

Parallel Conditional Use Permit (PCUP): PCUP19-04 Ecoplexus Inc. (Applicant), Property Parcel 164778, Located at 601 High Shoals Rd., Lincolnton, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use / Single Family Moderate Zoning District (PCUP), in order to allow Essential Services Class 3 (Solar Generation Facility/Solar Farm)
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WHEREAS, based on evidence provided in sworn testimony at the public hearing, the Planning Board made the following findings of fact:

- a. The proposed development will not materially endanger the public health or safety if located where proposed and developed according to plan, based on: Public Hearing testimony and applicant evidence presented in Exhibit A.

Motion: Vinson Second: Horne Vote: Unanimous
Aye: Ally, Hollar, Horne, Vinson
Nay: None
Absent: Attaway, Barber, Harris, Houchard, Hurst
Abstain: Sain

- b. The use meets all required conditions and specifications, based on: Public Hearing testimony and applicant evidence presented in Exhibit B.

Motion: Horne Second: Ally Vote: Unanimous
Aye: Ally, Hollar, Horne, Vinson
Nay: None
Absent: Attaway, Barber, Harris, Houchard, Hurst
Abstain: Sain

- c. The proposed development will not substantially injure the value of adjoining or abutting property unless it is a public necessity, based on: Public Hearing testimony and applicant evidence presented in Exhibit C.

Motion: Ally Second: Vinson Vote: Unanimous
Aye: Ally, Hollar, Horne, Vinson
Nay: None
Absent: Attaway, Barber, Harris, Houchard, Hurst
Abstain: Sain

- d. The location and character of 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 will be in general conformity with the adopted Land Use Plan and other plans for the physical development of the County as adopted by the Board of Commissioners, based on: Public Hearing testimony and applicant evidence presented in Exhibit D.

Motion: Vinson Second: Horne Vote: Unanimous
Aye: Ally, Hollar, Horne, Vinson
Nay: None
Absent: Attaway, Barber, Harris, Houchard, Hurst
Abstain: Sain

WHEREAS, making all findings of fact in the affirmative, the Planning Board recommends approval of the Parallel Conditional Use Permit (PCUP) with the following proposed recommended conditions:

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Parallel Conditional Use Application (PCUP19-04) Conditions

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved (and/or modified) by the Board of Commissioners.
2. If any of the conditions affixed hereto of any part thereof is held invalid or void, then this permit shall be void and no effect.
3. Unless the Board of Commissioners issues a Conditional Use Permit which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must secure a valid building permit within a twenty-four (24) month period from the date of issuance of the Conditional Use Permit.
4. Development shall meet all local, state and federal requirements.
5. A copy of the removal bond in the amount agreed upon by the property owner which is commercially reasonable for the removal of the equipment should the site be abandoned.
6. Canopy trees placed in the designated buffer shall be eight (8) feet at time of planting. Understory trees placed in the designated buffer shall be four (4) feet at time of planting.
7. An easement allowing access to the buffer shall be established for adjoining residential parcels. The easement shall be for the recreational enjoyment and use of leisure and exercise. Recreation equipment such as swing-sets, play-sets, et cetera, are permissible, however, permanent structures or fixtures of any kind are not allowed and will be removed.
8. The applicant is allowed flexibility to work with individual adjoining property owners regarding specific setback placement of the vegetative buffer on a case-by-case basis; otherwise, the buffer will be placed as stated on the site plan.
9. The perimeter fencing shall be seven (7) feet in height, when adjoining residential properties, in order to eliminate the barbwire requirement as mandated by State regulations.

Motion: Vinson Second: Ally Vote: Unanimous
Aye: Ally, Hollar, Horne, Vinson
Nay: None
Absent: Attaway, Barber, Harris, Houchard, Hurst
Abstain: Sain

NOW, THEREFORE, BE IT RESOLVED by the County Commission that after consideration of the Parallel Conditional Use Permit application, sworn testimony provided at the public hearing and Planning Board recommendation:

- (1) Find the proposed map change for parcel 164778, from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use / Single Family Moderate Zoning District (PCUP), in order to allow Essential Services Class 3 (Solar Generation Facility/Solar Farm), is consistent with the County's Comprehensive Plan. The property is in a future land use designation of Rural. Rural land use designations generally consist of large parcels with either residential or agrarian uses. The proposed rezoning and CUP is from (R-1) to (CU/R-2), another residential use category. (R-2) allows for Essential Services such as a Solar Farm as a use, and the CUP will require that the property be developed as a Solar Farm with various conditions. The conditions, designed to protect the community from the proposed development, will enable the community to retain its current character, and is therefore consistent with the future land use plan. The map change is approved as follows:

Motion: Fraley Second: Hovis Vote: Unanimous
Aye: C.Brown, J.Brown, Fraley, Hovis, Worley
Nay: None
Absent: Keigher, Philbeck
Abstain: None

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- 2) Based on evidence provided in sworn testimony at the public hearing, the Board of Commissioners made the following findings of fact:

- a) The proposed development will not materially endanger the public health or safety if located where proposed and developed according to plan, based on: Public Hearing testimony and applicant evidence presented in Exhibit A.

Motion: Hovis Second: J.Brown Vote: Unanimous
Aye: C.Brown, J.Brown, Fraley, Hovis, Worley
Nay: None
Absent: Keigher, Philbeck
Abstain: None

- b) The use meets all required conditions and specifications, based on: Public Hearing testimony and applicant evidence presented in Exhibit B.

Motion: Worley Second: J.Brown Vote: Unanimous
Aye: C.Brown, J.Brown, Fraley, Hovis, Worley
Nay: None
Absent: Keigher, Philbeck
Abstain: None

- c) The proposed development will not substantially injure the value of adjoining or abutting property unless it is a public necessity, based on: Public Hearing testimony and applicant evidence presented in Exhibit C.

Motion: Hovis Second: Fraley Vote: Unanimous
Aye: C.Brown, J.Brown, Fraley, Hovis, Worley
Nay: None
Absent: Keigher, Philbeck
Abstain: None

- d) The location and character of 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 will be in general conformity with the adopted Land Use Plan and other plans for the physical development of the County as adopted by the Board of Commissioners, based on: Public Hearing testimony and applicant evidence presented in Exhibit D.

Motion: Hovis Second: Worley Vote: Unanimous
Aye: C.Brown, J.Brown, Fraley, Hovis, Worley
Nay: None
Absent: Keigher, Philbeck
Abstain: None

- 3) Making all findings of fact in the affirmative, the Board of Commissioners approves the Parallel Conditional Use Permit (PCUP) with the following recommended conditions:

Parallel Conditional Use Application (PCUP19-04) Conditions

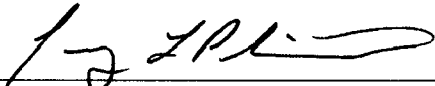
1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved (and/or modified) by the Board of Commissioners.
2. If any of the conditions affixed hereto of any part thereof is held invalid or void, then this permit shall be void and no effect.

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3. Unless the Board of Commissioners issues a Conditional Use Permit which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must secure a valid building permit within a twenty-four (24) month period from the date of issuance of the Conditional Use Permit.
4. Development shall meet all local, state and federal requirements.
5. A copy of the removal bond in the amount agreed upon by the property owner which is commercially reasonable for the removal of the equipment should the site be abandoned.
6. Canopy trees placed in the designated buffer shall be eight (8) feet at time of planting. Understory trees placed in the designated buffer shall be four (4) feet at time of planting.
7. An easement allowing access to the buffer shall be established for adjoining residential parcels. The easement shall be for the recreational enjoyment and use of leisure and exercise. Recreation equipment such as swing-sets, play-sets, et cetera, are permissible, however, permanent structures or fixtures of any kind are not allowed and will be removed.
8. The applicant is allowed flexibility to work with individual adjoining property owners regarding specific setback placement of the vegetative buffer on a case-by-case basis; otherwise, the buffer will be placed as stated on the site plan.
9. The perimeter fencing shall be seven (7) feet in height, when adjoining residential properties, in order to eliminate the barbwire requirement as mandated by State regulations.
10. Owner to conduct site visits a minimum of once a month.

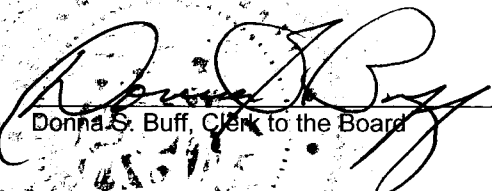
Motion: Worley Second: Hovis Vote: Unanimous
Aye: C.Brown, J.Brown, Fraley, Hovis, Worley
Nay: None
Absent: Keigher, Philbeck
Abstain: None

- 4) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

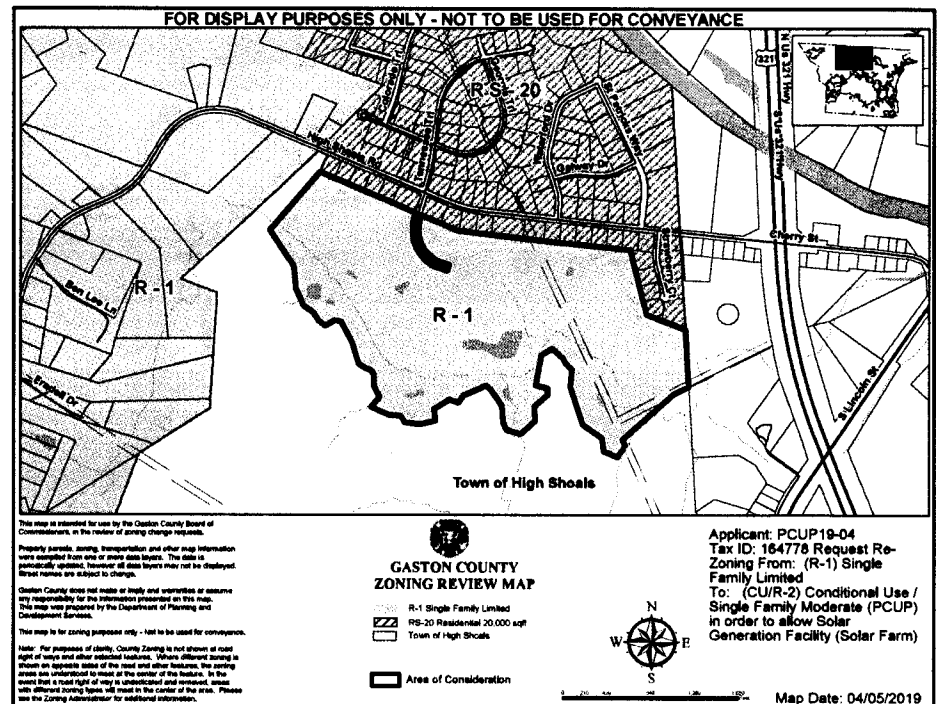
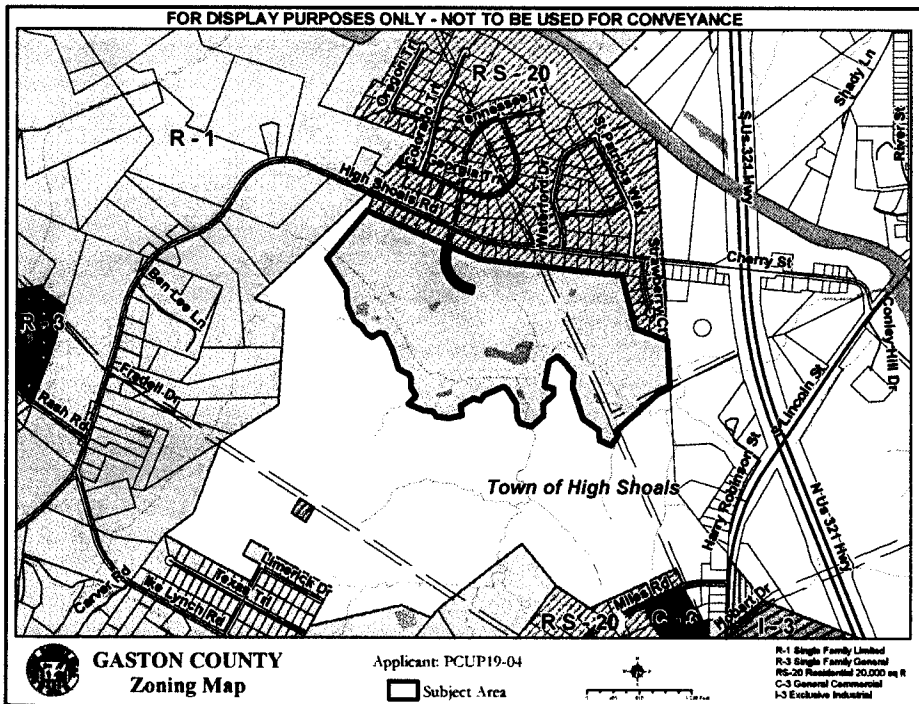
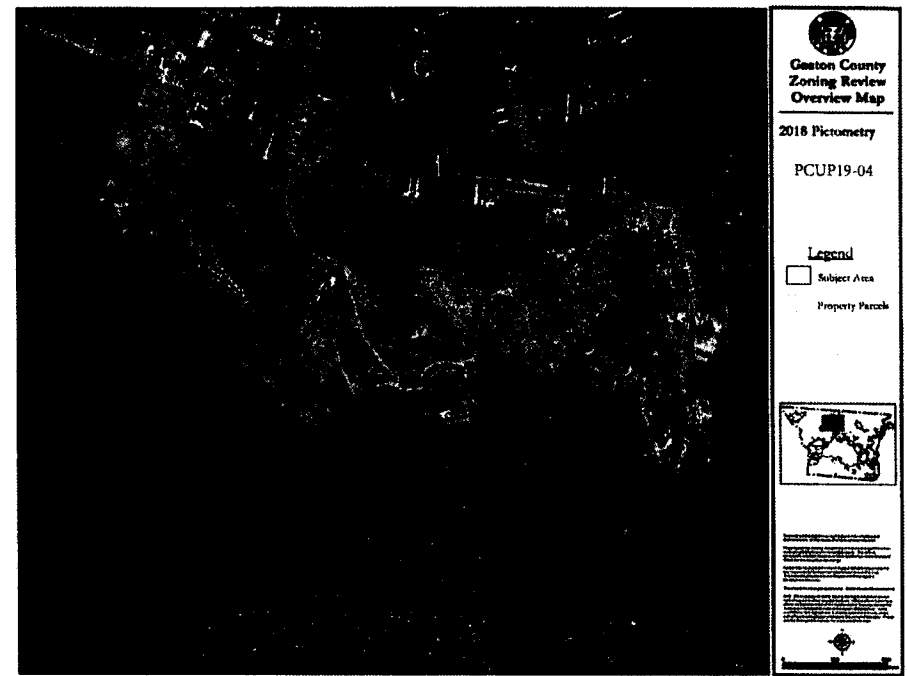
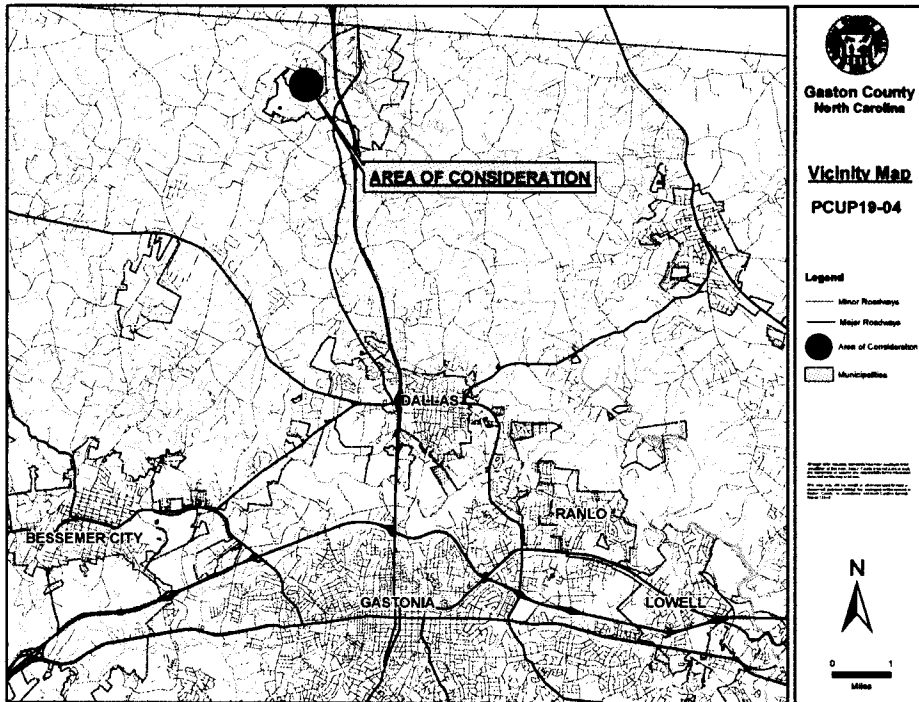


Tracy L. Philbeck, Chairman
Gaston County Board of Commissioners

Attest:



Donna S. Buff, Clerk to the Board





Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Planning Board Action

File #: 19-152

Commissioner Chad Brown - Planning & Development Services - Parallel Conditional Use Permit (PCUP): PCUP19-04, Ecoplexus Inc. (Applicant); Property Parcel: 164778, Located at 601 High Shoals Rd., Lincolnton, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use / Single Family Moderate Zoning District (PCUP), in Order to Allow Essential Services Class 3 (Solar Generation Facility/Solar Farm)

STAFF CONTACT

David L. Williams - Planning Director - 704-866-3473

BACKGROUND

Chapter 5 of the Unified Development Ordinance provides for issuance of a Conditional Use Permit for parcels which have been zoned as a Conditional Use District. A quasi-judicial public hearing is required which allows for sworn testimony before the Board of County Commission and Planning Board prior to consideration of the Conditional Use Permit. Planning Board recommendation and Board of Commission approval or disapproval on Parallel Conditional Use District map amendments, with recommendation on same by the Planning Board and final approval or disapproval shall be based on four findings (outlined in the ordinance) made on factual evidence provided through the public hearing process. Ecoplexus Inc.(Applicant), applied for a zoning map change from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use / Single Family Moderate Zoning District (PCUP) in order to allow Solar Generation Facility (Solar Farm). Said property consists of 131.97 acres, located at 601 High Shoals Rd., NC in the Dallas Township. A joint public hearing was advertised for and held on April 23, 2019 to take sworn testimony relating to issuance of a Conditional Use Permit, with the public hearing comments being on file in the Commission Clerk's Office.

ATTACHMENTS

Resolution - PCUP19-04; Maps - PCUP19-04

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	JBrown	AFraley	BHovis	TKelgher	TPhilbeck	RWorley	Vote
2019-128	04/23/2019	RW	BH	A	A	A	A	AB	AB	A	U

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A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS