have screening of
9 those facilities on a year-round condition; so
10 even during leaf-off plant conditions, during
11 winter.

12 In addition, those plants, the trees would
13 be supplemented with a mixture of evergreen
14 shrubs throughout the perimeter as well.

15 In combination, a total of over
16 \$2 million investment in landscape architecture
17 throughout the perimeter; approximately, 2,400
18 trees and over 12,000 shrubs planted.

19 The actual species would be selected based
20 on time of construction and the availability of
21 the plants, but they would meet the
22 requirements and performance guidelines for the
23 counties.

24 MR. TERRELL: Thank you, Nick.

25 I'd like Mr. Richard Kirkland to come

1 forward.

2 MR. KIRKLAND: Good morning. Hi. My name
3 is Rich Kirkland. I'm a state-certified
4 general appraiser. I've been appraising in
5 North Carolina for about 25 years. I'm also a
6 MAI through the Appraisal Institute, and I
7 regularly appraise agricultural properties, I
8 appraise residential development land, look at
9 commercial properties and general development,
10 conservation easements and impact analyses.

11 MR. TERRELL: And with that, I would like
12 to tender Mr. Kirkland as an expert in the
13 appraisal of land.

14 CHAIRMAN POWELL: So noted.

15 MR. KIRKLAND: I was asked to look at this
16 project and look at whether or not the property
17 as proposed would have an impact on adjoining
18 property values. I've been looking at solar
19 farms and property value impacts for about 12
20 years. In that time, I've looked at over 800
21 solar farms, and I've worked in, I believe,
22 about 18 different states at this point.
23 Mostly here in North Carolina because this is
24 where I'm based.

25 As far as looking at these, the way we

1 look for an impact on property value is we do a
2 matched pair analysis or a paired sales
3 analysis. You simply look at the property that
4 sold next to a solar farm and compare that to
5 similar properties that are not next to a solar
6 farm to see if there's anything you can measure
7 as far as an impact to those sales prices.

8 We've done that here in North Carolina
9 looking at 23 different solar farms that are
10 included in the report that I believe you have
11 a copy of now. From that, I was able to pull
12 56 matched pairs. Each one of those matched
13 pairs, those sales, we compared to three other
14 homes that are nearby that are not next to the
15 solar farm, just to see if we can find any
16 impact. And we're consistently finding no
17 impact on property value. We see some go a
18 little low, some go a little high. Mostly in
19 the plus or minus 5 percent range, which is
20 really the static we would find in any real
21 estate transaction. I can look at two
22 identical homes in the same subdivision, and
23 they won't sell for the exact same price.
24 There's always a little bit of friction and
25 variability in those prices.

1 The aggregate of the price I pulled I'm
2 finding is roughly plus one, plus two percent,
3 meaning there's a slight higher price, on
4 average, next to a solar farm. But it's in
5 that static area. It's not a meaningful bonus
6 or enhancement. It just means it falls in that
7 -- this is just normal real estate
8 transactions.

9 And I found the same thing to be true when
10 I looked naturally as well. I've looked at 37
11 solar farms across the United States, mostly in
12 the southeast. We pulled 94 matched pairs for
13 those.

14 We're looking at homes that range from
15 \$100,000 up to \$1.6 million homes that adjoin
16 these solar farms. I've got matched pairs as
17 close as 100 feet from the closest point on a
18 home to the closest solar panel, and I believe
19 the highest home price I've looked at is about
20 \$1.6 million, and that home was -- I looked at
21 two of those -- or three of those, actually,
22 that are roughly 200 feet from the closest
23 point of those homes to the closest solar
24 panel.

25 So again, the data is showing no impact on

1 property value for a wide range of different
2 property types.

3 This project here, the closest home is
4 going to be at least 300 feet away. So again,
5 that's much further away than the distance I'm
6 seeing for a wide range of property values,
7 including million dollars homes.

8 So it's my professional opinion that the
9 project, as proposed, will have no impact on
10 the adjoining property values; that -- and also
11 that it is a harmonious location for solar
12 farms.

13 Part of what we've been doing, looking at
14 all these solar farms -- we've looked at over
15 800, and we've quantified what are the
16 adjoining uses around solar farms? And we've
17 looked at it based on the number of adjoining
18 parcels but also the number of adjoining
19 acreage. And when I look by the number of
20 parcels, the most common adjoining property use
21 is residential; and when I look by acreage, the
22 most common adjoining use the agricultural.

23 This is where solar farms have been
24 located throughout North Carolina, throughout
25 the southeast and across the nation where,

1 essentially, you've got the open space where
2 you can put in the panels, but you also have
3 infrastructure which comes with the housing to
4 pull that out and put that on the grid.

5 So this is a harmonious location. And
6 that's further supported by the fact that
7 there's no impact on property values. If
8 there's something disharmonious about adjoining
9 uses, you would typically find an impact on the
10 property values.

11 So again, it's my professional opinion
12 that this is a harmonious location for a solar
13 farm. It will have no impact on property
14 values.

15 I'd be happy to go into greater detail or
16 answer any questions.

17 COMMISSIONER PURYEAR: Where did you list
18 your comps that were used?

19 MR. KIRKLAND: They are listed in the
20 report starting on pages 17 and they go on
21 through -- let's see -- about 48.

22 MR. PURYEAR: And the comps that were used
23 are comparable, the same size of 900 plus
24 acres?

25 MR. KIRKLAND: Again, I've looked at

1 projects as much as up to a 620-megawatt
2 facility up in Virginia; that's a Spotsylvania
3 project. We have matched pairs, three home
4 sales next to that project, and it's actually
5 much larger than this.

6 But as far as projects that are, say,
7 50 megawatts or larger, I got two, three,
8 four -- I've got four of the solar farms that
9 are identified in there are in the 75 to
10 80-megawatt projects, and they range up to
11 2,000 acres or more in some of those. Again, I
12 look at the size of the solar farm, not the
13 acreage because there tends to be lots of --
14 the parent tracts might be 2,000 acres, but the
15 number of acres actually in use is going to be
16 something significantly less than that due to
17 buffers, wetland areas, and things like that.

18 COMMISSIONER PURYEAR: Thank you.

19 CHAIRMAN POWELL: Any other questions?

20 MR. TERRELL: I have one question of
21 Mr. Kirkland.

22 You probably -- in fact, I'm sure that you
23 have been at more solar farm hearings than any
24 human being throughout North Carolina.

25 Would you estimate for this -- this might

1 be an unfair question -- how many special or
2 conditional use permits' hearings you've been
3 at over 12 years and how many counties or other
4 jurisdictions have made the finding that a
5 solar farm was harmonious with the area around
6 it?

7 MR. KIRKLAND: Again, I would have
8 to guess. It would just be a guess.

9 MR. TERRELL: A good faith estimate.

10 MR. KIRKLAND: I mean, I would say I've
11 been at least 300 or 400 in North Carolina.

12 As far as the number of counties, I would
13 say about -- I don't know -- 70 of the 100
14 counties in North Carolina roughly.

15 MR. TERRELL: How many have made the
16 finding of solar farm, of those, is harmonious
17 with the area around it?

18 MR. KIRKLAND: Most of those. Again, 60
19 to 70.

20 MR. TERRELL: Okay. Is that sixty to
21 70 percent?

22 MR. KIRKLAND: Yeah -- well, no, 60 to 70
23 counties; I've probably been to 70 counties.

24 MR. TERRELL: Okay. Of the three or
25 more -- 350 solar farms, how many of those for

1 each of those farm applications did the board
2 make the finding that the solar farm was
3 harmonious with the area?

4 MR. KIRKLAND: The vast majority. I don't
5 know how to assign that percentage, but most of
6 them.

7 MR. TERRELL: Are you familiar with anyone
8 that's been turned down on that issue.

9 MR. KIRKLAND: Well, I'm familiar with
10 some that have been turned down on that issue,
11 but --

12 MR. TERRELL: Are you familiar with what
13 happened in the courts afterwards?

14 MR. KIRKLAND: Yes. Most of those, if
15 they've been appealed, have been all upheld --
16 or overturned, excuse me, and permit granted.

17 MR. TERRELL: Okay.

18 CHAIRMAN POWELL: No other questions.
19 Thank you, sir.

20 MR. KIRKLAND: Thank you.

21 MR. TERRELL: To fully address the issue
22 of harmony and consistency, briefly is Mr. Ben
23 Hitchings.

24 MS. REAVES: Can you provide an address?
25 Because I don't have that.

1 MR. HITCHINGS: Yes. 2018 Wilson Street,
2 Durham.

3 Good morning, Chairman Powell, Members of
4 the Board. My name is Ben Hitchings. I'm the
5 principal of Green Heron Planning based in
6 Durham, a planning consulting firm. I've
7 worked for more than 25 years as a planner and
8 a planning director in several communities in
9 North Carolina. I'm also an adjunct faculty
10 member at UNC School of Government. I hold a
11 master's degree in planning from UNC, and I'm a
12 fellow of the American Institute of Certified
13 Planners and a Certified Zoning Official in
14 North Carolina. Pleasure to be with you this
15 morning.

16 MR. TERRELL: I would like to tender
17 Mr. Hitchings as an expert in land use
18 planning.

19 CHAIRMAN POWELL: So noted. Thank you.

20 MR. HITCHINGS: The fourth finding before
21 you has two parts: That the proposed project
22 is in harmony with the area, and that it is in
23 general conformity with the comprehensive plan.

24 So often when we develop our zoning
25 requirements, we're working to make sure that

1 we allow property owners to use their land as
2 long as they do so in a way that doesn't impair
3 the ability of their neighbors to also use
4 their property.

5 So when we talk about whether a proposed
6 project is in harmony with the area, we're
7 looking to see if it is compatible with its
8 surroundings; that it doesn't conflict with
9 neighboring properties.

10 As we've heard, this solar farm is a quiet
11 use that doesn't generate dust, odors or
12 vibration. So often, our views of a place and
13 of a particular property are shaped by the
14 views that we have from the adjacent roadways.
15 This project will have a 150-foot vegetative
16 buffer around the entire perimeter and a
17 300-foot setback from adjacent residential
18 areas.

19 And I drove this site, and there's --
20 it's -- the road is also sort of set down, so
21 the lay of the land, I think, also supports
22 maintaining a similar character to what is
23 already there, as you drive the roads around
24 the site.

25 In addition, the solar panels themselves,

1 as we've heard, will not exceed 15 feet in
2 height. As a result, this vegetative buffer
3 will screen the project and help ensure that it
4 is compatible with its surroundings.

5 Now, moving on to the second item. When
6 we evaluate a project for general conformity
7 with the comprehensive plan, we're looking at
8 the plan goals and also the Future Land Use
9 Map. You-all have a 2001 adopted Land Use Plan
10 which includes the following goals: Goal
11 Number 1 calls for promoting an orderly and
12 efficient land use development pattern which
13 allows for a variety of land uses while being
14 sensitive to environmental concerns.

15 We've heard testimony this morning and, in
16 my opinion, this project supports that goal.

17 There's also an implementation strategy,
18 1.5.3, that calls for discouraging low-density
19 residential development in rural areas where
20 investment in public infrastructure is not
21 economically viable. So this activity provides
22 another way for property owners to have an
23 economically beneficial use of their property
24 in a way that maintains the working landscape.
25 It's a working landscape when this facility is

1 in place.

2 Objective 2.1 of the plan calls for
3 promoting continued economic investment through
4 retention and expansion of existing industrial
5 concerns, and the recruitment of new industries
6 and commercial businesses. This project
7 supports that goal as well, and doesn't -- in a
8 way that respects the county's goals for
9 community appearance and the natural
10 environment consistent with Goals 4 and 7 in
11 your adopted plan.

12 As a result, in my professional opinion,
13 the proposed project is in harmony with the
14 area and in general conformity with the
15 comprehensive plan. Thank you.

16 CHAIRMAN POWELL: Any questions? Thank
17 you.

18 MR. TERRELL: We have two more speakers
19 Mr. Chairman. First, Mr. Chris Sandifer.

20 MR. SANDIFER: Good morning, Chairman
21 Powell, Members of the Board. Thank you for
22 hearing me. My name is Chris Sandifer. I live
23 at 3118 Green Road, Spring Hope, North
24 Carolina. I'm an independent consulting
25 engineer. Received a bachelor of science in

1 electrical engineering from Clemson University.
2 I'm a professional engineer registered in the
3 state of North Carolina. I'm a licensed
4 contractor in North Carolina with an unlimited
5 classification. I worked 30 years with Duke.
6 The last portion of that was the
7 interconnection of renewable energy resources.
8 Grew up on a farm. I live on a farm. And
9 right now, I have 100 acres of panels that are
10 on lease for photovoltaic generation.

11 I'm engineer of record for scores of
12 renewable energy projects, and I have made
13 multiple visits to 50 or more sites, maybe 100,
14 for either doing inspections, construction, or
15 final inspection for those sites. So I've been
16 around them for the last 12 years. Also, to
17 this month starting my third term on the Nash
18 County Planning Board.

19 MR. TERRELL: As a member of the Nash
20 County Planning Board, you have approved how
21 many solar farms?

22 MR. SANDIFER: 37.

23 MR. TERRELL: Mr. Chairman, given his
24 experience, I would like to tender Mr. Sandifer
25 in two areas: First, as an electrical engineer

1 with knowledge of the mechanics of a solar
2 facility; and number two, on the harmony of a
3 solar farm with surrounding areas.

4 CHAIRMAN POWELL: So noted, sir.

5 MR. SANDIFER: Thank you.

6 Just give you a brief overview of how
7 those photovoltaic solar panels are going to
8 work, we will drive piles into the ground,
9 they're pressed in the ground. Attach brackets
10 to those piles that rotate. We'll put
11 monocrystalline silicon panels on those racks,
12 and they will track the sun, and they will
13 convert the sunlight into DC electricity. The
14 electricity is then run into an inverter. That
15 inverter then transforms that DC into AC, and
16 then we run that through a transformer to match
17 the voltages to the existing power line that
18 goes across the property.

19 So there's nothing new about this
20 technology. It's not a piece in here that's
21 not been around for 50 or more years. Some of
22 it much longer than that, and there have been
23 no studies to indicate that there are any
24 long-term ill effects to the technology we're
25 using.

1 The farmland is not hurt. I wouldn't put
2 100 acres of my land in it if I thought it was
3 going the hurt the land.

4 As a farmer, I know how much chemicals we
5 use. Typically, these farms, to maintain them,
6 use approximately 10 percent of the herbicide
7 rates that would normally be on a row crop on
8 an annual basis, and they use zero percent of
9 the pesticides that a row crop farmer would
10 use. There's no call for using pesticides in a
11 solar farm, so none of that would be used.

12 They're advantageous for us because it
13 will keep the land intact for the next
14 generation. And so from that standpoint, we
15 think they're a good harmonious use for our
16 family farm.

17 The North Carolina Utilities Commission
18 has to issue a Certificate of Public
19 Convenience and Necessity for any project that
20 would be connected to the grid, and so those
21 folks have realized -- I think I stated
22 earlier -- regardless what you may think about
23 nuclear power, it's very difficult to get one
24 of those licensed in the United States and
25 probably will be a long time. I work for the

1 utility. We normally figured it would take ten
2 years just to go through the licensing's
3 process before we would even start
4 construction. So that's a long-term issue.

5 Right now, Duke has decommissioned over 50
6 coal plants in the last ten years. They tout
7 that they will be 50 percent of their emissions
8 reduced by 2030. By 2050, they claim they will
9 be net zero. So this is the direction, not
10 just Duke, but Dominion Energy, they're moving
11 in this direction as well.

12 In that report, you would see that I
13 talked about the efficiency and a bunch of
14 advantages of using solar, whether you're
15 talking about land use or water or whatever.

16 But the Department of Energy puts out a
17 report, the 2021 report on energy production.
18 They list solar -- and this is without any type
19 of subsidies -- solar is the least cost. They
20 have something they call levelized cost of
21 electricity production, and that takes in the
22 initial kind of investment, O&M, fuel and all
23 that, and to operate a solar facility, a
24 photovoltaic solar facility is the least cost
25 of any type of electrical production that we

1 have.

2 Photovoltaics are generally about 60 times
3 more efficient than photosynthesis. I would
4 just like to state, without hesitation or
5 equivocation, in my professional opinion, this
6 project, if installed the way it's proposed,
7 would not materially endanger the health and
8 safety of anyone in Person County.

9 I'm glad to answer any questions you may
10 have.

11 COMMISSIONER GENTRY: Is there a purchase
12 agreement with Duke for this project to
13 purchase electricity?

14 MR. SANDIFER: There will be. I don't
15 know if they have one now. It may already be
16 in place. That's a business decision -- I
17 don't know -- for it. It very likely --

18 COMMISSIONER GENTRY: So right now there's
19 nothing that says for sure this energy will be
20 purchased by any utility company?

21 MR. TERRELL: He would not know that, but
22 Rex Young can answer your question.

23 MR. SANDIFER: That's a business question.

24 COMMISSIONER GENTRY: Thank you.

25 UNIDENTIFIED FEMALE SPEAKER IN GALLERY: I

1 have a question. Is there any chance --

2 MR. POWELL: We're in process here. We'll
3 get to you. We'll get to you.

4 MR. SANDIFER: Are there any other
5 questions? I'm sorry I can't answer --

6 COMMISSIONER GENTRY: Okay. I thought you
7 were the --

8 MR. SANDIFER: I'm just the electrical
9 guy. That's a business question. I can't
10 answer that.

11 MR. YOUNG: I'm happy to answer that, if
12 that's okay.

13 MR. SANDIFER: Any other electrical
14 questions?

15 CHAIRMAN POWELL: Any other electrical
16 questions here?

17 MR. HORNIK: You're on the Nash County
18 Planning Board.

19 MR. SANDIFER: Yes, sir.

20 MR. HORNIK: How many of these solar farms
21 have you reviewed as a Nash County Planning
22 Board member?

23 MR. SANDIFER: Oh, gosh, I don't have that
24 number. Probably fifteen. There were some
25 before I came on the board.

1 MR. HORNIK: Were you ever on a board that
2 found there was not harmony --

3 MR. SANDIFER: No, never.

4 MR. HORNIK: -- for the solar farm?

5 So every time, as a board member, the
6 finding on the harmony issue was favorable?

7 MR. SANDIFER: Yes.

8 MR. HORNIK: Was harmonious?

9 MR. SANDIFER: And we're just a
10 recommended board, our planning board. The
11 board of commissioners has approved all 37 and
12 they found the same findings of fact that you
13 guys have, and each time they found that they
14 were harmonious.

15 COMMISSIONER GENTRY: For a total of how
16 much acreage of all those solar farms would you
17 estimate?

18 MR. SANDIFER: The largest probably in one
19 spot is probably 2,000 acres, but it's more
20 than one farm; it's a 50-acre -- I mean, a 50
21 megawatt and a 75 megawatt, and they're just
22 adjacent. I think there are a couple small
23 ones there, but I would say they probably
24 average --

25 Did you say in acres?

1 COMMISSIONER GENTRY: Well, you've said
2 something like 37 solar farms?

3 MR. SANDIFER: 37. Yeah, but most of them
4 are not a thousand acres plus, most of them are
5 small --

6 (Overlapping speakers.)

7 COMMISSIONER GENTRY: Okay. So anything,
8 let's say, over 100 acres, between 100 and a
9 thousand acres, how many solar farms were that
10 large in Nash County?

11 MR. SANDIFER: I would say five.

12 COMMISSIONER GENTRY: Okay. So you're
13 talking, 5-, 6-, 8,000 acres?

14 MR. SANDIFER: I would say probably
15 5,000 acres.

16 COMMISSIONER GENTRY: Okay. Do you know
17 what percentage of the overall acreage of the
18 county that represents?

19 MR. SANDIFER: Probably less than
20 one-tenth of one percent, but it will be less
21 than that. I don't know how many --

22 COMMISSIONER GENTRY: Okay.

23 MR. SANDIFER: -- maybe one-hundredth of
24 one percent. It's negligible --

25 COMMISSIONER GENTRY: Okay. Thank you.

1 MR. SANDIFER: Any other questions?

2 MR. TERRELL: We would like to answer your
3 question. The bottom line is you can't go this
4 far unless you have a power purchase agreement.
5 But I think Rex --

6 COMMISSIONER GENTRY: I know that. That's
7 why I asked.

8 MR. TERRELL: But Mr. Young can answer
9 that.

10 MR. YOUNG: That's right. I do appreciate
11 the question. Just for the record, we do
12 have -- Berea Solar does have a power purchase
13 agreement signed with Duke Energy for this
14 power.

15 COMMISSIONER GENTRY: Thank you.

16 MR. TERRELL: Mr. Thomas Cleveland will
17 also address the issue of health and safety.

18 MR. CLEVELAND: Thank you.

19 Good morning, Board.

20 CHAIRMAN POWELL: Good morning.

21 MR. CLEVELAND: My name is Tommy
22 Cleveland. I reside at 4141 Laurel Hills Road
23 in Raleigh, and I'm here to speak about public
24 health and safety. My background is an
25 undergraduate and master's degrees in

1 mechanical engineering from N.C. State, and
2 I've spent my entire about 15-year career in
3 solar energy. Most of that at North Carolina
4 State University, and then for the last four
5 years, I've worked for a nonprofit, private
6 consulting company that does inspections for
7 Duke Energy of solar farms across North
8 Carolina and South Carolina.

9 In that role, I've been responsible for --
10 on behalf of Duke -- commissioning about 50
11 solar farms across North Carolina and South
12 Carolina.

13 When I was at N.C. State University, I was
14 at a program or a center that was originally
15 called The Solar Center, and then it changed
16 names to the North Carolina Clean Energy
17 Technology Center, and I was one of just a
18 handful of engineers there as the industry
19 started in North Carolina, and a lot of
20 questions from communities around the state
21 came to me about potential impacts or health
22 and safety impacts.

23 So I was already teaching a class on
24 solar, I knew a lot about solar and answered
25 the questions I could at that time and did

1 extensive research to be able to answer the
2 questions I couldn't initially answer in that
3 area of health and safety.

4 I'll stop there. Yes.

5 MR. TERRELL: I would like to tender
6 Mr. Cleveland as an expert in three areas:
7 First, mechanical engineering; second, in the
8 construction and operation of solar farms; and
9 three, on the trends in renewable energy.

10 CHAIRMAN POWELL: So noted, sir.

11 MR. CLEVELAND: Thank you.

12 In your notebooks in front of you, there's
13 three different documents that I've written,
14 and I'll -- I've organized my -- a few minutes
15 of speaking today around those documents.

16 There's that -- there's a North Carolina
17 State University paper that I was a lead author
18 of that's under the Health and Safety Cleveland
19 tab, and that was -- and I'll talk more about
20 that, but I was the lead author of that paper.

21 There's the shorter statement about this
22 project, it kind of summarizes my thoughts on
23 potential health or safety impacts from the
24 proposed project.

25 And then under the tab Necessity and

1 Efficiency - Cleveland, there's a letter I
2 wrote to Person County dealing with some issues
3 that had arisen -- or I understood had arisen
4 as concerns in Person County. And I'll start
5 by talking about a few of the points in that
6 letter, and then move to the items that are
7 covered in the N.C. State paper.

8 That letter largely addresses just that
9 utility-scale solar is a mature technology, and
10 that it's really proven its use and its value
11 and its safety over the last decades,
12 especially in the last decade or so.

13 Just a few of the points in that letter,
14 North Carolina gets about 7 percent of our
15 electricity from utility-scale solar, so it's
16 today already producing a significant amount of
17 electricity. And Duke, the largest utility in
18 the state, their plans show that number
19 dramatically increasing in the next 15 years,
20 and then continuing to increase beyond that.

21 There's a federal government agency, the
22 U.S. Energy Information Administration that
23 produces lots of data about energy in the U.S.,
24 and in alignment with some of the numbers that
25 Mr. Sandifer presented about the lowest cost

1 ways to produce electricity, and in there I've
2 got an analysis by this agency that looks at
3 just one step further -- what they call -- how
4 economically competitive are these different
5 technologies, and they take a ratio of: What
6 is the value of that electricity they produce
7 considering when they produce it, how reliably
8 they produce it compared to what it costs to
9 produce the electricity?

10 And their analysis finds that there's two
11 technologies that are above the rest. One of
12 those is a certain type of natural gas plant
13 and the other one is utility-scale solar. So
14 they're finding that that's the most -- one of
15 the two most economically competitive ways to
16 produce electricity now in the U.S.

17 And then a final point from that letter is
18 an EPA calculator that I've applied to
19 utility-scale solar in North Carolina. They've
20 done analysis to say, Well, what are the public
21 health benefits of various kinds of renewable
22 energy?

23 When you produce renewable electricity, it
24 means you're burning less of some other
25 resource, primarily natural gas and coal. And

1 across the Carolinas, they looked at
2 utility-scale solar and calculated out over the
3 life of that project, the public health
4 benefits of reduced air pollution, water
5 pollution is something like one-and-a-half to
6 three-and-a-half cents per kilowatt hour, which
7 is, you know, approaching the cost or the value
8 of the electricity itself.

9 So multiply it out over the life of this
10 project, 30-year life of the project, 80
11 megawatt, would be about \$80 million of public
12 health benefits just from cleaner air, cleaner
13 water according to that EPA calculator.

14 And then I'll move on to what's covered in
15 that N.C. State paper. That paper was
16 published in 2007 as a university white paper
17 and a public information paper, and it's been a
18 go-to resource for our local governments
19 throughout North Carolina as well as other
20 states to help answer some of the questions
21 about public health or safety.

22 Now, I wrote that by doing an exhaustive
23 search on all the existing and publications on
24 these topics, largely from governmental and
25 university research agencies, so it's very well

1 documented where all the information is coming
2 from, and then it was peer reviewed by some
3 state and natural experts before being
4 published.

5 Just broadly, it sets out that there's
6 clearly some health benefits of solar, just
7 like shown in that EPA calculator. But the
8 vast majority of the paper looks at possible
9 negative health impacts. And when we looked at
10 all the research available, we thought four
11 were worth investigating. Toxicity, EMF, which
12 is electromagnetic fields, electric shock and
13 then fire safety, and I'll talk briefly about
14 each one of those.

15 Fire and electric shock, there's really no
16 particular risk. There's very little in a
17 panel that can burn. There is electric shock
18 risk to people working on the project, but it's
19 no different than any other electricity work,
20 and the project has to be built to National
21 Electrical Code and use proper UL-listed
22 equipment, so there's particular risk there and
23 no risk to public safety.

24 EMF, or electromagnetic fields, is an area
25 of energy that comes in a whole lot of

1 different frequencies. Our cellphones and
2 Wi-fi use pretty high frequency. Coming off of
3 AC electricity is a really super low
4 frequency -- they call it ultra low
5 frequency -- of 60-hertz-type EMF, and it
6 doesn't travel very far and it doesn't have
7 enough energy to impact our bodies.

8 I had a solar farm -- all the AC parts of
9 the system, so the overhead wires and inverters
10 and transformers all produce this kind of
11 60-hertz EMF, but it doesn't travel very far
12 from those sources. So somebody outside the
13 fence wouldn't experience any additional EMF
14 from what they already experience in their
15 daily life from the electronic devices in the
16 home.

17 And then the solar panels all produce DC
18 electricity which has no frequency associated
19 with it. So it has a static electric field and
20 magnetic field, and those don't have any impact
21 on human health, and they're very weak fields
22 at that.

23 So the conclusion there is there's no
24 increase to EMF to anybody outside the project.
25 Even if there was, the scientific consensus is

1 that there's not a negative health impact of
2 that 60-hertz type of EMF.

3 Toxicity, this is where a lot of concerns
4 come from. I think it's easiest just to look
5 at what's in a panel. This project is going to
6 use silicon-based panels. So about 80 percent
7 of the weight is glass, tempered glass front
8 and aluminum frame. You've got some layers of
9 plastic, silicon cells and a small amount of
10 metal to conduct that electricity around the
11 cell -- around the panel. And the only
12 component of all that that has some degree of
13 hazard is lead. There's a lead-based solder in
14 the panels. That's only about 30 percent lead.
15 It's only a few grams per panel, and they're
16 using encapsulated layers of plastic to make
17 sure moist air and water never gets to that --
18 those inside portions where lead is. So
19 there's no way for that lead to get out when
20 the panels have been damaged.

21 Even broken panels, there's been many
22 studies showing insignificant amounts of lead
23 would come out of a broken panel. You can go
24 all the way to the -- to a worst case, and
25 there was a large study about this by an

1 international energy group. Worst case, you
2 have a whole bunch of broken panels, a whole
3 utility-scale solar, I believe it was a
4 100-megawatt site they studied in that project.
5 Piled all those just on the ground, basically
6 an illegal landfill, just dumped it on the
7 ground, no control of wastewater or
8 groundwater, and it found that even a worst
9 case scenario they could think of, a well just
10 right outside of that site, people drinking out
11 of that well their whole life still would have
12 no impacts. In fact, the water in that well
13 would essentially be unaffected. It would
14 still meet all EPA and international water
15 quality requirements.

16 So the conclusion is, while there is this
17 tiny amount of lead in the panels, there's no
18 risk to public health in any worst case
19 scenario you could imagine.

20 And there's federal regulations that
21 define how you treat waste at the end of its
22 life. So it would have to go to a proper
23 landfill. That's if the panels aren't
24 recycled. It's very likely the panels would be
25 recycled. It's possible to recycle parts of

1 the panels today, particularly the glass and
2 the aluminum and the copper wires. But it's
3 been shown in other countries it's possible to
4 recycle more than -- more than 95 percent of
5 what's in a panel, and the expectations are
6 broadly that that technology will be in place
7 and in the market by the time these panels are
8 at the end of their life in about 30 years or
9 maybe 40 years.

10 So I'll stop there and conclude that based
11 on all that I'm presenting and have written,
12 it's my professional opinion that the proposed
13 facility would not materially endanger public
14 health or safety.

15 MR. TERRELL: Mr. Chairman, I have only
16 one question.

17 CHAIRMAN POWELL: Yes, sir.

18 MR. TERRELL: Do you find lead solder in
19 most, if not all, household electronic
20 appliances?

21 MR. CLEVELAND: You would. And not
22 encapsulated just behind a plastic cover. Much
23 easier exposure there.

24 COMMISSIONER GENTRY: We're talking about
25 small amounts of solder?

1 MR. CLEVELAND: That's correct.

2 COMMISSIONER GENTRY: Do you know how many
3 smart parts per panel, how many areas? Just
4 curious.

5 MR. CLEVELAND: Most panels have --

6 COMMISSIONER GENTRY: 10, 15, 20?

7 MR. CLEVELAND: -- 60 or 70 cells, and
8 it's between each cell.

9 COMMISSIONER GENTRY: Okay. So --

10 MR. CLEVELAND: Probably more than 100.

11 COMMISSIONER GENTRY: My other question --
12 my other question is, with the technology
13 changing as rapidly as it is, why are we
14 banking on 30, 40-year solar panels? Why are
15 these panels not having a life expectancy less
16 because technology is advancing so rapidly, in
17 ten years these panels may be outdated and
18 inefficient.

19 MR. CLEVELAND: Once you've installed
20 those panels, almost all your costs are -- have
21 already been spent. It doesn't cost very much
22 to maintain them.

23 COMMISSIONER GENTRY: That's why it's a
24 30, 40-year long-term play for somebody because
25 it's very profitable.

1 MR. CLEVELAND: But it means you would not
2 replace, even if better panels come along in
3 two years, once you got something installed
4 that's working well, producing lots of valuable
5 electricity, the next site you build might use
6 the new technology, but there wouldn't be a
7 reason to change out what's already existing,
8 what you built that's working well that is
9 going to work well for over 30 years.

10 COMMISSIONER GENTRY: What happens when
11 they don't work?

12 MR. CLEVELAND: Well, whatever problem it
13 was, gets fixed. I mean, there can be problems
14 that occur. I haven't seen any problem that
15 couldn't be fixed at a reasonable cost. The
16 projects are insured. Most problems would
17 either be an easy maintenance fix or something
18 that will be covered by insurance.

19 COMMISSIONER GENTRY: Okay. But I mean, I
20 guess what comes to mind is from your
21 standpoint as an expert, what happened in Texas
22 this last year, there wasn't a solar available
23 because there was no energy to feed them. What
24 happens in a case like that?

25 MR. CLEVELAND: In the case of Texas, at

1 those times solar produced as much as they were
2 expecting it to, so it did perform as expected.

3 It was other parts of the grid that had
4 trouble. It wasn't -- it wasn't a solar
5 problem in Texas. It was -- it was some amount
6 of wind problems and it was largely natural gas
7 problems, but it was not a solar problem in
8 Texas.

9 COMMISSIONER GENTRY: But it was part of
10 the grid, though. I think it was all part of
11 it. But I'm just saying, what happens when
12 they don't work? I mean, I'm just curious,
13 from your professional standpoint, what do you
14 do then?

15 MR. CLEVELAND: They get fixed just like
16 anything else that doesn't work, but it's not a
17 -- they're a super reliable technology. It's
18 not been a problem.

19 COMMISSIONER GENTRY: Okay. Thank you.

20 MR. TERRELL: Ms. Gentry, when you -- for
21 the record, so we're clear, when you say "they
22 don't work," do you mean --

23 COMMISSIONER GENTRY: I asked if they
24 don't work.

25 MR. TERRELL: If they don't work, are you

1 referring to the panel or the inverter or a
2 transformer?

3 COMMISSIONER GENTRY: Or weather or sun.
4 Any given -- what happens when they don't work,
5 what's the benefit then?

6 MR. TERRELL: Okay. Would you address --

7 MR. CLEVELAND: I misunderstood --

8 MR. TERRELL: Okay. Would you address --
9 address that question, and then also add
10 whether you've ever seen a solar farm not to
11 work under those circumstances.

12 MR. CLEVELAND: Yeah. I was addressing if
13 something basically breaks or is not working
14 properly.

15 But the question about what about when the
16 sun's not shining, either at nighttime or poor
17 weather, that's to be expected; it's already
18 built into the expectations from the utility.

19 Obviously, they're not going to produce at
20 night and, obviously, there's cloudy days, and
21 the utilities or the grid operator in that
22 region predicts the weather, with reasonable
23 accuracy. And when you have multiple solar
24 farms across a large region, they could very
25 accurately predict, as a group of producing --

1 producing units, how much are they going to
2 produce in the next day or the next hour, and
3 they can just adjust other sources, based on
4 those predictions.

5 It's not unlike what utilities have done
6 forever on the load side. They can't control
7 load, electricity use, but they can predict it
8 fairly well, and they just make adjustments.
9 They do the same thing for generation --

10 COMMISSIONER GENTRY: With solar you can't
11 flip a switch and make sure that it keeps
12 running because that's the reliability part of
13 it.

14 MR. CLEVELAND: It's different than other
15 generating sources, but it still produces very
16 valuable electricity. And the problem with not
17 being able to control it totally is not an
18 issue for the utilities. They can handle that
19 intermittency and non-controlability.

20 COMMISSIONER GENTRY: I guess one of my
21 other questions, too, is I'm curious in a
22 recent trip up through the midwest going
23 through Illinois, Indiana, Ohio, going up into
24 the Great Lakes state, I noticed that there was
25 a huge solar panel manufacturing facility off

1 of the interstate and it was football fields
2 long of solar manufacturing, and I noticed
3 outside this facility, all the HVAC systems
4 that were running this plant -- and I was
5 curious as to why they didn't use solar energy
6 to run that plant.

7 Would you happen to know why that the
8 companies manufacturing and producing and
9 promoting the product aren't using the product
10 in their facilities? I found that interesting.

11 MR. CLEVELAND: No, I don't know.

12 As one small example, Tesla -- I know
13 Tesla is making some small number of solar
14 panels, and they use solar panels on top of all
15 their buildings, but in that case I couldn't
16 answer that.

17 COMMISSIONER GENTRY: Thank you.

18 COMMISSIONER PALMER: I do have a
19 question, sir.

20 MR. CLEVELAND: Yes, sir.

21 COMMISSIONER PALMER: What type of liquid
22 is inside these panels?

23 MR. CLEVELAND: There's no liquid in the
24 panels.

25 COMMISSIONER PALMER: Okay. So what

1 happens if a disgruntled farmer takes his
2 bulldozer and goes across the field and
3 destroys all of your solar panels?

4 MR. CLEVELAND: Right.

5 COMMISSIONER PALMER: How long -- not
6 saying it's going to happen in Person County
7 but it is possible.

8 MR. CLEVELAND: Yes, sir.

9 COMMISSIONER PALMER: So how long would a
10 thousand-acre site like this right here, just
11 say they did that at multiple places across the
12 state. I mean, we're talking about how good it
13 is, which it is, it's good. It's clean energy;
14 we love it. We shut down all these power
15 plants just like the case she's talking about
16 in Texas, stuff froze up. Lost power for 20
17 some days. They rationed power. So what
18 happens in the long term as far as keeping the
19 citizens comfortable, winter, the summer, you
20 get -- the weather pattern, whatever it is, and
21 your structures are torn all to pieces.

22 MR. CLEVELAND: It would take --

23 COMMISSIONER PALMER: Have you ever heard
24 of a case of that happening?

25 MR. CLEVELAND: I've never heard -- it

1 would take a farmer a long time to tear up a
2 thousand acres of solar panels.

3 COMMISSIONER PALMER: With a bulldozer?

4 MR. CLEVELAND: With a bulldozer. Long
5 enough that somebody would -- to think about
6 doing that at multiple places. I guess what
7 I'm saying is it would --

8 COMMISSIONER PALMER: Just say terrorist
9 attack.

10 MR. CLEVELAND: I mean, from a terrorist
11 attack point of view, solar is much more secure
12 and resilient than other generating sources
13 that you have a power plant, attack one power
14 plant, you hit a lot more generation than a
15 solar field that's spread out over a thousand
16 acres. I don't see it being a risk to solar.
17 I see that kind of risk occurring with other
18 generating sources that would be more easily
19 you'd take out a lot of production in a single
20 attack or a small location.

21 And the system has 24/7 electrical
22 monitoring of electrical metering throughout
23 the site. So if it starts not working and
24 you're not producing power from all the various
25 points around the site they expect, the people

1 monitoring the system would know immediately
2 it's not producing correctly and send somebody
3 out to look into it.

4 COMMISSIONER PALMER: Okay. You answered
5 all that good.

6 One more question. Why are we still using
7 lead solder when we have silver solder now?

8 MR. CLEVELAND: Yeah. So it still works
9 the best. Mr. Sandifer can --

10 MR. SANDIFER: The Canadian Solar does not
11 use lead in their solder. They do not. That's
12 the one that's proposed. That's the one they
13 have. They don't use lead soldering. If the
14 company -- and I've done calculations on them
15 to answer your question, if they ever had a
16 dove shoot out there on that place and they
17 took a one ounce -- a one ounce -- one lead
18 shot -- and you can't kill unlimited doves with
19 one shot, okay? A lot of people go out with a
20 box of shells and don't kill them. One ounce,
21 three-lead is equal to all the lead that would
22 be in 400 panels. That's --

23 COMMISSIONER GENTRY: Right. That's why I
24 asked. Because they're small solder.

25 MR. SANDIFER: It's a small amount, but

1 they don't even use them -- Canadian Solar does
2 not even use lead in their solder.

3 COMMISSIONER PALMER: That was just my
4 curiosity --

5 MR. SANDIFER: I will answer, having
6 worked for utilities for 30 years, the very big
7 danger, especially after 9/11, was the
8 substations. If you want to put people in the
9 dark, you're not going to waste time with a
10 bulldozer on panels, take a .30-06 and go to
11 about three or four substations, you'll put
12 North Carolina in the dark.

13 That is where we are -- have the most
14 vulnerability, if that's what you're talking
15 about with reliability.

16 COMMISSIONER PALMER: Yes. This combined
17 question of all --

18 (Overlapping speakers.)

19 MR. SANDIFER: If you're talking a
20 terrorist attack, that would be the simplest
21 way.

22 COMMISSIONER GENTRY: Thank you.

23 CHAIRMAN POWELL: Any other questions?

24 MR. TERRELL: Thank you. Mr. Chairman,
25 this ends our official presentation of the

1 evidence as to the standards. I know that
2 there are some landowners who wish to speak and
3 there are other folks, I think, have signed up
4 to speak in opposition.

5 Possibly, I'll exercise my right to
6 cross-examine -- I don't think I will -- and we
7 may exercise our right to rebuttal. We'll
8 decide that at the time.

9 CHAIRMAN POWELL: Okay. Thank you, sir.
10 And Madam Clerk.

11 MS. REAVES: All right. I think we'll
12 hear from landowners next. Mary Susan
13 Williams.

14 MARY SUSAN WILLIAMS: Good morning,
15 Chairman Powell and Members of the Board.
16 Thank you for allowing us to have time to
17 address you this morning. We're landowners in
18 the project and write to you in support of
19 permitting this project. I would like to
20 quickly give you some background information on
21 the land we own here in Person County. This
22 land was owned by our grandfather, inherited by
23 my father, our father, in 1982.

24 As another lesson, my brother, Malcolm,
25 Jr., worked on the farm in the summers and

1 hunted there in the fall and winters.

2 In 2001, our father, Malcolm Mangum,
3 decided to plant pines on a portion of the
4 land. 80 to 90 acres were planted for future
5 use.

6 Unauthorized hunting has always been
7 problematic; and in 2010, approximately 35 to
8 40 acres of our planted pines were burned.
9 This happened on Good Friday, the day before
10 turkey season opened.

11 The forestry service determined it was
12 caused by an open flame, possibly from a
13 campfire. We learned at that time we needed to
14 be much more involved with who was on our
15 property and why they were there.

16 We are excited about the possibility of
17 our land being used for solar power generation.
18 We're strong proponents for renewables and feel
19 clean energy is vital to a better future.
20 We're also convinced that our solar partners
21 are responsible and will provide a facility
22 that will be a great asset to Person County in
23 North Carolina.

24 Together, we have tried to be good
25 stewards of our family property and believe a

1 solar power generation facility is the best way
2 for us to utilize this land and move forward
3 towards a more carbon-free future.

4 Thank you for considering this request to
5 allow Berea Solar LLC to operate in your
6 jurisdiction.

7 Respectfully myself, Mary Susan Williams,
8 and my brother, Malcolm Mangum, Jr.

9 And on a side note, I just want to
10 emphasize that my family has always been
11 responsible, tax-paying landowners. We've
12 continuously contended with people, especially
13 hunters, on our land, all unauthorized, and I
14 emphasize without written permission. Even
15 refusing to leave when asked to face-to-face.

16 The solar facility will allow us as
17 landowners to provide a harmonious facility for
18 the area. One that will benefit our
19 environment as well as giving us, the
20 landowners, peace of mind about the land we pay
21 taxes on. Our choice to protect our land and
22 the environment is to proceed with a solar
23 facility, and we ask for your affirmative vote
24 in this manner.

25 Thank you again for your time.

Statement by landowner: John Mangum

1 CHAIRMAN POWELL: Thank you.

2 MS. REAVES: Next, we have John Mangum of
3 Bethany Church Road.

4 JOHN MANGUM: Good morning, Chairman
5 Powell and other Members of the Board. I first
6 want to thank you for allowing us this
7 opportunity to come and discuss the proposed
8 solar project and your consideration of the
9 project.

10 My wife Linda and I both support and
11 recommend this project for approval because of
12 the benefits that it will be able to provide
13 for the county, for us, our family, for the
14 life of the project, as well as the positive
15 environment impact from creating a zero carbon
16 emission generation facility.

17 My father purchased the property following
18 World War II. This -- the majority of this
19 property was part of Camp Butner during the --
20 it was an infantry training base back in the
21 middle of World War II.

22 Once the federal government demolished
23 Camp Butner, the previous landowners were
24 allowed to come back in and repurchase the
25 land, so my father purchased it then and both

Statement by landowner: John Mangum

1 him and my mom and Linda, my wife and I, have
2 been paying property taxes for a little over 70
3 years on this property, which -- we've been a
4 vital part of Person County for a long time.

5 And it was -- he purchased this property
6 with the vision of leaving it to his children
7 and his grandchildren so they could have a
8 little piece of the family farm for the future.

9 And this project will help us be able to
10 maintain that ownership trail back to his
11 grandkids and the next generation, so that's a
12 positive for us as a family.

13 Both my parents -- you know, my dad grew
14 up in Person County, my mom's -- she grew up in
15 West Burlington, Iowa. They managed [sic]
16 Chicago, Illinois and they wanted to move back
17 to the family farm. That's how important it
18 was for him to move back to the family farm.

19 We're asking that you respect our rights
20 as property owners and taxpayers and allow us
21 to pursue the property's highest and best use,
22 especially because with the increased buffers,
23 the project will not have an impact on our
24 community.

25 I mentioned highest and best use, because

Landowner statement: Elizabeth Christian
1 the area where the property is located is in
2 southern Person County. It's located within
3 the Flat River/Upper Neuse River basins, which
4 has certain stormwater requirements that have
5 an impact on residential construction.

6 My wife and I experienced this when we
7 built our home at 1101 Bethany Church Road.
8 Having to navigate the stormwater requirements
9 with, you know, the requirements for surveying
10 and minimal disturbance, so we went through
11 that process. And we understand when people,
12 you know, choose to build a house in that area,
13 some of the struggles that you will experience
14 by doing that. So this will allow us to --
15 this allows the best use of that property.

16 In summary, we'd like to ask that you
17 honor our property rights and approve this
18 project. It will be a benefit for both our
19 family and Person County. Thank you.

20 CHAIRMAN POWELL: Thank you.

21 MS. REAVES: The next property owner is
22 Elizabeth Christian of Cary.

23 ELIZABETH MANGUM CHRISTIAN: Hi, my name
24 is Elizabeth Mangum Christian. The property on
25 Berea Road has been in our family for well over

Landowner statement: Elizabeth Christian
1 100 years and hope it can remain in our family
2 for future generations. We have many relatives
3 buried in the Mt. Tabor Cemetery down the road
4 from our farm.

5 My father Sam Mangum, deceased, loved this
6 property and I know he would have been proud to
7 see a solar facility developed on it.

8 We have been paying taxes in Person County
9 for decades and feel we have the right to
10 develop the property as we see best.

11 I believe a solar facility will not only
12 benefit our family, but provide substantial
13 income to Person County. I'm confident that
14 the way the project will be set up it will not
15 have a negative impact on our neighbors.

16 I spoke with Dale Winstead who lives
17 directly across the road from our farm, and he
18 told me he was very excited about the solar
19 coming to the area.

20 The project will bring more clean,
21 renewable energy to North Carolina, and I think
22 it will be a wonderful, new thing for Person
23 County. Thank you.

24 CHAIRMAN POWELL: Thank you.

25 MS. REAVES: Next Mr. Rex Young of Wade

Speakers in opposition to petition: Norman Boyette
1 Avenue in Raleigh.

2 MR. YOUNG: That's all right, thank you.
3 I'll pass.

4 MS. REAVES: Okay. All right. Ms. Cindy
5 Lynch, are you speaking in favor of the
6 project?

7 CINDY LYNCH: Not particularly.

8 MS. REAVES: All right. You signed up on
9 that. I just wanted to make sure because I saw
10 your husband signed up on the other list.

11 All right. Then that will conclude the
12 speakers for "in favor" of this project, and if
13 it pleases the board, we'll proceed to the "in
14 opposition" to speakers.

15 The first one on our list is Mr. Norman
16 Boyette of Franklinton, North Carolina.

17 NORMAN BOYETTE: Good morning,
18 Mr. Chairman, Commissioners. I'm Norman
19 Boyette. Here on behalf of the Voluntary Ag
20 District in Person County.

21 I'm going to be making comments on Berea
22 Solar permit. The project, if it's approved,
23 is going to take out of production of 920 acres
24 of prime farmland, woodland. It will be
25 another blow to the long-standing agricultural

Speakers in opposition to petition: Norman Boyette
1 community and to humanity in general in the
2 loss of that land that provides food and fiber
3 for our sustaining.

4 While solar production is fascinating, it
5 is by no means efficient. It takes
6 approximately 4.5 acres of farmland to produce
7 one megawatt of solar energy. And as you've
8 heard in previous testimony, these projects are
9 large scale. To be equivalent to taking the
10 production of the Mayo facility that we have in
11 Person County, it would take 5 to 6 square
12 miles of land to equal that production. That's
13 a lot to think about.

14 The farmers in this area work very hard to
15 be stewards of the land, to preserve and
16 nurture that land to produce a bountiful
17 harvest for their families and for the members
18 of this community. The farmland taken out of
19 that production may no longer come back.

20 You may even hear or you've read words of
21 the sun being free and it's infinite. One
22 thing is finite; it's the land. Remember that.

23 Just one last point I'd like to make is
24 just about the beauty of the land. We recently
25 came back from a trip from a family reunion,

1 and taking the longer route, meandering through
2 the country, we got to see the beauty of the
3 forestland which, by the way, takes out a lot
4 of the carbon dioxide out of the air that so
5 many proponents are talking about.

6 We walked -- we rode by rows and rows of
7 farmland with crops growing. It was a very
8 soothing drive. So as you go out and about
9 into the country, think about that. And when
10 you're riding by these large farms, solar farms
11 as well, look at all of the metal, the glass,
12 the silicon, the copper, the lead, other
13 proponents that are in this technology.

14 So I just ask you, as commissioners and as
15 fellow citizens, to strike a balance to the
16 needs of our energy and our food and fiber that
17 sustains us, and remember the large scale of
18 this land. They will keep coming back and
19 asking for more to keep this production up.
20 We've got to sustain that land. Please oppose
21 the project. Thank you.

22 CHAIRMAN POWELL: Thank you.

23 MS. REAVES: Next we have Mr. Paul Lynch
24 of 395 Union Grove Church Road.

25 PAUL LYNCH: Thank you. Good morning,

1 Commissioners.

2 Before you is a proposal for a special use
3 variance to use 920 acres of mixed farmland and
4 woodland for the installation of a 280,000-plus
5 panel solar farm that will, during peak hours
6 on a nice sunny day, put 80 megawatts of AC
7 power into the grid.

8 Now, let me start by saying, it's not a
9 bad project. This is not something that's
10 going to cause great harm to Person County in
11 and of itself. But we need to go into this
12 with our eyes open as to the impacts of not
13 just this project, but what's certainly coming
14 in the near future and their impacts on Person
15 County.

16 My name is Paul Lynch. I live in Hurdle
17 Mills. I have a bachelor of science in
18 environmental engineering from Rutgers
19 University. I have over 35 years' experience
20 working in the power industry, and I'm CEO of a
21 company that designs and supplies specialized
22 equipment for power plants such as coal,
23 gas-fired nuclear geothermal and solar thermal
24 projects, and I will state I have not been
25 involved with photovoltaic projects and I do

1 not represent myself as an expert in that
2 specific area.

3 Your task is to sort through all the
4 information provided and evaluate the
5 applicant's satisfying four key findings of
6 facts to meet that special use criteria.

7 I'd like to focus on items 3 and 4 on that
8 list. Item Number 3, that requires the project
9 will not substantially injure the value of
10 adjoining or abutting property.

11 The applicant presented considerable
12 information addressing this issue, and it is,
13 of course, a key concern for property owners
14 around the site. They present what is clearly
15 a one-sided collection of testimony that shows
16 there's no negative impact. This is, of
17 course, to be expected.

18 I submit, however, that it is within this
19 board's prerogative to obtain additional expert
20 opinion in this matter that is not paid for by
21 the applicant and may not be so supportive of
22 the applicant's assertions.

23 Before accepting the applicant's
24 information prima facie, additional time should
25 be taken to evaluate this further. You-all, as

1 the elected representatives of the citizens of
2 the entire county, should do all that is
3 reasonable to assure residents that this has
4 been examined carefully and it can have
5 reasonable assurance that the applicant's
6 representations are, in fact, valid.

7 Item Number 4: The application goes in
8 considerable effort to show that solar farms
9 are harmonious with rural land use. Now,
10 harmony is in the eye and the ear of the
11 beholder. How is it harmonious to take 900
12 plus acres of farmland and woodland, strip it
13 down to bare dirt everywhere inside the buffer
14 zone and cover it with aluminum and silicon?
15 There's a disconnect there. To call it
16 harmonious frankly is, in my opinion, silly.
17 If the project has merit, evaluate it on those
18 merits, not on an absurd, subjective
19 interpretation of what harmonious means. It's
20 green; silicon, aluminum, yeah, green.

21 Now, although my following comments are
22 not directly addressing the findings of fact
23 criteria, I think it's important that everyone
24 keep in mind certain aspects of what these
25 projects mean.

1 When evaluating the value of this project
2 to the county, in terms of economic
3 development, a reasonable question to ask would
4 be: How many long-term -- meaning other than
5 construction jobs -- will this project provide?

6 The answer is very few. Subcontracted
7 site maintenance, cutting weeds, spraying the
8 weeds and so forth, are not permanent jobs.
9 Panel maintenance and replacement are
10 specialized jobs that will be subcontracted
11 from outside the county. From a jobs-providing
12 standpoint, this job is irrelevant. From any
13 jobs standpoint, there's nothing here. I had
14 to dig very deep into the solar
15 manufacturer's -- the solar panel
16 manufacturer's website to find the info and
17 confirm this, but over 95 percent of this
18 Canadian company's solar panels are
19 manufactured in --

20 Anybody want to guess?

21 UNIDENTIFIED SPEAKER IN THE GALLERY:

22 China.

23 PAUL LYNCH: China gets all the good
24 manufacturing jobs, and we get to deal with the
25 hazardous waste. The decommissioning cost

1 study in applications does not seem reasonable
2 either, especially when those costs are
3 extrapolated out 30 plus years. Consideration
4 must be given to periodic reevaluation of those
5 costs so that the county taxpayer's not saddled
6 with overruns years from now to clean up the
7 site.

8 Careful consideration should be given to
9 the requirement of performance bonds and
10 maintenance bonds in the site plan process. If
11 the developer should not complete the
12 project -- and, yes, it does happen -- for any
13 reason, the taxpayer must not be stuck with
14 huge liability to either complete the project
15 and sell it or scrap it.

16 The taxpayers must also be protected in
17 the event that the developer and their
18 contracted operator and maintenance company do
19 not do satisfactory work to maintain the site.

20 And by the way, I could find no references
21 given by the developer on their website, which
22 I would call charitably minimalist. So there
23 is nothing to ascertain that they have a
24 history of successful project operation and
25 maintenance.

1 Now, what is the impact on the electric
2 cost to county residents? This question is
3 rather studiously avoided, not just for this
4 project, but for green energy projects in
5 general.

6 Now, putting aside the developer obtaining
7 millions of dollars in federal and state
8 subsidies to make the project even remotely
9 feasible, what is the avoided cost for power
10 that Duke will have to pay the developer for
11 each kilowatt of power fed into the grid?

12 They have at least a preliminary PPA, but
13 I heard no testimony given as to what the cost
14 per kilowatt hour is going to be on any kind of
15 projected basis. We just don't know, okay?

16 I think that that information is important
17 for people to know when evaluating the
18 desirability of these kinds of green energy
19 projects.

20 Now, I suggest it's important to keep in
21 mind when you consider the impacts of projects
22 like this on Person County in the future a few
23 interesting facts. Someone else alluded to
24 this, but I want to go into just a little bit
25 more detail quickly.

1 This project will put 80 megawatts into
2 the grid on cloud-free, sunny days.

3 The Hyco and Mayo plants will produce in
4 total at full output 3400 megawatts of power,
5 24/7 rain or shine. Doing the math, using
6 solar panels to obtain the same net
7 output -- again, on nice sunny days only --
8 will require about 40,000 acres or a parcel of
9 land 20-by-20 miles in area. Does that number
10 sound familiar? It happens to be the size of
11 Person County. You have to cover every square
12 bit of land in this county with panels to get
13 the same power output as the two coal plants,
14 and that's just on nice, sunny days. What
15 about on cloudy or stormy days? What about at
16 night? Where does the power come from then and
17 why should we be concerned about this?

18 This is what it comes down to, ladies and
19 gentlemen, Person County is a rural area with a
20 lot of open space, farmland and woodland, et
21 cetera. We also have, thanks to those two coal
22 plants, extensive transmission infrastructure
23 that makes siting these types of projects here
24 attractive and relatively economical.

25 We will be seeing more, possibly many

1 more, of these large scale solar project
2 applications because of these two facts.

3 I would suggest, respectfully, that this
4 board undertake a professional land use
5 planning study to determine what criteria we
6 need to put into ordinances to ensure that
7 Person County is not turned into an aluminum
8 and silicon jumble up and down the transmission
9 line system.

10 The current solar use ordinance is a good
11 start, but we need a comprehensive plan to
12 determine where such sites, especially
13 utility-scale, are feasible and reasonable.

14 As I said at the beginning, this project
15 on its own is not necessarily bad or not in any
16 interest [sic] to Person County, but going
17 forward a lot of these will be something
18 altogether different. Thank you very much for
19 your time.

20 CHAIRMAN POWELL: Thank you, sir.

21 MS. REAVES: Chris Weaver of Satterfield
22 Farm Road, Timberlake.

23 CHRIS WEAVER: Wow, that was awesome.
24 That was unbelievable. I'm not an expert. I
25 have a degree in biology, a minor in chemistry.

1 I'm pretty darn good at shoveling horse manure.
2 I have installed solar. I have installed wind
3 generators, and I've been a business owner.

4 I don't -- I think the two of you are the
5 only business owners on the board.

6 I don't think you've ever had a business.
7 You work for somebody.

8 You work for somebody.

9 Your clientele comes to you voluntarily;
10 my clientele always came to me voluntarily. I
11 don't know how, but I'm in the business of
12 Welsh ponies. I would love to have a law that
13 says everybody in this county must buy a Welsh
14 pony.

15 This project is going to force everybody
16 in the county to purchase their electricity.
17 They're not making this electricity. They're
18 not planning this electricity for themselves to
19 run their -- you know, their refrigerators at
20 their home. They're purchasing -- they're
21 going to do this to sell it back to every
22 single one of us. That's compulsory. We're
23 all going to be forced to buy into this type of
24 business agreement.

25 I didn't sign up for this plan. This is

1 not my business. This is their business, and
2 I'm going to be forced to participate in.

3 You know, I'm big on personal property
4 rights, but now you're asking me to
5 participate? You're telling everybody in the
6 county they have to participate.

7 You know, it will be wonderful if they
8 opened up a bowling alley, a movie theater, a
9 Palace Point. Nobody forces anybody to go to
10 those places, but now you're going to handcuff
11 me. You're going to handcuff me to a
12 project -- I'm not saying you are, but that's
13 the potential of this type of project.

14 Somebody -- Duke Energy, somebody way back
15 in the day made it a law that all excess power
16 has to be turned over -- has to be purchased by
17 the local utility. I don't know who coddled
18 that law together but it's probably the same
19 people who sent that resolution over two weeks
20 ago, you know? I don't like that. We don't
21 need that. As free people, we don't need to be
22 tied to such stuff. If you got a fantastic
23 product, everybody should be beating down the
24 door trying to get to you. You should not have
25 to handcuff everybody in the county to a

1 business idea.

2 If y'all can think of something else that
3 will help me sell Welsh ponies, I'd love it,
4 but I'm not going to force everybody to
5 purchase one.

6 So I think the land use, the special --
7 the special use permit is such a trivial way to
8 look at a project of this magnitude. I mean,
9 the guy that just got one before, a little
10 Stor-n-Lock. That's about what I would call a
11 special use permit should be used for,
12 something like that. Okay? This is
13 something -- his business doesn't chain
14 everybody else. Does not demand compulsory
15 participation. This project does. I believe
16 it deserves a lot more scrutiny than something
17 simple and as frivolous as what we're doing
18 right now. Thank you.

19 CHAIRMAN POWELL: Thank you.

20 MS. REAVES: Barton Warren of Helena
21 Moriah Road, Rougemont.

22 BARTON WARREN: Well, the lawyers got me
23 blocked, I can't get up there.

24 Thank you, sir.

25 Commissioners, how lucky I was and am and

1 continue to be from Person County. My
2 grandfather was a district attorney and -- of
3 Person and Caswell County back in the day, way
4 before a lot of people in this room were born.

5 My mother and my father made sure that we
6 spent time with our grandfather in the summer,
7 which was around Chub Lake. My mom is from
8 Moriah. I'm actually speaking on her behalf.
9 My dad has since passed. My family owns land
10 in five counties: Durham, Person, Granville,
11 Lee, and Moore.

12 We're fortunate landowners, and I was
13 fortunate to come from a great family of
14 farmers and hard workers.

15 Out of those five counties and out of the
16 farms that my family has, not one solar farm is
17 on that. Not one solar farm.

18 And we've been approached. Hell, my mom
19 was approached by the cell tower in one of our
20 Moore County spots. No, that's not going to
21 happen.

22 But to take such a pristine piece of land,
23 though it's not ours, and put 920 acres of
24 something that these guys led us to believe was
25 not dangerous.

1 Now, I'm not an attorney. I'm not a
2 biologist. I have a double major from High
3 Point University, political science and
4 history. As my dad called it, that's an "I
5 don't want to go to work" degree.

6 But nonetheless, I do have friends who are
7 attorneys, who are engineers, who are Clemson
8 graduates, who are Duke graduates, who are,
9 unfortunately, Carolina graduates, and not one
10 of them has told me in the engineering
11 department -- two of my best friends, one a
12 Clemson grad and one a UVA grad over beer and
13 fellowship, not one of those engineers has told
14 me that solar panel is safe. It was a
15 consensus --

16 MR. TERRELL: I'm just going to object for
17 the record that this is a hearsay. It can't be
18 considered in an evidentiary hearing.

19 BARTON WARREN: Well, you said it was
20 safe. I'm saying it's not.

21 MR. TERRELL: You don't have experts who
22 said that.

23 BARTON WARREN: I have experts who are
24 friends.

25 MR. TERRELL: Well, the attorney will

1 explain.

2 CHAIRMAN POWELL: Mr. Warren, Mr. Warren,
3 proceed, please.

4 BARTON WARREN: Yes, sir. That being
5 said --

6 CHAIRMAN POWELL: We do note the
7 objection. But continue.

8 BARTON WARREN: There is arsenic, there is
9 mercury, selenium; you name it, it's in solar
10 panels.

11 My mother lives within 500 feet. She
12 raised me for 53 years, and believe me, all 53
13 years it took her to raise me.

14 I hate for her kitchen to be looking
15 straight at solar panels.

16 Now, keep in mind, my mama is fiscally
17 responsible enough that she can pick up and
18 move. But in the latter fact, it's just a
19 dangerous situation for each and every one
20 who's around.

21 And I want someone to explain to me the
22 great economic impact to Person County. I just
23 don't see it. I don't see it at all.

24 Commissioners, I really appreciate your
25 time. God bless Person County, and it's a

Speaker in opposition to Petition: Lisa Hall

1 shame that a once beautiful, rural county is
2 now going to be a site for sore eyes. Thank
3 you.

4 MR. POWELL: Thank you.

5 MS. REAVES: Lisa Hall from Camp Creek
6 Lane, Rougemont.

7 LISA HALL: Good morning.

8 CHAIRMAN POWELL: Morning.

9 LISA HALL: I have property that is
10 adjoining 500 feet from the proposed project.
11 My son has property that adjoins the project,
12 and my mother also has property adjoining the
13 project. We are not in Person County, though.
14 We are in Granville County. And I just hate to
15 see the -- I guess the beauty, the wildlife,
16 the nature, you know, be destroyed by putting
17 in these solar panels when we don't know for
18 sure that there are not risks to health and the
19 underground water and the watershed and things
20 that are needed, you know, to keep the
21 community going.

22 Those are my main concerns is healthcare.
23 The underground water, we do have well water
24 back there. Property value. Let me just look
25 at my little notes again.

Speaker in opposition to Petition: Lisa Hall

1 And that was part of Camp Butner at one
2 time as it was mentioned. I don't know if that
3 particular area adjacent to me that's part of
4 this project has been checked for shrapnel and
5 stuff. I know that our property was checked
6 about eight years ago and shrapnel was found in
7 that area, so I don't know if that's something
8 that has been brought up and considered as part
9 of this project.

10 So those are just kind of my concerns to
11 bring forward.

12 Fencing. Well, the fencing keep the
13 wildlife from getting in there and being
14 harmed. You know, I've seen one come in to
15 Person County here, and it looks like deer
16 could probably jump in there if they wanted to.
17 I don't know. There's a lot of wildlife out
18 there.

19 I was walking this morning and five deer
20 ran across the driveway in front of me right
21 there at the -- at one of the sites. I had a
22 turkey literally fly over my head this morning,
23 so it's just -- things like that that I would
24 hate to see go and not be preserved if this
25 goes forward.

1 And it's really all I have to say. And
2 I'm very nervous as you can probably tell. I'm
3 shaking like a leaf.

4 CHAIRMAN POWELL: Don't worry about it.

5 LISA HALL: And I don't have any degrees
6 or anything. My degree is from hard knocks and
7 bruises and learned everything the hard way and
8 figuring it out. But those are just my key
9 points.

10 We've been up there about 36 years, and
11 I'd hate, you know, for that land to not be
12 able to be used for future generations.

13 CHAIRMAN POWELL: Thank you.

14 MS. REAVES: Next we have Bonnie Jones
15 from Camp Creek Lane, Rougemont.

16 BONNIE JONES: Good morning, everyone. I
17 have no degree, no specialty, just heartfelt
18 concern for the land and the surroundings. I'm
19 just a little resident there. I own land that
20 adjoins to one of the sites where there would
21 be affected.

22 I wake up in the morning, I can walk out
23 and I hear wildlife, I can see wildlife, and
24 it's wonderful to hear sounds as such. You
25 can't go everywhere and have the joy and to

1 understand and to see and if you enjoy such.

2 I understand that it's not going to
3 produce odor, dust and vibration into the area,
4 but there's much more to be concerned about
5 what will take in effect into the area, and in
6 my opinion, from the data even I've heard here
7 this morning, the data I've read, there's not
8 enough data to prove that I won't get cancer
9 from it or my children, my grandchildren if we
10 stay where we are. There's no data to prove
11 the harm, not what I think, but there is no
12 data to prove it, long-term, what's going to
13 happen.

14 I'm not as fortunate as some people say I
15 can just pick up and leave and sell out. I
16 don't know anybody would want to put themselves
17 in a risk. I could not honestly sell to anyone
18 and not tell them what was coming because, I
19 mean, that would -- I just couldn't do that.

20 So I feel like I would really lose value
21 and money in my home, and by doing so, you
22 know -- also, no one has told me this morning
23 what determines how long they're going to use
24 this land for solar. And after that, what
25 happens to the land? Is it suitable for

1 anything after that?

2 Also, I'm -- like I said, I'm concerned
3 about what is it going to do to our health.
4 Can you guarantee me I'll be healthy 25 years
5 from now? I'm not going to get any effect
6 whatsoever from this? I don't think so.

7 I have -- I do have one profession,
8 healthcare. I've been there. So I know what
9 I'm talking about when I say can you prove it?

10 Look on how many programs on TV, Call if
11 you've been exposed to this, call if you've
12 been exposed to that.

13 Now, somebody's paying out a lot of money.
14 Are we, Person County, ready to pay out that
15 kind of money? Will Pine Gate be ready to pay
16 out that kind of money? Who's going to take
17 care of the people?

18 I thank you for listening to me and
19 letting me express my concerns. Thank you very
20 much.

21 CHAIRMAN POWELL: Thank you.

22 MS. REAVES: Our last speaker to conclude
23 this public hearing is Cindy Lynch, of Union
24 Grove Church Road, Hurdle Mills.

25 CINDY LYNCH: Good morning, Commissioners.

1 Since we're talking about qualifications, I
2 thought I'd give mine such as they are.

3 I graduated from Rutgers University with a
4 bachelor's degree. Part of that time, I was
5 taking land use courses, and I've taken land
6 use courses from other institutions. I've been
7 involved land use for over 30 years, including
8 time as a land use administrator, as a zoning
9 administrator, planning board, and also zoning
10 board member.

11 Now, this mostly happened in New Jersey,
12 so I basically am coming to you here from the
13 future. What has happened -- what happened in
14 New Jersey, which is why I'm not there anymore,
15 I don't want to happen here. Even though I've
16 been here only a short time, I can't believe
17 it; I have fallen in love with Hurdle Mills and
18 Person County. I want to protect this area. I
19 love it. So that's why I keep coming and
20 talking to you because I love it here, and I
21 want to protect it and I don't want it to turn
22 into New Jersey.

23 So my first point is, although some people
24 don't like that this is a special use permit, I
25 like that it's a special use permit because

1 this gives you the ability to look at this
2 beyond just the ordinance issues, beyond just
3 do they have the setbacks, do they have the
4 buffers? It sounds like they do. But you have
5 four other criteria that you need to look at
6 this and determine is this really the best use?
7 Is it really the best thing for Person County?
8 It may be helpful to some property owners, but
9 you need to look at what's best for the whole
10 county.

11 Now, I have a question -- can I ask a
12 question of some of the experts who already
13 testified?

14 MR. HORNIK: Make your presentation to the
15 board and then if we have questions we can ask
16 them.

17 CINDY LYNCH: Okay. All right. well, my
18 specific question is -- and it's pretty
19 specific -- is how they're going to handle the
20 undergrowth. Sometimes it's handled
21 mechanically, sometimes it's handled
22 chemically. I've heard something about sheep,
23 which would be fun; just watch out for the
24 manure, but I'd like to hear specifics because
25 that could really make a difference on the

1 impact for the community and the surrounding
2 area when we're talking chemicals, talking
3 mechanical.

4 Now, I understand that there's been
5 testimony that, you know, farms put lots of
6 chemicals down, and I'm not a farmer -- well,
7 not really, so I'll agree with that. But note
8 that a lot of farms are going organic, so that
9 may not continue to be the case.

10 Now, we've heard from the attorney here
11 that there's -- Duke is in the process, they
12 need to accept these things, and they need them
13 to be large. If it's not large, it sounds like
14 they're not interested. So it sounds to me
15 like we're going to have more of these coming
16 down the pike. And so I'm asking that you look
17 at this very, very carefully.

18 Now, you put together a pretty good
19 ordinance, you got some nice setbacks in there
20 which is going to help protect the rest of the
21 county, so that's great. But there may be some
22 other things. And as you listen to this
23 testimony, there may be some other things that
24 have been brought to mind that may be some
25 concerns. Listen to those concerns. Because

1 once you approve something, even though I know
2 they're going to say, Well, every property is
3 individual. Let me tell you, when it goes to
4 court, the judge is going to look at what you
5 did last time, and if you approved it last
6 time, you're going to have a hard time not
7 proving it again and again and again and again.
8 So you got to get the first big one right.
9 It's really, really important.

10 You might even want your planning
11 committee -- sorry, Lori -- your planning
12 department to look at how many other areas in
13 Person County could this affect? How many
14 other areas that we have that are large parcels
15 and how many more times might this happen?

16 Now, we've been talking about megawatts,
17 and we heard some testimony that this has been
18 put forth as an 80-megawatt facility. But the
19 power plants we currently have are 3,400. So
20 we could potentially have 40 more of these to
21 produce that same kind of power. Of course,
22 that's only the power during the sun, so you'd
23 need even more. And we already heard that
24 there's like 37 of them in Nash. So you could
25 have a whole lot of people knocking on your

1 door. Again, the importance of looking at this
2 very, very carefully.

3 And then we talked about how this is
4 farmland and this is woodland, and once you
5 lose farmland, it's very hard to get it back.
6 And it's not just this farmland. What I have
7 seen from New Jersey is once you start losing
8 farmland -- and I've said this to you before
9 and I'm going to keep saying it to you because
10 I've seen it and it's not good; you start
11 losing that critical mass. And all those
12 services that those farmers need start
13 shrinking and shrinking and shrinking. And
14 before you know it, the farmers that really
15 want to stay who have sons and daughters who
16 want to keep doing it, they can't because they
17 don't have those auxiliary services that they
18 need. So it's important that you keep that
19 critical mass.

20 Is this going to make a difference?
21 Probably not. But what about the next one and
22 the next one and the next one.

23 And I know you're only voting on one now,
24 but that's why it's important to get this right
25 because you lose that critical mass, you're

1 going to lose your farms, and you know what? I
2 don't know about you, but I really like to eat,
3 and we've just seen in the past, what, year or
4 two, our empty shelves at the supermarket
5 because they couldn't get food to us because
6 transportation broke down. It's really nice to
7 have farms right in your community where you
8 can go over and get eggs when you need it and
9 get some vegetables when you need it. You
10 don't want to lose your farms.

11 So I'm speaking for the farms, watching
12 for that. And ladies and gentleman, you have
13 the ability, as you wrote your ordinance, that
14 you can look at this for special reasons.

15 Is this really the best thing for the
16 county? Thank you.

17 CHAIRMAN POWELL: Thank you. And
18 that's -- those are the last, did you say?

19 MS. REAVES: Yes, sir.

20 MR. TERRELL: We have a right to some
21 rebuttal, and I think your attorney --

22 MR. HORNIK: Right. You asked to reserve
23 some time for rebuttal, as I recall.

24 And we had, at least, that one question
25 about the undergrowth that I think you --

1 Ms. Lynch just asked.

2 JOHN SEEPE: His experts' information, I'd
3 like to challenge it if he gets to challenge
4 it.

5 MR. HORNIK: He's the applicant. He gets
6 to rebut what people have said. There may be a
7 chance for surrebuttal, too, but let's let this
8 go at this point.

9 MR. TERRELL: Thank you.

10 First of all, Mr. Lynch, was very
11 definitive to you, not wanting to see metal and
12 aluminum and glass in a rural area.

13 Would you hold that up, Tommy?

14 This county just passed an ordinance that
15 says, This is what you have to have. This is a
16 landscape architect that says you will not see
17 the solar panels.

18 What Mr. Lynch will see when he drives
19 down Berea Road or Bethany Church Road are the
20 90-foot transmission towers that have been
21 there for decades.

22 Thank you.

23 So I just want to put that to bed.

24 I didn't catch the name of the gentleman
25 who sells Welsh ponies, but just because

1 someone proclaims something with great emphasis
2 or emotion does not mean it's correct. Nobody
3 in this room and nobody in this county by law
4 can buy this power. There is no contract.
5 There is nobody in this room who is being
6 forced to use this power. This power is being
7 sold to Duke Energy. That is where this power
8 is being sold to Duke. It is not going by any
9 contract to somebody here.

10 And then I would like to address my final
11 comment before I ask somebody to address the
12 undergrowth. The woman who was a planner from
13 -- who has come down from New Jersey. She
14 says, What if we get 40 more here like they
15 had 37 in Nash County?

16 And Nash County, most of -- the vast
17 majority -- I will turn to Mr. Sandifer for
18 correction -- were 5 megawatts because those
19 were all the facilities that were done. Those
20 were the 40, 50-acre projects. Nobody was
21 doing these. It was not until Duke Energy took
22 control of the pipeline in 2017 that the large
23 projects became mandatory.

24 Most of them left the eastern part of the
25 state and are now moved to the Piedmont and

1 western part.

2 Mr. Sandifer, would you address how the
3 undergrowth of the panels is handled? Is it
4 mechanical? Are there any applied chemicals?

5 MR. SANDIFER: Thank you. I was actually
6 thinking of two things when you said that, but
7 the vegetation is controlled mechanically.
8 They will just mow. That's how it's done.

9 And -- but around the posts, they may have
10 some equipment pads, but you know, you can't --
11 they may weed-eat those. That's mechanic also,
12 but sometimes they will spray a herbicide
13 around the posts, which is a very small area.
14 The same application concentration, but the
15 rate per acre is generally in the neighborhood
16 of 10 percent of what you would use if it were
17 a row crop in, say, soybeans or something like
18 that.

19 And there was some question about the
20 rates. I just want to comment that though you
21 may not be forced to buy the electricity from
22 this, typically the rates that Duke is paying
23 for this renewable energy is avoided cost,
24 which right now is in the neighborhood of
25 4-and-a-half cents per kilowatt hour, so that's

1 what they're paying the developer, operator of
2 this farm.

3 If anybody is familiar with their electric
4 bill, you probably know you're paying slightly
5 more than 4-and-a-half cents per kilowatt hour.
6 So the fact that they have entered into a
7 long-term contract with this developer helps
8 stabilize the cost tremendously, because we
9 don't know what the price of gas is going to
10 be. Natural gas is really cheap right now.
11 It's a third of what it was ten years ago, but
12 what will it be next month or next year? Two
13 years from now? No one knows. The price of
14 gas, natural gas could triple.

15 We saw what it did -- exactly what we saw
16 it do in Texas, and when the price of natural
17 gas got so high there, the producers for
18 electricity who use natural gas couldn't even
19 afford to make electricity anymore. They had
20 to shut off. And so -- and they had to turn
21 their generators off, which almost caused a
22 catastrophic failure there.

23 So the solar is -- has a much more
24 economically stable because the price of
25 electricity -- the price of sunlight, as far as

1 we know, is not going to go up in the next 20,
2 30, 40 years.

3 So does that answer the questions?

4 MR. TERRELL: Thank you.

5 And that completes my rebuttal, it
6 completes our presentation, and I believe that
7 we have -- in fact, I say with confidence, that
8 we have submitted competent, material and
9 substantial evidence as will be required under
10 the laws of this state and your ordinance
11 entitling the applicant to a permit.

12 CHAIRMAN POWELL: Thank you very much. Do
13 we have a motion to --

14 COMMISSIONER GENTRY: I have a couple
15 questions to the attorney, if I may? Yes.

16 Can you tell me who Silver Pine Energy
17 Holdings is?

18 MR. TERRELL: There had been several
19 companies that have partnered with each other
20 over time in different projects. Pine Gate and
21 Silver Pine Energy have combined --

22 For how many? Two projects?

23 MR. YOUNG: Several projects but now it's
24 all Pine Gate Renewables.

25 MR. TERRELL: But this is a -- it's a past

1 combination of expertises to do several solar
2 farms.

3 COMMISSIONER GENTRY: Okay. So this is
4 the investment partners, the initial investment
5 partners on this project for --

6 MR. YOUNG: Initially, yes, ma'am, but now
7 Pine Gate Renewables is the only --

8 COMMISSIONER GENTRY: Right. But I'm just
9 saying --

10 MR. YOUNG: -- owner of the project now.

11 COMMISSIONER GENTRY: Okay.

12 MR. YOUNG: Silver Pine is no longer
13 involved.

14 COMMISSIONER GENTRY: And I'm not sure if
15 I'm pronouncing this right, but Azelio Solar
16 was the name of Berea before. Do you know why
17 the name was changed?

18 MR. TERRELL: It was Azelio Solar. That
19 was when it was a Cypress Creek project. It is
20 now owned by another company. They have their
21 own nomenclature. I don't think it was for my
22 particular reason other than an arbitrary
23 decision to have a different name.

24 COMMISSIONER GENTRY: Okay. I see that's
25 common that solar companies change their name

1 quite frequently. Thank you.

2 MR. TERRELL: I will add the Pine Gate
3 does not -- or did not know the LLC Azelio
4 Solar.

5 COMMISSIONER GENTRY: Right. That was
6 Silver Pine.

7 MR. TERRELL: Yes.

8 COMMISSIONER SIMS: Mr. Chair, I have a
9 question.

10 CHAIRMAN POWELL: Yes, sir.

11 COMMISSIONER SIMS: Wildlife
12 sustainability. I see, looking at your
13 documentation you have provided us with, and
14 I'm looking at the fencing, permeable fencing.
15 Is that what's going to be used at that site?

16 MR. YOUNG: Yes, sir.

17 MR. TERRELL: Yes. If that meets the
18 county regulations for fencing, it would be.

19 And to be clear, wildlife permeable
20 fencing meets all of the requirements of the
21 National Electric Code. These are openings
22 that are way too small for the smallest of a
23 human being to get through. There is no safety
24 issue, but there are many smaller animals,
25 though, that can get through though.

1 COMMISSIONER SIMS: My question -- the
2 reason why I brought that up again, I read
3 about that and I see where the smaller mammals
4 [sic] can get through the fencing. Has there
5 been any kind of study on what the effect is
6 with the deer? Because I know the deer -- and
7 you're talking about a 15-foot high fence is
8 what I thought I heard. Now, I could be wrong.
9 Is it not? Was that not what we said? Did
10 someone say that and I misunderstood?

11 MR. TERRELL: That's not correct.

12 MR. YOUNG: The maximum height of the
13 panel, the fencing will be seven feet tall.

14 COMMISSIONER SIMS: Seven feet tall. But
15 again, has there been any impact on the larger
16 wildlife with the fencing.

17 MR. TERRELL: Actually, standard fencing,
18 yes. Let me answer. I live in very rural
19 area, I have a farm. I don't if you've ever
20 seen a deer jump a fence, but we have our
21 electric fence is about five feet high. Deer
22 can clear it very well.

23 But there are people who are in the
24 construction side of the solar farms who have
25 many, many stories where they're required to

1 put in a six feet of fence plus three strands
2 of barbed wire where they have found deer who
3 have tried to come over and who have been
4 seriously injured by that.

5 So this is part of the culture of
6 sustainability of what they call "solar
7 culture" at Pine Gate is to have fencing that
8 is friendly to all the wildlife, and that would
9 be seven feet without the barbed wire. That
10 would be the proposal.

11 COMMISSIONER SIMS: I was going to say, I
12 deer hunt, so I know exactly what deer can do.

13 MR. TERRELL: Yes.

14 COMMISSIONER SIMS: But I also know when
15 you put fencing up, 910 acres, certainly will
16 change their pattern more than likely. They
17 won't just always jump over the fencing and
18 keep going. It will change their pattern, it
19 will change some things. I was wondering if a
20 study had been done on that.

21 MR. TERRELL: No, but a deer is not going
22 to be harmed if they clear a seven-foot fence.
23 And I think if you know deer, they can clear --
24 most of them can clear a seven-foot fence and
25 they can get in and out.

1 COMMISSIONER SIMS: Well, I know larger
2 deer, yes; smaller deer have a little bit more
3 trouble.

4 MR. TERRELL: Right.

5 COMMISSIONER SIMS: But that's okay. You
6 answered my question. I appreciate it. Thank
7 you.

8 MR. TERRELL: We're glad to answer any
9 more if there are any.

10 CHAIRMAN POWELL: Any other questions?

11 COMMISSIONER PURYEAR: No.

12 COMMISSIONER GENTRY: Can I ask a question
13 of our planning and zoning?

14 CHAIRMAN POWELL: Yes.

15 COMMISSIONER GENTRY: In the ordinance,
16 there's something that caught my eye. It says
17 very limited commercial use. Can we define
18 what a very limited commercial use is? Is
19 there a parameter for that?

20 MS. OAKLEY: Are you referring to
21 comprehensive land use plans?

22 COMMISSIONER GENTRY: Yeah. Where it says
23 in here "all the requirements are being met"
24 and I'm reading through here going "a very
25 limited commercial use," that is the zoning,

1 the RC zoning Rural Conservation. In there it
2 says "very limited commercial use," so what is
3 limited commercial use?

4 MS. OAKLEY: That is just a description.
5 RC is our most -- or let me rephrase that --
6 least restrictive zoning district that we have
7 in the county so far as it allows a lot of
8 permitted commercial uses by right. Some
9 require a special use permit.

10 So under each jurisdiction or each zoning
11 classification, you have just a general
12 description. So while it says "limited
13 commercial use," if you go to the Table of
14 Uses, not so limited. There's actually --

15 (Overlapping speakers.)

16 COMMISSIONER GENTRY: Yeah. There's no
17 definition as to exactly what that means.

18 MS. OAKLEY: There's not. You just then
19 have to go to Table of Uses and go down RC, and
20 you'll see there's a lot of allowable uses in
21 this district and others that require a special
22 use permit.

23 COMMISSIONER GENTRY: But it doesn't limit
24 the commercial, it just says --

25 (Overlapping speakers.)

1

2 COMMISSIONER GENTRY: -- that needs to be
3 cleared up.

4

5 MS. OAKLEY: Agreed. We need a new zoning
6 ordinance. (Sotto voce comment.)

6

7 CHAIRMAN POWELL: Any other questions?
8 Anyone? Do we have a motion to close the
9 public hearing?

9

10 PAUL LYNCH: Mr. Chairman, point of order,
11 sir, if I may?

11

12 MR. HORNIK: This is your hearing.
13 Ordinarily you don't take points of order from
14 the public.

14

15 PAUL LYNCH: I would like to rebut --
16 address the attorney's rebuttal of what I said
17 because he mischaracterized it?

17

18 COMMISSIONER PURYEAR: Mr. attorney?

18

19 MR. HORNIK: That's up to you with a lot
20 of rebuttal. It's up to you whether you want
21 to allow a surrebuttal. You might just limit
22 him to a couple minutes.

22

23 PAUL LYNCH: It will be very short, I
24 assure you.

24

25 CHAIRMAN POWELL: Mr. Lynch, okay.

25

PAUL LYNCH: May I?

1 CHAIRMAN POWELL: Yes.

2 PAUL LYNCH: Sir, with all due respect on
3 your rebuttal, what I -- I never once addressed
4 the visual impact of this project. Not once in
5 anything I said.

6 What I questioned was, the concept of
7 harmony, harmonious use of this property by
8 putting -- by taking 900 whatever acres,
9 stripping it down to dirt and covering it with
10 aluminum and silicon. Is that harmonious with
11 farmland, woodland, open space? That was my
12 question. That's what I suggested.

13 I did not say that visually it's going to
14 be a problem; never once. Thank you.

15 CHAIRMAN POWELL: Okay. If no other
16 questions, do we have a motion to go out of
17 public hearing?

18 COMMISSIONER PALMER: So move.

19 CHAIRMAN POWELL: Motion to go out of
20 public hearing. All in favor, say "aye".

21 (All county commissioners answered aye.)

22 MR. HORNIK: Before -- I thought we were
23 going to have a little discussion about whether
24 we're closing the public hearing or not. If
25 we're ready to close the public hearing, that's

1 great.

2 COMMISSIONER GENTRY: What did we miss?

3 CHAIRMAN POWELL: Did we take up Item
4 Number 4?

5 MR. HORNIK: If we're closing the public
6 hearing, I just wanted to make sure that's what
7 we wanted to do.

8 CHAIRMAN POWELL: Yeah.

9 MR. HORNIK: I think we had a unanimous
10 vote on that.

11 COMMISSIONER GENTRY: Yes, we did.

12 CHAIRMAN POWELL: And item Number 4 on the
13 agenda would be consideration to grant or deny
14 the request.

15 So do we have a motion along that line
16 from anyone?

17 COMMISSIONER GENTRY: Mr. Chairman, I
18 would like to propose a continuation to the
19 August 2 meeting allowing us more time to go
20 over the data that we've been presented and the
21 testimonies that we've been presented, and I
22 also, as -- I don't know about the other
23 Members of the Board, but I would like a site
24 visit, and I will confer --

25 MR. HORNIK: I suggest we do that in two

1 separate motions.

2 COMMISSIONER GENTRY: Okay.

3 MR. HORNIK: The first motion was to
4 continue --

5 COMMISSIONER GENTRY: Continue --

6 MR. HORNIK: -- item 4 until the August 2
7 agenda.

8 COMMISSIONER GENTRY: Correct.

9 CHAIRMAN POWELL: Any discussion on that?
10 Hearing none, all in favor say "aye".

11 (All county commissioners answered aye.)

12 CHAIRMAN POWELL: Opposed. Motion cared.
13 The second part.

14 COMMISSIONER GENTRY: And I would like
15 to -- I, for one as a board member, I would
16 like to do a site visit. I know that we were
17 told that we shouldn't do so. We should depend
18 solely on testimony. I've got maps. I've got
19 data. I've got information. I want a visual
20 on what I'm asked to make a determination as a
21 county commissioner on behalf of the Person
22 County citizens.

23 UNIDENTIFIED FEMALE SPEAKER IN GALLERY:
24 Thank you.

25 MR. HORNIK: What I have suggested to the

1 board members, if they're going to go, should
2 all go together at a time where the applicant
3 is there or has -- can be there. It would be a
4 meeting of the board, so members of the public
5 can be there, too.

6 I'm not telling you you're going to have a
7 lot of time to talk and lobby.

8 As a matter of fact, I'm going to warn
9 everybody right now, no lobbying. Do not speak
10 to your commissioners about this. If you do,
11 you jeopardize whatever decision they make.

12 This is a quasi-judicial process. It's
13 unlike when they're adopting an ordinance where
14 you can talk to them about anything at any
15 time, whenever you want to.

16 With a quasi-judicial process, the board
17 is supposed to make its decision based solely
18 on the information that's presented to them at
19 a public hearing.

20 If they receive calls, receive emails
21 before they make a decision, they're going to
22 have to disclose that on the record so that the
23 applicant and the public, everyone is aware of
24 who spoke or tried to speak with the
25 commissioners about the application.

1 So I want to impress upon you the -- kind
2 of the seriousness of that particular aspect of
3 this proceeding. It's a quasi-judicial
4 proceeding. It's just like being in a court of
5 law -- not exactly, as you can see sitting
6 here -- but where this jury and judge, I
7 suppose, they're both, are supposed to base
8 their decision solely on the evidence presented
9 to them during the hearing process.

10 So I want us all -- and spread the word --
11 be very careful so as not to jeopardize, at
12 least the procedures here. We want to make
13 sure that procedurally we're clean. So that's
14 my kind of lecture.

15 JOHN SEEPE: So we have to hold our peace
16 until August?

17 MR. TERRELL: Mr. Chairman, the issue we
18 want to raise to the board is, we closed the
19 public hearing and now we'll be taking in
20 apparently new information.

21 So either we need to uncloze the public
22 hearing on the first instance; or two, make
23 sure that when the information comes back,
24 everything that the board thinks they have
25 learned from a site visit is subject to

1 rebuttal.

2 Now, I do object to this as a general
3 matter because board members aren't the experts
4 at a hearing. The experts are and those who
5 present facts. So we may object to this in a
6 later forum, but I do want that on the record.

7 MR. HORNIK: Here's what I suggest.

8 UNIDENTIFIED FEMALE SPEAKER IN GALLERY:
9 Of course he does; of course he does.

10 MR. HORNIK: This is kind of what I was
11 getting at without trying to lead the board
12 before, is that if you want to go out and see
13 the place, I suggest make a motion now to
14 reopen the public hearing, to continue it to a
15 date certain at which time we'll go and see the
16 property, if that's what you want to do.

17 COMMISSIONER GENTRY: All right. I'll
18 make a motion to reopen the public hearing
19 then.

20 MR. HORNIK: Do we have a second on that?

21 COMMISSIONER PURYEAR: No second.

22 CHAIRMAN POWELL: No.

23 COMMISSIONER GENTRY: No.

24 CHAIRMAN POWELL: You heard the motion,
25 all in favor say "aye".

1 (All county commissioners answered aye.)

2 CHAIRMAN POWELL: Opposed? None. Motion
3 cares.

4 COMMISSIONER GENTRY: Now I need to make a
5 new motion to continue this, for a continuance
6 of this. Now, based on the fact, that we're
7 all going to go as a collective board, are we
8 going individually to take a site visit?
9 Because I don't know what the feeling of the
10 other board members are. I just know for
11 myself, I need a visual in order to make a good
12 decision.

13 MR. HORNIK: My preference would be if
14 you're going to go, all go together. Just
15 schedule 15 minutes or 20 minutes and do it as
16 a meeting.

17 COMMISSIONER GENTRY: All right. Keeping
18 in mind that several of us are also full-time
19 working, either business owners or employees,
20 and I'm sure that the gentleman, Mr. Tom, you
21 have a business operation that you run. So we
22 need to coordinate, is August 2 going to give
23 us enough time or do we need to move it to the
24 next August meeting? Which will be the
25 August 16th meeting to ensure that we have

1 enough time to assemble everybody together for
2 this.

3 COMMISSIONER PURYEAR: We can call a
4 meeting for the entire board. So you would
5 have to do public notice.

6 COMMISSIONER GENTRY: Which is a ten-day
7 notification, correct?

8 COMMISSIONER PURYEAR: Forty-eight hour.

9 MR. HORNIK: For the meeting, yes.

10 COMMISSIONER PURYEAR: Special meeting.
11 That means anybody that wants to come can come
12 and be there.

13 MR. HORNIK: The alternative is if you go
14 individually, right, whenever you want to, the
15 next time we reconvene on this, ever one of you
16 is going to say "I went to the site on such and
17 such a date and this is what I observed and it
18 doesn't impact my ability to make an unbiased,
19 fair decision."

20 COMMISSIONER GENTRY: So we have the
21 option of doing it individually or collectively
22 as a board?

23 MR. HORNIK: I think you have that option,
24 but you should decide how you're going to do it
25 right here, right now.

1 COMMISSIONER GENTRY: I'm fine with
2 whatever the board's pleasure is.

3 COMMISSIONER PURYEAR: Probably work out
4 better individually with everyone's schedule.

5 COMMISSIONER GENTRY: For personal
6 schedules, yeah.

7 So I make a move that we, as individuals,
8 have enough time to make site visits, if we so
9 chose to do so, and then reconvene this hearing
10 on August 2nd.

11 CHAIRMAN POWELL: So you're saying it's up
12 to us individually --

13 COMMISSIONER GENTRY: Yes.

14 CHAIRMAN POWELL: -- to go?

15 MS. YORK: With the understanding it has
16 to be disclosed.

17 MR. HORNIK: Yes. Then what I would
18 suggest is, at that point, after you-all come
19 back and disclose, then we can allow for any
20 kind of rebuttal time or something if you want,
21 and then we close the public hearing. This way
22 all of the information will have been
23 gathered --

24 COMMISSIONER GENTRY: Encapsulated.

25 MR. HORNIK: -- and the process.

1 And I guess we might as well do it now,
2 too. I will ask each of the chair and each of
3 the board members to disclose if you had any ex
4 parte communications, either orally or in
5 writing thus far, disclose generally what those
6 communications were and state whether you
7 remain able to make an unbiased, fair decision
8 on the application.

9 Start with the chair.

10 CHAIRMAN POWELL: Thus far, I've had two
11 emails from -- do I need their names?

12 MR. HORNIK: Yeah.

13 CHAIRMAN POWELL: Mr. Ray Foushee and
14 Mr. Hornton, Anthony Hornton which I did not
15 reply to either, and their stated concerns
16 about this solar farm will have no impact on my
17 decision.

18 MR. HORNIK: Regarding those two, are
19 those the two gentlemen who --

20 COMMISSIONER GENTRY: Emailed all of us.

21 COMMISSIONER PALMER: All of us, yes.

22 MR. HORNIK: Same emails went to all five
23 of you?

24 COMMISSIONER GENTRY: Yes.

25 COMMISSIONER PURYEAR: Same emails, same

1 two people; has not swayed my opinion.

2 COMMISSIONER PALMER: Same two
3 individuals, I assume both are local. Neither
4 one of them had an impact on my thought as far
5 as developing this site. I already got my --
6 I've already developed my thoughts, and -- way
7 before they emailed me.

8 COMMISSIONER GENTRY: Same emails, same
9 two gentlemen. Did not respond to them. I did
10 speak with Ray Foushee. He happens to be my
11 neighbor and we both said we can't talk about
12 this.

13 COMMISSIONER SIMS: Same emails, and I did
14 not respond to either one of them, and it is
15 not going to sway my decision in any way.

16 MR. HORNIK: Thank you.

17 CHAIRMAN POWELL: Is that matter closed?

18 MR. HORNIK: Right.

19 CHAIRMAN POWELL: Next on our agenda is
20 informal comments.

21 COMMISSIONER GENTRY: I was going to say
22 can we take a five-minute recess?

23 CHAIRMAN POWELL: We will take a
24 five-minute recess. Be back at 12:20 p.m.

25 (The hearing adjourned at 12:16 p.m. and

continued until August 2, 2021.)

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1 STATE OF NORTH CAROLINA)

2 COUNTY OF FORSYTH)

3 REPORTER'S CERTIFICATE

4 I, Audra Smith, Registered Professional Reporter
5 in and for the above county and state, do hereby certify that
6 the deposition of the person hereinbefore named was taken
7 before me at the time and place hereinbefore set forth; that
8 the witness was by me first duly sworn to testify to the
9 truth, the whole truth and nothing but the truth; that
10 thereupon the foregoing questions were asked and the foregoing
11 answers made by the witness which were duly recorded by me by
12 means of stenotype; which is reduced to written form under my
13 direction and supervision, and that this is, to the best of my
14 knowledge and belief, a true and correct transcript.

15 I further certify that I am neither of counsel to
16 either party nor interested in the events of this case.

17 IN WITNESS WHEREOF, I have hereto set my hand
18 this 16th day of July, 2021.

19
20 
21

22
23 Audra Smith, RPR, FCRR

24 Notary Number: 201329000033
25

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