



**PLANNING BOARD**  
**Z 08-21 Exhibits**  
**September 27, 2021**

## **EXHIBIT 2**

### **Statement of Reasonableness and Consistency**

### **Vested Rights Request**

Statement of Plan Consistency and Reasonableness  
Revised 8/31/21

Applicant Okra Holdings requests rezoning of approximately 575 acres located in Rowan County near the US 52 Highway/Old Beatty Ford Road intersection (the “Site”) from RA and IND to RA(CD) for utility scale solar farm use (the “Amendment”). Approximately 565.6 acres of the Site is located on north east side of US Highway 52 with 9.34 acres being located south west side of US Highway 52. For purposes of this Statement, the 565.6 acre portion of the Site is identified as Area A and the 9.34 acre portion of the Site is identified as Area B.

Applicant contends that the proposed Amendment is consistent with applicable adopted plans including the Land Use Plan, Areas East of I-85 (the “Plan”), Land Use Plan Recommendations for Solar Energy Systems (“SES Recommendations”), and other adopted plans such as the comprehensive and metropolitan transportation plans (“CRMPO CTP & MTP”). To the extent that any inconsistencies exist, there is also a reasonable basis to approve the Amendment as set forth herein.

Land Use Plan, Areas East of I-85 (the “Plan”):

Area A is located within Planning Area One. Planning Area One consists of primarily agricultural and low density residential uses serviced by private wells and septic systems. Area B is located within Planning Area Three. Planning Area Three is characterized by largely the same uses as Planning Area One with the addition of certain nodal commercial uses and highway corridor commercial and industrial uses along US Highway 52 near the Gold Hill Community Area B is a portion of a 27.48 acre tract operated by Carolina Perlite and located within the US 52 Commercial/Industrial Corridor as identified by the Plan. Area B is proposed for development as two substations. The Site is adjacent to/in the vicinity of extraction based manufacturers including Vulcan Construction Materials and Statesville Brick as well as 24/7 industrial users. The Site is identified by the Plan as having poor (severe) quality soil and resulting septic constraints.

Future Land Use Recommendations for Planning Areas One and Three recognize limited opportunities for residential subdivision development given the soil constraints and current lack of sewer/water infrastructure. The Plan recommends low density, conservation and agricultural type uses for the Site. Placement of high impact, rural commercial and industrial uses along the US 52 Highway to avoid conflict with area residential uses.

*Where opportunities exist, the Plan recommends conservation subdivision development in combination with agricultural activities such as cattle grazing, hay fields, etc. (farm use that will not create constant noise, dust or odor) as appropriate future use. The Plan also encourages the consideration of non- traditional ideas or policies promoting “alternative fuel production” as a compatible use to area farming operations, as well as a desire to preserve the natural environment and water quality/quantity of the area.*

The proposed Amendment for use of the Site for solar farm (“Solar Farm” or “Use”) is consistent with the Plan’s recommendation that the Site be used for quiet, low intensity farm type

uses that cause little or no impact on the surrounding area. The proposed Solar Farm creates no dust or odor, and only a low humming sound during daylight hours which will be mitigated by proposed distance from inverters to the property lines. The Use requires minimum grading and the resulting development creates very minimal impervious area. The proposed Solar Farm will provide natural habitats for wildlife and does not necessitate the use of chemicals commonly associated with farming activities.

Land Use Plans rarely expressly call for solar farm or other utility facilities as future uses. However, the proposed uses are allowed in RA-(CD) zoning districts and presumed compatible with other RA uses. The proposed Amendment is **consistent** with the *Land Use Plan, Areas East of I-85* (2012) and to the extent it is not, certainly meets the purpose and intent of the Plan.

#### CRMPO CTP and CRMPO MTP:

US Highway 52 is slated for widening from 60 feet to 110 feet to provide for a 4 lane divided facility with right of way acquisition currently expected to begin in 2028 with construction to begin the following year, although it could be delayed. No roadway improvements are scheduled for Old Beatty Ford Road East of the US Highway 52 intersection. The Amendment will not impede the proposed roadway improvements and is therefore consistent with applicable transportation plans. Indeed, in light of the recognized need for additional transportation infrastructure through this area, Solar Farm use presents the ideal low/no traffic interim use for the Site until the necessary roadways are constructed. As such, the proposed Amendment is consistent and approval is reasonable.

#### Solar Energy System Land Use Plan Recommendations

The Amendment satisfies the “orderly planned use of land resources” principle found in Section 21-2 of the Rowan County Zoning Ordinance as demonstrated via application of the policies in the recently adopted *Solar Energy System Land Use Plan Recommendations* (2021) (the “SES Recommendations”) to the characteristics of the Site.

#### **The Site is “consistent” with the SES Recommendations in that:**

The Site has no current sewer infrastructure, or foreseeable potential for utility extension.

The Site is located within low to moderate residential population densities with buffering and screening as shown on the Site Plan that meets or exceeds Zoning Ordinance requirements.

The Site has poor soils and building/septic constraints.

The Site is located outside existing Economic Development ED Zoning Districts.

The Site is not actively engaged in farming operations.

The perimeter of the Site will be buffered and screen through use of existing vegetation and managed regrowth to provide a robust buffer and visual separation from adjoining properties and roadways within 3 years.

Native plants or grasses will be planted as groundcover and include pollinator friendly vegetation as described in the Site Plan.

The Site is located outside view shed of a public park, National Register listed historic property, or upon Rowan County landmark.

The Site is located outside of a Special Flood Hazard Area.  
The Site is not located within one mile of another solar farm site system in Rowan County.  
The Site is not located along the US 29 and I-85 highway corridors.  
The Site is not located in proximity to High Rock Lake located in Area Two.

**The Site is inconsistent with the SES Recommendation in that:**

The Site exceeds the preferred maximum system acreage of 50 acres, and  
The Site also has frontage along approximately 260 feet of the US 52 Highway corridor (not preferred) but will be extensively buffered from view.  
9.34 acres of the overall Site is located within an existing Industrial IND Zoning Districts (not preferred) but is limited given existing utility infrastructure and existing industrial operations on the larger tract. Substations are proposed for development on this portion of the Site.

In light of the Plan's recommendation to consider "alternative fuel production" opportunities, and given the limited public infrastructure and geographic challenges of the Site, the subject provides a unique opportunity to place a single large scale solar farm in a "preferred" location. Furthermore, the Site will be screened and buffered from the right of way as shown on the Site Plan.

For the reasons set forth herein, approval of the Application is reasonable in that the proposed Amendment meets the goals of the Plans and advances the public welfare as follows:

- There will be real and personal property tax benefits brought to Rowan County.
- The solar energy system will provide renewable energy to the local power grid.
- A solar farm is quiet and does not emit noise, fumes, or toxic waste, making it preferable to other potential uses for the land.
- This solar energy farm will not displace other farmland, due to the poor soil quality contained on the selected parcels.
- The Amendment enables land owners to make reasonable use of their properties until such time as public infrastructure allows for alternative uses.
- Without Solar farm use provides land owners with stable income allowing owners to continue farming operations on other more viable acreage.
- The proposed use provides an excellent transition/buffer between residential subdivision use off Old Beatty Ford Road and the industrial users, currently existing, and envisioned along the US 52 Highway Corridor.
- Only solar farm development allows for restoration of the Site to its "pre-existing" condition.
- Use of trackers that, like sun flowers, turn to follow the sun and maximize energy output.
- Proposed project will produce power enough for approximately 17,000 North Carolina homes based on annual useage.
- Solar farms make excellent neighbors. Quiet operation during daylight hours; passive use that produces no dust or odor.
- Short construction time, estimated at 9-12 months.
- Post-construction, a solar farm creates less traffic than a single family household.
- Site is monitored electronically 24/7; minimal actual site visits by personnel and generally limited to mowing or maintenance activities.

- Typically, no personnel located permanently on site.
- Site to be designed with special BRE biodiversity measures including Pollinator friendly plantings and habitats, native flora, and small wildlife permeable fencing.
- Site is entirely fenced for safety, and to protect the equipment and Site from non-authorized uses.
- Decommissioning Plan and associated bond will be provided to cover cost of after life removal.
- Limited use of available public infrastructure. Solar farms do not require trash pick- up, sewer, water, or bus stops. Nor does solar farm use increase school populations, create traffic or place any greater burden on public services than other uses in the area (likely less).

Approval of the proposed Rezoning will be deemed to amend the Zoning Map in accordance with North Carolina Gen. Stat. Sec. 160D-605.

Request for 4 Year Vested Rights:

Given the size of the Site and proposed Solar Farm, the complexities of the project, the significant up-front capital to construct, the multi-million dollar investment made to upgrade necessary electrical infrastructure prior to construction of the Solar Farm, the negotiation of various agreements with power purchasers and other entities required for solar farm production, and the need for the Solar Farm as evidenced by the Certificate of Public Convenience and Necessity obtained for this Site, pursuant to N.C. Gen. Stat. Sec. 160D-108.1, Okra Holdings, LLC requests approval of 4 year vested rights to construct the Solar Farm in accordance with the approved Site Plan.