

Perquimans County Planning Board

MINUTES

Tuesday, January 10, 2017

The Perquimans County Planning Board held its regular monthly meeting on Tuesday, January 10, 2017 at 7:00 PM in the Commissioner Meeting Room of the Courthouse Annex Building.

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

MEMBERS ABSENT: none

OTHERS PRESENT: Frank Heath, County Manager
Donna Godfrey, County Planner
Rhonda Money, GIS/Planning Assistant
Applicants
Interested Citizens

Chair Paul Kahl called the meeting to order at 7:00 pm and opened with prayer by A.O. Roberts.

Agenda Item I, Approval of Agenda: Ms. Lassiter made a motion, seconded by Mr. Smith, to move agenda Business Item III B ahead of Business Item III A. The motion passed unanimously. This was to expedite the parent-to-child deed of gift so the applicant could leave.

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Agenda Item II, Consent Agenda/Approval of Draft Minutes of Previous Planning Board Meetings: Regular meeting of November 12, 2013; Rescheduled meeting of December 19, 2013; Regular Meetings of February 11, April 8, and September 9, 2014 and November 8, 2016.

Ms. Lassiter made a motion, seconded by Mr. Moore, to approve all minutes as presented. The motion passed unanimously. This finishes all archive minutes.

Chair Kahl asked for clarification as to when a Board Chair votes. County Manager, Mr. Heath and County Planner, Ms. Godfrey said the Board Chair should always vote because a silence is considered a 'yes'.

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Agenda Item III, Business Item A: Conditional Use Permit No. CUP-16-06, requested by Beth Trahos (for Alpha Value Solar, LLC), for a Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Highway South (US Hwy. 17) on property owned by The Riddick Family Partners (known as Tax Parcel No. 3-0049-00010A). Planner Godfrey ran through a summary of the project, stating that this is a re-submittal of a portion of an earlier Alpha Value Solar request; it drops one of the previously requested parcels of land. The application checklist was determined to be substantially complete. Ms. Trahos was not present, but Mr. Heath McLaughlin filled in for her. Planner Godfrey

explained that the Planning Board needed to vote separately on each individual Section 206 Finding of Fact, then make a fifth overall vote. County Manager Heath noted that the Planning Board is not taking evidence since they are just an advisory board.

Mr. McLaughlin handed out to all Planning Board members an 11"X17" site plan map that had an ortho-photo background. One question he heard from the earlier submittal was, "Why were two parcels in the site plan?" That issue was resolved by only submitting one parcel this time. Mr. McLaughlin then showed a slide presentation on the tv screen. Three siblings own the Riddick property. The parcel is approximately 110 acres and measures roughly 1,000 ft. wide by 4,000 ft. long. One slide illustrated that no construction will be in the current flood-zone. The solar farm will be set up in two long, narrow rows of panels and the cemetery's trees will remain. What is currently in timber will remain in timber. Site access will be on the North side of the property. He's been in contact with the owners of 768 Ocean Highway South about buffers and minimizing lighting. A vegetative buffer will be parallel with Highway 17 and will screen all the way across the front, which is approximately 750 feet from the highway. Acres not used for the solar system will remain in agricultural production. Solar farms consist of basically 5 elements: modules which convert sunlight into electricity, racking which holds the modules in place, pilings which you see going into the ground, inverters which convert DC power to AC power, and transformers which will step up the power from low voltage to medium voltage. Then it interconnects to the power grid. Some people voice concern over panels being toxic, but Mr. McLaughlin says PVC panels are not. Panels are polycrystalline with silver strips for conductivity. They have glass tops and a back sheet which traps light inside the panel to excite electrons. Aluminum framing is around the outside and racks go 8-12 feet into the ground. Solar is low voltage that ends up as medium voltage when it reaches the grid.

Chair Kahl – Where is your power company point of attachment?

Mr. McLaughlin – Beside the site access road

Mr. Kahl – Will you have poles by the road? Will there be two inverters and transformers?

Mr. McLaughlin – Four Dominion poles will be by the road. Solar Company poles will be inside the fence. And yes, two inverters.

Mr. McLaughlin then proceeded to go through four Findings of Fact individually and pointed out that the solar farms are healthier than transformer stations. Everything in agriculture is commercial; the whole purpose in farming is to earn money. He showed a slide with a list of what CAN be put on the property without a CUP under the option of a Bona Fide farm.

County Manager Heath – Pointed out that Bona Fide Farms have statutory protections that solar farms do not.

Mr. McLaughlin – He met with a local land appraiser for the county who raises property value of solar farm land.

Mr. Heath – Pointed out that equipment on the property was 'business personal property' not 'real property' on one of the slides.

Mr. McLaughlin – Will change the slide wording to reflect what Mr. Heath said.

He showed an example of a farm in a different county, the Billy Fisher Farm, being "diversified". It had crops, trees, dog training, solar, cows, etc. He mentioned the Nellie Stevens Holly recently installed on the solar farm at Highway 17 and Snug Harbor Road. One slide showed a picture of a machine that pulls and vibrates the frame post out of the ground when disassembling solar site panels.

Chair Kahl asked for questions or comments from the Board.

AO Roberts – Asked about flood area and ditching on the flood slide. He is concerned about wet spots he is seeing on the site plan map.

Mr. McLaughlin – Ditches that are present will remain and if another ditch needs to be added then it will be. We work with the Department of Environmental Quality. Civil engineers will figure out the calculations.

Ms. Lassiter – Is the project period approximately 20 years?

Mr. McLaughlin – Panels will produce longer than 20. Lease agreement will be for 30 years.

Ms. Lassiter – Have you been associated with a project like this once it has been disassembled?

Mr. McLaughlin – No, I have not.

Ms. Lassiter – Who maintains the buffer during the project period?

Mr. McLaughlin – The project owner has to maintain the buffer and is responsible financially.

Ms. Lassiter – What happens to the buffer after the project ends? Does it remain?

Mr. McLaughlin --- The project owner is responsible for removing the buffer and decommissioning. At disassembly if the property owner wants to keep the buffer they need to tell the project owner.

Ms. Lassiter – My question for Frank is do we escrow any money for the decommissioning of the panels?

Mr. Heath – It is in the Conditional Use Permit (CUP).

Planner Godfrey – Look at (K)(1) and (2) on page 4 of 7 of CUP.

“(K) Applicant’s Obligation to Restore the Property at the end of the Lease Term: The Applicants, 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, heirs and assigns, shall restore such portions of the Property to a condition reasonably similar to its condition on _____, 2017, 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 the Lease between The Riddick Family Partnership and Alpha Value Solar, LLC, the Applicants, heirs and assigns shall restore the Site to substantially its RA (Rural Agricultural) condition as of the CUP approval date using prudent engineering practices where applicable, including, without limitation, the removal of (i) all improvements and solar farm related alterations on the subject Tax Parcel(s), without limitation, all fencing, roads, solar panels, racking, and pilings, and other improvements or alterations, and shall rough grade the Site to the same condition of level as existed as of the CUP approval date, and (ii) any electrical or communication or other utility poles, lines and connections (unless such lines, equipment, and connections are used in connection with subject Tax Parcel(s) and Property Owner elects to allow such lines and connections to remain); provided, however, that Applicant shall not be obligated to replant any crops or plants, and (iii) remove from such portions of the Property any Solar Energy System owned or installed by Applicant thereon, and (iv) 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 _____, 2017, specifically to a farmable condition.

Mr. Roberts – Do you deal with any solar farms where berms are used for buffers?

Mr. McLaughlin – I have seen about a hundred solar farms and I have not seen a berm yet, however I hear them discussed. It complicates the watershed issue.

Mr. Smith – Asked about property owner versus project system owner.

Planner Godfrey – We need to fix what we have here in the CUP. It needs to be clear that Alpha Value Solar and its heirs and assigns are responsible for the obligation of (K) in the CUP.

Mr. McLaughlin — Property owner has no liability; they might handle a downed tree. Project system owner is financially responsible for site access roads, maintaining the buffer, mowing, and any great issues.

Discussion ensued about which slides were most helpful and what public perceptions might be on some of them.

Mr. Heath – Is there a specific escrow account requirement in this CUP?

Ms. Godfrey – Not under the current regulations.

Mr. Heath – So no escrow is there. Basically decommissioning is required within 12 months of ceasing operations, but we don’t have a pile of money sitting there to draw on.

Mr. McLaughlin – People ask what about bankruptcy? He explained finances of decommissioning and scrapping the metal.

Chair Kahl asked if anyone in the audience had any questions, comments or concerns. Being none, he read each of the four Findings of Fact.

Mr. Roberts made a motion, seconded by Mr. Smith, to recommend approval finding that CUP-16-06 will not materially endanger the public health or safety if located according to the plan submitted and approved. The motion passed unanimously.

Ms. Lassiter made a motion, seconded by Mr. Roberts, to recommend approval finding that CUP-16-06 meets the required conditions and specifications. The motion passed unanimously.

Mr. Smith made a motion, seconded by Ms. Lassiter, to recommend approval finding that CUP-16-06 will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity. The motion passed unanimously.

Mr. Smith made a motion, seconded by Ms. Lassiter, to recommend approval finding that CUP-16-06 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 passed unanimously.

Ms. Lassiter made a motion, seconded by Mr. Moore, to recommend to the Board of County Commissioners (BCC) approval of Conditional Use Permit No. CUP-16-06, requested by Beth Trahos (for Alpha Value Solar, LLC), to operate a Large Scale, ground-mounted 5 MW Solar Power Energy System Facility behind 768 Ocean Hwy. South, on property owned by The Riddick Family Partnership and known as Tax Parcel No. 3-0049-00010A. The motion passed unanimously.

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Agenda Item III, Business Item B: Consideration of Parent-to-Child Deed of Gift No. NZV-16-02, requested by Wanda L. White for Brenda Johnson, for a one-acre lot (portion of Tax Parcel No. 4-0036-0130, located on Opals Trail, south of Swaynes Lane). Ms. Godfrey explained ordinarily Planning Staff would have the authority to sign off on a parent-to-child deed of gift, but this lot does not meet street access standards. There is no direct access from Swaynes Lane to the proposed lot. It is a third buildable lot on a private road that does not meet current State road construction standards. According to the Water Department Supervisor, water should not be a problem because a four inch service line runs down Swaynes Lane. Planner Godfrey noted that NC Department of Transportation (NCDOT) standards for local road widths have increased from 45 ft. to 50 ft. At the original creation of Opals Trail, it was designed for and met the NCDOT standard of 45 ft.

Mr. Kahl asked if a fire truck could get down Opals Trail. Mr. Moore said yes, farm equipment goes down it. Mr. Smith asked about a turn-around. Ms. Wanda White and Mr. C.T. White explained there was enough room for a turn-around of vehicles at a 'V' cut-out area just before the cemetery. Ms. White explained that Ms. Opal White passed away in 2015 and the granddaughter's parents never fully took care of the paperwork for this land even though the granddaughter was given it many years ago. Ms. Lassiter asked Planner Godfrey if there were any concerns from neighboring landowners. Ms. Godfrey replied no. **Ms. Lassiter made a motion, seconded by Mr. Smith, to recommend approval of proposed Case No. NZV-16-02, a Parent-to-Child Subdivision requested by Wanda V. White, Executor of the Opal V. White Estate, on behalf of the Estate and Charles T. White, to Gift Deed a one-acre parcel to fulfill the intent of Opal White's Last Will and Testament, located approximately 800 feet off Swaynes Lane (SR 1330), on the southeast side of Opals Trail, a Private 45' Right-of-Way and known as a portion of Tax Map No. 4-0036-0130.** Chair Kahl read Zoning Ordinance Section 206 Table of Findings in the affirmative stance. **Motion was unanimously approved.** Before leaving the room, Ms. White verified that the 45 ft. right-of-way is still okay. Mr. Smith and other Board members simultaneously responded 'yes'. Ms. Godfrey said the Board of County Commissioners will hear the case on February 6, 2017.

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Agenda Item IV, Other Items: A. Discussion: Request by BCC to revisit the County’s Solar regulations. Chair Kahl is concerned that some timeline issues are extremely old. As stated in November, he is proposing a joint work session between BCC and Planning Board so the BCC can tell the Planning Board what their priorities are in regards to the timeline.

Agenda Item IV, Other Items: B. Status Report on Previous Planning Board Recommendations:

- Timbermill, Apex Wind project – CUP-16-01** ---This was denied.
- Alpha-Value, LLC Solar – CUP-16-02** ---This was withdrawn and re-applied for tonight.
- Elliott Sand Mine of Tilden Whitehurst, Jr - CUP-16-03** ---This was approved.
- Sun Farm V, LLC solar project – CUP-16-04** --- This was denied.
- Ronald Etheridge II’s DWMH in Belvidere Historic District – CUP-16-05---** This was approved.

Agenda Item IV, Other Items: C. Chair’s signature on approved minutes

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Meeting adjourned at 8:32 p.m

Minutes approved this 14th day of February , 2017.

Paul Kahl

Rhonda Money

Chairperson

Recorder

Attachments: A (Sign In Sheet)

B Ortho-photo site plan of Alpha Value Solar site