

Albemarle RC&D Council: County Manager Heath reported that Wayne Howell will not accept another appointment to the Albemarle RC&D (Albemarle Resource Conservation & Development) Council. Therefore, the Board will need to find a replacement for him. Included in the Board’s packet was a list of applications for people who were interested in serving on one of our Boards. There was only one individual that indicated she was interested to serve on this Council and that was Lynne Mathis. The Board asked if she had been contacted and it was stated that she had not. Ms. Mathis’ application has expired and Ms. Hunnicutt, Clerk to the Board, has forwarded letters to those applicants whose applications have expired and has not received a response from any of them except one and that was Evelyn Mansfield. Ms. Mathis had not responded yet. Commissioner Peeler said that we should scrub the list of individuals that have expired dates and start calling the ones that are still active and whoever is the first one that said that they are interested and bring that name before the Board next month.

HCCBG GRANT DOCUMENTATION

The Board has been approved to receive \$155,496 in Home & Community Care Block Grant (HCCBG) funds. On motion made by Tammy Miller-White, seconded by Matthew Peeler, the Board unanimously authorized the Chair and County Staff to sign the required documentation to receive these funds.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

There being no further comments or business to discuss, the Regular Meeting was adjourned at 8:00 p.m. on motion made by Edward R. Muzzulin, seconded by Matthew Peeler.

Janice McKenzie Cole, Chair

Clerk to the Board

REGULAR MEETING
October 7, 2013
6:40 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, October 7, 2013, at 6:40 p.m. in the Commissioners’ Room located on the first floor of the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Janice McKenzie Cole, Chair Edward R. Muzzulin, Vice Chair
Benjamin Hobbs Kyle Jones
Matthew Peeler Tammy Miller-White

MEMBERS ABSENT: None

OTHERS PRESENT: Frank Heath, County Manager Mary Hunnicutt, Clerk to the Board
Will Crowe, County Attorney (*arrived at 7:10 p.m.*)

After the Chair called the meeting to order, she gave the invocation and led in the Pledge of Allegiance.

PUBLIC HEARINGS

Parent-to-Child Subdivision, Connie Townsend

Chair Cole opened the first Public Hearing stating that the purpose of the public hearing was to receive public comments on consideration of Parent-to-Child Subdivision by Connie Townsend, Carolyn LeFleur and Steve Casper, to Gift Deed a 2.0-acre parcel to Damon Winslow, son and nephew, located off “Eason Lane” (Private Drive) and located <1/5 mile from Turnpike Road (SR 1001) and known as portions of Tax Map Nos. 1-0007-0010 & -0010A. There were thirteen (13) people present. The Chair recognized Donna Godfrey, County Planner, who presented an overview of their request. Chair Cole asked if the Board or the public had any questions or comments. There being none, the Chair moved on to the next Public Hearing.

Larger Scale Solar Energy Facilities (Ground-Mounted), Heath McLaughlin of So1NCPower1, LLC

Chair Cole explained that the next Public Hearings were for three (3) requests received from Heath McLaughlin of So1NCPower1, LLC, to locate Large Scale Solar Energy Facilities (Ground-Mounted) on the following properties:

- (A) 97.04-acre tract located to the north and across from 949 Belvidere Road (NC Hwy. 37), about 4/10 mile north of Bagley Swamp Road (SR 1215), zoned RA, Rural Agricultural and known as Tax Parcel No. 1-0023-0014 (reference Case No. CUP-13-03).
- (B) 45.5-acre tract located on west side of Two Mile Desert Road (SR 1218), directly across from the existing Electrical Substation and about 1,100 feet north of Main Street (NC Hwy. 37) in Winfall, NC. That portion of subject property located in Perquimans County’s zoning jurisdiction is zoned RA, Rural Agriculture and is known as a portion of Tax Parcel No. 5-0032-0076 (reference Case No. CUP-13-04); the remainder of property is located within the Town Limits of Winfall, NC; and
- (C) 155-acre tract located at the northeast corner of Belvidere Road (NC Hwy. 37) and Bagley Swamp Road (SR 1215), zoned RA, Rural Agricultural and known as Tax Parcel No. 5-0032-0055 (reference Case No. CUP-13-05).

CUP-13-03, 949 Belvidere Road & CUP-13-04, Two Mile Desert Road

Chair Cole opened the second Public Hearing stating that this was a quasi-judicial hearing and that the purpose of the public hearing was to receive public comments on a request received from Heath McLaughlin of So1NCPower1, LLC, to locate Large Scale Solar Energy Facilities (Ground-Mounted) on a 97.04-acre tract located to the north and across from 949 Belvidere Road (NC Hwy. 37), about 4/10 mile north of Bagley Swamp Road (SR 1215), zoned RA, Rural Agricultural and known as Tax Parcel No. 1-0023-0014 (reference Case No. CUP-13-03) and 45.5-acre tract located on west side of Two Mile Desert Road (SR 1218), directly across from the existing Electrical Substation and about 1,100 feet north of Main Street (NC Hwy. 37) in Winfall, NC. That portion of subject property located in Perquimans County’s zoning jurisdiction is zoned RA, Rural Agriculture and is known as a portion of Tax Parcel No. 5-0032-0076 (reference Case No. CUP-13-04); the remainder of property is located within the Town Limits of Winfall, NC. There were fifteen (15) people present. The Chair recognized Donna Godfrey, County Planner, who introduced Scott Risley. Chair Cole asked if anyone else had signed up to speak. There being none, Chair Cole swore in Mr. Risley who proceeded to highlight the following open issues about this request:

1. **On-site Roads:** Mr. Risley said that he has discussed this matter with Ms. Godfrey and feels that they are good on this point.
2. **Training Sessions for Emergency Personnel (Item #S on CUP):** Mr. Risley explained that the current facility would not change much over time so the same safety concerns will exist from day one through the life of the facility. Therefore, he recommends that, prior to issuing a Zoning Permit, SOLON and Emergency Management personnel agree to a certain list of emergency procedures in case of an

emergency event on their site instead of having annual trainings. The following questions/comments were made regarding this matter:

- **Chair Cole** asked about what would happen if we had a change in Emergency Management personnel. He felt that one standard document would be sufficient for the new personnel to review and understand the procedures. He also said that he did not have a problem revisiting the matter every five (5) years but feels that every year would not be cost effective.
 - **Commissioner Hobbs** feels that there is still some value to train every year. Again, Mr. Risley feels that it would not be cost effective but would work with the County any way they see fit.
 - **Commissioner Muzzulin** asked Mr. Risley what type events could happen. Mr. Risley explained that the only things that could happen would be if a contractor is out there working on the property might get injured or someone working on the electrical equipment might not follow proper procedures and might get shocked.
 - **Commissioner Peeler** stated that, on their properties, they had 500' to 600' to get to any emergency situation at their facility. Other outside County sites have 362'. He is looking for something similar at this site. Mr. Peeler feels that we need closer access to the facility. Mr. Risley feels that, with what SOLON has proposed, it is sufficient.
 - **Commissioner Muzzulin** asked about the turn around and whether or not emergency vehicles would be able to turn around. Mr. Risley said that they could with the information received from Donna Godfrey and the fire chiefs.
3. **Vegetative Buffer along perimeter lines of GKS – Belvidere and Jessup – Two- Mile Desert projects (Condition T on both Case Nos. CUP-13-03 and CUP-13-04):** Mr. Risley said that what this initially says from their understanding is that they will provide a vegetative buffer between their site and existing residences and then, if in the future another subdivision is built on the back side of the project, they would be required to provide another buffer between that subdivision and their site to prevent the penalty of losing their CUP. He feels that what Ms. Godfrey has provided is reasonable. The following questions/comments were made regarding this matter:
- **Commissioner Peeler** asked if this was only applicable to the northern perimeter. Mr. Risley said that it was correct.
 - **Commissioner Peeler** asked when they would start the project because there currently are crops in the field. Mr. Risley said that they would probably not start until December 1st which should be after all the crops are picked. He further stated that they are obligated to pay for any damaged crops.
 - **Commissioner Peeler** asked if there was a Release Agreement between the owners and the farms. Ms. Jessup and Ms. Stallings, owners, said that it was.
 - **Commissioner Peeler** stated that SOLON declared insolvency in 2011-2012 and he wanted to know what assurances they could give the County that the property would revert back to farmland in case they do not complete the project. Mr. Risley explained what happened was the parent company, not the U.S. company, declared insolvency. He assured the Board that SOLON is very solvent and did not think it would be a problem.
 - **Commissioner Peeler** asked if there was a NC Dominion Power representative present. Since there was no representative from NC Dominion Power, Mr. Peeler asked Mr. Risley about the agreement between SOLON and NC Dominion Power. He further stated that this project only provides some tax revenue. How much appraised value of equipment was going on these sites. Mr. Risley said that the total cost of the project is estimated to be about \$13 million. He said that he was speculating but felt that it would be \$10 million. Mr. Peeler asked that, with this in mind, could they consider providing electrical service for our Middle School since it was near one of the sites. Mr. Risley apologized that he was not prepared for that question. Chair Cole asked Mr. Risley if they had an exclusive contract with NC Dominion. Mr. Risley said that they did. Chair Cole said that she did not think that they could provide this electricity because of this exclusive contract with NC Dominion Power. Mr. Risley concurred with Chair Cole and further stated that he felt that it would violate the NC Utility Commission rules.

CUP-13-05, Belvidere Road and Bagley Swamp Road

The applicant withdrew their application for CUP-13-05 so no public hearing was held for this project.

The Chair asked for any other questions/comments on these Public Hearings. In regard to Case No. CUP-13-03, Ms. Godfrey presented a letter from Johnny and Becky Winslow, property owners in front of one of the proposed project areas. Chair Cole asked Ms. Godfrey to briefly explain Mr. & Mrs. Winslow's request stating that there were three (3) issues of concern: Screening; Access Gates; and Signage. Chair Cole asked if these issues have been resolved. Ms. Godfrey said that they may or may not have been resolved. They are still working with the applicant with regard to these issues. Mr. Peeler said that, from this letter, he feels that the Winslow's do not want this project in front of their yard. Chair Cole said that was his interpretation of the letter. Mr. Peeler had other concerns which the Chair said he should discuss later in the meeting. Mr. Winslow was present and they discussed these issues with him. There being no further comments or questions from the public or the Board for these Public Hearings, the Chair closed the Public Hearings at 7:30 p.m.

AGENDA

The Agenda, as amended, was unanimously approved on motion made by Edward R. Muzzulin, seconded by Tammy Miller-White.

CONSENT AGENDA

The following items were considered to be routine and were unanimously approved on motion made by Edward R. Muzzulin, seconded by Tammy Miller-White.

1. **Approval of Minutes:** September 3, 2013 Regular Meeting
2. **Personnel Matters:**

Employee Name	Employee Job Title	Action Required	Grade/ Step	New Salary	Effective Date
Jonathan T. Nixon	EMT – EMS/Rescue Squad	Appointment	63/1	\$13.27/hr	8/1/2013
Richard Blake Thrasher	EMT-I – Rescue Squad	Appointment	66/1	\$15.15/hr	8/1/2013
Jacqueline Lane	EMT-I	Resignation			9/23/2013
Shawneaka M. Jordan	Deputy Register of Deeds	Appointment	58/2	\$22,705	10/8/2013

3. **Budget Amendments:**

**BUDGET AMENDMENT NO. 8
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-610-021	HCCBG		3,036
10-610-453	Smart Start Day Care		311
10-610-454	Child Day Care	4,681	
10-348-000	State Grants - Social Services	1,334	
EXPLANATION: To reflect exact amounts in DSS budget as requested by DSS Director for FY 2013-14.			

**BUDGET AMENDMENT NO. 10
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-480-020	Register of Deeds - Salary		5,680
10-480-061	Retirees - Hospitalization	5,680	
EXPLANATION: To create line for retiree hospitalization for FY 2013-14.			

**BUDGET AMENDMENT NO. 11
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-480-320	Register of Deeds - Inventory		600
10-480-740	Register of Deeds - Capital	600	
EXPLANATION: Item budgeted under Inventory was over \$500 - should have been in Capital.			

4. Record Retention Schedules: Jackie Frierson, Register of Deeds, and County Manager Heath have reviewed the Records Retention & Disposition Schedule Amendments for the Register of Deeds' Office, the Tax Administration Office, and the County Management Office and recommended them for approval. Board approved the schedules as presented.

5. Board Appointments:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Barr, Delphine	Adult Care Home Advisory Committee	Reappointment	3 yrs.	10/1/2013
Wilder, Cherie	Nursing Home Advisory Committee	Reappointment	3 yrs.	10/1/2013
Hobbs, Donald	Animal Control Board (at-large Comm. Appt)	Reappointment	2 yrs.	10/1/2013
Thompson, Bethany	Animal Control Board (SPCA Representative)	Reappointment	1 yr.	10/1/2013
Mathis, Lynn W.	Board of Adjustments	Reappointment	3 yrs.	10/1/2013
Eure, Sadie	Jury Commission - County Appointee	Reappointment	2 yrs.	10/1/2013
Winslow, Wade	Board Trustees for Belvidere/Chappell Hill Fire Dept.	Reappointment	1 yr.	10/1/2013
Baker, Julian	Board Trustees for Belvidere/Chappell Hill Fire Dept.	Reappointment	1 yr.	10/1/2013
Hobbs, Benjamin	Board Trustees for Bethel Fire Dept.	Reappointment	1 yr.	10/1/2013
Muzzulin, Edward	Board Trustees for Bethel Fire Dept.	Reappointment	1 yr.	10/1/2013
Chappell, William Wray	Board Trustees for Durant's Neck	Reappointment	1 yr.	10/1/2013
Nixon, Mack E.	Board Trustees for Durant's Neck	Reappointment	1 yr.	10/1/2013
Boyce, Jonathan	Board Trustees for Inter-County Fire Dept.	Reappointment	1 yr.	10/1/2013
Swayne, Robert D.	Board Trustees for Inter-County Fire Dept.	Reappointment	1 yr.	10/1/2013

SUSAN CHANEY, SOCIAL SERVICES

With time constraints, Ms. Chaney did not present her monthly report but did discuss the situation of how the Federal Government Shut Down has affected her department. The following programs in her department will continue as usual: social security, food stamps, Medicaid, Medicare, foster care & adoptions, and child support benefits. If no resolution is reached, there could be long term implications. For example, the Department of Agriculture is saying that funding for food stamps would continue as normal through October but this may not be true after October if the budget impasse continues. Right now, food stamps are continuing as normal. Another program that could be impacted would be child care with regard to the services provided in September and payable in October. She has talked with County Manager Heath and they feel that right now it would be better for us to wait and see what happens to see if there will be a resolution prior to the debt ceiling deadline of October 17th. She will continue to have constant communication with Mr. Heath and report back to the Board at their October Work Session if the legislative shut down does not end. County Manager Heath said that, if the shut down continues, Ms. Chaney and Mr. Heath will have to see whether or not the County will have to continue the day care subsidy. Commissioner Miller-White asked how many people that will impact. Ms. Chaney said that currently they have 29 day care providers serving 118 children. In September, their regular spending for day care was \$27,285.90. She further updated the Board on the new programs and the training for her department.

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

Chair Cole: Chair Cole informed the Board that the East Carolina Behavioral Health Board has been sworn in on October 1, 2013 and that she was elected Chair of that Board.

UPDATES

County Manager Heath and Commissioner Muzzulin updated the Board on the following projects:

Water System Projects: County Manager Heath reported that things are continuing to move smoothly with receiving water from the Pasquotank RO Plant.

Jail Project: Commissioner Muzzulin made a short report which included the fact that Albemarle District Jail had 46 Federal prisoners this month and stated that things were quiet at the Jail. He said that, since things are quiet at the Jail, he will not present any future update.

APPOINTMENT: ALBEMARLE RC&D

During their Work Session, the Board discussed the appointment to Albemarle RC&D and decided to appoint Maurice "Buck" Bunch for a four-year term effective October 1, 2013. On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously appointed Maurice "Buck" Bunch to Albemarle RC&D for a four-year term effective October 1, 2013

PLANNING BOARD ITEMS

Donna Godfrey, County Planner, presented the following items for Board action:

Parent-to-Child Subdivision, Connie Townsend: A Public Hearing was held earlier in the meeting to receive public comments on consideration of Parent-to-Child Subdivision by Connie Townsend, Carolyn LeFleur and Steve Casper, to Gift Deed a 2.0-acre parcel to Damon Winslow, son and nephew, located off "Eason Lane" (Private Drive) and located <1/5 mile from Turnpike Road (SR 1001) and known as portions of Tax Map Nos. 1-0007-0010 & -0010A. Considering the following Section 206 Findings of the Subdivision Regulations, Benjamin C. Hobbs made a motion to approve the Parent-to-Child Subdivision proposed by Connie Townsend, Carolyn LeFleur, and Steve Casper, to transfer by Deed of Gift to son/nephew, Damon Winslow, a 2.0-acre parcel (portion of Tax Map Nos. 1-00070010 and -0010A), accessed by family-owned "30' FT. PRIVATE EASEMENT" on subject property via a "PROPOSED 30 FT. EASEMENT" known as "EASON LANE" and subject to completion of standard review and recordation procedures and establishment of easements to cross the properties owned by others as shown on the proposed Survey and Plat:

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
- b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- c) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance, and
- d) That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which said property is situated.

The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board.

Large Scale Solar Energy Facilities (Ground-Mounted), Heath McLaughlin of SolNCPower1, LLC: A Public Hearing was held earlier in the meeting to receive public comments on consideration of two (2) requests received from Heath McLaughlin of SolNCPower1, LLC, to locate Large Scale Solar Energy Facilities (Ground-Mounted) on the following properties:

- **Conditional Use Permit #CUP-13-03:** 97.04-acre tract located to the north and across from 949 Belvidere Road (NC Hwy. 37), about 4/10 mile north of Bagley Swamp Road (SR 1215), zoned RA, Rural Agricultural and known as Tax Parcel No. 1-0023-0014 (reference Case No. CUP-13-03). Ms. Godfrey explained that this requires two steps.
 - Donna Godfrey asked for clarification of conditions D, S, T, and I. County Manager Heath asked Mr. Risley if he was okay with condition T as presented tonight. Mr. Risley said that he was. Edward R. Muzzulin made a motion to find proposed Conditional Use Permit No. CUP-13-03 to be consistent and in harmony with the existing development pattern in and around the 900-block of Belvidere Road (NC Hwy. 37) about 4/10 mile west of Bagley Swamp Road (SR 1215). The motion was seconded by Tammy Miller-White. Chair Cole asked for any comments. Commissioner Peeler said that he did not feel that this was in harmony with the surrounding area and that it should not be allowed in an RA district and that they had one person in opposition of this facility. Commissioner Hobbs said that there are a lot of things approved in the RA district that is not Residential/Agricultural. Commissioner Jones said that it seems to be consistent with what he understands these projects need to go because the acreage is available. The motion passed by a vote of five (5) to one (1) with Commissioner Peeler voting against the motion.
 - Edward R. Muzzulin made a motion to approve proposed Conditional Use Permit No. CUP-13-03, to operate a Large Scale Solar Energy Facility (Ground Mounted), on 97.04-acre tract located on north side of NC Hwy, 37, across from 949 Belvidere Road, known as Tax Parcel No. 1-0023-0014, conditioned upon the conditions listed in the Draft Conditional Use Permit included in their Agenda Packets and the changes below and based upon the following Findings contained in Sections 903 (a) though (d) and 907.28 of the Zoning Ordinance:

Condition Changes:

Condition D: Change to read, “. . . The access roadway shall be located as specified on the plans submitted to and revised by the Planning Board on 9/18/13, on the inside of the chain link fence, together with a turnaround area or ‘back-up space’ contingent upon the measurements the emergency personnel requested. Said back-up space shall accommodate the length of the Fire Department’s truck”

Condition S: Change to read: “Applicant, heirs and assigns shall periodically hold training sessions for emergency service personnel”

Condition T: Change to read: “Applicant, heirs and assigns shall provide Vegetative Buffer along northern perimeter lines of project if/when residential development occurs on adjacent properties.”

Condition I: Change to read: “The Solar Farm shall be enclosed with a security fence with a minimum height of seven (7) feet and screened with either a minimum three foot (3’) wide strip planted with dense evergreen vegetation such as Wax Myrtle, Wax-Leaf Ligustrum or other suitable plant material with an initial height of at least five feet (5’) with expected growth of at least seven (7) feet in height within three (3) years or a twenty (20) foot wide strip of natural wooded area”

Findings – Section 903 (a) through (d):

- (a) That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
- (b) That the use meets all required conditions and specifications;
- (c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (d) That 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 Perquimans County Land Use Plan.

The motion was seconded by Tammy Miller-White. Chair Cole called for any questions/comments. Just for a point of order, Commissioner Peeler asked that, if he had a condition that he would like to include, when would he have an opportunity to add it. County Manager Heath said that he would have to amend the motion since the motion has already been made. Chair Cole asked Mr. Peeler what his concern was. Mr. Peeler said that his concern is the proliferation of these power plants popping up all over the place. Chair Cole asked him if he would like to amend the motion. If he amended the motion, Mr. Peeler said it would be to place a 1 to 2-mile circle buffer or perimeter around each power plant so that no other power plants can encroach upon them. Chair Cole asked Commissioner Muzzulin if he would be willing to amend his motion. Mr. Muzzulin said no. Chair Cole called for the vote. The motion was approved by a vote of five (5) to one (1) with Commissioner Peeler voting against the motion. A copy of the Conditional Use Permit #CUP-13-03 is attached as **ATTACHMENT A**.

- **Conditional Use Permit #CUP-13-04:** 45.5-acre tract located on west side of Two Mile Desert Road (SR 1218), directly across from the existing Electrical Substation and about 1,100 feet north of Main Street (NC Hwy. 37) in Winfall, NC. That portion of subject property located in Perquimans County’s zoning jurisdiction is zoned RA, Rural Agriculture and is known as a portion of Tax Parcel No. 5-0032-0076 (reference Case No. CUP-13-04); the remainder of property is located within the Town Limits of Winfall, NC. Again, Ms. Godfrey explained that this requires two steps.
 - Kyle Jones made a motion to find proposed Conditional Use Permit No. CUP-13-04 to be consistent and in harmony with the existing development pattern in and around 150 Two Mile Desert Road (SR 1218) about 1,100 feet north of Main Street (NC Hwy, 37) in Winfall, NC and White Street (Local Street). Edward R. Muzzulin seconded the motion. Chair Cole asked for any questions/comments. Commissioner Peeler restated his objection in that he did not feel that this was in harmony with the surrounding area and that it should not be allowed in an RA district. There being no further questions/comments, Chair Cole called for a vote. The motion carried by a vote of five (5) to one (1) with Commissioner Peeler voting against the motion. County Manager Heath stated that the Town of Winfall was present and asked if they would like to make any comments or ask any questions. Mayor Yates yielded to his Chairman of the Planning & Zoning Board of Winfall, Ken Rominger. Mr. Rominger stated that their Council does not meet until next Monday night. What their plans are is to have the Planning Board recommend to the Council that the buffer strips will be somewhat with what the County requires. All the information that has been provided would yield to what the County requires.
 - Kyle Jones made a motion to approve proposed Conditional Use Permit No. CUP-13-04, to operate a Large Scale Solar Energy Facility (Ground Mounted), on 45.5-acre tract located on west side of Two Mile Desert Road (SR 1218), directly across from the existing Electrical Substation and about 1,100 feet north of Main Street (NC Hwy. 37) in Winfall, NC, conditioned upon the conditions listed in the Draft Conditional Use Permit included in their Agenda Packets and the changes below and based upon the following Findings contained in Sections 903 (a) though (d) and 907.28 of the Zoning Ordinance:

Condition Changes:

Condition D: Change to read, “. . . The access roadway shall be located as specified on the plans submitted to and revised by the Planning Board on 9/18/13, on the inside of the chain link fence, together with a turnaround area or ‘back-up space’ contingent upon the measurements the emergency personnel requested. Said back-up space shall accommodate the length of the Fire Department’s truck”

Condition S: Change to read: “Applicant, heirs and assigns shall periodically hold training sessions for emergency service personnel”.

Condition T: Change to read: “Applicant, heirs and assigns shall provide Vegetative Buffer along northern perimeter lines of the GKS – Belvidere project (Condition T in Case #CUP-13-03), and along west, north, and northeast sides of the Jessup – Two Mile Desert project (Condition T in CUP-13-04).”

Findings – Section 903 (a) through (d):

- (a) That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
- (b) That the use meets all required conditions and specifications;
- (c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (d) That 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 Perquimans County Land Use Plan.

The motion was seconded by Edward R. Muzzulin. Chair Cole called for any questions/comments. Commissioner Peeler asked how big this piece of property was. The owner said that it was 45.5 acres. He further asked how much of this property was going to be under the lease agreement with SOLON. Chair Cole asked what these questions had with regard to the motion that was on the floor. Mr. Peeler said that his concern is that, on this piece of property, you have no opportunity of being

subordinate and staying in RA District. He further stated that this was becoming an Industrial District. Based on the fact that this piece of property was going to be all inclusively power plant production, he feels that it should be zoned as Industrial District and not RA District. There being no further questions/comments on the motion, the motion was approved by a vote of five (5) to one (1) with Commissioner Peeler voting against the motion. A copy of the Conditional Use Permit #CUP-13-04 is attached as **ATTACHMENT B**.

COMMUNITY TRANSFORMATION GRANT FUNDING OPPORTUNITY

County Manager Heath explained that the County has an opportunity to receive grant funding through the Community Transformation Grant to help with the completion of our land use plan. He presented the Contract for Services between N.C. Association of Local Health Directors Region 9 Collaborative and Perquimans County and Budget Amendment No. 9. The amount of the grant is \$15,000 with no County match. On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously approved the contract as presented and the following Budget Amendment No. 9:

**BUDGET AMENDMENT NO. 9
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-003	State Grants - Land Use Plan	15,000	
10-690-970	Land Use Plan	15,000	
EXPLANATION: To budget for funds received from Community Transformation Grant for Land Use Plan in FY 2013-14 Budget.			

GOLDEN LEAF FUNDING

County Manager Heath explained that this initiative awards up to \$1.5 million for one (1) to three (3) essential projects within the County. There is \$10 million available amongst the sixteen (16) Northeast Counties. The purpose for being on the Agenda today is how the County wants to prioritize the following projects which were discussed during the September Work Session:

- Marine Park Boat Ramp – the potentiality of NC Wildlife to build a ramp that would be available to serve recreational boats and commercial boats in the future. The County will partner with Wildlife and provide the County land as the match. The proposed cost for this project would be \$360,000.
- Marine Reshoring Program – this will be done through the NC Seafood Authority which would help recapture some companies that have been outsourced to China. The proposed cost for this project would be \$150,000 with Wanchese Industrial Park providing the match
- One-to-One Initiative – this will try to get a mobile electronic device into the hands of at least the students in Grades 3 through 12 for their use at home. The proposed cost for this project would be \$860,000 with the Board of Education making the match. There were a couple of options for this – buy them outright or lease them and replace them as needed. He feels that the schools need to purchase them outright because we would have to budget money to replace them each year if we lease them.
- Regional Charter School – Chair Cole and County Manager Heath were approached by the proposed Regional Charter School on the Elizabeth City State University Campus that focuses on aviation. The proposed cost for this project would be \$200,000 with Pasquotank County providing the match.

Mr. Heath’s recommendation would be the Marine Park Boat Ramp, the Marine Reshoring Program, and the One-to-One Initiative. He asked the Board how they wanted him to proceed. Mr. Heath further stated that they are looking to fund economic development projects to provide jobs and to educate. He feels that all of these projects would meet their requirements. They may not fund any of these projects because there is only \$10 million to spread around sixteen (16) counties. The County has not received a Golden Leaf Grant in a number of years. Commissioner Miller-White asked if these projects were ready to go except maybe the permitting for the Boat Ramp. Mr. Heath said that Wildlife would help with that process. Commissioner Peeler said that he feels that the way the projects are listed was a good priority scheme. He asked if they would give us an opportunity to let us tell them our priority scheme or would they just choose the list. Mr. Heath said that they would probably be scored based on priority. Tammy Miller-White made a motion to apply for the Golden Leaf Grant using Marine Park Boat Ramp, Marine Reshoring Program, and One-to-One Initiative as the priority listing. The motion was seconded by Matthew Peeler and unanimously approved by the Board.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

There being no further comments or business to discuss, the Regular Meeting was adjourned at 8:45 p.m. on motion made by Tammy Miller-White, seconded by Edward R. Muzzulin.

Janice McKenzie Cole, Chair

Clerk to the Board

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ATTACHMENT A

CONDITIONAL USE PERMIT #CUP-13-03

-Beginning of Proposed Conditional Use Permit No. CUP-13-03
to be recorded by SolNCPower1, LLC-

for

**Large scale, ground-mounted Solar Power Energy System
North and across from 949 Belvidere Road (NC Hwy. 37)**

NOTE: This 10-7-13 Final Draft (without notes) contains:

- 1) Revisions to show changes recommended by Applicant or Planning staff *after the Planning Board's 9-18-13 meeting*, to address unforeseen or overlooked issues and to make "form over substance" type changes; and
- 2) Revisions made by the Board of County Commissioner's at 10-7-13 meeting to address outstanding issues.

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CONDITIONAL USE PERMIT No. CUP-13-03

Page 1 of _____

On the date(s) listed below, the Board of Commissioners for Perquimans County met and held a public hearing to consider the following application:

Authorized Applicant: Scott K. Risley, JD., Senior Manager, Development Services
 SOLON Corporation (as Manager of SolNCPower1, LLC)
 6950 S. Country Club Road
 Tucson, Arizona 85756

Site Location/Address: 97.04-Acre Tract located on the north side of NC Hwy 37, across from
 949 Belvidere Road, approximately 2/5 mile north of Bagley Swamp
 Road (SR 1215).

Tax Parcel No: 1-0023-0014

Zoning District: RA, Rural Agriculture

Proposed Use of Property: To construct and operate a Large Scale, ground-mounted Solar Power Energy system on property located in Perquimans County, as described herein and depicted on the attached Site Plans. As stated by the Applicant:

"The proposed use of the GKS Property is as a solar power generating station consisting of 21,924 solar panels mounted on a f21 Single-Axis Trackers. Each Single-Axis Tracker has 18 rows, each with 57 panels, ganged and operated by a single mechanical screw jack and controller drive system. The solar panels will produce a total of 6.57 MWDC and this power will be converted through 4 inverter/ transformer stations located centrally amongst the panel racks. Collectively the solar plant will generate 5MWAC peak power and an estimated 11.034 MWh/year. The inverter/transformer AC output will be 34,500 V. The inverter/transformer stations will be daisy chained through an underground medium voltage system with a path to the interconnection point at an adjacent Dominion Power Distribution pole located adjacent to the site. There will be one 24' access roadway constructed with gravel and compacted soil for the purpose of on-going vehicular access to the inverter/transformer equipment through the duration of the solar plant's operating life. This solar power generating station is not intended for public access and will be secured with a 7' chain link perimeter fencing with a minimum of two 8' gates appropriately signed and accessible by trained authorized personnel only. From the property boundaries inward, a minimum setback of 30 feet has been assumed around the perimeter of the site. There are no noises, smells, or reflected light anticipated in the normal operation of this solar power plant."

Meeting & Hearing Dates: Planning Board on 9-10-13; 9-18-13 & Board of Commissioners on 10-7-13

Having heard all the evidence and argument presented at the hearing(s), the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Perquimans County Zoning Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance pertaining to "Solar Farm (Large-scale, ground-mounted Solar Power Energy System)" and other conditions as follows:

- A) The Applicant, heirs and assigns shall conduct operations in accordance with the plans and application materials submitted to and approved by the Board of Commissioners (BCC), a copy of which is contained in the County Planning & Zoning Office and recorded with the Register of Deeds Office. Any Major Modification proposed to the approved plans shall require reapplication and approval by the Board of County Commissioners. "Major Modification" is defined as "Any significant change in land use, and change in the project boundary and/or any change that results in an increase in the density or intensity of the project, as shown and described in the approved

Conditional Use Permit and Site Plans.” However, it is understood that the conceptual layout of the Solar Farm as shown on the Site Plans may require adjustments in the exact location of the equipment within the proposed chain link fence, pending the outcome of final survey, wetlands delineation, storm water permits, Army Corp of Engineers requirements, and maximization of solar energy production, as applicable. Minimum setbacks and buffering must comply with Section 907.28 of the Perquimans County Zoning Ordinance. In addition, adjustments may be needed in the final locations of access roads within the overall subject property.

- B) The approved Site Plan includes a total 5 MW’s of Solar energy throughout the subject property. The facility will generate power which will be sold directly to the Power Company servicing the facility. The Solar Farm will consist of a single phase of construction.
- C) Reference is made to the Applicant’s attached cover letter (Exhibit “A”) which indicates that the proposed facility:
- 1) Will generate no air emissions, noise, smells, glare or other effects on the surrounding environment;
 - 2) Will be secured with a fence and maintained regularly to avoid weed growth and the accumulation of any rubbish which may blow onto the site or be placed there by others;
 - 3) Will be a quiet, unobtrusive neighbor which will not create nuisances and will not adversely affect the character of the surrounding neighborhood; and
 - 4) Will fit seamlessly with the surrounding environment (of) open land, farm parcels, single family homes and other rural uses, because it is unobtrusive, quiet and clean and it produces no additional traffic, places no additional demands on local services and infrastructure and preserves the open, rural character of the area.
- D) The main point of ingress and egress for the facility will be directly off of Belvidere Road (NC Hwy. 37). For both aesthetics and safety, the driveway entrance(s) leading from the public road shall be surfaced with asphalt or six inches (6”) of concrete as measured from the edge of the road and up to and beyond the entrance gate or for a greater distance if determined by the Technical Review Committee (TRC) to be necessary for emergency vehicles. The remainder of the access or service roads will be constructed of gravel and compacted soil to a width of 24 feet with a minimum 30-foot radius of curvature. *The Access Roadway is further defined as: “A road bed having a width of 24 feet with a minimum 30-foot centerline radius of curvature, which road bed shall consist of compacted natural soil. The road bed described in the previous sentence shall have the following surface material only: Two, and only two, gravel strips conforming to the location of the contact patch of a single standard vehicle’s tires, each strip 36” inches wide with a 5’ five foot vegetative/ grass median between the two (2) gravel strips. Each strip to be constructed by removing 6-8 inches of top soil, compacting the native soil remaining and installing 8-10” inches of gravel for each of the two tire tracks.”* Said roads must be maintained by the Applicant, heirs and assigns to allow access for emergency vehicles. The access roadway shall be located as specified on the plans submitted to and revised by the Planning Board on 9/18/13, on the inside of the chain link fence, together with a turnaround area or “back-up space” contingent upon the measurements the emergency personnel requested. Said back-up space shall accommodate the length of the Fire Department’s truck (32’-2”), to back in a distance of 35 feet.
- E) Prior to final project approval and issuance of a Zoning Permit, the Applicant must apply for and obtain a Driveway Permit from the North Carolina Department of Transportation (NCDOT).
- F) No building structures are anticipated for the solar facility at this time; however, any future proposal to construct an Accessory Building on the property will require the Applicant, heirs and assigns to first apply for and obtain Zoning and Building Permits in compliance with minimum design standards and may require review by the Planning Board to determine if the proposed improvement constitutes a Major Modification. Prior to issuance of a Zoning Permit for any new site improvement or building, the Applicant, heirs and assigns must provide a Site Plan detailing the existing and proposed site improvements, pursuant to Section 509 of the Perquimans County Zoning Ordinance.
- G) The Solar Energy System equipment and any potential future buildings or structures, shall be secured and screened from routine view from public rights-of-way, existing residential uses and adjacent properties (all of which are currently zoned RA, Rural Agriculture and which therefore permit the location of single family residences), through compliance with the County’s Buffers and Screening standards currently found in Article XVIII, Sections 1802 and 1803. Such screening shall be a seven (7) foot high attractive blind barrier, or a three (3) foot wide, seven (7) foot high dense evergreen planting, or a twenty (20) foot wide natural wooded or planted strip, in conjunction with a security fence no less than seven (7) feet in height.
- H) All solar panels and related equipment will meet all required buffering and setbacks along property lines. The buffering will consist of a 7’ block masonry wall or security fence plus screening and will be continuous around the perimeter of the property. Mounting structures and solar panels will not exceed the maximum height of 15’. The property will have security, lighting and security cameras throughout the facility. Metal gates will be used for entrances into the Solar Farm locations and will be kept locked and secured at all times when authorized personnel are not occupying the property. The Facility will meet all Local, State and Environmental requirements.
- I) The Solar Farm shall be enclosed with a security fence with a minimum height of seven (7) feet and screened with either a minimum three foot (3’) wide strip planted with dense evergreen vegetation

such as Wax Myrtle, Wax-Leaf Ligustrum or other suitable plant material with an initial height of at least five feet (5') with expected growth of at least seven (7) feet in height within three (3) years or a twenty (20) foot wide strip of natural wooded area. The vegetated buffer shall be located adjacent to the property line and between the property line and fence. Minimum setbacks and buffering must comply with Section 907.28 of the Perquimans County Zoning Ordinance.

- J) The Applicant, heirs and assigns shall take every precaution to ensure there is no increased stormwater directed onto adjacent properties resulting from new construction and development on the subject property. Should unforeseen stormwater problems occur, the Applicant, heirs and assigns shall take immediate action to rectify the situation in coordination with the owner of any adjacent property adversely impacted by stormwater runoff.
- K) Applicant's Obligation to Restore the Property at the end of the Lease Term: Pursuant to the Applicant's Lease Agreement with the property owner, the Applicants, their heirs and assigns, shall do the following with respect to any portions of the Property disturbed in the course of Solar Operations:
- 1) Within six (6) months after completion of construction of the solar project, the Applicant, their heirs and assigns, shall restore such portions of the Property to a condition reasonably similar to its condition on October 7, 2013, except for any parts of the Property that the Applicant determines it needs for continuing Solar Operations; and
 - 2) Within twelve (12) months after the expiration, surrender or termination of this Lease, the Applicant shall:
 - (a) Remove from such portions of the Property any Solar Energy System owned or installed by Applicant thereon and
 - (b) Restore, in a commercially reasonable manner and to commercially reasonable standards, such portions of the Property to a condition reasonably similar to its condition as of October 7, 2013, specifically to a farmable condition.
- L) Other minimum design standards and requirements for the large scale Solar Farm include but are not limited to required Site Considerations, Operational Considerations, and Application Requirements, pursuant to Article IX, Section 907.28, as follows:
- 1) Height: Solar energy system structures and related equipment shall not exceed fifteen (15) feet in height.
 - 2) Solar Equipment Setback: Solar energy system structures and related equipment must meet the minimum zoning setback for the zoning district in which it is located, or 30 feet, whichever is strictest; The setback for any building or parking area proposed to serve the Solar Farm shall twenty (20) feet or as otherwise required, whichever is strictest, from any street right-of-way and any continuous property line that is used or zoned for residential purposes.
 - 3) Building and Parking Area Setbacks: The setback for any building and parking area proposed to serve the Solar Farm shall be in keeping with that required by the zoning district as it applies to any street right-of-way and any contiguous property line that is used or zoned for nonresidential purposes.
 - 4) Lighting: The project shall utilize minimal lighting. No lighting other than normal security lighting and that required by government agencies shall be permitted.
 - 5) Screening: In general, Solar energy system structures and related equipment and buildings shall be screened from routine view from public rights-of-way, existing residential uses and adjacent properties zoned Residential Agriculture, Historic Agriculture, Rural Agricultural, or Commercial Zoning Districts using the County's Buffers and Screening standards currently found in Article XVIII, Sections 1802 and 1803.
 - 6) Operational Considerations: Any access gate which affords views from an existing residence must be kept closed and locked at any time the Solar Farm is not occupied by the operator for preventive maintenance, repair and similar activities, etc.
 - 7) Application Requirements: The Applicant's approved Site Plans (Exhibit "B") are conceptual and minor adjustments may be made pending permits and approvals by other entities. Prior to commencing construction, Applicant, heirs and assigns shall prepare and submit Site Plans which demonstrate compliance with minimum design standards of the County, State and other agencies as applicable, including but not limited to Site Considerations, Operational Considerations and Application Requirements of the Zoning Ordinance, Section 907.28, as amended. Such Site Plan shall be prepared in accordance with Site Plan Requirements currently found in Section 509 to denote the dimensions of the subject property, the proposed arrangement of solar panels, the distances from the proposed site improvements to all property lines, and the location of proposed driveway(s). No portion of the Solar Farm may encroach into the required setbacks of any buffer areas. The Site Plan shall also show the location of any required buffers. Other application requirements include:
 - (a) Horizontal and vertical (elevation) to-scale drawings with dimensions, showing the location of the system on the property.
 - (b) All required permits from other governmental agencies (local, state, and federal) shall be obtained by the Applicant prior to commencing construction or as otherwise required by the applicable laws and regulations, including but not limited to the following:
 - (1) Building permits shall be obtained from Perquimans County for all components of the project which are required by the North Carolina Building Code.
 - (2) State stormwater permits and County review and approval may be required pursuant to Sections 509, 1902 and 1906, to ensure that storm water does not cause problems on the site or on adjacent properties.
 - (3) A Driveway Permit or documentation from NCDOT that the existing or proposed site access is acceptable for the proposed use prior to final project approval.
 - (c) Approved Solar Components: Solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
 - (d) Compliance with Building Code: All active solar energy systems shall meet all requirements of the North Carolina State Building Code and shall be inspected by a Perquimans County Building Inspector.

- (e) Compliance with National Electric Code: All photovoltaic systems shall comply with the National Electrical Code, current edition.
 - (f) Collector substations, interconnecting switching stations, transmission voltage step-up stations and any other substations located within the project area shall be secured with fencing at least 7 feet in height.
- M) The Conditional Use Permit is approved and recorded with the Applicants' cover letter and conceptual Site Plans, to become the basis for the Zoning Permit issued by the Planning & Zoning Office upon submittal and approval of a final Site Plan. If the Conditional Use Permit is not recorded in the Register of Deeds Office by the Applicant, heirs and assigns within three (3) months from the date of BCC approval, the BCC may revoke the Conditional Use Permit.
- N) Annual Reports: The Planning Board and Board of County Commissioners hereby acknowledge the Applicant's intent to complete construction of the Solar Farm in 2013. During construction of the project, the Applicant, heirs and assigns shall provide the County with annual reports outlining progress to date along with circumstances that may result in delays. In the event construction is delayed beyond October 7, 2014, the Applicant, heirs and assigns shall formally request an extension be granted by the Board of County Commissioners; otherwise the BCC may revoke the Conditional Use Permit.
- O) As-Built Drawings Within 12 months of completion of construction, the Applicant, heirs and assigns shall provide certified "as built" drawings to the County showing the locations of the solar panel farm location, roads, transmission lines, equipment, components, and all related improvements.
- P) Continued Access and Inspections: For a period of up to 12 months after the Applicant, heirs and assigns submits the certified "as built" drawings, County staff may confirm compliance with the specific specifications determined to be within compliance according to the Perquimans County Zoning Ordinance, Sections 907.28B.(1)-(8), as amended.
- Q) Cultural Resources: The Applicant, heirs and assigns shall inform the County about any historical or archaeological resources found within the project boundaries and provide an opportunity for the County to document said resources. In addition, the Applicant, heirs and assigns shall submit a copy to the County of any inventory, study, plan, etc., required or prepared by State or Federal regulations or agencies which documents historical or archaeological resources found within the project boundaries.
- R) Sign Permits: A separate Sign Permit must be obtained from the Planning & Zoning Office and the Building Inspections Department for any sign not exempted by the Perquimans County Zoning Ordinance, Article XX.
- S) Applicant, heirs and assigns shall periodically hold training sessions for emergency service personnel.
- T) Applicant, heirs and assigns shall provide Vegetative Buffer along northern perimeter lines of project if/when residential development occurs on adjacent properties.

If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

IN WITNESS WHEREOF, Perquimans County has caused this permit to be issued in its name, and the undersigned, being all the authorized applicants, agents, representatives, or property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding on them and their successors in interest.

Janice McKenzie Cole, Chair, Board of Commissioners Date

Attest: _____ (Seal)
Mary P. Hunnicutt, Clerk to the Board Date

I (We), _____, authorized Applicant(s) of the above identified property, do/does hereby acknowledge receipt of this Conditional Use Permit. The undersigned does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

SOLON Corporation (as Manager of SolNCPower1, LLC Date
By: Scott K. Risley, JD, its Senior Manager of Development Services

The State of _____
_____ County

I, _____, a Notary Public in and for the said State and County, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the forgoing instrument. WITNESS my hand and notarial seal, this the _____ day of _____, 20_____.

Notary Public

My Commission expires: _____

(Not valid until fully executed and recorded)

-End of Proposed Conditional Use Permit No. CUP-13-03
to be recorded by SolNCPower1, LLC-

for

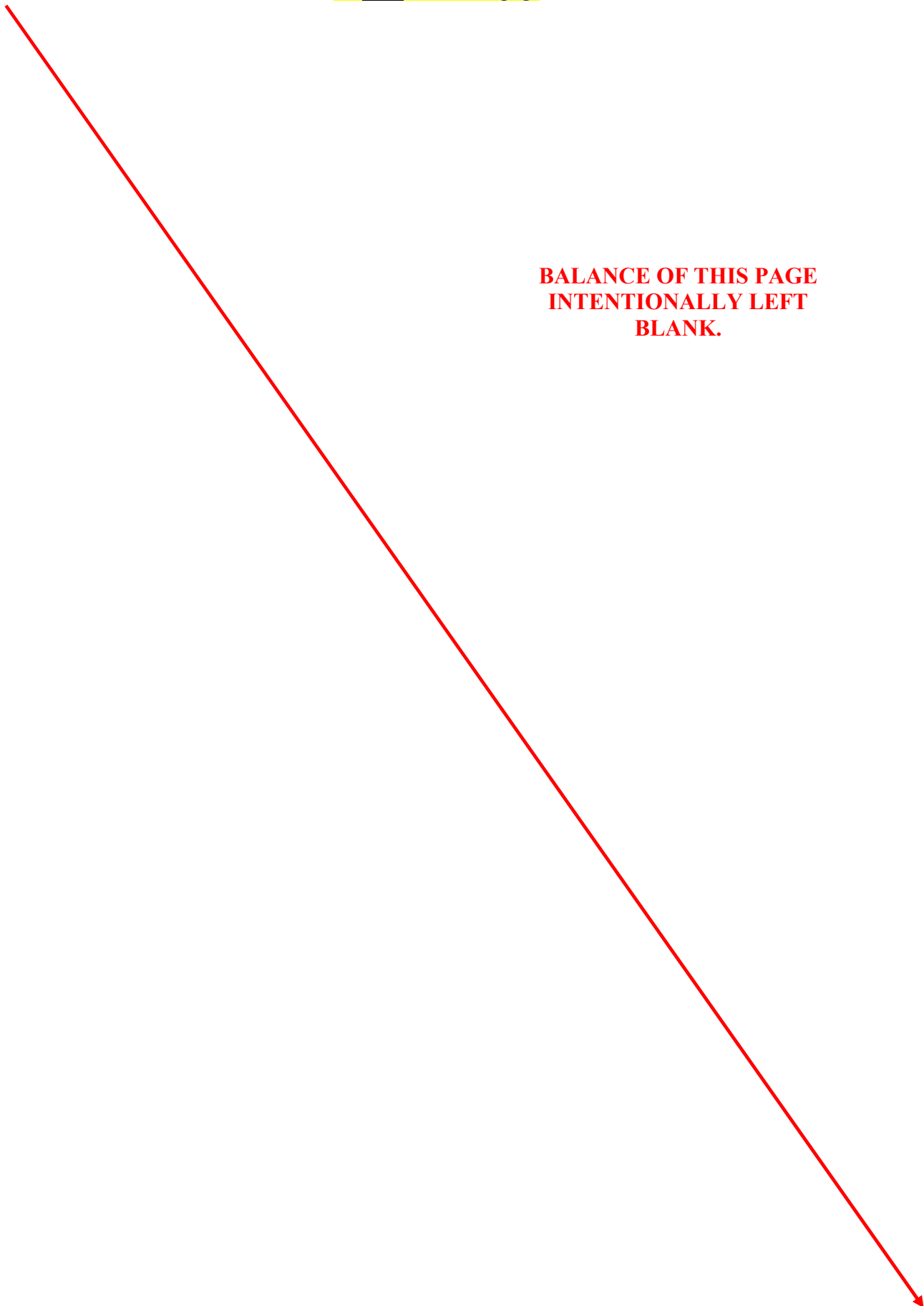
**Large scale, ground-mounted Solar Power Energy System
North and across from 949 Belvidere Road (NC Hwy. 37)**

NOTE: This 10-7-13 Final Draft (without notes) contains:

- 1) Revisions to show changes recommended by Applicant or Planning staff *after the Planning Board's 9-18-13 meeting*, to address unforeseen or overlooked issues and to make "form over substance" type changes; and
- 2) Revisions made by the Board of County Commissioner's at 10-7-13 meeting to address outstanding issues.

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ATTACHMENT B**CONDITIONAL USE PERMIT #CUP-13-04**

-Beginning of Proposed Conditional Use Permit No. CUP-13-04
to be recorded by SolNCPower1, LLC-

for

**Large scale, ground-mounted Solar Power Energy System
North and across from Substation
150 Two Mile Desert Road (SR 1218)**

NOTE: This 10-7-13 Final Draft (without notes) contains:

- 1) Revisions to show changes recommended by Applicant or Planning staff *after the Planning Board's 9-18-13 meeting*, to address unforeseen or overlooked issues and to make "form over substance" type changes; and
- 2) Revisions made by the Board of County Commissioner's at 10-7-13 meeting to address outstanding issues.

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CONDITIONAL USE PERMIT No. CUP-13-04

Page 1 of _____

On the date(s) listed below, the Board of Commissioners for Perquimans County met and held a public hearing to consider the following application:

- Authorized Applicant:** Scott K. Risley, JD., Senior Manager, Development Services
SOLON Corporation (as Manager of SolNCPower1, LLC)
6950 S. Country Club Road
Tucson, Arizona 85756
- Site Location/Address:** 45.50-Acre Tract located on the west side of Two Mile Desert Road (SR 1218), directly across from the existing Electrical Substation and about 1,100 feet north of Main Street (NC Hwy 37) in Winfall, NC.
- Tax Parcel No:** 5-0032-0076
- Zoning District:** RA, Rural Agriculture (portion of property located in Perquimans County's zoning jurisdiction); remainder of property located within Winfall Town Limits.
- Proposed Use of Property:** To construct and operate a Large Scale, ground-mounted Solar Power Energy system on property located in Perquimans County, as described herein and depicted on the attached Site Plans. As stated by the Applicant:

"The proposed use of the Two-Mile Jessup Property is as a solar power generating station consisting of 21,242 solar panels mounted on a fixed tilt rack at 24 degree tilt. The solar panels will produce a total of 6.3 MWDC and this power will be converted through 4 inverter/ transformer stations located centrally amongst the panel racks. Collectively the solar plant will generate 5MWAC peak power and an estimated 9330 MWh/year. The inverter/transformer AC output will be 34,500 V. The inverter/transformer stations will be daisy chained through an underground medium voltage system with a path to the interconnection point at an adjacent Dominion Power Distribution pole located adjacent to the site. There will be one 24' access roadway constructed with gravel and compacted soil for the purpose of on-going vehicular access to the inverter/transformer equipment through the duration of the solar plant's operating life. This solar power generating station is not intended for public access and will be secured with a 7' chain link perimeter fencing with a minimum of two 8' gates appropriately signed and accessible by trained authorized personnel only. From the property boundaries inward, a minimum setback of 30 feet has been assumed around the perimeter of the site. There are no noises, smells, or reflected light anticipated in the normal operation of this solar power plant."

Meeting & Hearing Dates: Planning Board on **9-10-13 and 9-18-13** & Board of Commissioners on **10-7-13**.

Having heard all the evidence and argument presented at the hearing(s), the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Perquimans County Zoning Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance pertaining to "Solar Farm (Large-scale, ground-mounted Solar Power Energy System)" and other conditions as follows:

- A) The Applicant, heirs and assigns shall conduct operations in accordance with the plans and application materials submitted to and approved by the Board of Commissioners (BCC), a copy of which is contained in the County Planning & Zoning Office and recorded with the Register of Deeds Office. Any Major Modification proposed to the approved plans shall require reapplication and approval by the Board of County Commissioners. "Major Modification" is defined as "Any significant change in land use, and change in the project boundary and/or any change that results in

an increase in the density or intensity of the project, as shown and described in the approved Conditional Use Permit and Site Plans.” However, it is understood that the conceptual layout of the Solar Farm as shown on the Site Plans may require adjustments in the exact location of the equipment within the proposed chain link fence, pending the outcome of final survey, wetlands delineation, storm water permits, Army Corp of Engineers requirements, and maximization of solar energy production, as applicable. Minimum setbacks and buffering must comply with Section 907.28 of the Perquimans County Zoning Ordinance. In addition, adjustments may be needed in the final locations of access roads within the overall subject property.

- B) The approved Site Plan includes a total 5 MW’s of Solar energy throughout the subject property. The facility will generate power which will be sold directly to the Power Company servicing the facility. The Solar Farm will consist of a single phase of construction.
- C) Reference is made to the Applicant’s attached cover letter (Exhibit “A”) which indicates that the proposed facility:
- 1) Will generate no air emissions, noise, smells, glare or other effects on the surrounding environment;
 - 2) Will be secured with a fence and maintained regularly to avoid weed growth and the accumulation of any rubbish which may blow onto the site or be placed there by others;
 - 3) Will be a quiet, unobtrusive neighbor which will not create nuisances and will not adversely affect the character of the surrounding neighborhood; and
 - 4) Will fit seamlessly with the surrounding environment (of) open land, farm parcels, single family homes and other rural uses, because it is unobtrusive, quiet and clean and it produces no additional traffic, places no additional demands on local services and infrastructure and preserves the open, rural character of the area.
- D) The main point of ingress and egress for the facility will be directly off of Two Mile Desert Road (SR 1218). For both aesthetics and safety, the driveway entrance(s) leading from the public road shall be surfaced with asphalt or six inches (6”) of concrete as measured from the edge of the road and up to and beyond the entrance gate or for a greater distance if determined by the Technical Review Committee (TRC) to be necessary for emergency vehicles. The remainder of the access or service roads will be constructed of gravel and compacted soil to a width of 24 feet with a minimum 30-foot radius of curvature. The Access Roadway is further defined as *“A road bed having a width of 24 feet with a minimum 30-foot centerline radius of curvature, which road bed shall consist of compacted natural soil. The road bed described in the previous sentence shall have the following surface material only: Two, and only two, gravel strips conforming to the location of the contact patch of a single standard vehicle’s tires, each strip 36” inches wide with a 5’ five foot vegetative/ grass median between the two (2) gravel strips. Each strip to be constructed by removing 6-8 inches of top soil, compacting the native soil remaining and installing 8-10” inches of gravel for each of the two tire tracks.”* Said roads must be maintained by the Applicant, heirs and assigns to allow access for emergency vehicles. The Access Roadway shall be located as specified on the plans submitted to and revised by the Planning Board on 9-18-13, on the inside of the chain link fence, together with a turnaround area or “back-up space” contingent upon the measurements the emergency personnel requested. Said back-up space shall accommodate the length of the Fire Department’s truck (32’-2”), to back in a distance of 35 feet.
- E) Prior to final project approval and issuance of a Zoning Permit, the Applicant, heirs and assigns must apply for and obtain a Driveway Permit from the North Carolina Department of Transportation (NCDOT).
- F) No building structures are anticipated for the solar facility at this time; however, any future proposal to construct an Accessory Building on the property will require the Applicant, heirs and assigns to first apply for and obtain Zoning and Building Permits in compliance with minimum design standards and may require review by the Planning Board to determine if the proposed improvement constitutes a Major Modification. Prior to issuance of a Zoning Permit for any new site improvement or building, the Applicant, heirs and assigns must provide a Site Plan detailing the existing and proposed site improvements, pursuant to Section 509 of the Perquimans County Zoning Ordinance.
- G) The Solar Energy System equipment and any potential future buildings or structures, shall be secured and screened from routine view from public rights-of-way, existing residential uses and adjacent properties (all of which are currently zoned RA, Rural Agriculture and which therefore permit the location of single family residences), through compliance with the County’s Buffers and Screening standards currently found in Article XVIII, Sections 1802 and 1803. Such screening shall be a seven (7) foot high attractive blind barrier, or a three (3) foot wide, seven (7) foot high dense evergreen planting, or a twenty (20) foot wide natural wooded or planted strip, in conjunction with a security fence no less than seven (7) feet in height.
- H) All solar panels and related equipment will meet all required buffering and setbacks along property lines. The buffering will consist of a 7’ block masonry wall or security fence plus screening and will be continuous around the perimeter of the property. Mounting structures and solar panels will not exceed the maximum height of 15’. The property will have security, lighting and security cameras throughout the facility. Metal gates will be used for entrances into the Solar Farm locations and will be kept locked and secured at all times when authorized personnel are not occupying the property. The Facility will meet all Local, State and Environmental requirements.

- I) The Solar Farm shall be enclosed with a security fence with a minimum height of seven (7) feet and screened with either a minimum three foot (3') wide strip planted with dense evergreen vegetation such as Wax Myrtle, Wax-Leaf Ligustrum or other suitable plant material expected to grow to at least seven (7) feet in height within three (3) years or a twenty (20) foot wide strip of natural wooded area. The vegetated buffer shall be located adjacent to the property line and between the property line and fence. Minimum setbacks and buffering must comply with Section 907.28 of the Perquimans County Zoning Ordinance.
- J) The Applicant, heirs and assigns shall take every precaution to ensure there is no increased stormwater directed onto adjacent properties resulting from new construction and development on the subject property. Should unforeseen stormwater problems occur, the Applicant, heirs and assigns shall take immediate action to rectify the situation in coordination with the owner of any adjacent property adversely impacted by stormwater runoff.
- K) Applicant's Obligation to Restore the Property at the end of the Lease Term: Pursuant to the Applicant's Lease Agreement with the property owner, the Applicants, their heirs and assigns, shall do the following with respect to any portions of the Property disturbed in the course of Solar Operations:
- 1) Within six (6) months after completion of construction of the solar project, the Applicant, their heirs and assigns, shall restore such portions of the Property to a condition reasonably similar to its condition on October 7, 2013, except for any parts of the Property that the Applicant determines it needs for continuing Solar Operations; and
 - 2) Within twelve (12) months after the expiration, surrender or termination of this Lease, the Applicant shall:
 - (a) Remove from such portions of the Property any Solar Energy System owned or installed by Applicant thereon and
 - (b) Restore, in a commercially reasonable manner and to commercially reasonable standards, such portions of the Property to a condition reasonably similar to its condition as of October 7, 2013, specifically to a farmable condition.
- L) Other minimum design standards and requirements for the large scale Solar Farm include but are not limited to required Site Considerations, Operational Considerations, and Application Requirements, pursuant to Article IX, Section 907.28, as follows:
- 1) Height: Solar energy system structures and related equipment shall not exceed fifteen (15) feet in height.
 - 2) Solar Equipment Setback: Solar energy system structures and related equipment must meet the minimum zoning setback for the zoning district in which it is located, or 30 feet, whichever is strictest; The setback for any building or parking area proposed to serve the Solar Farm shall twenty (20) feet or as otherwise required, whichever is strictest, from any street right-of-way and any continuous property line that is used or zoned for residential purposes.
 - 3) Building and Parking Area Setbacks: The setback for any building and parking area proposed to serve the Solar Farm shall be in keeping with that required by the zoning district as it applies to any street right-of-way and any contiguous property line that is used or zoned for nonresidential purposes.
 - 4) Lighting: The project shall utilize minimal lighting. No lighting other than normal security lighting and that required by government agencies shall be permitted.
 - 5) Screening: In general, Solar energy system structures and related equipment and buildings shall be screened from routine view from public rights-of-way, existing residential uses and adjacent properties zoned Residential Agriculture, Historic Agriculture, Rural Agricultural, or Commercial Zoning Districts using the County's Buffers and Screening standards currently found in Article XVIII, Sections 1802 and 1803.
 - 6) Operational Considerations: Any access gate which affords views from an existing residence must be kept closed and locked at any time the Solar Farm is not occupied by the operator for preventive maintenance, repair and similar activities, etc.
 - 7) Application Requirements: The Applicant's approved Site Plans (Exhibit "B") are conceptual and minor adjustments may be made pending permits and approvals by other entities. Prior to commencing construction, Applicant shall prepare and submit Site Plans which demonstrate compliance with minimum design standards of the County, State and other agencies as applicable, including but not limited to Site Considerations, Operational Considerations and Application Requirements of the Zoning Ordinance, Section 907.28, as amended. Such Site Plan shall be prepared in accordance with Site Plan Requirements currently found in Section 509 to denote the dimensions of the subject property, the proposed arrangement of solar panels, the distances from the proposed site improvements to all property lines, and the location of proposed driveway(s). No portion of the Solar Farm may encroach into the required setbacks of any buffer areas. The Site Plan shall also show the location of any required buffers. Other application requirements include:
 - (a) Horizontal and vertical (elevation) to-scale drawings with dimensions, showing the location of the system on the property.
 - (b) All required permits from other governmental agencies (local, state, and federal) shall be obtained by the Applicant prior to commencing construction or as otherwise required by the applicable laws and regulations, including but not limited to the following:
 - (1) Building permits shall be obtained from Perquimans County for all components of the project which are required by the North Carolina Building Code.
 - (2) State stormwater permits and County review and approval may be required pursuant to Sections 509, 1902 and 1906, to ensure that storm water does not cause problems on the site or on adjacent properties.
 - (3) A Driveway Permit or documentation from NCDOT that the existing or proposed site access is acceptable for the proposed use prior to final project approval.

- (c) Approved Solar Components: Solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
 - (d) Compliance with Building Code: All active solar energy systems shall meet all requirements of the North Carolina State Building Code and shall be inspected by a Perquimans County Building Inspector.
 - (e) Compliance with National Electric Code: All photovoltaic systems shall comply with the National Electrical Code, current edition.
 - (f) Collector substations, interconnecting switching stations, transmission voltage step-up stations and any other substations located within the project area shall be secured with fencing at least 7 feet in height.
- M) The Conditional Use Permit is approved and recorded with the Applicants' cover letter and conceptual Site Plans, to become the basis for the Zoning Permit issued by the Planning & Zoning Office upon submittal and approval of a final Site Plan. If the Conditional Use Permit is not recorded in the Register of Deeds Office by the Applicant, heirs and assigns within three (3) months from the date of BCC approval, the BCC may revoke the Conditional Use Permit.
- N) Annual Reports: The Planning Board and Board of County Commissioners hereby acknowledge the Applicant's intent to complete construction of the Solar Farm in 2013. During construction of the project, the Applicant shall provide the County with annual reports outlining progress to date along with circumstances that may result in delays. In the event construction is delayed beyond October 7, 2014, the Applicant, heirs and assigns shall formally request an extension be granted by the Board of County Commissioners; otherwise the BCC may revoke the Conditional Use Permit.
- O) As-Built Drawings Within 12 months of completion of construction, the Applicant, heirs and assigns shall provide certified "as built" drawings to the County showing the locations of the solar panel farm location, roads, transmission lines, equipment, components, and all related improvements.
- P) Continued Access and Inspections: For a period of up to 12 months after the Applicant, heirs and assigns submits the certified "as built" drawings, County staff may confirm compliance with the specific specifications determined to be within compliance according to the Perquimans County Zoning Ordinance, Sections 907.28B.(1)-(8), as amended.
- Q) Cultural Resources: The Applicant, heirs and assigns shall inform the County about any historical or archaeological resources found within the project boundaries and provide an opportunity for the County to document said resources. In addition, the Applicant, heirs and assigns shall submit a copy to the County of any inventory, study, plan, etc., required or prepared by State or Federal regulations or agencies which documents historical or archaeological resources found within the project boundaries.
- R) Sign Permits: A separate Sign Permit must be obtained from the Planning & Zoning Office and the Building Inspections Department for any sign not exempted by the Perquimans County Zoning Ordinance, Article XX.
- S) Applicant, heirs and assigns shall periodically hold training sessions for emergency service personnel.
- T) Applicant, heirs and assigns shall provide Vegetative Buffer along west, north and northeast sides of the project if and when the adjacent property is developed in the future for residential use and/or if the existing stands of trees are removed from the adjacent properties in such a manner as to expose the solar farm to residential uses in the immediate area..

If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

IN WITNESS WHEREOF, Perquimans County has caused this permit to be issued in its name, and the undersigned, being all the authorized applicants, agents, representatives, or property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding on them and their successors in interest.

Janice McKenzie Cole, Chair, Board of Commissioners Date

Attest: _____ (Seal)
Mary P. Hunnicutt, Clerk to the Board Date

I (We), _____, authorized Applicant(s) of the above identified property, do/does hereby acknowledge receipt of this Conditional Use Permit. The undersigned does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

SOLON Corporation (as Manager of SolNCPower1, LLC Date
By: Scott K. Risley, JD, its Senior Manager of Development Services

The State of _____

_____ County

I, _____, a Notary Public in and for the said State and County, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

WITNESS my hand and notarial seal, this the _____ day of _____, 20_____.

Notary Public

My Commission expires: _____

(Not valid until fully executed and recorded)

-End of Proposed Conditional Use Permit No. CUP-13-04
to be recorded by SolNCPower1, LLC-

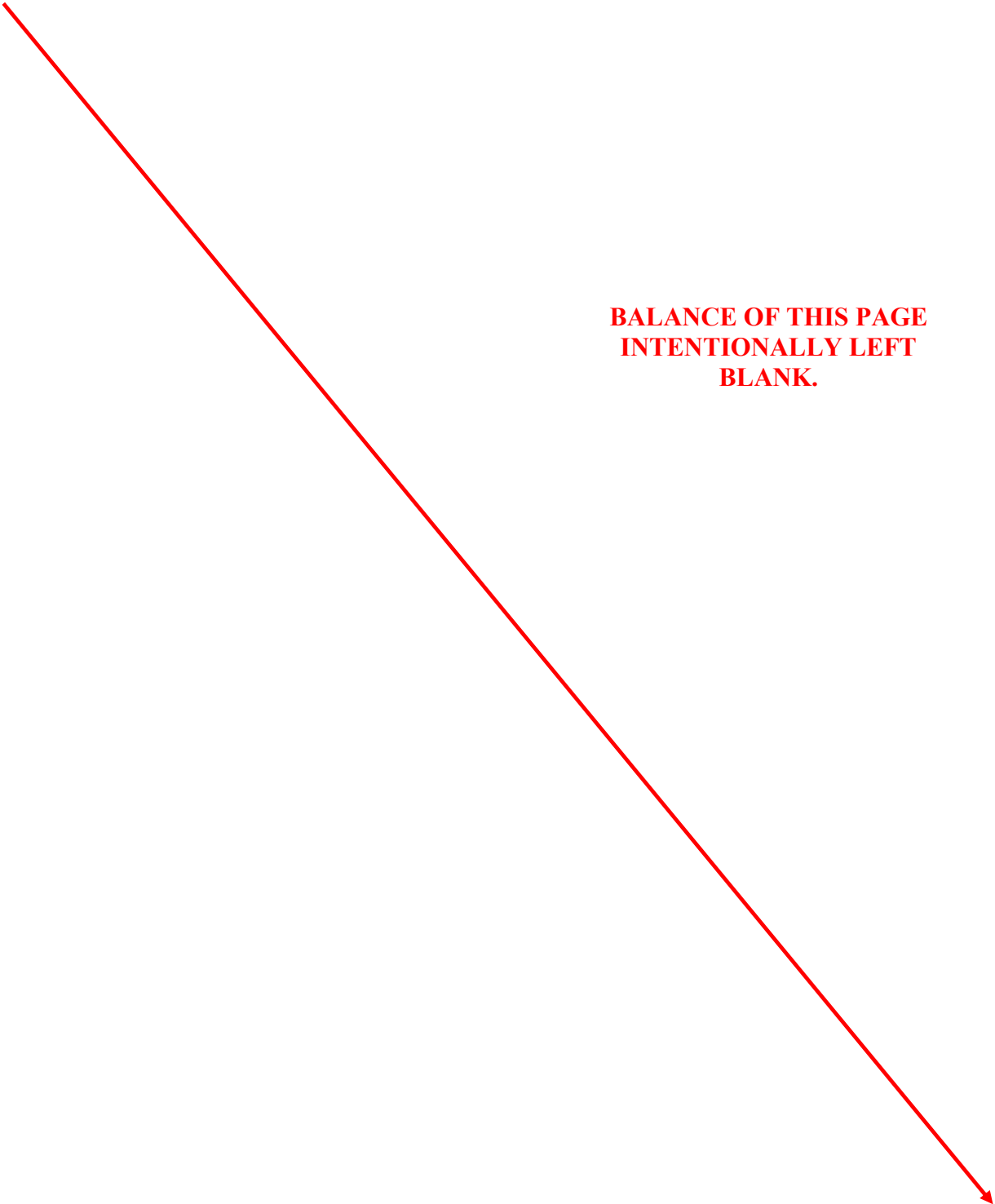
for

**Large scale, ground-mounted Solar Power Energy System
North and across from Substation
150 Two Mile Desert Road (SR 1218)**

NOTE: This 10-7-13 Final Draft (without notes) contains:

- 1) Revisions to show changes recommended by Applicant or Planning staff *after the Planning Board's 9-18-13 meeting*, to address unforeseen or overlooked issues and to make "form over substance" type changes; and
- 2) Revisions made by the Board of County Commissioner's at 10-7-13 meeting to address outstanding issues.

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