

Jasper County Planning Commission

MINUTES

April 19, 2016
6:30 PM

Members Present: Chairman Bostick, Mr. Randy Waite, Mr. Bill Young, Mr. Alex Pinckney, Mr. Thomas Jenkins, and Mr. Louis Grant

Members Absent: Mr. Greg Padgett

Call to Order: Chairman Bostick called the Meeting to order at approximately 6:30 p.m.

Invocation & Pledge of Allegiance: Invocation was given by Mr. Pinckney and the Pledge of Allegiance was done in unison.

Approval of Agenda: Mr. Jenkins motioned to approve the Agenda as published, seconded by Mr. Pinckney. The Commission Members present voted unanimously in favor of the motion.

Approval of Minutes; March 29, 2016: Mr. Grant motioned to approve the Minutes of March 29, 2016, seconded by Mr. Pinckney. Mr. Grant pointed out that page 3 of the Minutes stated that he wanted to know if it is economically feasible, he said his question was would it be economically feasible to develop a 5 acre solar farm. Ms. Wagner said staff will amend the minutes to reflect that. The Commission Members present voted unanimously in favor of the March 29, 2016 Minutes.

Old Business:

A. Zoning Text Amendment – Solar Farm Floating Zone

Ms. Wagner opens with highlights of the Jasper County Planning Commission Staff Report. She continues with an overview of the Solar Farm Floating Zone (SFFZ) Ordinance. She said, tonight we are not approving a project, we are only trying to get approval on the Text Amendment so that it will be in place for any future applications. She said the Floating Zone has been defined in the proposed SFFZ Ordinance which is a zone that is described in the text of a Zoning Ordinance but is unmapped. In order to apply for the zoning map amendment, one must have a minimum of five (5) acres; and a portion of the property boundary must be located within two (2) miles of an existing electrical transmission line;

SFFZ will be a special purpose district that requires a zoning map amendment. A concept plan will be submitted along with the zoning map amendment application to the Planning Commission, Planning Commission will make a recommendation to County Council. Design and Development Standards address Bufferyards. The bufferyard table was shown to the audience with distances when a Solar Farm is adjacent to a property zoned as Agricultural 50', Single Family Dwelling 100', All Other Residential Uses 100', Office Institutional 50', Commercial Non-Affluent Industry 25', Effluent Producing Industry 25' and 100' where it abuts the Street. She said, a provision has also been included for the street buffer to be reduced to 50' with an approved berm and/or landscaping that will screen Solar Farm equipment from exterior view of the property.

Setbacks are 25' greater than bufferyard requirements.

Landscaping and Screening: In addition to buffering, screening shall be required by providing landscape within the buffer which achieves a minimum height of ten feet (10') within three (3) years.

The intent of the landscaping/screening requirements is to provide sufficient screening to obscure the solar equipment from exterior view from adjoining property owners and public right of ways.

A visually opaque screen shall be provided for any adjacent property that is zoned Residential, has an existing residential use, and/or is zoned Rural Preservation and has been subdivided to 5 acres or less (these are protected properties). An opaque screen composed of a wall fence, building, landscaping, landscaped berm and natural areas is intended to exclude a visual contact with the solar equipment from any protected property, public street or public right of way.

Natural areas: An existing vegetated area located on the same property as the solar farm; is within or includes the required buffer; and is of sufficient height, length, and depth and contains adequate and sufficient healthy vegetation to provide a visually opaque screen where required.

Maximum Height Requirement is 10'.

Fencing is required at least 6' in height unless a taller fence is needed to obscure Solar Farm equipment from the exterior view. The fence shall not be chain link unless obscured from site.

General Requirements: addresses light, glare and noise. Also, Planning Commission may include special conditions in their recommendation to County Council to implement the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare set forth in Article 1 of the Jasper County Zoning Ordinance. County Council may accept, modify, reject, or add additional conditions at its sole discretion.

Site Restoration and Stabilization: requires a 10% Site Restoration Stabilization Guarantee in the form of a Bond, Letter of Credit and Agreement or other Financial Security acceptable to the County prior to the issuance of the development permit. Once the site has been stabilized the developer may be refunded the restoration guarantee.

Decommissioning: requires a bond along with a decommissioning plan which must be posted prior to the issuance of the development permit.

Chairman Bostick asked the Commission Members if they have any comments. Mr. Grant inquired about Section 8:7.2 in regards to a solar farm being located within 2 miles of an existing transmission line, he asked if that requirement is applicable to existing transmission lines currently located in the county or at time of application, to include any future transmission lines that may be built. Mr. Tedder says he understands that at the time of the application there will be a line, so if a new transmission line is built and can accept the voltage being generated, then, it will qualify. You don't build a new one to build a Solar Farm you need to find the transmission line first. Mr. Grant asked under 8:7.5 Restoration, how are you going to know if the bonds are still valid or not. Mr. Tedder answers that the language used has three or four things that you can submit to the Council for approval and it will be at that point to see what is financially sound, solid and backed up. Letter of Credit means there is money in the bank, Bond, we do what we do with bonds and hopefully can collect in due course, other financial security, we just have to figure out what that might be, the pledge of other assets, but it would be up to the Finance Department, the Administration, you and the Council to decide what is valid and secure.

Mr. Jenkins refers to the first page where it states that "an application will soon be forthcoming to have the SFFZ applied to approximately 1582 acres in order to develop a solar farm in Gillisonville" and he asked if this is the same farm we discussed last month. Ms. Wagner answers that there are two things happening, there is a proposal to develop a Solar Farm which was mentioned at our meeting last month but before we can review it, we first need to have zoning regulations in place. Ms. Wagner said keep in mind that tonight is not a review for the site project. She said the developer of the solar farm; the design team from Thomas and Hutton, and their attorney, Ms. Ewing are present and are prepared to show some buffers and would like to make a presentation. Chairman Bostick pointed out that the project is not on the Agenda and therefore, the Planning Commission will not see a presentation tonight. He said any comments related to the SFFZ ordinance, which is on the Agenda tonight are welcome.

Mr. Waite comments on the 100' buffer on a Single Family Dwelling and Other Residential Uses. He said he would like to see the buffer increased to 200' for residential uses. He said he likes what we did with the street buffer and thinks we can do the same thing with the buffer for residential uses. He said he thinks the buffer requirement should be 200' but can be reduced with an approved berm and or landscaping and screening plan. He said he thinks of somebody's backyard where they have children playing in the backyard and 100' is not very far.

Mr. Jenkins' concern is that there are a whole lot of regulations and when this passes will the Planning Department have the man power to police all this stuff to make sure this is done right. Ms. Wagner states this will be addressed during development plan approval and they will demonstrate the ability to meet the requirements during the review of the concept plan. Mr. Tedder adds that a provision has been included that Council can require a development agreement which is contractual.

Chairman Bostick asked how the Commission feels about the 200' setback rather than 100' setback for Single Family Dwelling. Mr. Grant said he stated at the last meeting, he thinks the bufferyard should be more than 100' feet and he has not changed his mind. Mr. Pinckney said he doesn't think there will be many solar farms due to the amount of requirements. He said with the setbacks, fencing, berms, and buffers, it will be too expensive to meet all the guidelines. Chairman Bostick asked how far solar farm equipment will be from ones backyard. Ms. Wagner states that the solar farm equipment will be at least 125' as proposed by this ordinance. Chairman Bostick says he can have a 1500 acre solar farm 125' away from his backyard. Mr. Young asked why we are proposing no chain link fencing and what kind of fence has to be put up. Ms. Wagner said where the fence can be seen from exterior view of the property or public right of ways we don't want to allow chain link fence with fabric screening for aesthetic reasons. She said if the fence is located behind a berm or can not be seen, then a chain link fence would be fine. Chairman Bostick said he is also concerned with safety. Ms. Wagner stated that the requirement for fencing is also for security reasons.

Mr. Pinckney said zoning is driven by the Comprehensive Plan so we should have looked at the Comprehensive Plan to see where solar farms will fit in the county. He said when the Comprehensive Plan was updated, solar should have mentioned in the Plan so that we could get feedback from the consumers and find out where they want solar and how much they want to allow where they live.

Mr. Tedder recommends that on Bufferyard Table an asterisk (*) should be added to Single Family Dwelling and all other Residential Use, change the 100' to 200' and add the same language used for the street buffer. He also pointed out the provision that a solar farm developer could come to an agreement with an adjacent property owner to reduce the setbacks by way of a restricted covenant. Mr. Grant pointed out that if the bufferyard is increased to 200' then the setback requirement in Section 8:7.3-3 should also be changed to 225' instead of 125' from abutting Residential property.

Mr. Bill Moore from Adger Solar addressed the Commission. He said he wanted to clarify that although the solar farm site is 1550 acres, the solar panels will only impact 800 acres. He said it is very unlikely Jasper County will see another solar farm proposal this size and that is simply because of electrical reasons. Even high voltage lines have limited ability to absorb new injections of electrical energy and the two transmission lines running through Gillisonville will be tapped out.

Ms. Nicole Ewing said the solar farm will not be able to expand even if the Developer wanted to make it larger because the wetlands are jurisdictional wetlands and are under the Army Corp of Engineers jurisdiction.

Mr. Leland Rentz addressed the Commission. He said he is an adjacent property owner to the solar farm. He asked the Planning Commission to keep in mind the runoff that will be coming onto his property, into his fish pond, and 800 acres of soil sterilization. He said that is an issue for him and his family. His land has a well and has horses that drink water from the run-off. He said a solar farm will affect his and his neighbors' property values.

Ms. Wagner said during plan review stormwater will be assessed to see if there are any impacts. She said all other codes and regulations will have to be met in addition to the proposed ordinance. Mr. Tedder pointed out that additional conditions may be imposed in accordance with the proposed ordinance.

Ms. Judy Frank addressed the Commission. She said we discussed fencing and buffers but we did not address what it will do to her property value and the value of Mr. & Mrs. Rentz's property. She said their life's savings is invested into these properties. She said there are no surveys or appraisals that will convince her that the value of her property will be tomorrow what it is today. She asked if anyone would buy a house next to an industrial power plant. She said she would not have built a home there knowing there would be in industrial power plant. She asked the Commission to keep this in mind when looking at the proposals.

Ms. Kate Schaefer of the Coastal Conservation League addressed the Commission. She said she believes requiring an overlay district for a Solar Farm is a positive thing for Jasper County. She commends staff for getting up to speed in such a short amount of time. She said she believes a lot of thought went into this ordinance. She said the state law passed unanimously which allows for Solar Farms to sell their power through the electric grid spoken of this evening. Storm water impacts will be different because the panels will move as opposed to a building that never moves. Solar Farms are good neighbors; there are no air or water pollutants and no truck traffic. She said a solar farm is very different from regular industrial plants.

Mr. Chad Grass of Thomas and Hutton addressed the Commission. He said he would like to elaborate on Mr. Rentz concerns. He said from a design side he wants to protect everyone. This project needs to go before DHEC/OCRM for storm water specific requirements. He said actually the Rentz property drains onto the proposed solar farm site, goes through the wetlands system and then goes to the bottom of the creek. He said he can get the exact drainage area that would potentially go through Mr. Rentz property but it is minimal. He said the end result will be some kind of grass cover under these panels' impervious areas. There will be no truck traffic going there every day where you would have oil leaking. It will not be contaminated, water will drip off the panels if they are there and infiltrate to the ground. The potential for contaminants is very very limited, if any. Maybe the inverters may have oil in them but they would have dual containment within those, so there is not that much concern compared if it were industrial or any other kind of project.

Ms. Pam Crowe, Bee Keeper, Farmer, Homesteader addressed the Commission. She wonders why this place needs to change to something like this. The area has existed for a long time and there was nothing wrong with it. She

said there are major problems to evolve here. You have wetlands, solar panels and bees and other pollinators zooming across this area to get to those wetlands. She said that she feels with all the cutting of the trees and these solar panels the wind will increase and make it difficult for pollinators to work well. She said she believes this will disrupt everything that works well and has worked well for a long time. It is a system within itself that will be disrupted for this project.

Ms. Wagner comments while working on this Ordinance she thought about herself and her property and how she would feel. South Carolina has put incentives in place and it is a renewable resource, much cleaner than greenhouse gas emissions and mining coal for fuel. She said she understands citizens' concerns because we don't have another solar project here and we aren't familiar with solar power. She said it is her intent to make sure that these residential properties are protected and that is the reason for the Ordinance.

Councilman Etheridge addressed the Commission. He is coming before you as a citizen tonight and would like all to know that what you hear tonight is not approving for this company to start building a solar farm. He said whether the Ordinance is approved or not, the proposed solar farm still has to go before the County Council. I don't think we know exactly how it will affect property values. He asked if the Ordinance is being done to fulfill this company's needs or the needs of the citizens of Jasper County. There are two residents that encompass the project and I don't like the idea of being encompassed by any project like this. Whatever you vote on tonight please keep in mind the comments of the citizens and what they would like.

Mr. Grant states: "I have completely thrown out anything about this proposed project. I am looking at this for many projects and the protection of the citizens."

Ms. Jodie Snow addressed the Commission. She would like to know if the Ordinance mentions what solar panels are made of. She asked if the solar panels crack will oil come out and drip into the ground and are there salts that would also affect the ground.

Mr. Tedder explains in general, anything at the initial stage will be addressed under the OCRM Land Disturbance Permit. He said when you have a specific project with a specific solar collector you can examine those characteristics at that time. We cannot predict as to technology ten years ago to what technology is now. When the project comes in it will go through DHEC and Jasper County. There will be many opportunities to address those independent individual characteristics and place additional conditions on the project when necessary.

Ms. Wagner said while the developer may have requested a text amendment, staff conducted a lot of research and wrote the ordinance, not the developer. Ms. Ewing said they actually proposed a Planned Development District which would have allowed them to craft very specific, one time requirements for the solar farm. It was staff that wanted to establish the law for every solar farm by way of the solar farm floating zone. She said there were things they asked for that they did not get.

Mr. Waite motioned to approve the Solar Farm Floating Zoning ordinance with the stipulation that the buffer for Single Family Dwelling and All Other Residential Uses be changed from 100' to 200' using the same language as the street buffer and also to change section 8:7.3-3, Setbacks, to be 225' instead of 125'. The motion was second by Mr. Young. Mr. Pinckney commented that he would like the "Comprehensive Plan to show that there will probably be no more or very few solar farms due to the grid and the Comprehensive Plan should reflect where solar panels can go so that citizens that are purchasing land will know what the zoning can be changed to". There was no more discussion and the Commission Members present voted unanimously in favor of the motion.

New Business:

A. Zoning Text Amendment – Article 15, Sign Standards

Mr. Tedder explains some confusion coming out of the business license office for fee charges for faces of a sign as opposed to the Planning Department measuring height standards for zoning purposes.

The proposed amendment to the zoning text is in Article 15:6.2 which states, the Measurement of multi faced signs for zoning purposes *but not for business licensing purposes*. The proposed ordinance also adds text to Article 15:8 to clarify the measurement for the purpose of annual business license fees.

Mr. Waite asks how is this going to impact electronic signs which may have ten (10) messages on them.

Mr. Tedder states we do not license content of the message; we don't get into the first amendment. We license the size of the area. We are looking at it for business license purposes for charging fees at this point. If the path becomes clear down the line it is easier for County Council to adopt a fee schedule under business licensing that addresses the difference between a non changeable copy sign to an electronic sign.

Mr. Waite says his point is that it needs to be fair to everyone for electronic signs. Mr. Tedder answers that for business license signs we do not look at what it is, it could be the same message or be a different message.

Mr. Pinckney said we amended the digital signs. He doesn't remember what all we put in it but he knows they can only go certain places because state law deemed certain places unsafe so we only allowed them in certain areas.

Mr. Jenkins asks about the makeshift signs around Jasper County known as "snipe signs" for new businesses that are placed in the ground. Ms. Wagner mentions that these types of signs are not allowed.

Mr. Grant motions to approve the Zoning Text Amendment to Article 15, Signs, second by Mr. Young. The Commission Members present voted unanimously in favor of the motion.

Open Discussion:

Ms. Wagner said there is a webinar being offered by the South Carolina Association of Counties on May 12, 2016 from 9:00 am to 12:30 pm for continuing education purposes. She went over the tentative agenda and asked if this is something the Commission Members are interested in. It was the consensus of the Commission they will be able to attend. She said she would follow-up with an email outlining the details. Mr. Pinckney asked if there is any class regarding the comprehensive plan. Ms. Wagner will see about finding materials related to the Comprehensive Plan and that also offers continuing education credits.

Mr. Jenkins motioned to adjourn, seconded by Mr. Grant. The meeting adjourned at 8:20 pm.