

SUMMARY

MEETING DATES:

Planning Commission: January 19, 2023 5:30 p.m.
County Commission: February 6, 2023 5:00 p.m.

SUBMITTED BY:

Brooks County Zoning Agent, Melissa Smith

SUBJECT:

Application no. 12-1-22, Special Exception request by Morven Solar, LLC for a large-scale solar energy system in an Agricultural Zoned District consisting of 940.3 acres on a portion of 11 land parcels which includes five (5) land owners along Peach Road, Guess Road, Lawson Pond Road, and Valdosta Highway 133 east of Morven, Georgia.

HISTORY:

PREVIOUS ACTIONS:

N/A

RECOMMENDATION:

Due to the staff's concern of the amount of "prime farmland", the quantity of jurisdictional wetlands, the threatened and candidate species potential impacts, and the amount of access roads because the parcels are not contiguous (especially Peach Road – dirt), the Staff recommends **DENIAL** of the applicant's proposed use as a Large-Scale Solar Energy System.

FINAL ACTION BY COUNTY COMMISSION:

APPROVED AS REQUESTED BY THE APPLICANT

APPROVED AN AMENDMENT TO INCLUDE A LESSER GEOGRAPHIC AREA OR LESS INTENSE ZONING DISTRICT OR CHARACTER AREA

APPROVED WITH CONDITIONS

DENIED

STAFF REPORT
File Number: 12-1-22

MEETING DATES:

Planning Commission:	January 19, 2023	5:30 p.m.
County Commission:	February 6, 2023	5:00 p.m.

GENERAL INFORMATION:

Item & Purpose: Application no. 12-1-22

Applicant & Contact: Mikala Newsome, Pinegate Renewables

Address: 130 Roberts Street, Asheville, NC

Phone: (828) 232-6471

File Date: December 5, 2022

CURRENT LAND USE:

Subject Property: Agricultural

North: Agricultural
East: Agricultural
South: Agricultural
West: Agricultural

CURRENT ZONING:

Subject Property: AG (Agriculture)

North: AG (Agriculture)
East: AG (Agriculture)
South: AG (Agriculture)
West: AG (Agriculture)

STAFF ANALYSIS

§ 36-67-3. Zoning proposal review standards

In any local government which has established a planning department or other similar agency charged with the duty of reviewing zoning proposals, such planning department or other agency shall with respect to each zoning proposal investigate and make a recommendation with respect to each of the matters enumerated in this Code section, as well as carrying out any other duties with which the planning department or agency is charged by the local government. The planning department or other agency shall make a written record of its investigation and recommendations, and this record shall be a public record. The matters with which the planning department or agency shall be required to make such investigation and recommendation shall be:

(1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The proposed use of a large-scale solar energy system is suitable for agricultural zoned properties. However, the disconnected proposed layout of the solar system creates a larger impact area of 23 neighboring homes and a vast amount of farmland that is not consistent with the intent of Brooks County (See Number 5).

(2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

Staff is concerned with the potential impacts of the 127.05 Acres of jurisdictional wetlands and 10.15 acres of non-jurisdictional wetlands upon and leaving the properties. The properties range from 1-3 miles west of the Withlacoochee River. Although the applicant has submitted a preliminary Erosion Control Plan with the intention to submit full plans to the GA EPD, the concern is relating to maintenance of the site after construction (maintenance of the proposed 18 drainage basins, utilization of filter socks, any chemicals to be utilized for weed control). There is also concern for the threatened and candidate species found upon the properties, the potential for habitats of these species, and migratory species to the properties. Although the applicant is maintaining a 25 foot buffer from areas of present/potential wildlife and avoiding the area west of Section 2, the area of wildlife around the Transformer and Substation (near and adjacent to Section 1) remains a concern with the equipment and fencing.

(3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

Yes, the current zoning of the 11 parcels proposed is AG – Agricultural and is currently being utilized for crops, timber, pasture land, and/or rural residences. Of the 952 acres proposed for the solar farm, 782 acres (82%) is considered “prime farmland” per the Federal Register or “farmland of statewide importance”. The applicant is also proposing clearing 13% (121.9 Acres) of timber from the properties. However, the existing pecan trees to be affected by Section 1 and 2 were not addressed in the tree survey. Existing vegetation is to be retained where possible for a vegetative buffer.

(4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

Due to the parcels not being contiguous, staff does expect some negative impacts on the roads due to the amount of access points for the solar sites spread across the parcels, especially on Peach Road which is a residential dirt road. They are proposing one access/culvert on Peach Road, two access points/culverts along Guess Road, and three access points/culverts along Lawson Pond Road. Lawson Pond Road is a gateway collector road that stretches from Lowndes County southwest into Brooks County. The rather busy road provides a rural, residential route from Interstate 75 and State Highway 122 west of Hahira to Hwy 133 east of Morven.

(5) If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan;

Per the Future Development Map in the adopted Brooks County 2027 Comprehensive Plan Community Agenda, the subject property is within the Agricultural character area. The proposed solar farm is not compliant with the objectives to protect farmland and the rural lifestyle of the Agricultural District.

(6) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

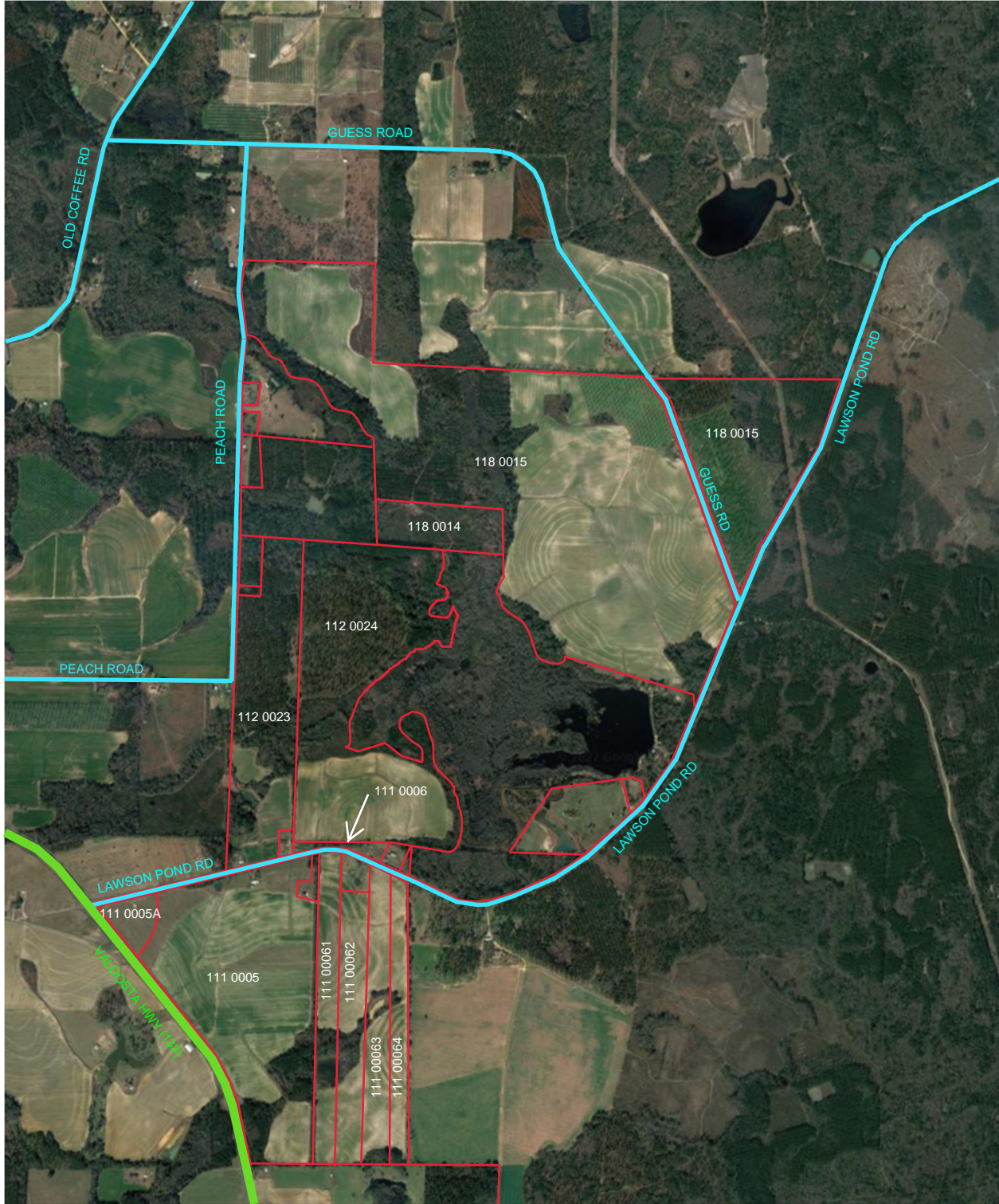
The Morven Solar project will NOT lead to any permanent jobs working specifically for the Morven Solar Facility nor Pine Gate Renewables. However, they aim for the project to initiate the hiring of 30 permanent employees through a "PowerUp" apprenticeship type program to their sister company, Blue Ridge Power, who constructs their projects.

ATTACHMENTS:

Application
Aerial Map
Location Map
Zoning Map

AERIAL MAP MORVEN SOLAR

Tax Map/Parcels 118 0014, 118 0015, 112 0023, 112 0024, 111 0005, 111 0006, 111 00061, 111 00062, 111 00063, 111 00064, 111 0005A

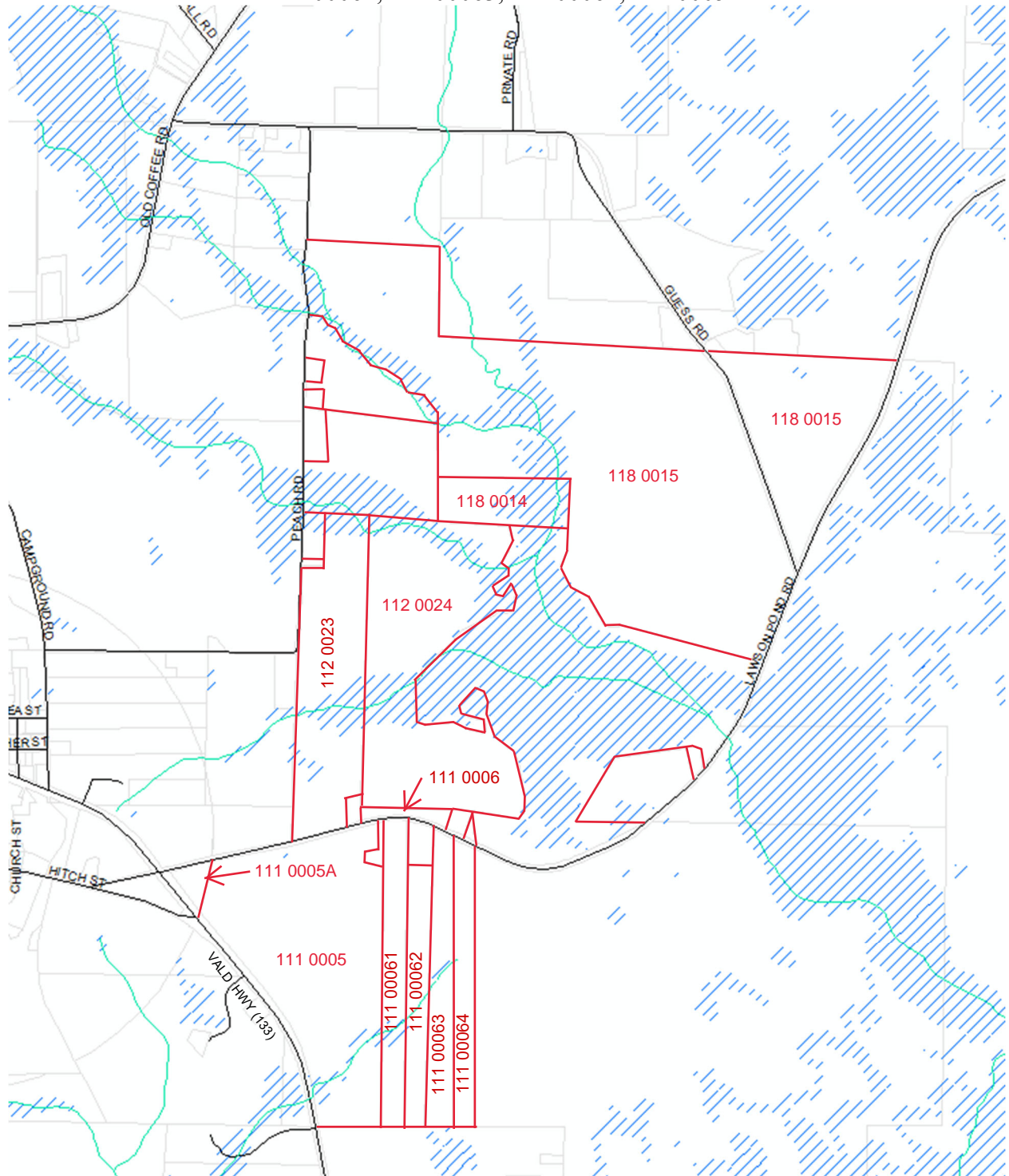


NOTE: PARCEL OUTLINES ARE
DIAGRAMMATIC ONLY

LOCATION MAP

MORVEN SOLAR

Tax Map/Parcels 118 0014, 118 0015, 112 0023, 112 0024, 111 0005, 111 0006, 111 00061, 111 00062, 111 00063, 111 00064, 111 0005A

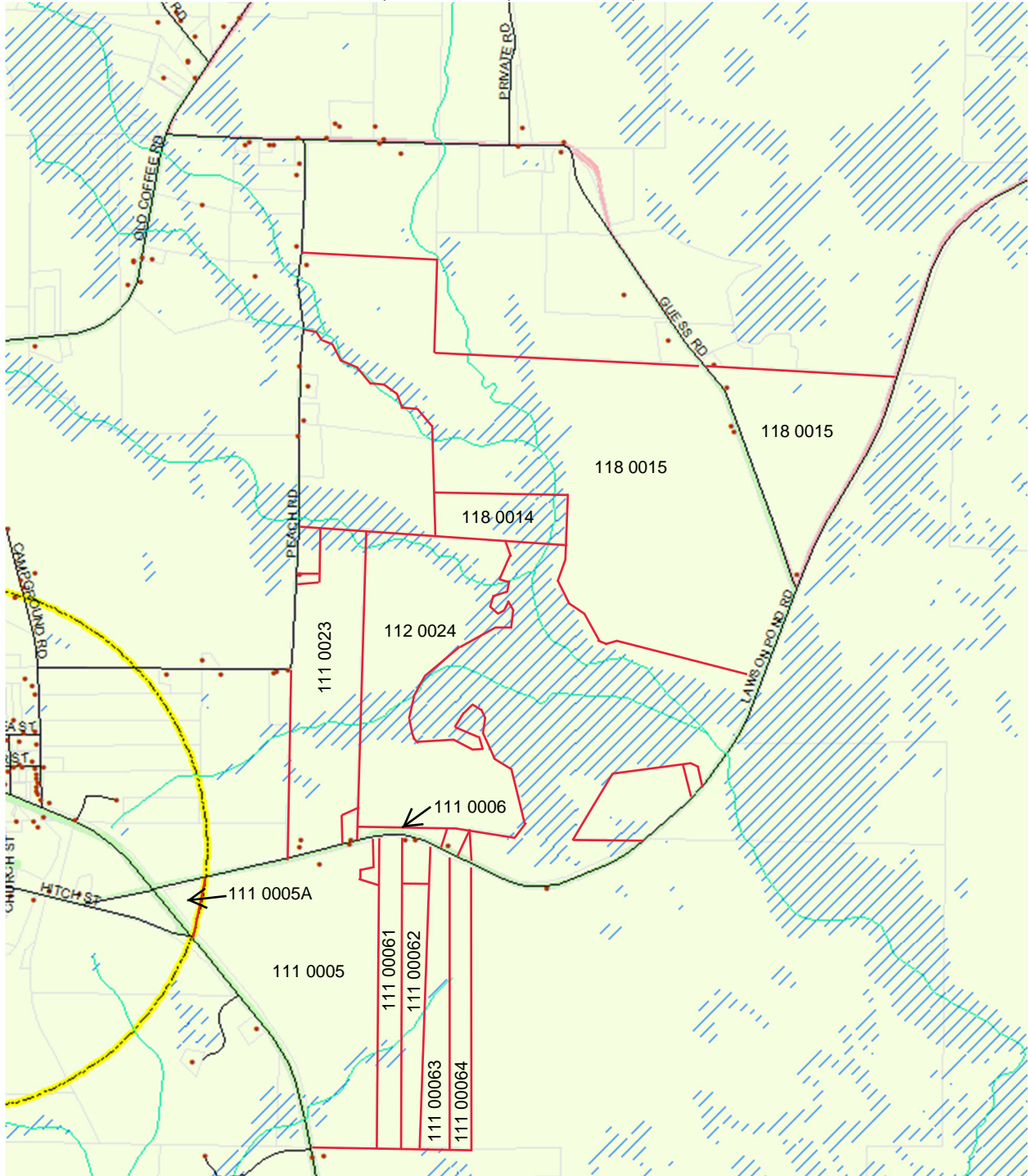


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ZONING MAP

MORVEN SOLAR

Tax Map/Parcels 118 0014, 118 0015, 112 0023, 112 0024, 111 0005, 111 0006, 111 00061, 111 00062, 111 00063, 111 00064, 111 0005A



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