

A-G-E-N-D-A

SPECIAL MEETING

BOARD OF ADJUSTMENT

EDEN ROOM
308 E. STADIUM DRIVE

THURSDAY, NOVEMBER 12, 2020
5:30 P. M.

1. Meeting called to order.
2. Roll call.
3. Approval of minutes of the special meeting on September 17, 2020.
4. Unfinished business:
6. Items from staff:
7. New business:

Special Use Permit 1085 E. Meadow Road SU-20-02

Consideration of a special use permit for a solar facility at 1085 E. Meadow Road as allowed for in Section 11.26(c)(3)(c)(16) of the special use requirements of the Board of Adjustment section of the City of Eden Zoning Ordinance. Request submitted by Edison Farm, LLC. SPECIAL USE CASE: SU-20-02.

8. Items from the Board of Adjustment:
9. Adjournment.

**PLEASE CALL THE PLANNING AND INSPECTIONS DEPARTMENT
UPON RECEIPT OF THIS AGENDA PACKAGE
336-623-2110 OPT. 2**

MINUTES OF A SPECIAL MEETING
OF THE BOARD OF ADJUSTMENT
SEPTEMBER 17, 2020

The Board of Adjustment held a special meeting on Thursday, September 17, 2020, at 5:30 p.m. in the Eden Room at City Hall.

Members present: Will Flynt
Barney Walker
Jeanette Wagoner
Charles Johnson
Cleveland Ellison
Diana Biggs
Jackie Hampton
David Everett
Terry Shelton

Members absent: Joan Moore*

Staff present: Kelly K. Stultz, Planning Director

Others present: Shaniqua Woods, Applicant

*Excused absence.

The meeting was called to order by Kelly K. Stultz.

ELECTION OF OFFICERS

Diana Biggs nominated Will Flynt to serve as Chairman. Charles Johnson seconded the motion and it passed unanimously.

Diana Biggs nominated Charles Johnson to serve as Vice-Chairman. Barney Walker seconded the motion and it passed unanimously.

APPROVAL OF MINUTES OF A REGULAR MEETING ON JULY 11, 2019.

The minutes of the special meeting on July 11, 2019, were presented to the Board. Terry Shelton made a motion that the minutes be approved as submitted. Barney Walker seconded the motion. Motion carried unanimously.

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

Special Use Permit 523 S. Hamilton Street SU-20-01
Consideration of a special use permit for a home occupation for dog grooming at 523 S. Hamilton Street as allowed for in Section 11.26(c)(3)(c)(5) of the special use requirements of the Board of Adjustment section of the City of Eden Zoning

Ordinance. Request submitted by Shaniqua Woods. SPECIAL USE CASE: SU-20-01.

Kelly Stultz read the Staff Report into the record which included a recommendation that the Special Use Permit be approved.

The Applicant, Shaniqua Woods, summarized her application and how the dog grooming business would be operated.

Charles Johnson made a motion that the Special Use Permit be approved. Cleveland Ellison seconded the motion and the motion passed unanimously.

ITEMS FROM STAFF: Kelly advised the Board members of the status of the UDO. She explained that the text amendment would be heard by the City Council at the October council meeting and the map amendment would be heard by the City Council at the November council meeting.

ITEMS FROM THE BOARD OF ADJUSTMENT: NONE

ADJOURNMENT:

There being no further business to come before the Board, a motion and a second was made for adjournment. Motion carried unanimously.

Respectfully submitted,

Kelly K. Stultz, Administrative Assistant to
the Board of Adjustment

ATTEST:

William T. Flynt, Jr., Chairman

**PLANNING AND INSPECTIONS DEPARTMENT
SPECIAL USE PERMIT REQUEST
October 28, 2020**

CASE NUMBER:	SU-20-02
REQUEST:	Special Use Permit: Solar Facility
APPLICABLE REGULATIONS:	Section 11.26(c)(3)(c)(16)
APPLICANT:	Edison Farm, LLC
APPLICANT'S STATUS:	Developer/ Lease Holder

PROPERTY INFORMATION

LOCATION:	1085 E. Meadow Road
PIN:	7090-06-29-7376
ZONING:	I-1 and I-2
ZONING HISTORY:	The majority of the property was zoned I-2 at time of original zoning; the smaller portion fronting Meadow Road was rezoned to I-1 on August 15, 1978.

GENERAL INFORMATION

The subject property is located at 1085 E. Meadow Road. The application submitted is complete and therefore is eligible for consideration.

FINDINGS OF FACT

- (a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted;
 - (b) That the use meets all required conditions and specifications;
 - (c) That the use will not substantially injure the value of the adjoining or abutting properties, or that the use is a public necessity;
 - (d) That the location and character of the use, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for Eden and its environs.
-

STAFF ANALYSIS

With respect to the findings of fact, staff provides the following analysis:

- (a) The applicant has submitted an application to operate a solar facility on this property. Staff is of the opinion that such use on the subject property would be in harmony with the surrounding neighborhood and would not be a danger to public health and safety in the area.

(b) The use meets all required conditions and specifications:

- (1) A site plan shall be approved by the Zoning Administrator, showing locations of all equipment and structures, landscaping and buffers, property lines, residential structures within 500 feet, required setbacks, and all adjacent property owners. A minimum of 10 acres is required.

Zoning Officer: The site plan has been submitted and approved.

- (2) Solar collectors shall be a minimum of 50 feet from all road right-of-ways and 50 feet from all property lines. No solar or other energy collectors or solar farm structures (including fencing) shall be located within 100 feet of any residential structure.

Zoning Officer: This condition has been met.

- (3) A minimum eight-foot-high commercial grade fence shall be installed to prevent trespassers from entering the property. In addition, a vegetative buffer shall be installed along any roadway or adjacent to any residential use.

Zoning Officer: The applicant has agreed to this condition and staff will use enforcement techniques available to the City if this tenant of the permit is violated.

- (4) The maximum height for any solar or other energy collectors and solar farm structures shall be 20 feet as measured from the grade at the base to the apex.

Zoning Officer: The applicant has agreed to this condition and staff will use enforcement techniques available to the City if this tenant of the permit is violated.

- (5) Noise levels measured at the property lines shall not exceed 50 decibels when located adjacent to an existing residence or residential district.

Zoning Officer: The applicant has agreed to this condition and staff will use enforcement techniques available to the City if this tenant of the permit is violated.

- (6) Prior to issuance of a special use permit, a fire protection and suppression plan shall be submitted to and approved by the City of Eden Fire Marshall and the Chief Codes Inspector. Fire response shall be provided by the City of Eden Fire Department.

Zoning Officer: Appropriate staff have reviewed the plan and have determined it to be sufficient.

- (7) To the extent practical, all new power transmission lines to any building, structure or utility connection shall be located underground. Existing above ground utility lines shall be allowed to remain in their current location or connection to utility system.

Zoning Officer: The applicant has agreed to this condition and staff will use enforcement techniques available to the City if this tenant of the permit is violated.

- (8) A decommissioning plan shall be submitted by the operator of the farm and the landowner (if different) and submitted with the special use permit application. The plan shall address the following:
- a. Defined conditions upon which decommissioning will be initiated, such as end of lease or cessation of operations.
 - b. Removal of all equipment, conduits, structures, fencing, roads, and foundations.
 - c. Restoration of property to its condition prior to development of the solar farm.
 - d. Timeframe for completion of decommissioning activities, not to exceed one year.
 - e. Description and copy of lease and any other agreement with landowner addressing the decommissioning.
 - f. Name and address of person(s) or party responsible for decommissioning.
 - g. Schedule for updating of decommissioning plan.
 - h. A security bond between the developer and the City of Eden shall be a part of the decommissioning plan for the protection of the property owner and the community at large.

Zoning Officer: The applicant has submitted a decommissioning plan and if installed as proposed will meet the standards of the ordinance.

- (c) Staff is of the opinion that the use would not substantially injure the value of the adjoining or abutting properties.
- (d) Staff is of the opinion that the use would be in harmony with the surrounding area and in conformity with the general development plans for the area.

STAFF CONCLUSION

It will be incumbent upon the City of Eden Zoning Officer, the Chief Codes Inspector and the Fire Marshall to ensure that all requirements are met during construction and installation.

Based upon the facts submitted and discovered at the time of this report, staff finds that sufficient facts are proven to recommend approval of the special use permit. Therefore, staff recommends approval of the special use permit.

STAFF RECOMMENDATION:

Approval of the Special Use Permit Request.

SPECIAL USE PERMIT

SU-20-02

AERIAL MAP

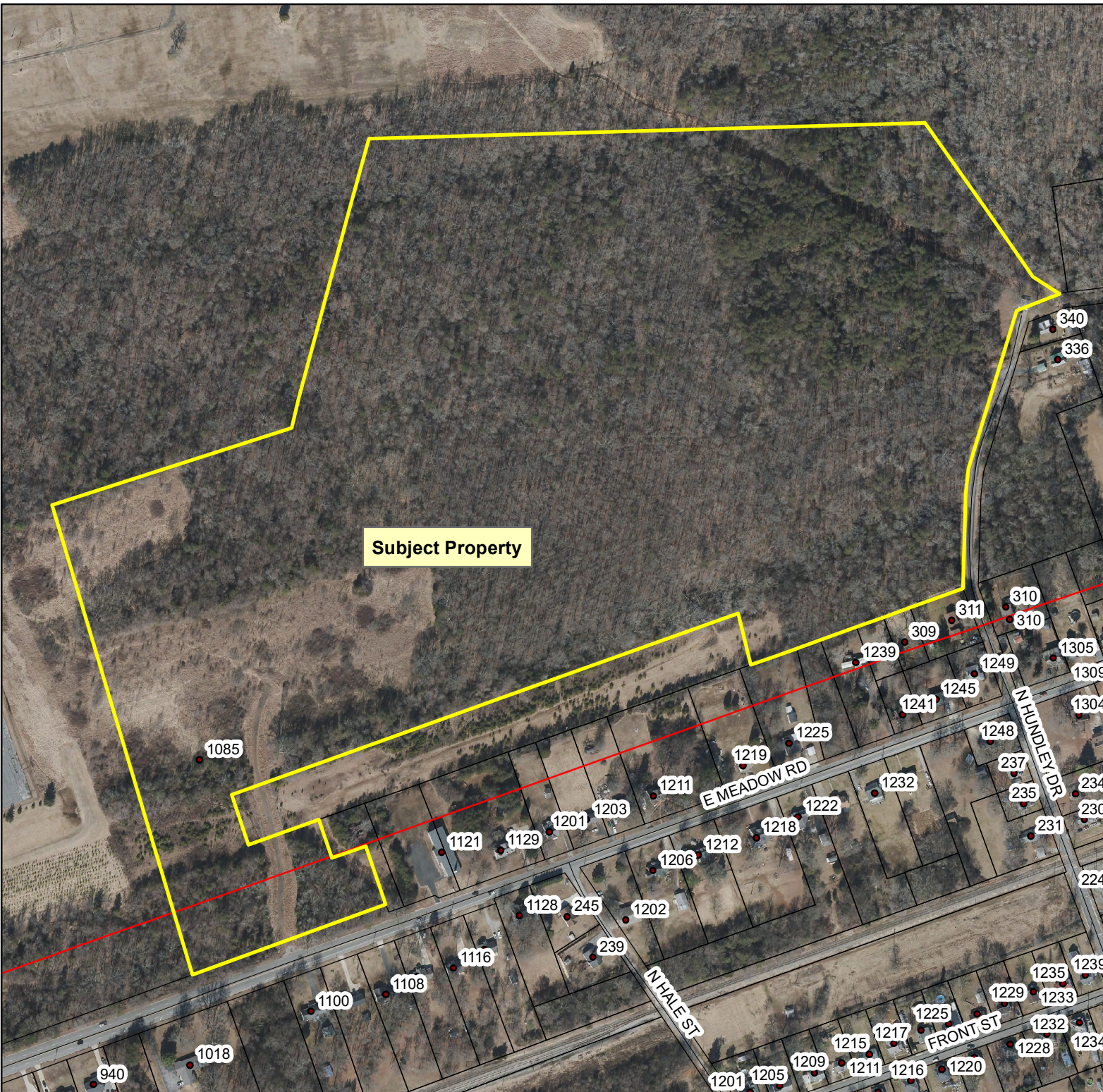


Subject Property

1085 E. Meadow Road

**Zoned:
Industrial-1 & Industrial-2**

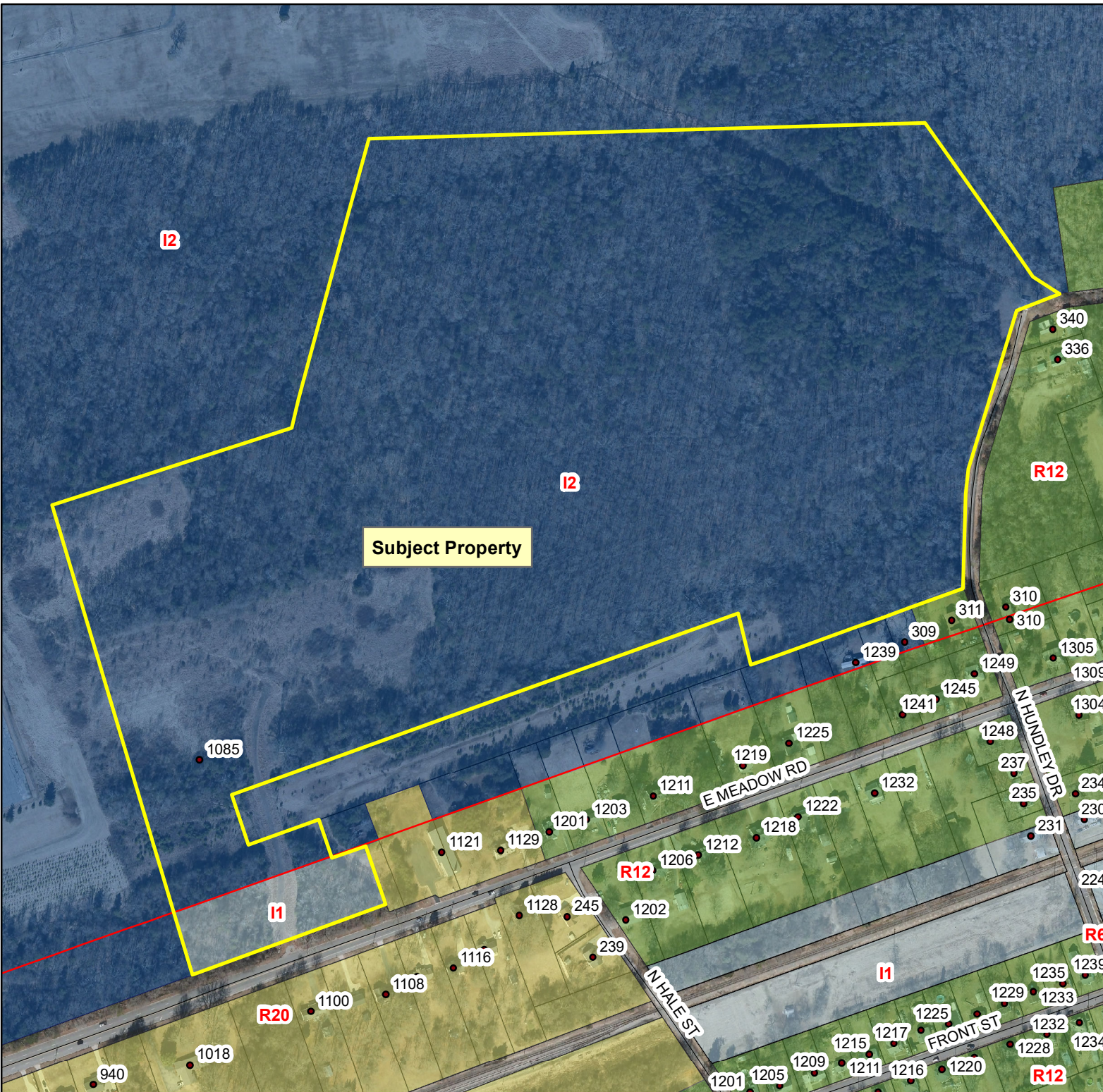
**Request:
Solar Facility**



SPECIAL USE PERMIT

SU-20-02

ZONING MAP



Subject Property

1085 E. Meadow Road

**Zoned:
Industrial-1 & Industrial-2**

**Request:
Solar Facility**



**PLANNING & INSPECTIONS DEPARTMENT
APPLICATION FOR A SPECIAL USE PERMIT**

INSTRUCTIONS: Please complete this application and provide the required information. In order for this application to be accepted, all applicable sections of this form must be completed, all required information provided and the application fee paid at the time of submittal.

(1) APPLICANT INFORMATION:

NAME: Edison Farm, LLC TELEPHONE: 919-960-6015
MAILING ADDRESS: 800 Taylor Street, Suite 200
CITY Durham STATE NC ZIP CODE 27701
APPLICANT'S PROPERTY INTEREST OR LEGAL RELATIONSHIP TO OWNER(S):
Developer / Lease Holder

(2) PROPERTY OWNER INFORMATION:

NAME: Academy Farms and Land, LLC TELEPHONE: 910-276-7250
MAILING ADDRESS: P.O. Box 1151
CITY Laurinburg STATE NC ZIP CODE 28353

(3) PROPERTY INFORMATION:

TAX PROPERTY IDENTIFICATION NUMBER(S)(PIN): 709006297376
STREET LOCATION: 1085 E. Meadows Road, (Hwy 770), Eden, NC
DEED BOOK: 1500 PAGE NUMBER 150
YEAR CURRENT OWNER ACQUIRED PROPERTY: 2015
PROPERTY SIZE (in acres or in square feet if less than 1 acre): 86.54+- ac
PUBLIC WATER AVAILABLE YES NO PUBLIC SEWER AVAILABLE YES NO
CURRENT USE OF PROPERTY: Vacant / Timberland

(4) ZONING INFORMATION:

ZONING DISTRICT: I-2 / I-1
SPECIAL USE PERMIT REQUESTED: Solar Facility

APPLICABLE SECTION OF THE ZONING ORDINANCE: Sec. 11.26, C(3)(16) Solar as a Principle use.

(5) ADDITIONAL INFORMATION:

INCLUDE WITH THIS APPLICATION A COPY OF THE RECORDED DEED TO THE PROPERTY.
INCLUDE A DEVELOPMENT PLAN FOR THE PROPERTY THAT SHOWS EXISTING AND PROPOSED FEATURES ON THE PROPERTY AS THEY RELATE TO THE SPECIAL USE PERMIT REQUESTED.

(6) SPECIAL USE REQUIREMENTS:

ALL SPECIAL USE PERMITS ISSUED MUST MEET THE FOLLOWING GENERAL REQUIREMENTS. IN THE SPACE PROVIDED OR ON A SEPARATE SHEET OF PAPER INDICATE THE FACTS THAT YOU INTEND TO PRESENT REGARDING HOW THE PROPOSED USE MEETS THESE GENERAL REQUIREMENTS.

- a. The use will not materially endanger the public health or safety if located where proposed and developed according to plan as submitted and approved.

See Attached

- b. The use meets all required conditions and specifications. (Please note the zoning ordinance for the conditions and specifications on each special use.)

See Attached

- c. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

See Attached

- d. The location and character of the 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 in general conformity with the plan of development of Eden and its environs.

See Attached

(7) APPLICANT CERTIFICATION:

I hereby certify that, to the best of my knowledge, the information shown on this application is true and accurate, and that I hereby request the issuance of a special use permit as described herein.

Applicant's Signature

Date of Signature

(8) PROPERTY OWNER(S) CERTIFICATION:

The undersigned property owner(s) hereby certify to the ownership of the property shown and described in this application for a special use permit, and hereby requests the issuance of a special use permit as described herein.

Property Owner's Signature

Date of Signature

Property Owner's Signature

Date of Signature

(9) CORPORATION CERTIFICATION:

IT IS HEREBY CERTIFIED, that _____, a Corporation, is the owner in fee simple of lands which is described in this application for a special use permit and that the Corporation hereby requests the issuance of a special use permit as described herein.

IN TESTIMONY WHEREOF, that said Corporation has caused these presents to be signed by its duly authorized officer and has caused its Corporate Seal to be affixed thereto.

Witness the signature(s) and seal(s) this _____ day of _____, 20_____.

CORPORATE SEAL

Name of Corporation

Secretary

By: _____

President

DEPARTMENTAL USE ONLY

APPLICATION NUMBER: _____

FEE PAID: _____

RECEIVED BY: _____

DATE: _____

Exhibit A

Edison Solar, LLC Application for Special Use Permit

Compliance with Zoning Ordinance §11.26(c)(3) Standards

Edison Solar, LLC respectfully submits the following evidence that it complies with the standards for a Special Use Permit.

A. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

1. General

Simply described, solar farms are little more than passive facilities that receive sunlight and convert it to clean energy. The materials used are essentially steel, glass, and products found in most household electronic appliances. Nothing about the operation creates an unreasonable risk to public health or safety.

2. Public Health

Solar Farms do not generate chemical or toxic by-products that threaten groundwater or surface water resources; they do nothing to generate or spread disease or bacteria; and they do not create environmental noise that would disturb the emotional health of residents. In most circumstances, someone standing at the closest point off-site is not able to hear the slight and barely audible hum generated by inverters in the interior of the facility.

If environmental noise is a concern, use of the property by a very quiet solar farm very often prevents the site from being used by many other uses that create substantial environmental noise (e.g. tractors for farming, lawnmowers and leaf blowers from a single family subdivision, guns from hunters, etc.). Solar farms also protect ground and surface waters from uses that could otherwise be developed as a matter of right (e.g. collection of manure from dairy farming; chemicals used in nurseries and greenhouses; or heavy application of chemicals used in crop production).

3. Public Safety

(a) Traffic

Transportation/traffic safety is one of the key issues when considering the impact a use will have on public safety. This facility will generate practically no traffic once construction is complete, with most days witnessing no incoming/outgoing vehicle trips at all. The only vehicles coming to the site will be occasional trips made to check on and maintain equipment and to mow grass – typically once a month during growing season. Construction time varies from site to site, but this 2 megawatt facility would take approximately 3 to 4 months to complete.

If this entire site were developed for a single home, the standard trip generation would be 9.52 vehicle trips *per day*, contrasted with zero trips on most days for a solar farm and generally no more than 2-3 vehicle trips *per month*. (9.52 is the national average established by the Institute of Transportation Engineers based upon data collected over decades)

(b) Environmental Safety

Unlike farming and many types of development, a solar facility protects adjoining streams from sedimentation resulting from soil erosion. Solar cells are mounted on support poles that are driven into the ground and that require minimal site grading. Hearty grass suitable to the climate is planted beneath the panels for soil stability. During construction, standard erosion control measures will be constructed and maintained in accordance with local and state stormwater regulations. As with most developments, stormwater and erosion control permits must be obtained prior to construction and land disturbance.

(c) Equipment Safety

The facility will be constructed to meet or exceed all standards of the National Electric Code, and all equipment is listed with and will contain the stamp of Underwriters Laboratories, a safety consulting and certification company that specializes in the public adoption and drafting of safety standards for electrical devices and components.

The facility will be surrounded by an 8-foot chain link fence with at least three strands of barbed wire along the top to protect both the public and the facility from unauthorized access.

B. The use meets all required conditions and specifications

This applicant's consultants and engineers have worked diligently to make sure the proposed facility meets all requirements of the City of Eden Zoning Ordinance §11.26(c)(3)(16) (Solar as a Principal Use) including height limits, decommission plan, road setbacks, landscaping, fire suppression plans, and residential setbacks. If there are deficiencies noted at the staff review meetings, the applicant will immediately address them.

Enforcement of these requirements is at the staff level. If the applicant does not meet all requirements, no building permits will be issued.

C. The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity

It is common for citizens to assert unsubstantiated claims that solar farms harm property values. Numerous appraisers throughout North Carolina have studied the impact of *hundreds* of solar farms on adjoining properties, and to the applicant's knowledge, each of them has found, based upon information from public databases, that there is no objective evidence to support a claim that solar farms harm neighboring property values.

A common and accepted appraisal principle explains why solar farms have no impact and are not a "public nuisance." A land use that has a negative effect on nearby property values is called an "*external obsolescence*." Common factors that make a land use an external obsolescence are noise, unreasonable traffic generation, dust, lights, odor, and threats to public health.

There is nothing about a solar farm's safe, quiet, odorless, dust free, low traffic characteristics that would make it an external obsolescence. This is especially true when a facility like this one will have planted vegetation to screen it from view. Thus, there are no *actual* conflicts between a solar farm and surrounding uses, although some citizens may claim they personally and subjectively do not think a solar farm is attractive. As explained below, North Carolina courts consistently have stated that such subjective feelings are not evidence to be considered in an SUP hearing.

To demonstrate compliance with this standard through competent, material, and substantial evidence, the applicant will present a study by Richard Kirkland, MAI, who has conducted several paired sales analyses for this project. Mr. Kirkland is now recognized in most circles as the world's leading expert on the effect of solar farms on adjoining properties, having performed over 700 studies in 17 states. His studies are done strictly in accordance with the Uniform Standards of Professional Appraisal Practice.

D. The location and character of the 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 in general conformity with the plan of development of Eden and its environs.

1. What is "Harmony?"

Addressing standard “D” requires first addressing what the word “harmony” means. In land use planning, “harmony” does not mean similar in use or appearance. For example, in the I-1 Industrial District, the zoning ordinance allows uses such as agriculture, fire stations, offices, car sales, service stations, and cell towers.

All are considered harmonious adjacent uses, yet none are similar in function, appearance, or purpose.

Although the solar panel arrays do not look like a some nearby uses (such as a house), there are no public service facilities that do. The existing telephone, electrical and cellular infrastructure common throughout Eden and Rockingham County do not look like homes either, but they are considered typical structures commonly seen in urban and suburban areas. Solar panels are not obtrusive and have a much lower profile than a typical home or barn.

Rather than being based on appearance, harmony is primarily a *functional* determination. To determine whether a certain use of land is harmonious, a planner would examine whether that use has external impacts (an “externality”) that prevent other uses from reasonably co-existing. Common externalities that create disharmony are excessive light, dust, odor, noise, non-managed traffic, and environmental impacts. Most uses can be “in harmony” if the externalities are mitigated and or managed.

No characteristic of this proposed facility would prevent neighboring landowners from enjoying the full use of their homes or lands for any purpose they currently engage in or could engage in under the City of Eden Zoning Ordinance.

The proposed project has substantial setbacks from other uses on most sides. In addition to the existing setbacks, the applicant will add vegetative landscaping from one of the permitted vegetative mixes in the areas not already buffered by neighbors’ or natural vegetation.

In communities across our state and nation, including those with the strictest land use controls, there are very few uses that are considered incompatible. For example, there are numerous examples where we have large sports venues downtown, concert venues in or adjacent to neighborhoods, bars next to homes, industry and day care coexisting, farms adjacent to industry, major highways adjacent to housing, expensive homes near manufactured homes, and hundreds of solar farms surrounded by residential and agricultural uses. In fact, hundreds of communities across this state have applied this same standard to local solar farms and concluded that, because of a solar farm’s inherent characteristics, the facilities are harmonious with the area.

Occasionally there are uses that are incompatible, but they are rare. Some examples might include a sexually oriented business next to a school; an airport runway

adjacent to a nursing home; or a commercial outdoor shooting range that is allowed to operate adjacent to a hospice facility.

2. Appearance is not a Relevant Factor

Several North Carolina appellate courts have published opinions that affirm the statements above that “harmony” is a functional determination and that subjective views on appearance are not relevant evidence in a special or conditional use permit hearing. Three of those cases are listed below, the first one being a solar farm.

(a) Innovative 55, LLC and FLS Energy v. Robeson County (2017)

This case involved a denial of an application for a solar farm in Robeson County whose special use permit standard required the board to determine whether a solar farm would be “in harmony” with the surrounding neighborhood.

The Court held that whether a solar farm could be seen and was considered by some opponents to be “an eyesore” was not relevant to the issue of harmony. (“The testimony of solar farm opponents that the final project as constructed would be an ‘eyesore’ based upon other solar farms they have seen is not competent evidence to support the denial of the solar farm.”)

(b) Blair Investments v. Roanoke Rapids (2013)

This case involved denial of a special use permit for a cell tower under the standard that “the use will be in harmony with the area in which it is to be located.”

The Court held that neighbors’ statements that they do “not want to look at one” and that it would be an “eyesore” are speculative opinions and not documentary evidence and therefore not competent evidence on the issue of harmony.

(c) MCC Outdoor Advertising v. Town of Franklinton

This case involved denial of a special use permit for a billboard under the standard that the billboard must be “compatible with the general neighborhood in which it is located”

This Court held that opponents’ testimony that a billboard could be seen from a particular location is “simply irrelevant as to whether the billboard is incompatible with the neighborhood. . . . The evidence was merely an unsubstantiated opinion which is incompetent.

3. The Solar Farm’s Harmony is an Established Legal Presumption

The N.C. Supreme Court has held that listing a particular use as allowed in a certain zoning district constitutes a legislative determination that the use is harmonious with other uses in the district. *Woodhouse v. Board of Comm'rs of the Town of Nags Head*, 299 N.C. 211, 216, 261 S.E.2d 882, 886 (1980). This presumption of harmony can be rebutted, but only by competent, material, and substantial evidence to the contrary. *Vulcan Materials Co. v. Guilford County Bd. of County Comm'rs*, 115 N.C.App. 319, 444 S.E.2d 639 (1994).

4. Presumptions of Harmony Based on Compliance with Development Standards

When the City of Eden added solar as a principal use, it adopted several development standards for such facilities and incorporated them into the zoning ordinance, section 11.26(c)(16). These standards are adopted as additional insurance that the use will be harmonious and compatible with the surrounding uses.

When the city did this, it established setbacks from homes, buffer and vegetative requirements, height requirements, decommission requirements and noise level limitations. It is presumed as a matter of law that an applicant who meets the city's development standards will develop a facility that is harmonious according to its basic design standards.

5. Precedent

Literally hundreds of solar farms across North Carolina have been found by boards of adjustment and town councils to be in harmony with the area in locations very similar to this or more residential and rural.

6. General Conformity with the Plan of Development

The City's Mission in the 5-year Strategic Plan ("Positively Eden") is to build the brightest future possible. In order to accomplish this, one of the City's strategies is to increase the City's economic vitality by focusing on "quality of place" (EV-1), increasing Eden's competitiveness in broader markets (EV-2), and objectively weigh the opportunities and challenges of attracting industrial prospects (EV-3).

This application proposes to place a 2 MW solar farm on a former Miller Coors bottling plant making a beneficial use out of an old and underutilized property. Solar panels are a low-industrial use that will be barely visible to adjacent properties as they are low to the ground, and will be located on Industrial property. Yet, the solar farm will provide valuable income to the City and property owner, increasing the economic vitality of the area and bringing development and growth to an underutilized property.

Clean and renewable energy provides cost stabilization that, over time, assists in keeping electrical generation costs stable. This use of the property will add value to the City by ensuring sustainable growth and economic development without significant investment or added infrastructure from the City, increasing Eden's competitiveness in the broader market.

This project satisfies both the industry and community, by bringing new business and revenue to the community. This is an opportunity to bring a low-impact but highly beneficial industrial use to the City and the region, bringing with it benefits that will increase the City's economic vitality.

STATE OF NORTH CAROLINA

BEFORE THE CITY OF EDEN BOARD OF
ADJUSTMENT

CITY OF EDEN

IN RE: Edison Farm, LLC and Academy Farms and Land, LLC
Proposed Solar Farm
Rockingham County Parcel Identification Number: 709006297376

Address: 1085 E. Meadow Rd. Eden, NC, 27288, North Carolina

STATEMENT OF JUSTICATION IN SUPPORT OF THE SPECIAL USE PERMIT APPLICATION

Edison Farm, LLC, respectfully requests approval of their application for a special use permit to operate a solar farm off of 1085 E. Meadow Rd. Eden, North Carolina. In support of the request, petitioner provides the following information:

I. Introduction

Edison Farm, LLC proposes to construct a solar farm on 13 acres of an 87-acre parcel owned by Academy Farms and Land, LLC. The property is currently zoned Industrial ("I-1").

A solar farm is permitted in the I-1 district with a special use permit approved by the Board of Adjustment. Section 16 includes standards for the issuance of a special use permit. The application, including site plan and this brief, is complete and complies with all requirements of the City of Eden Zoning Ordinance.

The solar farm will contain rows of Photovoltaic (PV) cells mounted on posts set in the ground individually. The posts are set individually in an effort to minimize the amount of grading on site. These rows of PV cells are referred to as "solar arrays." The solar arrays will be mounted north to south on racks that track the movement of the sun in order to receive the maximum amount of solar energy. The power generated from the solar farm will be connected to the power grid for use by consumers.

Solar energy is a public necessity. Demand for electricity has increased in recent years, and our society is dependent upon conventional sources of power such as coal, gas and nuclear energy. Conventional sources of electricity are expensive, finite resources that require significant environmental disruption and public safety risk to maintain or extract. Solar energy is a clean, cheap, unlimited resource with little environmental impact.

Solar Farms are extremely low impact rural uses. They are completely dark at night; they produce no emissions of any kind; they do not generate audible noise; they don't generate dust; they don't use water that could deplete rural aquifers or groundwater; and in most cases they are shielded from sight by natural vegetation. Additionally, they do not consume county resources. As a form of utility they do not add students to crowded schools or school buses. They have no sewer needs. And they require virtually no protection from the county sheriff or generate trash for disposal or recycling.

This SUP Conforms with the plan of development for the City of Eden in the following ways:

Solar farms are one of the fastest growing land uses in rural areas of North Carolina. They enable owners of large tracts to diversify the ways in which they make income so that family-owned land and family-owned farms are affordable, and they are environmentally friendly because installations requires very little land disturbance, they contain no harmful elements, and they do not create light at night.

In many situations, leasing land for a solar farm relieves pressure on the landowner to develop family land as a subdivision which generates substantial traffic versus the one or two vehicle trips per month to maintain a solar farm.

As land passes from one generation to the next it typically passes to children or grandchildren who do not farm or cannot afford the high maintenance costs of holding the land. There is substantial pressure to sell or develop land. Solar farms enable land to stay in families for the next generations to come and ease the pressure for early development.

Details [hide](#)

[Identify Adjoining Parcels](#)

Select Features by Buffer

Parcels

Long PIN: 709006297376
Parcel Number: 110586Z1
Owner: ACADEMY FARMS AND LAND LLC
PO BOX 1151
LAURINBURG NC 28353-1151
Deed Book: 1500 Pg: 0150
Deed Acres: 86.54
Deed Year: 2015
Date Sold: 12/15/2015
Land Value: \$10,896
Improvement Value: \$10,896
Total Value: \$10,896
Year Built: 0
Fire District: EDEN
Township: 2
Zoning: MIXED

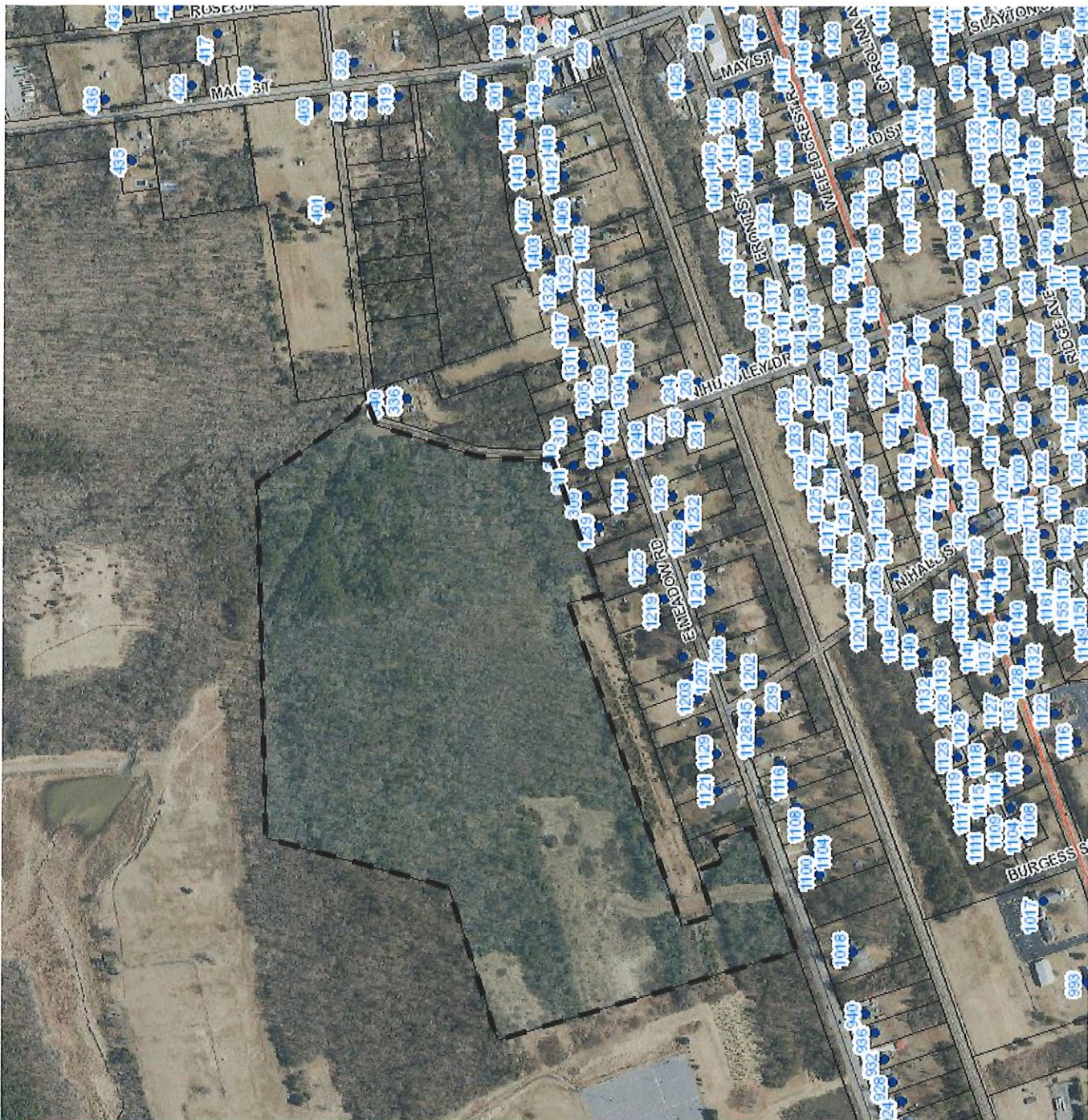
[View Property Card](#)
in the case of parcel number with a Z1 suffix, please contact the Tax Office for a complete property card showing all taxing districts.

[Mailable Link \(right-click to copy\)](#)

[View in GoogleMaps](#)

[Pictometry Imagery \(2019\)](#)

Attributes at point: N: 1009489, E: 1792639
Census Block Groups
Block Group: 0402001
Precincts
Name: DRAPER
Soils
DSL Name: SpB
Townships
Name: LEAKSVILLE TOWNSHIP



NOTES

1. EXISTING PROPERTY INFORMATION

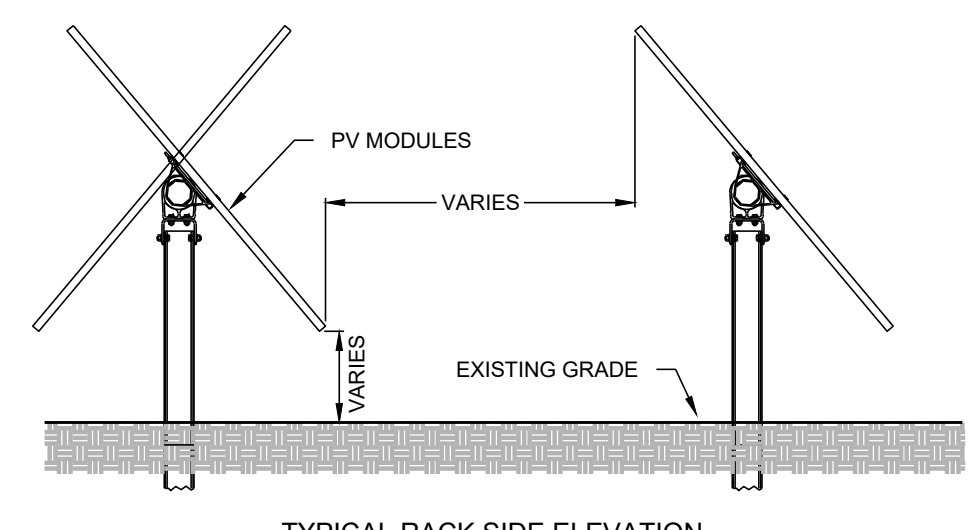
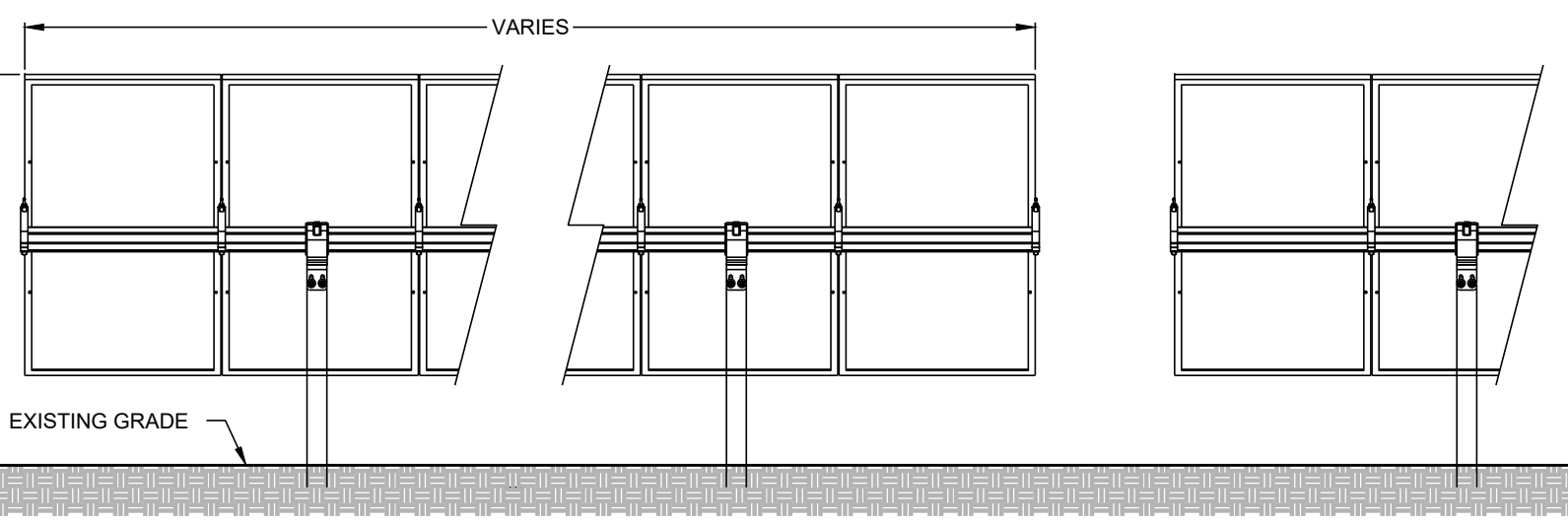
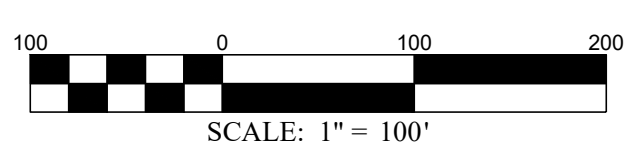
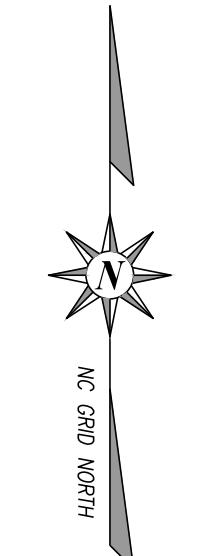
PIN	OWNER	DB/PG	ZONING	PARCEL ACREAGE	LEASED ACREAGE	LAND USE
709006297376	ACADEMY FARMS AND LAND LLC	1500 / 0150	11/ED	86.54	12.44	VACANT
				TOTAL ACREAGE	86.54	12.44

- RIVER BASIN: ROANOKE RIVER BASIN
 WATERSHED: CLASS C
 MINIMUM SETBACK REQUIREMENTS:
 ZONING: 11/ED
 FRONT: 50' (100' FROM RESIDENTIAL STRUCTURE)
 SIDE: 50' (100' FROM RESIDENTIAL STRUCTURE)
 REAR: 50' (100' FROM RESIDENTIAL STRUCTURE)
- THE PURPOSE OF THIS PLAN IS FOR REVIEW AND APPROVAL BY THE CITY OF EDEN TO CONSTRUCT A SOLAR ELECTRIC POWER PLANT. THE LOCATION OF PROPOSED IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO FENCING, SOLAR ARRAY RACKING, INVERTERS, OVERHEAD POLES & LINES, ETC., SHOWN IS APPROXIMATE AND MAY BE SUBJECT TO MODIFICATION DUE TO SITE CONDITIONS, ADDITIONAL PERMITTING REQUIREMENTS (NCDOT, NCEQ, USAOC, ETC.), EQUIPMENT SPECIFICATIONS, AND/OR OTHER CONSTRAINTS. ANY REVISIONS WILL BE SUBMITTED FOR STAFF APPROVAL PRIOR TO CONSTRUCTION TO VERIFY COMPLIANCE WITH ZONING REQUIREMENTS AND CONDITIONS AS APPROVED.
 - TOPOGRAPHIC DATA & EXISTING IMPROVEMENTS SHOWN ON THIS PLAN IS PER NCDOT LIDAR TOPOGRAPHY, ROCKINGHAM COUNTY GIS AND AERIAL IMAGERY.
 - WATERS OF THE US SHOWN PER REPORT BY PILOT ENVIRONMENTAL INC. DATED FEBRUARY 1ST, 2019. FEATURES WERE FIELD VERIFIED BY THE USACE AND NCEQ-DWR.
 - THE PROPERTY SHOWN HEREON DOES CONTAIN SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (I.E. 100-YR. EVENT) PER FEMA FIRM MAP PANEL NO. 371170800J EFFECTIVE DATE JULY 3, 2007. HOWEVER, THE DEVELOPMENT DOES NOT ENROACH INTO THE SFHAS.
 - ALL RIGHT-OF-WAYS ARE PUBLIC, UNLESS NOTED OTHERWISE.
 - UTILITY LINES AND SERVICES SHOWN HEREON ARE APPROXIMATE PER AERIAL PHOTOGRAPHY OR AS REPORTED BY VARIOUS RESPONSIBLE PARTIES. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED. CALL NO ONE CALL CENTER BEFORE DIGGING AT 811.
 - COPIES OF ALL PERMITS AND APPROVED PLANS MUST BE KEPT ON-SITE IN A PERMIT BOX THAT IS CONSPICUOUSLY LOCATED AND EASILY ACCESSIBLE DURING CONSTRUCTION.
 - A SEDIMENT AND EROSION CONTROL PLAN WILL BE APPROVED BY NCEQ-LQS PRIOR TO BEGINNING CONSTRUCTION.
 - A DRIVEWAY PERMIT WILL BE APPROVED BY NCDOT PRIOR TO BEGINNING CONSTRUCTION.
 - ALL AREAS DESIGNATED AS TEMPORARY CONSTRUCTION STAGING AREAS WILL BE IMPROVED TO ALLOW ALL-WEATHER ACCESSIBILITY FOR MATERIAL DELIVERIES AND EMPLOYEE ACCESS. FOLLOWING CONSTRUCTION, THESE AREAS WILL BE REMOVED AND RESTORED PER THE APPROVED STORMWATER MANAGEMENT PLAN REQUIREMENTS.
 - PROPOSED 24' ACCESS GATE (TWO 12' SECTIONS) IS 8' TALL CHAIN LINK WITH 3 STRANDS OF BARBED WIRE. GATE WILL BE LOCKED WITH STANDARD KEYS OR COMBINATION LOCK. EMERGENCY PERSONNEL (AS DESIGNATED BY ROCKINGHAM COUNTY) WILL BE PROVIDED A KEY OR COMBINATION FOR ACCESS.
 - NO LIGHTING IS PROPOSED FOR THIS SITE.
 - ALUMINUM SIGNS ("DANGER - HIGH VOLTAGE" AND "DANGER - NO TRESPASSING") MEASURING 14" X 10" IN SIZE, WILL BE PLACED ON PERMANENT SECURITY FENCING, ALTERNATING EVERY 100' AROUND THE ARRAY.
 - SYSTEMS, EQUIPMENT AND STRUCTURES WILL NOT EXCEED TWENTY (20) FEET IN HEIGHT WHEN GROUND MOUNTED. EXCLUDED FROM THIS HEIGHT REQUIREMENT, HOWEVER, ARE OVERHEAD ELECTRIC DISTRIBUTION LINES AND UTILITY POLES.
 - NOISE LEVELS MEASURED AT THE PROPERTY LINES SHALL NOT EXCEED 50 DECIBELS WHEN LOCATED ADJACENT TO AN EXISTING RESIDENCE OR RESIDENTIAL DISTRICT.



SITE PLAN LEGEND

- EXISTING PROPERTY LINE (NOT SURVEYED)
- EXISTING RIGHT-OF-WAY
- EXISTING SETBACK
- PROPOSED LEASE LINE
- EXISTING FENCE LINE
- PERMANENT SECURITY FENCE (8' CHAIN-LINK WITH 3 STRANDS BARBED WIRE)
- TEMPORARY SECURITY FENCE (8' CHAIN-LINK)
- EXISTING OVERHEAD POWER LINE
- PROPOSED OVERHEAD MEDIUM VOLTAGE LINE
- PROPOSED UNDERGROUND MEDIUM VOLTAGE LINE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- PROPOSED SOLAR ARRAY
- PROPOSED EQUIPMENT AREA
- EXISTING UTILITY POLE
- PROPOSED UTILITY POLE (BY STRATA)
- PROPOSED UTILITY POLE (BY OTHERS)
- PROPOSED GUY WIRE



REV	DATE	REVISION DESCRIPTION	BY	CHK	APP

DATE: 08/18/2020

ZONING SITE PLAN

EDISON
 SOLAR ELECTRIC POWER PLANT
 1085 E. MEADOW RD.
 EDEN, NC 27288
 ROCKINGHAM COUNTY

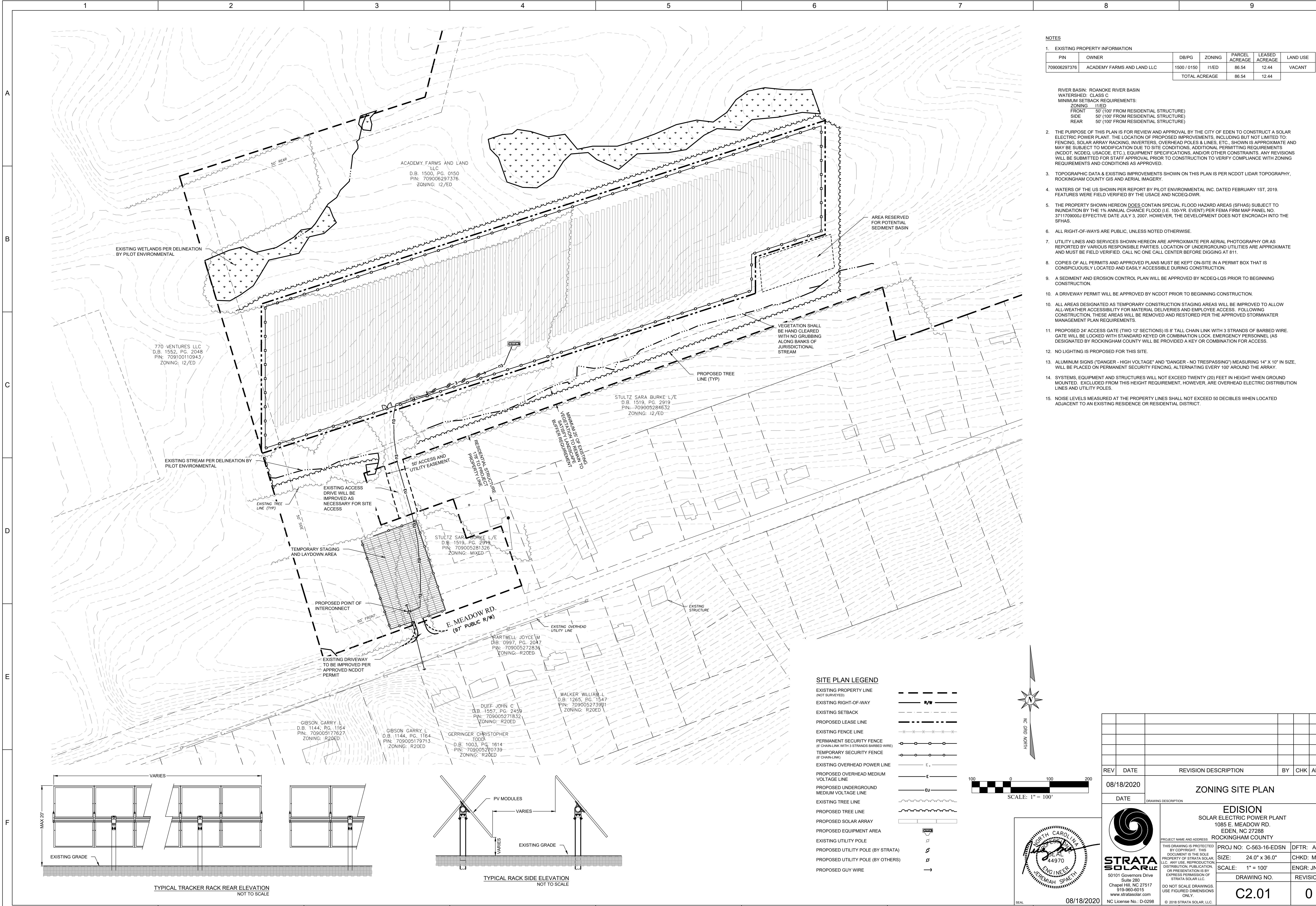
PROJECT NAME AND ADDRESS: EDISON SOLAR ELECTRIC POWER PLANT, 1085 E. MEADOW RD., EDEN, NC 27288, ROCKINGHAM COUNTY

PROJ NO: C-563-16-EDSN DFTR: AL
 SIZE: 24.0" x 36.0" CHKD: MB
 SCALE: 1" = 100' ENGR: JNS

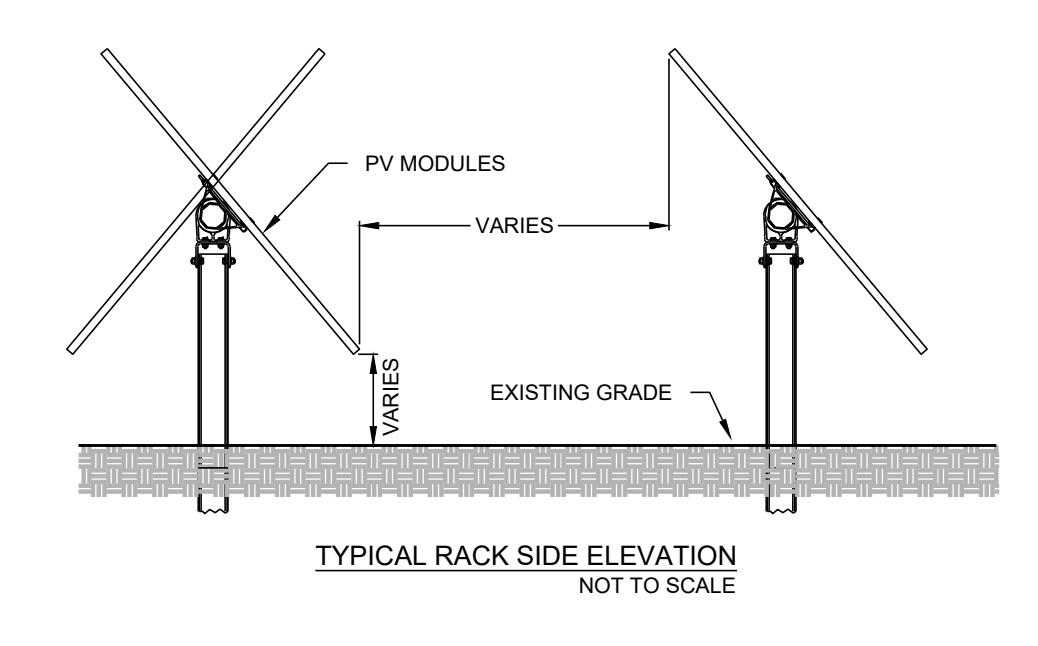
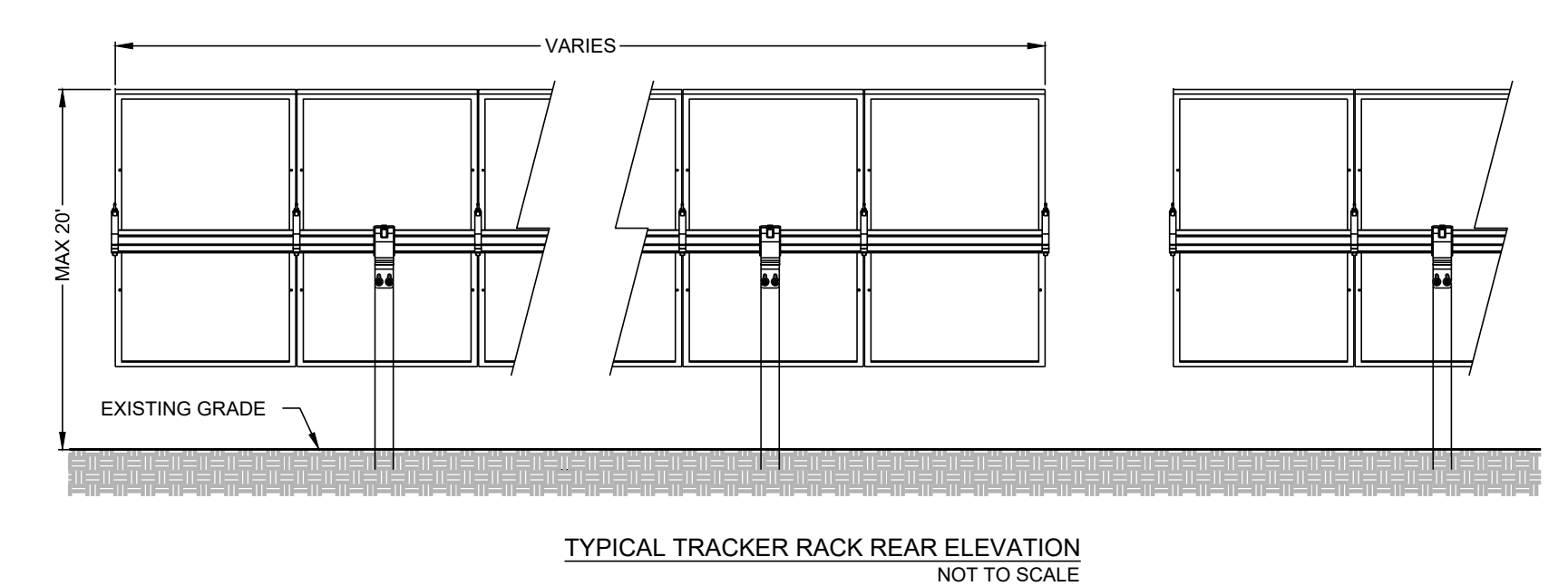
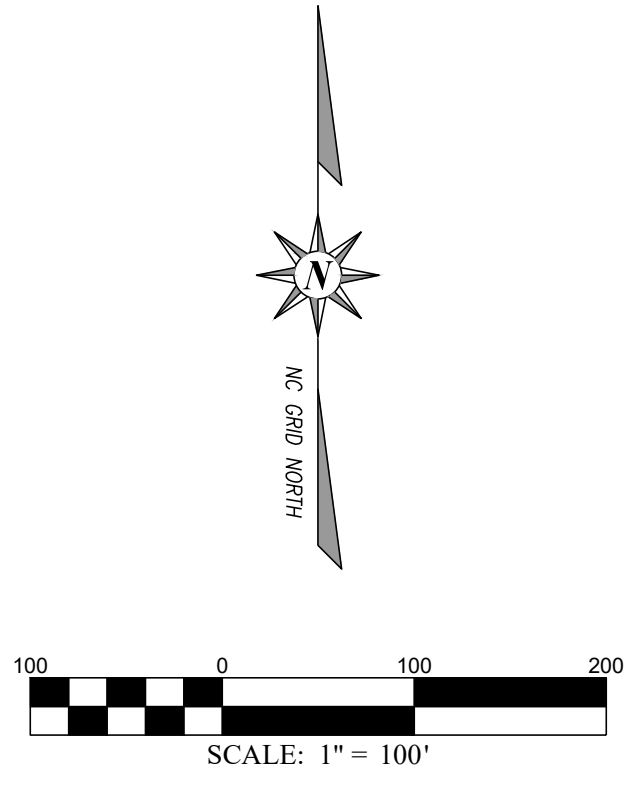
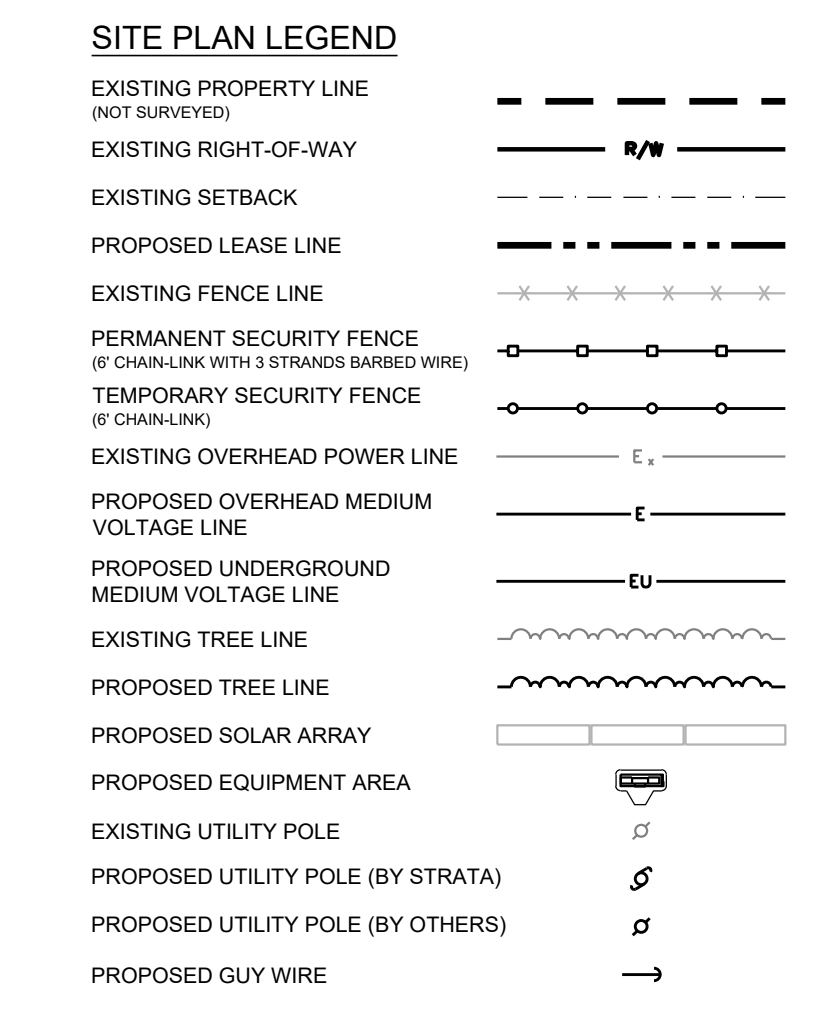
DRAWING NO. **C2.01** REVISION **0**

STRATA SOLAR INC.
 50101 Governors Drive
 Suite 280
 Chapel Hill, NC 27517
 919-960-6015
 www.stratasolar.com
 NC License No. D-0298

08/18/2020



- NOTES**
- EXISTING PROPERTY INFORMATION
 - THE PURPOSE OF THIS PLAN IS FOR REVIEW AND APPROVAL BY THE CITY OF EDEN TO CONSTRUCT A SOLAR ELECTRIC POWER PLANT. THE LOCATION OF PROPOSED IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO FENCING, SOLAR ARRAY RACKING, INVERTERS, OVERHEAD POLES & LINES, ETC., SHOWN IS APPROXIMATE AND MAY BE SUBJECT TO MODIFICATION DUE TO SITE CONDITIONS, ADDITIONAL PERMITTING REQUIREMENTS (NCDOT, NCDEQ, USAEOE, ETC.), EQUIPMENT SPECIFICATIONS, AND/OR OTHER CONSTRAINTS. ANY REVISIONS WILL BE SUBMITTED FOR STAFF APPROVAL PRIOR TO CONSTRUCTION TO VERIFY COMPLIANCE WITH ZONING REQUIREMENTS AND CONDITIONS AS APPROVED.
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REV	DATE	REVISION DESCRIPTION	BY	CHK	APP
08/18/2020		ZONING SITE PLAN			

DATE	DRAWING DESCRIPTION	PROJECT NAME AND ADDRESS	PROJ NO:	C-563-16-EDSN	DFTR:	AL
08/18/2020	ZONING SITE PLAN	EDISON SOLAR ELECTRIC POWER PLANT 1085 E. MEADOW RD. EDEN, NC 27288 ROCKINGHAM COUNTY	SCALE:	24.0" x 36.0"	CHKD:	MB
		50101 Governors Drive Suite 280 Chapel Hill, NC 27517 919-960-6015 www.stratasolar.com NC License No. D-0298	SCALE:	1" = 100'	ENGR:	JNS
		STRATA SOLAR	DRAWING NO.	C2.01	REVISION	0

October 16, 2020

**Re: Edison Solar Electric Power Plant
Rockingham County, NC**

To whom it may concern:

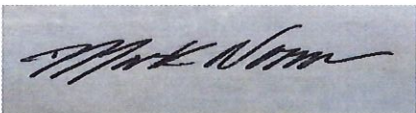
It has been the privilege of Argonaut Insurance Company ("Argo Surety") and/or its underwriting team to provide surety bonds for Strata Solar and their subsidiaries/affiliates for the last couple of years.

It is our opinion that Strata is qualified to perform the decommissioning work on the above captioned project, which we understand will require an annually renewing \$121,667.90 surety bond based on an engineering report put together by Ballentine Associates that estimates the actual cost to disassemble the facility and restore the land to its original state. At their request we will give favorable consideration to providing the required bond(s).

Please note that the decision to issue surety bonds is a matter between Strata and Argo Surety, and will be subject to our standard underwriting at the time of the final bond request, which will include but not be limited to the acceptability of contract documents, bond forms, and ongoing credit evaluation of our client, Strata Solar and/or their affiliates. We assume no liability to third parties or to you if for any reason we do not approve said bonds.

Argo Surety is "Treasury Listed" by the U. S. Department of the Treasury with an underwriting limitation expressed therein of over \$79,967,000. The A.M. Best Company has assigned Argo Surety a rating of "A-" (Excellent). Argo Surety is fully licensed and authorized to write bonds of this size and type in the State of North Carolina. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,
Argonaut Insurance Company



Mark Noonan
Assistant Vice President, Commercial Surety

Argo Surety is an A (Excellent) A.M. Best rated insurance company (Financial Size Category XIII (\$1 billion to \$1.25 billion)).

P.O. Box 469011
San Antonio, TX 78246
www.argolimited.com
T 281 640 7912

Edison Farm, LLC
Decommissioning Plan
Edison Farm Electric Power Plant
1085 E. Meadow Rd. Eden, NC, 27288

As required by Eden, NC as a condition of a Special Use Permit to construct the Edison Solar Electric Power Plant on E. Meadow Road, (the Facility), Facility Owner Edison Farm, LLC, submits this Decommissioning Plan.

Decommissioning will occur as a result of any of the following conditions:

1. The useful life of the farm expires and the land lease is not renewed. Useful life with original equipment is approximately 30 years, however equipment may be replaced to extend the useful life.
2. The Facility ceases to produce energy on a continuous basis for 12 months, unless substantial evidence is provided to the Zoning Administrator to maintain and reinstate the operation of the Facility.

The Facility Owner will perform the following to decommission the project:

1. Remove all equipment, conduits, structures, fencing, and foundations to a depth of at least three feet below grade.
2. Remove all graveled areas and access roads unless the owner of leased real estate requests in writing for it to stay in place.
3. Restore the land to a condition reasonably similar to its condition before solar generation facility development.
4. Revegetate any cleared areas with warm season grasses that are native to the region unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting.

All said removal shall take no longer than 12 months.

The Facility Owner will provide the City of Eden Administrator and the Register of Deeds with an updated signed decommissioning plan within 30 days of change in ownership.

This plan may be modified from time to time and a copy of any modified plans will be provided to the City of Eden Administrator and filed with the Register of Deeds by the party responsible for decommissioning.

Signed:

Facility Owner:

Edison Farm, LLC

Markus Wilhelm, Manager of Strata Manager, LLC, its manager

A handwritten signature in black ink, appearing to read 'M. Wilhelm', is written over a horizontal line. The signature is fluid and cursive.

FIRE MITIGATION PLAN (DC Circuits) – Revision 0

Strata Solar's Fire Mitigation Plan for DC circuits consists of the following action items:

- Engineering design ensures the proper sizing of all DC conductors and the proper insulation rating of all DC conductors. These designs are performed, reviewed and sealed by a NC Professional Engineer.
- During commissioning, a visual inspection of all DC wire management, all visible raceways and/or cable trays, of all DC conductor terminations inside all DC Combiner boxes.
- During commissioning, all DC source circuit conductors are insulation resistance tested (megger) through the module to ground; this ensures that the module leads are tested as well.
- During commissioning, all DC output circuit conductors are insulation resistance tested (megger) negative to ground, positive to ground, and negative to positive.
- During commissioning, all DC circuits are voltage and polarity checked.
- The central inverters have a ground fault interrupting device (GFID) set at 5A, so any ground faults above this level are detected and the inverter is shut down.
- The central inverters also have a built-in insulation resistance tester ("bender") that is used to independently verify the integrity of the negative and positive DC circuit (both output and source) each morning before turning on. If the test shows a grounded conductor, then that inverter will not come on and a response crew is sent to site to investigate.
- All of Strata Solar's PV Plants are continuously monitored by an Operation Center (NOC) and can detect loss of production at the DC Combiner Box level via zone level monitoring. Any significant drop in production will result in a service call to the site by qualified O&M personnel.
- Finally, Strata Solar's O&M department perform ongoing time-based predictive maintenance to ensure that the PV plant is still functioning as designed.

All of the above items should ensure that arc-faults are prevented from occurring in the first place.

However, in the event that a fire does occur, reference Strata Solar's Internal Fire Response Plan.

Strata Solar Fire Response Procedure

Strata Solar, LLC
800 Taylor St, Suite 200
Durham, NC 27701

In the unlikely event that the actual array or the inverters catch fire the following response procedure should be followed. Water should never be used to contain a fire due to the risk of making the ground a conductor. Remember, if the sun is out, the panels are generating electricity. They cannot be turned off and are always HOT!

1. **Call 911 first!** The first responder or fire department then contacts the appropriate parties at the grid operating entity to have them shut down the power to the site by opening recloser. This can usually be done remotely, but if this is not an option, the pole will have to be shut down manually by the appropriate energy service.
2. Notify Strata's real-time 24/7 operations center at 919-960-7700
3. Fire department arrives on scene and starts to assess the situation. Confirm with the utility and Strata Solar that the power has been disconnected. Fire department will not enter the array field until they have talked to either the Utility or Strata Solar to avoid electrical shock.
4. Once utility has been contacted and power has been disconnected, Fire department will be in charge of securing the property by not allowing any other persons on the site. If there is an air break switch on the site, it will be pulled by an approved person in the fire department. The air break switch can be accessed by breaking open red emergency key box which is attached to pole. This box also contains the key to the Personal Protection equipment cabinet which is attached to the pole. This pole will be located on the site map provided by Strata. Fire department will not advance on the array to avoid electrical shock.
5. Strata Solar will then secure and clean up the site.

CDC

545909



Filed
Rockingham County, NC
Rebecca B. Cipriani, Register of Deeds
12/15/2015 11:52:24 AM
Fee Amt: \$26.00 NC Excise Tax: \$0.00
CATINIA E. WINCHESTER

This instrument prepared by: William P. Floyd, Jr.
Return To: Hicks and Floyd, P.A.
609 Atkinson Street / Post Office 587
Laurinburg, North Carolina 28353

STATE OF NORTH CAROLINA

WARRANTY DEED

COUNTY OF ROCKINGHAM
Rockingham County Tax Parcel Nos.
110586Z1 & 110586Z2
No Revenue
Not Primary Residence

NO TITLE SEARCH PERFORMED

THIS DEED, made and entered into this the 8th day of December, 2015, by and between LEE HOWELL, INC., a North Carolina Corporation, whose mailing address is Post Office Box 1151, Laurinburg, North Carolina 28353, GRANTOR herein; to ACADEMY FARMS AND LAND LLC, a limited liability company organized and existing under the laws of the State of North Carolina having its principal office and place of business in Scotland County, North Carolina and having a mailing address of Post Office Box 1151, Laurinburg, North Carolina 28353, GRANTEE herein;

WITNESSETH:

That the GRANTOR, for valuable consideration paid by the GRANTEE, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell, and convey unto the GRANTEE in fee simple all of those certain tracts or parcels of land lying and being in Leaksville Township, Rockingham County, North Carolina, and more particularly described as follows.

FIRST TRACT:

BEGINNING at an iron in the North line of Meadow Road (N. C. State Road #770), said iron marking Hoyte Stultz's southwest corner; thence with Stultz's line, North 16 deg. 51'30" West 175.00 feet to a found iron; thence South 73 deg. 08'30" West 259.00 feet to a found iron; thence North 12 deg. 16'30" West 289.60 feet to a found iron; thence with Stultz's North line North 73 deg. 18'10" East 1,430.35 feet to an iron; thence South 11 deg. 44'00" East 160.00 feet to an iron; thence North 73 deg. 13'40" East 464.63 feet to an iron in the west line of State Road #1774; thence with the line of the said road the following courses and distances: North 05 deg. 01'50" East 372.63 feet; North 24 deg. 28'50" East 216.11 feet; North 15 deg. 51'50" East 167.32 feet; North 73 deg. 03'50" East 146.58 feet to an iron, Smart's southwest corner; thence with the center line of a branch in a northerly direction to an iron in the South line of Lot 1 as per Wilmarth's Survey as referred to below, (these courses and distances for survey purposes only: North 23 deg. 53' West 133.01 feet, North 37 deg. 21' West 159.23 feet; North 23 deg. 19' West 154.10 feet; North 09 deg. 52' West 394.73 feet); thence with the South line of said Lot 1 South 78 deg. 53' West 792.12 feet to an iron; thence continuing with the South line of said Lot 1 South 85 deg. 26' West 1281.15 feet to an iron; thence continuing with line of said tract South 00 deg. 52' West (As per Shank's Survey) 1,745.03 feet to an iron; thence continuing with line of said tract South 16 deg. 45' East (As per Shank's Survey) 463.52 feet to an iron in the North line of N. C. State Highway #770; thence with North line of the said road North 73 deg. 15' East (As per Shank's Survey) 450.00 feet to the POINT OF BEGINNING and containing 80.19 acres and being a portion of Lot 3 as per map entitled "Plat of Survey of the Home Place, Property of Spray Water Power and Land Company" by E. L. Wilmarth dated September 27, 1971, and being more particularly described as per "Plat of Survey Part of Home Place for Homer E. Wright, Jr., et als" by Fred O. Shanks, Jr., dated June 14, 1974, a copy of the said Shank's Survey being attached to the deed recorded in Deed Book 694 at Page 902, Rockingham County Registry to which reference is made for more particularity in description.

SECOND TRACT:

BEGINNING at an iron in the North line of N. C. State Highway #770, said iron marking the Southwest corner of a certain 80.19 acre tract heretofore conveyed to Spray Cotton Mills by Deed dated June 14, 1974 and recorded in Deed Book 694 at Page 902; thence with the West line of said 80.19 acre tract North 16° 45' West 463.52 feet to a point; thence continuing with the West line of said 80.19 acre tract North 00° 52' East 877.69 feet to a point; thence South 73° 15' West 415.79 feet to a point; thence South 16° 45' East 1,300.00 feet to a point in the North line of said N. C. Highway #770; thence with the North line of said Highway North 73° 15' East 150.00 feet to the POINT OF BEGINNING and containing 7.03 acres, this description being as per "Plat of Survey Part of "Home Place" for Homer E. Wright, Jr. Et. Als." By Fred O. Shanks, Jr. dated June 14, 1974, and being attached to the deed recorded in Deed Book 706 at Page 430, Rockingham County

Registry, to which reference is made for more particularity in description.

The above described tracts or parcels of land are those same tracts or parcels conveyed to Lee Howell, Inc. by Meadow Road Park, LLC by deed dated November 30, 2015 and recorded in Book 1499, at Page 1101, Rockingham County Registry.

TO HAVE AND TO HOLD the aforesaid tracts or parcels of land and all privileges and appurtenances thereunto belonging to the GRANTEE in fee simple.

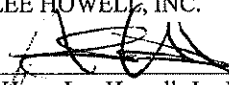
And the GRANTOR does covenant that it is seized of said premises in fee and has the right to convey the same in fee simple; that the same are free from encumbrances; and that it will warrant and defend the said title to the same against the lawful claims of all persons whomsoever.

The designation GRANTOR and GRANTEE as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN TESTIMONY WHEREOF, GRANTOR has caused this instrument to be executed in the ordinary course of its business in its corporate name by its President, by authority duly given as of this the day and year first above written, and further states, pursuant to the provisions of G.S. 105-317.2, that this conveyance does not include the primary residence of one or more GRANTOR.

LEE HOWELL, INC.

By:


Harry Lee Howell, Jr., President

STATE OF NORTH CAROLINA

COUNTY OF SCOTLAND

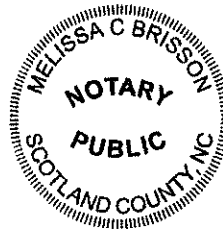
I, Melissa C. Brisson, a Notary Public of Scotland

County, North Carolina, do hereby certify that HARRY LEE HOWELL, JR., personally came before me this day and acknowledged that he is the President of LEE HOWELL, INC., a North Carolina corporation, and that he, as President, being authorized to do so, executed the foregoing instrument on behalf of the corporation.

WITNESS my hand and Notarial Seal, this the 8th day of December, 2015.

Melissa C. Brisson
Melissa C. Brisson, Notary Public

My Commission Expires: 11/13/2019



88

559853



Filed
Rockingham County, NC
Benjamin J. Curtis, Register of Deeds
02/10/2017 12:37:25 PM
Fee Amt: \$26.00 NC Excise Tax: \$0.00
MARISA C. HALM

NORTH CAROLINA NON-WARRANTY DEED

Excise Tax: \$-0- Recording Fee: \$26.00

Parcel Identifier No. Verified by _____ County on the ____ day of _____, 20__

By: _____

Mail/Box to: Walker, Melvin & Woodall, LLP, P.O. Box 528, Eden, NC 27289

This instrument was prepared by: James R. Walker, Attorney - Walker, Melvin & Woodall, LLP, P. O. Box 528, Eden, NC 27289

Brief description for the Index: E. Meadow Road, 1211 E. Meadow Road & 1200 E. Meadow Road, Eden, NC

THIS DEED made this ____ day of February, 2017, by and between

GRANTOR	GRANTEE
<p>SARA BURKE STULTZ (Widow)</p> <p>209 Wilson Road Eden, NC 272088</p>	<p>J. HOYTE STULTZ, III</p> <p>45 Meadowlands Parkway ✓ Roxboro, NC 27574</p>

Notice per NCGS § 105-317-2: The above mentioned property is not a primary residence of the Grantor.

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey, subject to a life estate of Grantors, unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Eden, _____ Township, Rockingham County, North Carolina and more particularly described as follows:

SEE ATTACHED EXHIBIT "A"
"TITLE NOT EXAMINED BY PREPARER OF THIS DEED"

The property hereinabove described was acquired by Grantor by instrument recorded in Book ____ page ____.

A map showing the above described property is recorded in Plat Book _____ page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, **subject to a life estate reserved for the Grantors**, that title is marketable and free and clear of all encumbrances. The Grantor makes no warranty, express or implied, as to title to the property hereinabove described.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Sara Burke Stultz (SEAL)
SARA BURKE STULTZ

State of North Carolina - County of Rockingham

I, the undersigned Notary Public of the County and State aforesaid, certify that **SARA BURKE STULTZ** personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 10th day of February, 2017

My Commission Expires: 10/20/20

Stacy W Gelinus
Notary Public

Stacy W. Gelinus
Notary Public
Rockingham County, NC
My Commission Expires 10/20/20

**E. Meadow Road
Eden, NC
Parcel #110584**

Beginning at a point in the old Stocks East line, said point being with the old Stocks East line North 11 deg. 27' West 301.26 ft. from an iron in the North edge of Meadow Road; the intersection point of the North edge of Meadow Road by the old Stocks East line, and said beginning point also being in the rear line of the Joseph K. Gover tract and being the North-West corner of that part of the Gover tract conveyed to him and wife by Deed dated May 25th. 1930; thence with the old Stocks East line North 11 deg. 27' West 160 ft. to an iron; thence South 73 deg. 20' West 1430.35 ft. to an iron; thence South 12 deg. East 163.9 ft. to an iron in the rear line of Section 4 extended; thence with the rear line of Section 4 North 73 deg. 10' East 1429.15 ft. to the point of beginning and containing 230,723 sq. ft. more or less. Same being a tract of land to the rear of Section 4, as per map of Section 4 Addition, North Draper and Meadow Road, made October 28th. 1931 by W. T. Combs and survey made March 8th. 1938 by W. T. Combs.

**1211 E. Meadow Road
Eden, NC
Parcel #110684Z1 & 110684Z2**

Beginning at a stake in the North edge of Meadow Road, said stake being South 73 deg. 10' West, 897.4 feet from the North-west intersection of Meadow Road and Early Street, and said beginning point being the South-west corner of tract deeded to J. M. Law by deed dated May 1, 1935; thence with the North edge of Meadow Road South 73 deg. 10' West, 100 feet to a point; thence North 16 deg. 50' West, 300 feet to a point; thence North 73 deg. 10' East, 100 feet to a point, the North-west corner of the J. M. Law tract; thence South 16 deg. 50' East, 300 feet with the West line of the J. M. Law tract, the point of beginning, and containing 30,000 square feet, more or less. Same being lots. 6, 7, 8, 9, 60, 61, 62 and 63, Section 4, as per map of Section Four, Addition to North Draper and Meadow Road, made by W. T. Combs, October 28, 1931.

**1200 E. Meadow Road
Eden, NC
Parcel #110579Z1 & 110579Z2**

Beginning at an iron in the North edge of Meadow Road, said iron being with the North edge of Meadow Road South 73 deg. 10' West 1622.4 from the North-east corner of the intersection of Meadow Road by Early Street and beginning iron also being the South-West corner of Lot #34, Section 4; thence with the West lines of Lots #34 and #35 North 16 deg. 50' East 300 feet to an iron, the North-West corner of Lot #35 and said iron also being in the South line of a tract sold J. Hoyte Stultz and wife Dilly F. Stultz by Deed dated March 9th, 1938; thence with the South line of said Stultz tract South 73 deg. 10' West 125 feet to an iron; thence South 16 deg. 50' West 100 feet to an iron; thence North 73 deg. 10' East 100 feet to an iron; thence South 16 deg. 50' West 200 feet to an iron in the North edge of Meadow Road; thence with the North edge of Meadow Road North 73 deg. 10' E. 25 feet to the point of beginning and containing 17,500 sq. ft., more or less. Same being a tract of land adjoining Section 4 Addition to the West, as per map of Section 4 Addition, North Draper and Meadow Road, made October 25th, 1931 by W. T. Combs and survey of the above described tract made by W. T. Combs in September, 1938. (WMW kcf 516879-1)