

ONslow COUNTY BOARD OF ADJUSTMENT MEETING MINUTES

April 9, 2019

Onslow County Government Center

Commissioners' Chambers

234 NW Corridor Blvd., Jacksonville, NC 28540

BOARD MEMBERS WERE PRESENT:

Ms. Christina Asbury

Mr. Roger Brown

Mr. John Smith, Vice Chairman

Mr. Jerome Shaw, Chairman

Ms. Marilyn Bunce

Mr. Jeff Brown

PLANNING AND DEVELOPMENT DEPARTMENT MEMBERS PRESENT:

Benjamin Warren, Assistant County Manager

Angie Manning, Land Use Administrator

Jennifer Ansell, Chief Zoning Officer

Kourtney Powell, Administrative Assistant

I. MEETING CALLED TO ORDER

Mr. Jerome Shaw, Chairman, called the meeting to order at 6:30 p.m.

II. INVOCATION

Mr. Jerome Shaw pronounced the invocation.

III. PLEDGE OF ALLEGIANCE

Mr. Smith led all present in the Pledge of Allegiance.

IV. APPROVAL OF MINUTES AND DECISIONS

Ms. Asbury made the motion to approve the February 26, 2019 minutes. Mr. Smith seconded the motion. All members were in favor and the motion passed.

Mr. Jeff Brown made the motion to approve the March 12, 2019 minutes. Ms. Asbury seconded the motion. All members were in favor and the motion passed.

Mr. Smith made the motion to approve the Board Decision: SUP-2019-00001. Mr. Roger Brown seconded the motion. All members were in favor and the motion passed.

Mr. Roger Brown made the motion to approve the Board Decision: SUP-2019-00002. Mr. Jeff Brown seconded the motion. All members were in favor and the motion passed.

Ms. Asbury made the motion to approve the Board Decision: SUP-2019-00003. Mr. Roger Brown seconded the motion. All members were in favor and the motion passed.

Ms. Asbury made the motion to approve the Board Decision: SUP-2019-00004. Mr. Roger Brown seconded the motion. All members were in favor and the motion passed.

Ms. Asbury made the motion to approve the Board Decision: VAR-2019-00001. Mr. Jeff Brown seconded the motion. All members were in favor and the motion passed.

V. NEW BUSINESS

A. SUP-2019-00005—Catherine Lake Solar, LLC is requesting a Special Use Permit to install a ground-mounted solar energy system on property located at 1164 Pony Farm Road in Jacksonville, NC, Parcel ID 322-6.1:

Ms. Ansell provided an overview of the application SUP-2019-00005.

Applicant: Catherine Lake Solar, LLC

Summary of proposal: Catherine Lake Solar, LLC is requesting a Special Use Permit to install a ground-mounted solar energy system at 1164 Pony Farm Road in Jacksonville, NC. The property consists of approximately 92.6 acres, with approximately 33 acres in the proposed development area. There are no regulated wetlands on the site and the property is not located within the special flood hazard area.

Staff Recommended Conditions: A TRC was held on March 19, 2019 and staff is recommending the following conditions if the application is approved:

1. Fire apparatus access to the site should be provided as required by Section 605.11 and Appendix D of the NC Fire Code; and
2. A letter was received from the NC Commanders Council stating that they had no concerns over the project; however, should the project proposal be changed, further examination is requested to determine potential impacts.

Additional Information: A portion of the property along Richlands Highway is located within the Flight Path Overlay District. The applicants have been in contact with Chris White, Airport Director at Albert J. Ellis Airport, to review the solar glare hazard analysis reports for the proposed system.

Zoning District Summary: The property is in the Rural (RA) zoning district.

Access/Traffic: The 2016 NCDOT Annual Average Daily Traffic (AADT) counts show 4,100 vehicle trips per day along Pony Farm Road in the vicinity of the site, and 28,000 vehicle trips per day along Richlands Highway. The addition of the solar farm to the site should not have an impact on current traffic conditions as the site will be unmanned, and access will be restricted to personnel only.

Comprehensive Plan (CAMA Core Land Use Plan): The Comprehensive Plan, Future Land Use Map, designates this property as Medium Density Residential (MDR).

Chrissy Valcourt, 1A Robins Roost, Whispering Pines, NC 28327.

Ms. Valcourt stated that she is a developer with Greengo Energy. She stated that they have been in contact with Brian Kelly, the Fire Marshall, and have provided a fire access. The site will be enclosed by a 6 feet high fence and they will be using a combination of planted and existing vegetation. Access will be off of Pony Farm Road and they will be getting the appropriate DOT permit. All streams have been marked by an environmental consultant and they will not be impacting any waters on the site.

Mr. Smith asked about the size of the individual panels.

Ms. Valcourt showed the Board an example of the panel. She stated it weighs about 25 pounds and is encased in glass. She explained that there would be approximately 55,000-56,000 of these solar panels on the site.

Mr. Roger Brown asked if the solar panels are recyclable.

Ms. Valcourt answered that they are recyclable.

Mr. Smith asked how many of these are stacked on one rack.

Ms. Valcourt stated that there are 4 panels on each rack.

Mr. Roger Brown asked if they have other sites that they have developed with these solar panels and if they have had any problems with them.

Ms. Valcourt stated that they have 5 sites that are currently being constructed and they have no problems.

Mr. Shaw asked where they envision the solar panel business going. He asked if you see solar farms everywhere or if there is a limited need.

Ms. Valcourt responded that there is more of an influx on the east coast and stated that they are supplying the grid with a cheap source of energy.

Ms. Asbury added that solar farms are a way to keep land in the family's name for a period of time.

Ms. Valcourt stated that statistically there is less than 1% of land being used for solar farms currently in North Carolina.

Mr. Smith asked what the life expectancy was for one of the panels.

Ms. Valcourt answered that the manufacturer offers a 25-year power production guarantee.

Mr. Jeff Brown asked what determines the size of the area where these solar panels are installed.

Ms. Valcourt answered that the size depends on the capacity of the substation.

Mr. Smith asked if there will be a building on this site.

Ms. Valcourt stated there will be no building on this site. She stated that the solar farm is monitored remotely so they will know if something goes down.

Chris Sandifer, 3118 Green Road, Spring Hope, NC.

Mr. Sandifer stated that if the project is constructed according to the plans, it will not materially endanger the health or safety of the residents in Onslow County. He stated that he grew up on a farm and they currently have 100 acres with solar panels on it. He explained that the Utilities Commission has determined that solar panels are a public necessity for these sites. He expressed that he was available for any questions the Board may have about health and safety or the installation of these solar panels.

Ms. Bunce asked if he could address the noise level of these solar systems.

Mr. Sandifer answered that he is not sure of what kind of inverter they plan to use, but if they use a central inverter, it will be located in the center of the panels and so the panels will act as a muffler. He stated they will make a sound very similar to an air conditioner running, but at the property boundary, you will not be able to hear it.

Ms. Bunce asked if there would be an easement dedicated to the existing family cemetery on the property and if it would be protected from any traffic.

John Burton, 624 Blawell Circle, Stedman, NC 28391.

Mr. Burton stated that most of his family that was buried there has been moved to Onslow Memorial Park. He stated that it has not been used as a family cemetery for 50 years. There are some family members buried there, but he is not aware of any family members or extended family members who have asked for access to the cemetery. The cemetery will not be fenced off, so family members are still able to access the cemetery through the site.

Damon Bidencope, 224 S. Caswell Road, Charlotte, NC 28204.

Mr. Bidencope provided an affidavit and stated that, in his professional opinion, the installation of this facility will not injure the value of the abutting properties and is in general harmony with the surrounding area. Mr. Bidencope was available for any questions the Board may have.

Jon Burke, 15639 Sprucewood Road, Charlotte, NC 28278.

Mr. Burke stated that he was the President of Greengo Energy and he was available for any questions the Board may have.

Mr. Shaw announced that the five regular members will be voting in this case.

First General Conclusion: That the special use, if approved, will not materially endanger the public health or safety, if located where proposed according to the plan submitted and approved. Ms. Asbury made a motion to approve the finding with the condition that a fire apparatus access be added and the letter from the NC Commanders Council be acknowledged if any changes are made. Mr. Roger Brown seconded the motion. Ms. Asbury stated it is a ground-mounted system, it appears to meet all buffering requirements, traffic will be minimal, and it is an unmanned site. The motion passed by unanimous vote.

Second General Conclusion: That the use meets all special uses and specifications. Mr. Smith made a motion to approve the finding. Ms. Asbury seconded the motion. Mr. Smith stated that the application appears to be compliant with all the standards. The motion passed by unanimous vote.

Third General Conclusion: That the use would not substantially injure the value of the adjoining or abutting property, or that the use is a public necessity. Ms. Asbury made a motion to approve the finding. Mr. Jeff Brown seconded the motion. Ms. Asbury stated that a detailed report was provided by a licensed appraiser stating that there would be no impact on the value of adjoining or abutting properties. The motion passed by unanimous vote.

Fourth General Conclusion: That the location and character of the use, if developed according with the plan as submitted and approved, will be in harmony with the area in which it was to be located and in general conformity with the Onslow County Comprehensive Plan and other Onslow County Ordinances. Ms. Asbury made a motion to approve the finding. Mr. Roger Brown seconded the motion. Ms. Asbury stated that the use is utility and it is supportive of the residential uses that are around it. The motion passed by unanimous vote.

B. SUP-2019-00006—Swansboro Solar, LLC is requesting a Special Use Permit to install a ground-mounted solar energy system on property located at 1840 Belgrade-Swansboro Road in Maysville, NC, Parcel ID 1144-9:

Ms. Ansell provided an overview of the application SUP-2019-00006.

Applicant: Swansboro Solar LLC

Summary of proposal: Swansboro Solar, LLC is requesting a Special Use Permit to install a ground-mounted solar energy system at 1840 Belgrade-Swansboro Road in Maysville, NC. The property consists of approximately 450 acres, with approximately 31 acres in the proposed development area. There are regulated wetlands on the site, but they will not be impacted by the proposed development. A portion of the property is within the AE special flood hazard area, but the proposed development will be constructed outside of this area.

Staff Recommended Conditions: A TRC was held on March 19, 2019 and staff is recommending the following condition if the application is approved:

1. Fire apparatus access to the site should be provided as required by Section 605.11 and Appendix D of the NC Fire Code.

Additional Information: The applicant notified Epley Airport which is within five nautical miles of the site as required by Article XIII, but no comments have been received for the proposed system.

Zoning District Summary: The property is in the Rural (RA) zoning district.

Access/Traffic: The 2016 NCDOT Annual Average Daily Traffic (AADT) counts show 2,800 vehicle trips per day along Belgrade-Swansboro Road in the vicinity of the site. The addition of the solar farm to the site should not have an impact on current traffic conditions as the site will be unmanned, and access will be restricted to personnel only.

Comprehensive Plan (CAMA Core Land Use Plan): The Comprehensive Plan, Future Land Use Map, designates this property as Agricultural/Forestry.

Chrissy Valcourt, 1A Robins Roost, Whispering Pines, NC 28327.

Ms. Valcourt stated the streams on the property have been marked by their environmental consultants and they will be staying away from them. They will be using existing and planted vegetation. She stated that they have shown fire access around the perimeter of the site on the site plan.

Ms. Asbury asked if this was the same set up as Catherine Lake Solar.

Ms. Valcourt confirmed it was the same set up.

Mr. Shaw asked how much farm land was being taken up.

Ms. Valcourt answered that 10% of farm land was being used.

Chris Sandifer, 3118 Green Road, Spring Hope, NC.

Mr. Sandifer stated that if the project is constructed according to the plans, it will not materially endanger the health or safety of the citizens in Onslow County.

Damon Bidencepe, 224 S. Caswell Road, Charlotte, NC 28204.

Mr. Bidencepe stated that there are other facilities in this area that do exist currently, and he stated he was available for any questions.

Jon Burke, 15639 Sprucewood Road, Charlotte, NC 28278.

Mr. Burke stated that these properties create discretionary property tax revenue to rural communities which allows communities to decide where to invest that money. He stated that solar farms are an enhancement to the communities.

First General Conclusion: That the special use, if approved, will not materially endanger the public health or safety, if located where proposed according to the plan submitted and approved. Mr. Jeff Brown made a motion to approve the finding with the condition that a fire apparatus access be added. Mr. Smith seconded the motion. Mr. Jeff Brown stated it does not appear to endanger the public health or safety. The motion passed by unanimous vote.

Second General Conclusion: That the use meets all special uses and specifications. Mr. Smith made a motion to approve the finding. Ms. Asbury seconded the motion. Mr. Smith stated that the application appears to be compliant with all the standards. The motion passed by unanimous vote.

Third General Conclusion: That the use would not substantially injure the value of the adjoining or abutting property, or that the use is a public necessity. Ms. Asbury made a motion to approve the finding. Mr. Roger Brown seconded the motion. Ms. Asbury stated that an impact study was provided by a licensed appraiser showing that there is no impact on the adjoining or abutting properties. The motion passed by unanimous vote.

Fourth General Conclusion: That the location and character of the use, if developed according with the plan as submitted and approved, will be in harmony with the area in which it was to be located and in general conformity with the Onslow County Comprehensive Plan and other Onslow County Ordinances. Mr. Roger Brown made a motion to approve the finding. Mr. Jeff Brown seconded the motion. Mr. Roger Brown stated that the use is utility and it abuts another solar farm. The motion passed by unanimous vote.

C. SUP-2019-00007—Onslow Solar, LLC is requesting a Special Use Permit to install a ground-mounted solar energy system on property located at 1100 Belgrade-Swansboro Road in Jacksonville, NC, Parcel ID 1152-2:

Ms. Ansell provided an overview of the application SUP-2019-00007.

Applicant: Onslow Solar, LLC

Summary of proposal: Onslow Solar, LLC is requesting a Special Use Permit to install a ground-mounted solar energy system at 1100 Belgrade-Swansboro Road in Hubert, NC. The property consists of approximately 67.6 acres, with approximately 30 acres in the proposed development area. There are regulated wetlands on the site, but they will not be impacted by the proposed development. The property is not located within the special flood hazard area.

Staff Recommended Conditions: A TRC was held on March 19, 2019 and staff is recommending the following condition if the application is approved:

1. Fire apparatus access to the site should be provided as required by Section 605.11 and Appendix D of the NC Fire Code.

Additional Information: Correspondence was received from the NC Commanders Council stating that they had no concerns over the project.

Zoning District Summary: The property is in the Rural (RA) zoning district.

Access/Traffic: The 2016 NCDOT Annual Average Daily Traffic (AADT) counts show 3,900 vehicle trips per day along Belgrade-Swansboro Road in the vicinity of the site. The addition of the solar farm to the site should not have an impact on current traffic conditions as the site will be unmanned, and access will be restricted to personnel only.

Comprehensive Plan (CAMA Core Land Use Plan): The Comprehensive Plan, Future Land Use Map, designates this property as Agricultural/Forestry.

Chrissy Valcourt, 1A Robins Roost, Whispering Pines, NC 28327.

Ms. Valcourt stated that they have provided fire access around the perimeter of the site. She stated they will be using existing and planted vegetation on this site. There will be a fence around the solar panels and they will not be impacting any of the wetlands.

Mr. Jeff Brown asked what would happen if these solar panels went under water.

Ms. Valcourt responded that the power would go out. The solar panels are encased in glass and they would not leach if submerged in water.

Mr. Jeff Brown asked what the wind rating was for the solar panels.

Ms. Valcourt answered that the wind speed is 115 mph. She stated that if the glass were to crack, they are designed to stay intact similar to a windshield.

Mr. Roger Brown asked how long it takes to construct a solar farm.

Ms. Valcourt answered that it takes approximately 4-6 months to construct a solar farm depending on if any clearing or grading is needed on the site.

Mr. Shaw asked if they anticipate building all 3 solar farms this year.

Ms. Valcourt responded that they do intend to build all 3 this year.

Mr. Smith asked if there would need to be any grading work done at this site.

Ms. Valcourt answered there will be no grading work performed on this site.

Ms. Asbury asked what stormwater impacts there would be from these solar panels.

Chris Sandifer, 3118 Green Road, Spring Hope, NC.

Mr. Sandifer stated that NCDEQ has ruled that these types of panels do not increase the impervious area. He stated that because the panels are so short, the water runs off onto the grass and recharges the aquifer directly. Mr. Sandifer stated that if the project is constructed according to the plans, it will not materially endanger the health or safety of Onslow County.

Ms. Valcourt clarified that they will be using string inverters, which are smaller. The reason for using these inverters is so that if one goes out, it does not take out the rest of the power plant.

Damon Bidencepe, 224 S. Caswell Road, Charlotte, NC 28204.

Mr. Bidencepe stated that during their research, they found that none of the surrounding properties would suffer from any impacts from the construction of this solar farm if designed according to the plans.

Jon Burke, 15639 Sprucewood Road, Charlotte, NC 28278.

Mr. Burke shared information about solar farms having a local and state benefit in tracking economic development to the State of North Carolina. With no fuel costs, there are some of the lowest costs to attract others to come locate to the North Carolina. He shared that there are short term and long-term positive impacts from solar farms.

Mr. Roger Brown asked if the coal ash lawsuit was going to affect their pricing.

Mr. Burke answered that it would not affect their pricing. They have a fixed price set with Duke Energy.

Mr. Shaw asked how they determine their site locations and if Duke has a role in that process.

Mr. Burke responded that some of Duke's infrastructure in some areas are old that does not allow for solar panels to be constructed on that site. If a site needs to be upgraded, it is paid for by the investors, which is an enhancement to the communities where they are located. Mr. Burke stated that site selection is a very challenging aspects of their process.

First General Conclusion: That the special use, if approved, will not materially endanger the public health or safety, if located where proposed according to the plan submitted and approved. Ms. Asbury made a motion to approve the finding with the condition that a fire apparatus access be added. Mr. Smith seconded the motion. Ms. Asbury stated it appears to meet buffering requirements and traffic will be minimal. The motion passed by unanimous vote.

Second General Conclusion: That the use meets all special uses and specifications. Mr. Jeff Brown made a motion to approve the finding. Mr. Smith seconded the motion. Mr. Jeff Brown stated that it appears to meet all of the special uses. The motion passed by unanimous vote.

Third General Conclusion: That the use would not substantially injure the value of the adjoining or abutting property, or that the use is a public necessity. Mr. Smith made a motion to approve the finding. Ms. Asbury seconded the motion. Mr. Smith stated that there is an extensive evaluation from a licensed appraiser showing that it will not impact the adjoining sites. The motion passed by unanimous vote.

Fourth General Conclusion: That the location and character of the use, if developed according with the plan as submitted and approved, will be in harmony with the area in which it was to be located and in general conformity with the Onslow County Comprehensive Plan and other Onslow County Ordinances. Mr. Roger Brown made a motion to approve the finding. Mr. Smith seconded the motion. Mr. Roger Brown stated that the use is utility and all of the residents in the area are all kin. The motion passed by unanimous vote.

VI. COMMENTS:

Mr. Benjamin Warren announced to the Board of Adjustment that as of April 15, 2019, he would no longer be the Planning and Development Director. He introduced Interim Director, Jessica Rhue to the Board.


VII. ADJOURNMENT

There being no further discussion, the meeting was adjourned at 7:45 p.m.



Jerome Shaw, Chairman

ATTEST:



Kourtney R. Powell, Administrative Assistant