

Perquimans County Planning Board

MINUTES

Tuesday, April 11, 2017

The Perquimans County Planning Board held its regular monthly meeting on Tuesday, April 11, 2017 at 7:00 PM in the Commissioner Meeting Room of the Courthouse Annex Building.

MEMBERS PRESENT: Paul Kahl, Chair
Brenda Lassiter
A.J. Moore
Lewis Smith

MEMBERS ABSENT: A.O. Roberts, Vice Chair

OTHERS PRESENT: Frank Heath, County Manager
Rhonda Money, GIS/Planner
Applicant
Interested Citizens

Chair Paul Kahl called the meeting to order at 7:03 pm and opened with prayer.

Agenda Item I, Approval of Agenda: Ms. Lassiter made a motion, seconded by Mr. Moore, to approve the agenda as presented. The motion passed unanimously.

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Agenda Item II, Consent Agenda/Approval of Draft Minutes of Previous Planning Board Meetings: Regular meeting of February 14, 2017 and Work Session minutes of March 14, 2017. Mr. Smith made a motion, seconded by Ms. Lassiter, to approve the February 14, 2017 Planning Board regular meeting minutes and March 14th Planning Board work session minutes as presented. The motion passed unanimously.

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Agenda Item III, Business Item A: Consideration of Conditional Use Permit No. CUP-17-01 (White Family Sun Farm), requested by Heath McLaughlin on behalf of Blue Green Energy, LLC, for a 5 MW Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Highway South (US Hwy 17) on property owned by White Family Company, LLC, Tax Parcel Nos. 3-0049-00012 and 3-0049-00013. Ms. Money gave a brief report on the White Family Sun Farm saying it will combine 2 parcels into one, use a fixed-tilt racking system, and occupy approximately 35 acres. A previous application, CUP-16-04, by a different applicant for the same 2 parcels was denied in November 2016. A vegetative buffer will run along the complete length of the north side and the complete length of the east side. Remaining sides already have natural wooded areas along their full lengths. County Manager Heath added that the applicant offered a vegetative bond on this project. Applicant, Heath McLaughlin, then

commenced with a 38 slide PowerPoint presentation. He pointed out that this land has been in the same family 75 years, is flat topography, and currently is being farmed in row crops. In his presentation he said power is locally produced and locally consumed. The main site gate will be approximately 687 feet from the highway and the project is proposed to have more than a 500 foot buffer from any residence. Mr. McLaughlin showed a comparison between the current site plans and the previous November's site plan; this project is a 30% reduction in size. It is a standard system to produce local, clean power to put into the grid for local consumers. Mr. McLaughlin presented slides representing his views of when new solar farm construction would reach its peak in North Carolina. He physically presented and explained the construction of a solar panel that he brought to the meeting and offered to let any Planning Board members touch it. Then he discussed how it is recycled.

Mr. Edgar Roberson of 857 Ocean Hwy South spoke --- His home has been on the market four years and potential buyers have asked his real estate agent if any solar panels were in the area. He had the same issue with a potential buyer not wanting to look at wind turbines. One even asked about Interstate 87 and how that would affect his property. He's only trying to sell because he wants to downsize but his point is that these decisions affect people's property.

Mr. Smith asked, "What specifically did they tell you was the concern with solar farms?"

Mr. Roberson ---- Too many are being built in North Carolina, specifically around Scotland Neck, and they are trying to get away from the industrial look of where they live now in Virginia.

Kay Matthews of 322 N. Front St. (see Exhibit B, attached) --- She has been a county resident for 66 years and owns 708 and 733 Ocean Hwy South. She's not opposed to solar as long as it does not detract from the beauty of our county. She read the definition of RA zone in section 604 of the Perquimans County Zoning Ordinance and does not feel solar is keeping in the spirit and intent of the ordinance. She thinks solar panels will affect her ability to rent out her properties. Solar farms only benefit one farmer and one landowner whereas crop farming benefits a whole community where seed, fertilizer, etc is bought. Please deny.

Emerson Cullings of 203 Evergreen Dr----He has been a county resident for 25 years and fully supports wind and solar. He empathizes with Edgar, however Edgar does live on a highway with a sign saying 'Future Interstate 87', so everyone on Highway 17 will be subject to some sort of activity. We have an issue of property rights. If a farmer leases his property he'll have a better income with fewer worries about weather, fuel costs, fertilizer costs, harvesting costs, etc. Property rights need to be protected. Let's pass this project.

AJ Moore --- Where will the inverters be? They are not on the site plan.

Mr. McLaughlin --- He pointed to where they would be on the site plan. Two inverters will be on site; one half-way of each maintenance road inside the solar farm.

Mr. Smith ---Will existing drainage be left intact?

Mr. McLaughlin ---- Yes, the farmer knows best so we try to leave ditches as is and perhaps enhance them through a drainage study.

Mr. Smith --- You're working with Planter's Ridge and some other local companies about vegetative buffers. What is your time table for hiding and screening?

Mr. McLaughlin --- I am trying to purchase much larger trees than are called for in the Zoning Ordinance. Eight to nine foot trees that I'm looking to purchase are not available locally so we are expanding our search to other states.

Table of Findings Motions:

Mr. Smith made a motion, seconded by Mr. Moore, to recommend approval to the BCC finding that the CUP will not materially endanger the public health or safety if located according to the plan submitted and approved. The motion passed unanimously.

Mr. Moore made a motion, seconded by Ms. Lassiter, to recommend approval to the BCC finding that the use meets the required conditions and specifications. The motion passed unanimously.

Discussion ensued amongst Planning Board members in regards to Table of Finding number three. **Mr. Kahl made a motion, seconded by Mr. Smith, to recommend approval to the BCC finding that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity. The motion passed unanimously.**

Table of Findings #4 --- General consensus was that this is a relative opinion, not fact. **Mr. Smith made a motion, seconded by Mr. Kahl, to recommend approval to the BCC finding 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 Perquimas County Land Use Plan. The motion passed unanimously.** Mr. Smith made the motion based on the assumption that Mr. McLaughlin will build as good a buffer as he said he would.

Mr. Smith made a motion, seconded by Mr. Kahl, to recommend to the BCC approval of Conditional Use Permit No. CUP-17-01 (White Family Sun Farm), requested by Heath McLaughlin for Blue Green Energy, LLC, to operate a Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Highway South on property owned by White Family Company LLC, Tax Parcel Nos. 3-0049-00012 and 3-0049-00013, adopting Section 903 Findings to support the motion. The motion passed unanimously.

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Agenda Item III, Business Item B: Consideration of Conditional Use Permit No. CUP-17-02 (Brown Family Sun Farm), requested by Heath McLaughlin on behalf of Blue Green Energy, LLC, for a 5 MW Large Scale, ground-mounted Solar Power Energy System Facility on the east side of Ocean Highway South (US Hwy 17) approximately 3,000 feet south of Perry Long Road on property owned by Robert L. Brown, Tax Parcel No. 2-0069-0013J. Ms. Money gave a brief summary saying it will occupy roughly 35 leased acres of a 43.9 acre tract. We do not have a DOT driveway permit yet. Any parcel acreage not leased will stay in farm operation. It will be fixed-tilt panel arrays. In the CAMA Land Use Plan it is in the agricultural zone. It will have a vegetative buffer around 3 sides and the back is someone else's trees. Mr. McLaughlin requested a continuance to further refine the site plan with Mr. Brown and an adjacent property owner. Ms. Lassiter asked if the lack of a driveway permit is a game-changer. Mr. McLaughlin said no, we'll try to use existing drives. **Mr. Smith made a motion, seconded by Mr. Moore, to table the project until next month's regular Planning Board meeting. Motion was approved unanimously.**

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Agenda Item III, Business Item C: Discuss Solar Regulations, Review March 14th Work Session edits made to the solar regulations. County Manager Heath said the edits were discussed at a Work Session and he proceeded to summarize the changes as follows: we looked at minimum zoning setbacks for the facilities, setbacks from wetlands, setbacks from any building or parking areas, we limited maximum allowed power generation to 20 MW, we discussed grass or weed height on the site, we required a drainage study in conjunction with the county to be performed on the site, we added additional language about berms, we required a cash bond to be held by the county equal to the cost of installing buffers, we added language regarding decommissioning, and we added transfer of ownership language.

Mr. Kahl made a motion, seconded by Ms. Lassiter, to instruct Mr. Heath to take the solar regulation changes to the Board of County Commissioners.

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Agenda Item IV, Other Item A: Discussion: Status Report on Previous Planning Board Recommendations: Consideration of Administrative Text Amendment No. LUPU-17-01, to correct a "scrivener's error" in the 2016 Land Use Plan Update, on page IX-14, WQ Policy No. 2 requiring "that all buildings or related structures within waterfront subdivisions be set back 50 feet (vs. 40 feet or less) from the shoreline." Ms. Money reported this text amendment will be approved or denied at the Coastal Resources Commission meeting in Manteo on April 26th and 27th.

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County Manager Heath informed the Planning Board that the County has hired a new County Planner, Sam Barrow. He is currently the Planner for the Town of Edenton and will start May first. Also effective April first, Rhonda Money was promoted to GIS Mapper/Planner and has taken a greater role in the Planning office where she and Sam will work as a team.

Agenda Item IV, Other Item B: Chair's signature on approved minutes

Meeting adjourned at 8:45 p.m.

Minutes approved this 9th day of May, 2017.

A.O. Roberts

Vice Chairperson

Attachments: A (Sign-In Sheet)

B (Letter from Mrs. Kay Matthews)

Rhonda Money

Recorder