

Board Chair:
Rodney Cheek

Planning Director:
Matthew Hoagland



Commissioners' Meeting Room
124 W Elm Street
Graham, NC 27253
October 10, 2024 at 7:00 PM

ALAMANCE COUNTY PLANNING BOARD

AGENDA

Virtual-

<https://www.youtube.com/channel/UC1QADkhkyUpac9rMs42imjA>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF PLANNING BOARD MINUTES**
 1. September 12, 2024 Regular Meeting
- IV. PUBLIC COMMENTS***
- V. BOARD/COMMISSIONER RESPONSES**
- VI. OLD BUSINESS**
 1. Consideration of Clarifying UDO Article 6.3 Amendments
 2. Consideration of Clarifying UDO Article 6.4 Amendments
 3. Consideration of Clarifying UDO Article 6.5 Amendments
 4. Consideration of Clarifying UDO Article 6.6 Amendments
- VII. NEW BUSINESS**
 1. Consideration of Clarifying UDO Article 6.7 Amendments
 2. Consideration of Clarifying UDO Article 6.8 Amendments
- VIII. ANNOUNCEMENTS/DISCUSSION**
 1. Policy Proposal Presentation
- IX. ADJOURNMENT**

**Meeting Notes:*

- 1. Those wishing to make public comments should sign-in prior to the meeting.*
- 2. In order to be fair and ensure that all citizens wishing to speak may be heard, the Chair may place time limits on public comments.*
- 3. Any further discussion by the public on a given agenda item is subject to the discretion of the Chair of the Planning Board*

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Members Present

Rodney Cheek
Vaughn Willoughby
Anthony Pierce
Henry Vines
Stephen Dodson
Bill Poe
Lee Isley
Amie Perkins
Ernest Bare

Members Absent

John Paisley

Staff Present

Matthew Hoagland,
Planning Director
Ian Shannon, *Planner II*
Janet Moreno, *Planning
Technician*
Brian Baker, *Assistant
County Manager*
Michelle Horn, *Assistant
County Attorney*

I. CALL TO ORDER

Called to order at 7pm.

II. ROLL CALL

Missing: john paisley

Staff: me, matt, janet, brian baker, michelle

Roll call was handled through in-person roster.

III. APPROVAL OF PLANNING BOARD MINUTES

1. July 11, 2024 Regular Meeting

Motion to accept: Vaughn Willoughby
Second: Anthony Pierce

Vote: Unanimous

IV. PUBLIC COMMENTS*

None at this time.

V. BOARD/COMMISSIONER RESPONSES

None at this time.

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ALAMANCE COUNTY PLANNING BOARD MINUTES

VI. OLD BUSINESS

1. Consideration of Clarifying UDO Article 6.1 Amendments
2. Consideration of Clarifying UDO Article 6.2 Amendments

Matthew Hoagland highlighted some of the other organizational changes made including consistent numbering of sections within both articles, elimination of duplicate language, and proper references to other sections of the UDO.

VII. NEW BUSINESS

1. Consideration of Clarifying UDO Article 6.3 Amendments

Matthew outlined some of the grammatical changes to 2 sections of the article and then opened up discussion to the board on the classification of manufactured homes in the UDO as classes 1, 2, and 3. There were no definitions in the article and he was unsure how those classifications came to be in the first place. The board discussed other codes that used a and b classifications based on the year of construction and considered adopting those as replacements.

2. Consideration of Clarifying UDO Article 6.4 Amendments

Matthew outlined the changes made from providing a table of contents, correcting references to other parts of the UDO and FEMA forms, and eliminating old placeholder page text. There were also some general grammatical edits.

3. Consideration of Clarifying UDO Article 6.5 Amendments

Matthew outlined other grammatical and organizational edits as well as some clarifications to variance procedure and stream buffers. He asked the board if there was any changes they would like to see to the land spacing requirements. Bill Poe added that the original land spacing intent was to create distance between heavy industry and other uses, to better control where some of that development could go in the county. Vaughn Willoughby raised the idea that a developer could just buy more land to serve as their own perimeter, and Bill agreed saying that that would be in compliance if that is something they wanted to do. The board discussed other developments coming in after a heavy industrial development, and Brian Baker added that the land spacing requirement would only be a factor at the time of permitting for the heavy industrial use.

4. Consideration of Clarifying UDO Article 6.6 Amendments

Matthew outlined some more numbering and format changes.

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ALAMANCE COUNTY PLANNING BOARD MINUTES

VIII. ANNOUNCEMENTS/DISCUSSION

Matthew brought up that some board member terms were expiring at the end of the year and that staff would need new applications for those eligible to re-apply.

Rodney Cheek brought up potential plans for the Christmas Party with the Historic Properties Commission. He asked the board if they would prefer holding the party at a restaurant or at a local church. After some discussion he said that he would look into some options.

Matthew brought up the recent Board of Commissioners meeting and the recommendations made by the Planning Board and how the Commissioners wanted to look at other options for a more comprehensive plan. Brian added that the intent seemed to be for staff to put a few different plans together and take a look at zoning for the county and what that might look like. Matthew added that revisiting some of the previous ideas like a cluster subdivision option might be good to work with as well. Vaughn added that the major issue with the previous main plan was the 2-acre proposal and that the board should work to get this next plan right. Stephen Dodson told the board that it was a good sign that the Commissioners were making this request and asked what the timeline for all of this might look like. Matthew said that he had already been working on a draft proposal. Amie Perkins added that one of the major initial obstacles was educating the public but she believed the county knew a lot better now.

Matthew told the board that he was planning on having them look at Sections 6.7, 6.8, and 6.9 next month but could bring back subdivision and stormwater if the board wanted to do more there.

IX. ADJOURNMENT

Motion to adjourn: Vaughn Willoughby
Second: Bill Poe
Vote: Unanimous
Adjourned at: 8:17 pm.

PART VII. MANUFACTURED HOME PARKS

Section 6.7.1. Purpose	p.2
Section 6.7.2. Development Specifications	p.2
Section 6.7.3. Site Plan Requirements	p.5
Section 6.7.4. Expansion to Existing Development	p.6
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Section 6.7.6. Miscellaneous Provisions	p. 7

6.7 Manufactured Home Parks

6.7.1 DEVELOPMENT SPECIFICATIONS PURPOSE

The purpose of this section is to regulate and guide the development of manufactured home parks and individual manufactured homes in order to promote the public health, safety, and general welfare of the citizens of Alamance County. These regulations are designed to ensure that adequate roadways, fire safety, emergency access, off-street parking, utilities (water, sewer, and electricity), solid waste disposal, recreation, and privacy are provided to residents of manufactured homes in parks.

6.7.2 DEVELOPMENT SPECIFICATIONS

A. Minimum Space Size

1. Service-based Size Requirements

Services Provided	Minimum Space Size
Manufactured Home requirements	
Individual Septic and Well	30,000 square feet
Community/Public Water and Septic System	20,000 square feet
Community/Public Sewer and Well	10,000 square feet
Community/Public Water and Sewer	8,000 square feet

2. Manufactured Home Parks located in the Balance of Watershed (BOW) shall have a minimum manufactured home space size of one (1) acre.
3. Manufactured Home Parks located in the Watershed Critical Area (WCA) of watersheds shall have a minimum manufactured home space size of two (2) acres.
4. Spaces within Manufactured Home Parks ~~and Recreational Vehicle/Travel Trailer Parks~~ (collectively referred to in this section as “Parks”) are not transferable lots that can be deeded or sold except by an approved subdivision plat. Approved Manufactured Home Park plans are not to be construed as a subdivision.
- 5.

*NOTE: Additional acreage may be required by the Alamance County Health Department to accommodate sewage disposal and well systems.

B. Road Standards

1. Manufactured Home Parks shall have a “clearway” of fifty (50) feet.
2. Within each designated clearway there shall be a “travelway.” The travelway shall be at least twenty (20) feet wide and be maintained for all weather and emergency vehicle access. Every travelway that does not either intersect a public road or intersect into another travelway must provide for a vehicle turnaround as follows:
 - a. For dead ends less than one hundred fifty (150') feet in length (as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac, or other end point of the travelway) ~~with there shall be a~~ minimum width of twenty-six (26') feet ~~or other configuration as approved by the appropriate regulating agency.~~
 - b. For ~~cul-de-sacs more than~~ dead ends which are one hundred fifty (150') feet in length or longer (as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac, or other end point of the travelway) ~~with there shall be a~~ minimum cul-de-sac width of at least ninety-six (96') feet at the end of the road. ~~or other configuration as approved by the appropriate regulating agency.~~
 - c. No ~~cul-de-sac or other~~ dead end shall exceed two thousand, five hundred (2,500') feet in length as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac or other end point of the travelway.
3. All primary entry travelways must originate from a public right-of-way.
4. ~~These standards are a minimum and will be subject to review and approval by the appropriate agency.~~ Private Roads and other access easements may not originate from a Manufactured Home Park travelway.

C. Space Frontage

I. Manufactured Home

1. Each designated manufactured home space shall have a minimum width of ~~100'~~ sixty (60) feet of frontage on the ~~travelway.~~ clearway.
2. Manufactured home spaces fronting on cul-de-sacs shall have a minimum of ~~35'~~ twenty (20) feet of frontage at the edge of the ~~travelway.~~ clearway.

D. Parking

I. Manufactured Home

Each manufactured home space shall provide for two (2) designated parking spaces outside of the clearway for each manufactured home space. Each parking space shall have a minimum dimension of twenty (20') feet in length and 10' nine (9) feet in width, with minimum of four (4") inches of compacted gravel.

E. Setbacks

The following setbacks are established for units within manufactured home parks:

Side	10' <u>feet</u> from adjoining unit space
Rear	10' <u>feet</u> from adjoining unit space
Front	45' <u>feet</u> from the centerline of travelway, effective setback is 25'
*NOTE: side and rear setbacks are to be measured from the side and rear space boundaries.	

In all cases, each lot boundary should be clearly identified with corner markers.

F. Signage

1. Each Manufactured Home Park must display and maintain a permanent sign with the name and address as assigned according to Alamance County Addressing Ordinance. These signs shall be no more than ten (10') feet from each entrance. The sign shall be clearly visible with lettering at least four (4") inches high. If the sign is posted perpendicular to the main road, the name and address number shall be visible from both directions.
2. Each manufactured home space shall be consecutively numbered as assigned according to the Alamance County Addressing Ordinance. Each space will display a sign no more than ten (10') feet from the unit's driveway or required parking area and will be clearly visible from the travelway. Numbers should be at least four (4") inches high. If the sign is posted perpendicular to the travelway, the address should be visible from both directions.

G. Garbage Disposal and General Maintenance

All garbage and refuse in every Manufactured Home Park shall be stored in suitable water-tight and fly-tight standard garbage receptacles, and kept covered with tight fitting covers. At least one such receptacle shall be provided and conveniently located for every manufactured home space except where a dumpster or dumpsters are conveniently located and used in the same manner as separate receptacles. Operators are responsible for ensuring that the park is properly maintained according to all applicable ordinances.

H. Water and Sewage Disposal

All Manufactured Home Parks will be subject to monitoring and enforcement of water quality standards. Each space shall be provided an individual connection to a water supply and wastewater disposal system approved by the ~~appropriate regulatory authority~~ Alamance County Environmental Health Department. No site plan, as required below, will be approved prior to review and approval by the appropriate regulatory authority.

~~I. **Manufactured Homes Connected with a Fair**~~

~~Manufactured homes serving itinerant workers connected to a fair may be parked on the fairground for the duration of the fair, but not to exceed 20 days, providing they are connected to a wastewater system as approved by the appropriate regulatory authority.~~

- I. Non-residential developments such as coin-operated laundries, food stores, or common storage units may be permitted in a park, provided the uses are: (1) clearly subordinate to the residential use of the park; (2) designed to serve primarily the needs of park residents; and (3) developed to be in harmony with the residential character of the park. Such uses are subject to the service based size requirements in Item A above as well as the setback and spacing requirements of Item E above.

6.7.2 CLUSTER DEVELOPMENT

~~Clustering of spaces within Manufactured Home Parks is not permitted.~~

6.7.3 SITE PLAN REQUIREMENTS

Site plans shall be submitted for Manufactured Home Parks as required by the Alamance County Planning Department. Manufactured Home Parks located in a designated watershed in Alamance County shall also submit a site plan for review and approval per the Alamance County Watershed Protection Standards in this Ordinance.

All Manufactured Home Park Site Plans are required to show, at minimum:

- Date of Submission
- Name and address of owner(s)
- Name of ~~Subdivision~~ Manufactured Home Park (~~subdivision park~~ names shall not duplicate or approximate, phonetically, existing subdivision names)
- Location designation including a vicinity map (township, county, state) showing the property and surrounding area
- Name and address of surveyor or engineer
- Scale in figures and bar graph
- North arrow
- Bearings and distances of property boundary

- Surrounding property lines, property owners, and subdivisions
- Topography including water courses, wooded areas, and contours at ‘ five (5) foot intervals or less
- Location, extent, and identification of marginal land
- Acreage of property within the park
- Total proposed number of spaces
- Square feet of each space
- Existing conditions (on property to be ~~subdivided~~ developed and within 300’ of property being ~~subdivided~~ developed) including, but not limited to, boundaries and identification of political subdivisions, boundaries and identification of land use districts, buildings, structures, or utilities (public or community), street right-of-way (including pavement and names), location and size of bridges, culverts, and other storm drainage facilities, location, width, and purpose of all easements.
- Proposed conditions including travelway alignments, clearways, and all associated dimensions including cul-de-sacs, t-turnarounds, clear zone measurements, parking areas, curve radii and site distance measurements as needed, proposed utilities, and any other infrastructure and storm drainage facilities, all easements, manufactured home spaces including separation lines, numbers, and approximate dimensions of spaces and setbacks, and proposed public use (open space) sites.
- All landscape buffers for the park
- Location, dimension, and content of signs as detailed in Subsection F above
- Location and capacity of any garbage receptacles as detailed in Subsection G above
- Any other information deemed necessary for site plan review by the Planning Department
- Approval of any other departments or agencies as required for compliance with the requirements of this or any other ordinance

6.7.4 EXPANSION TO EXISTING DEVELOPMENT

Existing Manufactured Home Parks shall be considered legal nonconformance subject to Section 3.2 of this ordinance except for Section 3.2.3 DISCONTINUATION OF NON-CONFORMING USE. Discontinuation of non-conforming use of Manufactured Home Parks is governed by Section 6.7.5.

6.7.5 DISCONTINUATION OF NON-CONFORMING USE

If a non-conforming Manufactured Home Park, ~~for any reason,~~ discontinued the use of a park for, any reason for a period of 365 days or more, such use may not resume until permits are obtained and all of the requirements of this Ordinance are met. For purposes of this Section, discontinued use takes place when not a single habitable manufactured home remains on a lot of a park. In such cases, the entire park would be discontinued and no longer be used as a Manufactured Home Park.

6.7.6 MISCELLANEOUS PROVISIONS

A. Permitting Required

No manufactured home shall be erected, moved, added to, or structurally altered without a building permit issued by the Building Inspector.

B. Construction Standards

Only Class A, B, or C Manufactured Homes will be permitting within Manufactured Home Parks. Such manufactured homes are as defined by this ordinance and in accordance with the standards promulgated by the US Department of Housing and Urban Development (HUD) through the National Manufactured Housing Construction and Safety Standards Act of 1974. Existing Class D Manufactured Homes, or homes that do not otherwise comply with HUD regulations, may remain in operation within parks if they are currently in use. However, if their use is discontinued for a period of 365 days or more, they may not be permitted to be reestablished as a residence.

C. Manufactured Homes on Individual Lots

Manufactured Homes placed on individual lots, and not within Manufactured Home Parks, will be regulated the same as single family dwellings. Only Class A, B, or C Manufactured Homes are permitted within the County.

D. Cluster Development

Clustering of spaces within Manufactured Home Parks in a fashion similar to a Cluster Subdivision is prohibited.

E. Manufactured Homes Connected with a Fair

Manufactured homes serving itinerant workers connected to a fair may be parked on the fairground for the duration of the fair, but not to exceed twenty (20) days, providing they are connected to a wastewater system as approved by the appropriate regulatory authority.

F. Recreational Vehicles

Recreational Vehicles (RVs) may not be permitted within a Manufactured Home Park, either on a temporary or permanent basis. RVs which are unoccupied and stored in the same manner as personal vehicles are allowed without any additional permitting.

MAJOR RESIDENTIAL SUBDIVISION

A housing subdivision that includes fourteen or more lots which have been approved for residential purposes.

MAJOR VARIANCE

A variance from the minimum statewide watershed protection rules, that results in any one or more of the following: a) the relaxation, by a factor greater than ten percent, or any management requirement under the low density option; b) the relaxation, by a factor greater than five percent, of any buffer, density, or built upon area requirement under the high density option; c) any variation in the design, maintenance, or operation requirements of a wet detention pond or other approved stormwater management system.

MANUFACTURED HOME

Class A

A "double wide" manufactured home that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development through the National Manufactured Housing Construction and Safety Standards Act of 1974.

Class B

A "single wide" manufactured home that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development through the National Manufactured Housing Construction and Safety Standards Act of 1974.

Class C

A manufactured home constructed in accordance with the standards promulgated by the US Department of Housing and Urban Development through the National Manufactured Housing Construction and Safety Standards Act of 1974 that does not meet the definition of either a Class A or a Class B above.

Class D

A manufactured home constructed outside of the standards or prior to the effective date of the National Manufactured Housing Construction and Safety Standards Act of 1974.

PART VIII. SOLAR ENERGY SYSTEMS

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6.8 Solar Energy Systems Standards

6.8.1 APPLICABILITY

The following regulations are adopted for the purpose of promoting the health, safety, and general welfare of the citizens of Alamance County, and to promote the peace and dignity of the County. These uses by their very nature produce aesthetic, traffic, light impacts upon the lands adjacent to them and often result in conflicting neighboring land uses. These standards shall allow for the placement and growth of such uses, while maintaining the health, safety, and general welfare standards of established and commercial areas in Alamance County.

For the purposes of this Ordinance, Solar Energy Systems are also referred to as “SES.”

~~6.8.1~~ 6.8.2 EXCEPTIONS TO APPLICABILITY

The following are exceptions, by right, from regulations under ~~Section 5.11 Solar Energy Systems Standards~~ this Ordinance:

- a) Agricultural Farming Operations
- b) Residential Land Uses

~~6.8.2~~ 6.8.3 REGULATIONS AND STANDARDS

Prior to the issuance of any permit under this section, the SES must demonstrate compliance with the regulations and standards imposed by this section.

A. Minimum Lot Sizes

No SES shall be situated on a tract of land less than ten (10) acres in size. Multiple parcels of land may be joined together to comprise the tract of the SES, but all parcels so joined must be contiguous and under the ownership and/or control of the same person or corporation, including through lease or rental arrangements, at the time of application.

B. Operations Setback.

All SES shall be required at the time of the issuance of a permit to create and thereafter maintain a seventy-five ~~feet~~ (75') foot minimum operations setback from all exterior property lines of the parcel(s) on which they are located. Operations setbacks shall be measured in a straight line without regard for intervening structures or objects from the closest exterior edge of the property line of the parcel(s) on which the area of operations is located to the nearest area of operations of the SES. Vegetative buffers, fencing and access roads constructed and/or maintained for the sole use of the SES may be located

within the operations setback. The purpose of this requirement is to minimize the potential negative impacts of conflicting uses of land.

In the event a Historic landmark recognized by Alamance County Historic Properties Commission is located on the same parcel as an SES, the SES shall be required at the time of the issuance of a permit to create and thereafter maintain a one hundred-foot (100') foot setback from the closest edge of the Historic Landmark to the area of operations facing the Historic Landmark. Setbacks for the other sides of the SES remain seventy-five ~~feet~~ (75') feet.

C. Aviation Notification

- a. A map analysis showing a radius of five (5) nautical miles from the center of the SES with any airport operations within this area highlighted shall be submitted with permit application.
- b. For consideration of potential impacts to low altitude military flight paths, notification of intent to construct the SES shall be sent to the NC Commanders Council at least 30 days before the informational hearing. Proof of delivery of notification and date of delivery shall be submitted with permit application. Notification shall include:
 - i. Location of SES (i.e. map, coordinates, address, or parcel ID)
 - ii. Solar technology (i.e. polycrystalline PV, monocrystalline PV, ~~C~~cadmium ~~T~~telluride PV, evacuated tube solar thermal, flat plate solar thermal, etc.)
 - iii. Approximate number of solar modules/panels
 - iv. System mounting (i.e. fixed-tilt on flat roof, fixed-tilt ground-mount, 1-axis tracking ground-mount, etc.)
 - v. The maximum height of the array from the ground or roof surface
 - vi. The maximum height of any new utility poles
 - vii. Power capacity of the system, in both DC and AC Watts where applicable
 - viii. Acreage of array and acreage of total project
 - ix. How will the project connect? (i.e. net meter, to existing distribution line, to new distribution line, to transmission line)
 - x. Will a substation be constructed? If so, provide location and size
 - xi. Is the site with five nautical miles of aviation operations? If so, provide the required SGHAT analysis results

- c. The latest version of the Solar Glare Hazard Analysis Tool (SGHAT) or equivalent shall be used per its user's manual to evaluate the solar glare aviation hazard. The full report for each flight path and observation point, as well as the contact information for the zoning administrator, shall be sent to the authority indicated below at least thirty (30) days before the informational hearing. Proof of delivery of notification and date of delivery shall be submitted with permit application.
 - i. For Airport operations at airports in the National Plan of Integrated Airport Systems (NPIAS)¹² within five (5) nautical miles of the center of SES: provide required information to the Federal Aviation Administration's (FAA) Airport District Office (ADO) with oversight of North Carolina¹³
 - ii. For Airport operations at airports not in the NPIAS, including military airports, within five (5) nautical miles of the center of SES: provide required information to the NC Commanders Council for military airports and to the management of the airport for non-military airports

Any applicable SES design changes (e.g. i.e. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the contact specified in b.i and b.ii above for accurate records of the as-built system.

D. Area of Operations

Construction or operation of the SES outside of the designated area of operations is prohibited.

Designated area of operation of an SES shall not be allowed in any area located within a special Flood Hazard Area.

E. Stream Setbacks

All SES shall be required to maintain a ~~fifty foot~~ (50') foot minimum stream setback from any stream as defined in this Ordinance. Stream setbacks shall be measured from the closest edge of the designated area of operations to the top of the bank of the applicable stream.

F. Landscaping & Screening

All SES shall be required to provide an acceptable landscaping/screening plan and to continuously maintain the plantings required by the plan. The purpose of this requirement is to establish a continuous vegetative screen in order to minimize/mitigate the visual impacts of the SES on adjacent properties as well as to maximize the buffering of noise and particulate matter. Screening shall be a minimum of thirty (30) feet in width and shall consist of a minimum of two staggered rows of plantings. Plantings shall be a minimum of eight (8) feet on center with a maximum of ten (10) feet on center and be at least thirty-six (36") - to (48") inches tall in seven (7) gallon size at time of installation. Mixed borders are encouraged. As part of the review process, the Planning Director may,

at their discretion, consider existing screening and vegetation on the property. Suggestions for screening plans may be found in Appendix B of this ordinance.

In the event that an applicant is unable to plant required screening and/or landscaping at the time of building permit issuance, the applicant may post a bond in the amount of ~~1.5~~ one hundred and fifty (150) times the amount of a certified landscape architect's cost estimate for the proposed plan. Should the applicant fail to install the necessary landscaping/screening within twelve (12) months of building permit issuance, the County will be entitled to complete the landscaping plan using the proceeds of the bond.

G. Gating & Fencing

At a minimum, the area of operations of the SES shall be completely enclosed by a minimum six (6) foot high fence with a self-locking gate.

H. Lighting

Access ways, walkways and parking areas should be lighted adequately by lighting fixtures which shall be installed so as to protect the road and neighboring properties from direct glare or hazardous interference of any kind. Applicants are encouraged to use light shielding and fixtures that are approved by the International ~~Dark Sky~~ DarkSky Association (IDA) as these fixtures conserve energy, reduce monthly costs, and minimize the impact of light pollution on surrounding properties.

I. Compliance With Other Governmental Requirements

Applicants under this section are required to comply with all other applicable County, State, and Federal regulations such as watershed protection, stormwater, erosion control, air quality, water quality, flood protection, building code, and NCDOT requirements. The Planning Director may require the applicant to submit additional information based on the permitting requirements. Failure to submit any additional information required by the Planning Director shall result in the denial or revocation of an SES Permit.

J. Decommissioning

~~A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with permit application. This plan shall provide for (see Appendix J for a sample decommissioning plan):~~

- ~~1. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.)~~
- ~~2. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations~~
- ~~3. Restoration of property to condition prior to development of the SES.~~

- ~~4. Timeframe for completion of decommissioning activities, not to exceed one year.~~
- ~~5. Description and copy of any lease or any other agreement with landowner regarding decommissioning.~~
- ~~6. Name and address of person or party responsible for decommissioning.~~
- ~~7. Plans and schedule for updating this decommissioning plan.~~

~~Before final electrical inspection, the applicant must provide evidence that the decommissioning plan was recorded with the Register of Deeds.~~

The applicant must ensure that a Decommissioning Plan is created and submitted to the Department of Environmental Quality. Such a plan shall be included with their SES application and related documents. If possible, the applicant shall furnish an approved copy of the plan as authorized by the Department of Environmental Quality.

Once the property or properties featuring the SES have been decommissioned, the applicant must return the land to its natural state, as far as practicable, unless an agreement exists between any leaseholder and landowner which directs otherwise.

~~6.8.3~~ 6.8.4 PERMITTING PROCEDURES

~~All SES shall be required to apply for a permit from the Alamance County Planning Department prior engaging in any construction and/or operational activities.~~

An Intent-to-Construct Permit (ITC Permit) shall be required before the owner or operator of a Solar Energy System commences with any construction activities.

a) **Pre-Application Meetings Required**

The applicant or an authorized corporate officer is required to meet in person or by video conference, with a Planning ~~Department~~ Staff member to discuss the nature of their application at least fourteen (14) days prior to making a formal application and submitting a site plan.

At this pre-application meeting, the applicant shall identify in writing any additional permits which the applicant needs in order to operate the Solar Energy System and provide a reasonable timeline for obtaining those permits.

b) **SES Permits**

~~An SES Permit shall be required before the owner or operator of an SES commences any construction activities.~~

c) b) **Informational Hearing and Notice**

- i. Upon the submission of a complete application for an ~~SES~~ ITC Permit, an informational hearing on the proposed ~~SES~~ ITC permit shall be scheduled for the next regular meeting of the Planning Board.

- ii. The Planning Board shall hold the informational hearing on the application for the ~~SES~~ ITC Permit. At this informational hearing, the ~~SES~~ owner and/or applicant and community members may present information and comment on the application.
- iii. If, after the mailing of notice but prior to the issuance of an ~~SES~~ ITC Permit, any changes or amendments are made to an approved site plan which impact the requirements of this ordinance, the changes or amendments must be submitted to the Planning Department for approval.

In the event an application is resubmitted with substantial impacts, the Planning Director may require an additional informational hearing and re-approval of the application. Substantial impacts may include the addition of new solar arrays, modifying the area of operations, installing or altering roadways, access points, or fences, or similar impacts which the Planning Director deems substantial. Whether or not the impacts are deemed to be substantial, the Planning Director, or their designee, shall issue such a determination in writing and make that determination available to the applicant.

- iv. Upon the issuance of an ~~SES~~ ITC permit, the Alamance County Land Records System or Geographic Information System shall be changed to include a notice reasonably calculated to alert a person researching a particular parcel that the parcel contains an SES.

~~6.8.4~~ 6.8.5 APPROVAL OF ~~SES~~ INTENT-TO-CONSTRUCT PERMIT APPLICATIONS

- i. All applicants shall be required to submit a site plan for review as part of the permitting process. All site plans shall be drawn to scale by a Registered Surveyor or Engineer pursuant to the guidelines provided in Appendix I of this ordinance.
- ii. The Planning Department shall review the site plan based on compliance with the regulations imposed by this ordinance and make a recommendation of approval or denial.
- iii. Completed applications shall be presented to the Planning Board for an informational hearing and determination of compliance with the requirements of this Ordinance. If the Planning Board determines that the application is compliant with the requirements of this Ordinance, the Planning Board shall direct the Planning Director to approve the permit. If the Planning Board determines that the application is not compliant with the requirements of this Ordinance, the Planning Board shall issue a written determination of its reasons and deny the application.
- iv. A denial may be appealed pursuant to the appeals procedure defined herein.
- v. If the ITC Permit is approved, the applicant may commence with construction and move on to pursuing their Operations Permit as outlined below.

~~6.8.5.~~ ~~6.8.6 FINAL~~ APPROVAL OF SOLAR ENERGY SYSTEM OPERATIONS PERMITS

A valid SES Operations Permit shall be required before the owner or operator of an SES commences, continues, or maintains operations of the SES.

1 Post-Development/As-Built Site Plans

All applicants shall be required to submit a final “as-built” site survey to the Alamance County Planning Department. The Post-Development site survey shall be drawn by a Registered Surveyor or Engineer pursuant to the guidelines provided in Appendix I of this ordinance. This submission shall consist of two (2) paper copies.

2. Final Site Inspection

A final site inspection shall be performed by the Alamance County Planning Department to ensure that SES was established in harmony with the approved site plan and that all required permits from other governmental or regulatory agencies have been issued.

~~6.8.6~~ ~~6.8.7 SES~~ SOLAR ENERGY SYSTEMS OPERATIONS PERMIT RENEWAL REQUIRED

SES permits issued under this Ordinance shall be renewed subject to a satisfactory inspection every three (3) years.

1. Renewal Fees

Prior to renewing the ~~permit~~ Operations Permit, the applicant shall be required to submit a renewal fee as determined by the Alamance County Board of Commissioners during the establishment of the annual budget for the given fiscal year. All fees are non-refundable.

2. Site Visit Required

To ensure continued compliance with this section, a site visit must be conducted by the Alamance County Planning Department prior to issuing a renewed permit. It is the responsibility of the permit holder to schedule a site visit with the Alamance County Planning Department.

3. Other Requirements

- a. Proof of Tier II reporting, if applicable under the Emergency Planning and Community Right-to-Know Act of 1986.
- b. Proof of continued compliance with all requirements of this Ordinance, including screening and fencing, and maintenance of all required local, state, and federal permits and conditions of any permit approval.
- c. If the permitted location has been the subject of two or more enforcement actions within the renewal period, the Planning Director, at their discretion, may require a public hearing before the Alamance County Planning Board prior to the renewal of the SES Permit.