

Perquimans County Planning Board

MINUTES

Tuesday, Oct 11, 2016

The Perquimans County Planning Board held its regular monthly meeting on Tuesday, October 11, 2016 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
Donald Manley
Lewis Smith

MEMBERS ABSENT: none

OTHERS PRESENT: Donna Godfrey, County Planner
Rhonda Money, GIS/Planning Assistant
Applicants
A Few Interested Citizens

Chair Paul Kahl called the meeting to order at 7:07 pm and opened with prayer.

Agenda Item I, Approval of Agenda: Mr. Roberts made a motion, seconded by Ms. Lassiter, to move Business Item III B ahead of Business Item III A so the two solar farms could be discussed together. 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 November 12, 2013; Rescheduled meeting of December 19, 2013; Regular Meetings of February 11, April 8, and September 9, 2014 and attached draft of *Rescheduled Meeting of August 2, 2016*.

Ms. Lassiter made a motion, seconded by Mr. Manley, to approve previous minutes of Rescheduled Meeting of August 2, 2016. The motion passed unanimously.

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Agenda Item III, Business Item A: Conditional Use Permit No. CUP-16-02, requested by Heath McLaughlin (for Alpha Value Solar, LLC), to operate a Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Highway South (US Hwy. 17), to include Tax

Parcel Nos. 3-0049-00010A and 3-0049-00016. Planner Godfrey gave a basic review of both solar farm facilities on the agenda and notified the Planning Board that the draft Conditional Use Permit before them is a general draft representing both solar farms being presented tonight. She will adjust them slightly to address minor differences with each project. Ms. Godfrey pointed out a few conditions and a discussion ensued about condition "I" and the terms 'property line' versus 'project boundary'. A question was raised as to how much right an applicant and landowner have to move the project boundary around a large parcel. It was concluded that some movement is reasonable; however it needs to be minimal so the Planning Board can vote on decisions regarding vegetation location requirements and protection of neighboring properties. Planner Godfrey suggests the applicant produce metes and bounds legal descriptions for both projects before they reach the Board of County Commissioners.

Mr. Heath McLaughlin, the applicant, made a presentation with large wall maps regarding both solar farm facilities. Unless the whole parcel is relatively small, he said only the footprint is actually leased after the facility placement is finalized. The number of acres written in the application is just a general number on the high side of an estimate. Planner Godfrey explained to him that the acreage in the application needs to be considered a maximum number. Mr. Kahl asked how many megawatts the project would be. Mr. McLaughlin said 5MW and moveable, tracking panels would be used. Ms. Money pointed out that Hertford's Extra-Territorial Jurisdiction (ETJ) line was really a little closer to the property line (farther northeast) than Mr. McLaughlin's maps showed; so he really had a little more space to work with. Ditches and flood-zones were discussed. Mr. McLaughlin acknowledged that he had a good discussion with the local Conservationist about where to keep ditches and how they drained. Ms. Shelley Layden asked the Planning Board to not be too restrictive on a site's footprint at this stage because technology is always changing and different panels or other equipment could cause a shift in size and layout of a solar facility.

An audience member asked where the driveway would be for the Alpha-Value facility. The applicant said it would be to the North side of the property (which was agreeable because the audience member was on the South side). An audience gentleman asked about the drainage ditch to the back-side of the Sun Farm V property and wanted to know who was going to be responsible for keeping the proper drainage flowing through it. Mr. McLaughlin said the project owner would be responsible for keeping the ditches clean. He expanded by saying that stormwater drainage is one of the most stringent conditions NC Department of Environmental Quality (DEQ) looks at. The local DEQ office is in Washington, NC so their employees come out to do site inspections regularly.

Planner Godfrey pointed out conditions K and J on page 4 of the draft Conditional Use Permit for CUP-16-02 which discuss stormwater management and acceptance of proposed culverts.

Mr. Roberts asked why roads are shown between solar panel rows on one farm but not the other. Mr. McLaughlin said he is waiting for soybeans to be harvested so soil tests and engineering tests, regarding road placement and optimal drainage, can be completed. Mr. Roberts asked what types of toxic chemicals are used in production of the solar panels and where are the panels made? He wants to make sure the panels can be taken down and disposed of in a landfill. Mr. McLaughlin

responded that politics are involved and that people sometimes get solar photovoltaic (pv) panels confused with solar thermal panels. Solar *photovoltaic* panels are made of silicon, silver, aluminum framing and glass; standard household items. Solar *thermal* panels used to have toxic fluid running through tubes. Pilings are galvanized steel. Panels can be recycled, ground-up into aggregate and used with asphalt. They are made in China, the United States, Mexico, Germany, India and Malaysia. They are all Tier 1 panels and are U.L. listed and have the same quality control no matter what country they come from.

Planner Godfrey discussed conditions A, P, Q & V. In condition 'A' she discussed language change to address the applicant's earlier concern about being too restrictive with project boundaries. Mr. Roberts pointed out that the bottom of condition 'A' looks like condition V. Ms. Godfrey explained that V is about access through a CH zone. She also wants to see an as-built survey after construction, but before operation begins (covered by conditions P&Q). Ms. Lassiter asked about the projects' construction time-frame. Mr. McLaughlin said late summer or early fall is when construction is anticipated to start; July and August are best. Then it takes 4 months to build. **Ms. Lassiter made a motion, seconded by Mr. Manley, to approve CUP-16-02 with Conditional Use Permit conditions that may be adjusted specifically for this project as needed by Planner Godfrey. The motion passed unanimously.**

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Agenda Item III, Business Item B: Conditional Use Permit No. CUP-16-03, requested by Tildon Whitehurst, Jr. to conduct a Sand Mining Operation to excavate a 10.80 acre pond on a 41.746 acre tract known as Tax Parcel # 5-0035-0023. Planning Assistant, Ms. Money, started the review with basic background information about this project being in an RA zone and the applicant having mined sand on adjacent property for close to 25 years. She stated the only issue that arose from the Technical Review Committee was a question as to where the ditch in the middle of the parcel will be re-directed once the sand is mined to that point. Mr. Tildon Whitehurst, Jr., the applicant, then spoke in regards to the ditch. He said the State came by to look at it to make sure it was not what they classify as a stream; they were satisfied calling it a ditch. It will take many years before the mine reaches that area, so the ditch will be adjusted when its intersection is imminent. Mr. Roberts asked if its purpose was to drain water away from the road or just from the field. Mr. Whitehurst said field drainage. Mr. Manley asked if there was any opposition from the neighbors, to which Mr. Whitehurst responded 'no'. Mr. Smith asked about the existing haul road. Discussion ensued regarding a construction entrance and its composition. Conditions on the first draft of CUP-16-03 were silently read by all. Ms. Money explained that conditions 6 and 7 were specific to the subject property based on information supplied by the applicant's company and the local Soil and Water Conservationist, Scott Alons. **Mr. Smith made a motion, seconded by Ms. Lassiter, to approve CUP-16-03 with conditions as written in the first draft of Conditional Use Permit CUP-16-03. The motion passed unanimously.**

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Agenda Item III, Business Item C: Conditional Use Permit No. CUP-16-04, requested by Heath McLaughlin (for Sun Farm V, LLC), to operate a Large Scale, ground-mounted Solar Power Energy System Facility in the 700-block of Ocean Highway South (US Hwy. 17), to include Tax Parcel Nos. 3-0049-00012 and 3-0049-00013. See discussion under Business Item A, above. Mr. Smith made a motion, seconded by Mr. Roberts, to approve CUP-16-04 with Conditional Use Permit conditions that may be adjusted specifically for this project as needed by Planner Godfrey. The motion passed unanimously.

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Agenda Item IV, Other Items: A. Status Report on Previous Board Recommendations: Timbermill Wind Energy Facility The quasi-judicial hearing is still going.

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

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Meeting adjourned at 8:43 p.m.

Minutes approved this 8th day of November, 2016.

Paul Kahl

Chairperson
Attachments: A (Sign In Sheet)

Rhonda Money

Recorder