

CURRITUCK COUNTY
NORTH CAROLINA
June 2, 2014

The Board of Commissioners met in the Historic Courthouse Conference Room at 6:00 PM for a work session on Compatibility Standards with Donna Voliva, Senior Planner. Commissioners agreed that Planning should move forward with preparing a text amendment for review incorporating transition areas, conservation subdivisions, and planned development acreages.

The Board of Commissioners met at 7:00 PM for its regularly scheduled meeting at the Historic Courthouse in the Board Meeting Room with the following members present: Chairman Paul O'Neal, Vice-Chair Paul Martin, Commissioners Gilbert, Griggs, McCord and Petrey. Commissioner Aydlett was absent due to illness.

Chairman O'Neal called the meeting to order at 7:00 PM and announced that the Board had met in a work session at 6:00 PM on Compatibility Standards.

A) Invocation

Reverend Kimberly Ferebee gave the invocation.

B) Pledge of Allegiance

Reverend Kimberly Ferebee led the Pledge of Allegiance.

C) Approval of Agenda

Chairman O'Neal added Item 4. Project Ordinance for Central Elementary School Parking and Item 5. Resolution Opposing Any Action by the NC General Assembly to Require the UNC Board of Governors to Study the Feasibility of Dissolving or Developing a Plan to Dissolve Elizabeth City State University, under Consent Agenda, and deleted the Closed Session. Commissioner Gilbert moved to approve the agenda as amended. Commissioner Martin seconded the motion. Motion carried unanimously.

APPROVED AGENDA

Work Session

6:00 PM Compatibility Standards

7:00 pm Call to Order

- A) Invocation-Reverend Kimberly Ferebee, New Bethlehem Church of Christ/DC
- B) Pledge of Allegiance
- C) Approval of Agenda
- D) Public Comment

Please limit comments to items not appearing on the regular agenda; please limit comments to 3 minutes.

Administrative Reports

- A) **Presentation by Chris Turner, Wildlife Resources Commission, on Coyotes**
- B) ~~Presentation by Jennifer Albanese-Interfaith Community Outreach, Inc.~~
Presentation not given

Public Hearings

- A) **Consideration and Action:** PB 90-07 Pine Island, PUD: Request an amended sketch plan/use permit to allow 6 additional lots, reconfigure the beach club property and Lot 2R, removal of 3.35 acres of commercial allocation from the racquet club lot, and re-establishing 3 acres commercial allocation north of the fire station on the west side of NC 12, Tax Map 128, Parcels 2D and 2E, and Tax Map 127, Parcel 3M, Poplar Branch Township.
- B) **Consideration and Action:** PB 14-05 The Gables: Request a preliminary plat/use permit for 66 residential lots located on the north side of Guinea Road, approximately 0.75 mile from the intersection of Caratoke Highway and Guinea Road, Tax Map 22, Parcels 64A, 64E, and 71B, Moyock Township.
- C) **Consideration and Action:** PB 14-09 Currituck County – Utility Use Landscaping: Request to amend the Unified Development Ordinance Chapter 5: Development Standards to create an alternative landscape plan for utility uses.
- D) **Consideration and Action:** PB 14-07 Ecoplexus, Inc.: Request for a use permit for a solar array (solar energy farm) located in Shawboro on Shawboro Road directly across from Shawboro Elementary School, Tax Map 33 Parcel 1C, Crawford Township.

Old Business

- A) **Consideration of Motion to Repeal Direction of Board of Commissioners Remanding PB14-03 Currituck County: Outdoor Shooting Ranges to the Planning Board**

New Business

- A) **Presentation of FY 2014-2015 Budget and Set Date for Public Hearing**
- B) **Board Appointments:**
 - 1. Appointment to Senior Citizens Advisory Board
- C) **Consent Agenda:**
 - 1. Approval of May 19, 2014 Minutes
 - 2. CDBG Monthly Status Report
 - 3. Change Orders – Generator Sets for YMCA and NC Cooperative Ext Complexes
 - 4. Project Ordinance for Central Elementary School Parking
 - 5. Resolution Opposing Any Action by the NC General Assembly to Require the UNC Board of Governors to Study the Feasibility of Dissolving or Developing a Plan to Dissolve Elizabeth City State University
- D) Commissioner's Report
- E) County Manager's Report

Special Meeting

Tourism Development Authority

Presentation of FY 2014-2015 Tourism Development Authority Budget and Set Date for Public Hearing

Closed Session

~~Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney in order to preserve attorney-client confidentiality in the matter entitled Swan Beach Corolla, LLC v. Currituck County~~

Adjourn

D) Public Comment

Chairman O'Neal opened the Public Comment period.

Mary Etheridge, Shawboro, stated her family had been in litigation with the County regarding approval of a junkyard in Shawboro, and had won the lawsuit. Not every entity approved. Commissioner Etheridge went to the Technical Review Committee with the applicant. Five out of 30 approved the request. She quoted the Unified Development Ordinance regarding spot

zoning and showed pictures of the grain bins she sees from her back door and as well as an example of a recycling center. She noted she would rather see the grain bins.

Chairman O'Neal showed pictures of a recycling center and also noted a case of pollution in the groundwater in Shawboro. He asked County Attorney McRee about a State file on the site of an old filling station which is leaching hydrocarbons and petroleum products. Mr. McRee was to contact the State again to learn what steps were being taken to mitigate the pollution. Chairman O'Neal also showed pictures of the grain bins and office which the applicant was going to take down, noting these were commercial buildings. He also pointed out that Central Fertilizer was a commercial use in the same vicinity. Station Lane was the location of concern about gasoline leaching and Mr. McRee confirmed the filling station site was owned by Ray Etheridge.

Cameron Lowe, Aydlett, Extension Director, was present to remind everyone about the Extension Centennial on September 20 at the Rural Center. Also that day would include the Currituck County Heritage Festival. Visitors would be able to walk the time line of Extension. She also announced 4-H Summer Day Camps and youth participation in the State 4-H Horse Competition and Congress in Raleigh.

Ginger Sikes, Currituck, stated she had been volunteering with the animal shelter since 1991. Animal Lovers Assistance League (ALAL) has been operating nine years. She related the total donations received by ALAL and volunteer hours worked as well as the adoption rate. She shared a copy of the Sheriff's investigative report regarding recent complaints which she stated were without merit. She stated they had saved thousands of animals.

Frances Walker, Sligo, testified to the financial stability of ALAL and that the audits were in good order. She requested that the County continue to award the animal shelter bargain contract to ALAL.

Julia Brennan, Moyock, a volunteer with ALAL and Board of Directors member, related her daughter was also a volunteer. She praised Ginger Sikes for her volunteer service. ALAL receives large donations because they do a good job. She praised the other volunteers as well and noted the annual report was available.

Jen Symonds, Aydlett, stated that ALAL should retain the contract. She noted some volunteer awards received by the group.

Georgia Greggs, Moyock, stated she assists Frances Walker and no checks had been written to Ginger Sikes for salary or wages. She also noted Frances Walker had been awarded the Order of the Long Leaf Pine.

Karen Pierce, Coinjock, asked the Board to keep restrictions on shooting ranges as much as possible. They violate the quality of life and should be put in an industrial area. She thanked citizens for support of Teresa Wheeler, remarked that someone should be accountable for vehicles in the ocean, and expressed support for ALAL.

At the Chairman's request, County Manager Dan Scanlon related the Highway Patrol had completed the investigation of the Ocean Rescue truck left in the ocean by an Ocean Rescue employee. He understood citations were issued. The County was not paying for anything that was damaged as a result.

Larry Mushill, Moyock, asked for assistance for Brayview Landing streets which are in terrible shape with potholes.

Chairman O'Neal requested staff to get in touch with NC Department of Transportation (NCDOT) to request an on-site visit to assess repairs needed. Mr. Mushill was to receive the phone number for the NCDOT so he could contact them as well.

Commissioner Griggs noted a similar situation in Point Harbor which Mr. Scanlon had forwarded to NCDOT 45 days ago with no response.

Troy Moser, Moyock, spoke about the outdoor shooting ranges. He related that many guns had been sold, several conceal and carry classes had been taught as well as handgun safety classes. There was no proper place to shoot. He felt it was time to address the situation. Surrounding counties have facilities. These businesses are good stewards and good neighbors.

Commissioner Petrey asked about indoor range requirements to which Mr. Moser responded that outdoor ranges are more like the real world. Indoor ranges are also cost prohibitive.

Sybil O'Neal, Maple, stated the Board of Commissioners is elected to serve the County needs. She remarked on bullying by Chief Glover and that the County Manager could not do his job. Glover could be put on administrative leave. Bullies will not be tolerated.

Larry Simmons, Moyock, handed a social media letter with the Chairman regarding the investigation of Glover. He stated nothing has happened. He remarked on the problems with Brayview Landing roads as well. Taxpayers deserve an answer.

Mike Shannon, Moyock, quoted State and Federal law on retaliation and unlawful discrimination. He asked why nothing had been done.

Richard LaBounty, Elizabeth City, stated that bullying is against the law. There are 8 signs of bullying of which he related several. He noted the previously submitted letters embody these signs. Glover needs to go.

Chairman O'Neal related Attorney John Leidy, the HR Director and Paralegal had formed a committee to give employees the opportunity to come forward to go on record with their grievances.

Chris Marick and Blake Buchert, Kitty Hawk, Ocean Atlantic Rentals, rental of beach equipment, stated they understood the unattended items ordinance; however, their equipment was expensive and should not be thrown in dumpsters. Other areas allow them to retrieve their property when it is picked up from the beach and they asked for the same courtesy from Currituck County.

County Manager Dan Scanlon explained the time constraints on the contractor.

Chairman O'Neal expressed the need to fix the problem.

Staff was to meet with the contractor and rental companies to resolve.

Rob Schreyer, Moneysworth Rentals, requested a pickup point be set aside for rental companies.

There being no further comments, Chairman O'Neal closed the Public Comment period.

Administrative Reports

A) Presentation by Chris Turner, Wildlife Resources Commission, on Coyotes

Chris Turner, District 1 Wildlife Biologist with the Wildlife Resources Commission gave a description of varying colors of coyotes and explained they have migrated to the point they are located everywhere. They are adaptable. He related there is a trapping season but coyotes may be hunted year round, even at night. Citizens should watch food sources outside homes to prevent attracting coyotes. For more information, citizens should go to ncwildlife.org.

~~B) Presentation by Jeniffer Albanese-Interfaith Community Outreach, Inc.~~

No one was present to give the presentation.

Public Hearings

A) Consideration and Action: PB 90-07 Pine Island, PUD: Request an amended sketch plan/use permit to allow 6 additional lots, reconfigure the beach club property and Lot 2R, removal of 3.35 acres of commercial allocation from the racquet club lot, and re-establishing 3 acres commercial allocation north of the fire station on the west side of NC 12, Tax Map 128, Parcels 2D and 2E, and Tax Map 127, Parcel 3M, Poplar Branch Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning and Community Development Director, reviewed the request including staff, Technical Review Committee and Planning Board recommendations.

CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: June 2, 2014
PB 90-07 Pine Island, PUD

ITEM: PB 90-07 Pine Island, PUD, amended sketch plan/use permit to allow 6 additional lots, reconfigure the beach club property and Lot 2R (diner lot), remove of 3.35 acres of commercial allocation from the racquet club lot, and re-establish 3 acres commercial allocation north of the fire station on the west side of NC 12.

LOCATION: Corolla: Pine Island PUD, Poplar Branch Township

TAX ID: 0128-000-002E-0000
0128-000-002D-0000
0127-000-003M-0000

ZONING DISTRICT: SFO (Single Family Residential Outer Banks) Base District with PUD Overlay

PRESENT USE: Planned Unit Development

OWNER:

0128-000-002E-0000	PI Beach Club, LLC	1100 C.S. Stratford Road, Suite 300 Winston Salem, NC 27103
0128-000-002D-0000	PI Open Space, LLC	1100 C.S. Stratford Road, Suite 300 Winston Salem, NC 27103
0127-000-003M-0000	Turnpike Properties PI Diner, LLC	1100 C.S. Stratford Road, Suite 300 Winston Salem, NC 27103

APPLICANT: Quible & Associates, PC
PO Drawer 870
8 Juniper Trail
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential (Currituck Club)	SFO -PUD Overlay
SOUTH:	Dare County	N/A
EAST:	Atlantic Ocean	N/A
WEST:	Undeveloped	SFO

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Full Service within the Corolla subarea.

SIZE OF SITE: 366.22 acres

NUMBER OF UNITS: 340 units

PROJECT DENSITY: 0.99 units/acre

COMMERCIAL ALLOCATION:

30.91 acres proposed
36.62 maximum allowed (10%)

OPEN SPACE:

142.1 acres proposed
128.18 acres required (35%)

UTILITIES:

The proposed development will be served by Southern Outer Banks Water System (SOBWS) and Pine Island Currituck, LLC (PICLLC) wastewater system.

RECREATION AND PARK AREA:

The required park area dedication is 0.153 acres. The TRC will review the park area dedication with Phase 9 preliminary plat.

I. NARRATIVE OF REQUEST:

- The applicant is requesting amended sketch plan/use permit approval of the following:

- 6 additional lots (residential)
- Reconfiguration of open space
- Relocation of commercial allocation
- The developer is requesting 3.35 acres of commercial allocation be removed from the racquet club property. This request would revert the racquet club lot SFO with PUD overlay and the property would remain in open space.
- The developer is requesting 3 acres commercial allocation on land located to the north of the fire station on the west side of NC 12 (Ocean Trail). This land is currently open space zoned SFO with PUD Overlay.
- The applicant is removing a section of the Currituck County Emergency Beach Access and Hatteras Ramp located at the current beach club lot. The site is proposed for residential lots and a portion of the hatteras ramp will be relocated.

II. USE PERMIT REVIEW STANDARDS:

Use Permit Criteria and Staff Findings:

Use permits (UP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the UP procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

In order to approve a UP, certain criteria must be satisfied. The criteria and staff findings of fact are outlined as follows:

1. *The use will not endanger the public health or safety.*

Based on the suggested finding provided by the applicant, staff has determined it is probably true that the use will not endanger the public health or safety.

Suggested Findings:

- a. The proposed residential use is intended to be served via the existing roadway, the recreational uses are existing and will remain. The commercial use will be in harmony with the surrounding uses and the northern adjoining PUD.

2. *The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.*

Based on the suggested findings provided by the applicant, staff has determined it is probably true that the use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Suggested Findings:

- a. The proposed residential use will simply be an extension of the recently developed PIR residential development. The commercial use will blend in well between the Currituck Club commercial and the municipal services to the south.

3. *The use will be in conformity with the Land Use Plan or other officially adopted plan.*

Based on the suggested findings, staff has determined it is probably true that the use will be in conformity with the Land Use Plan or other officially adopted plans.

Suggested Findings:

The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea.

The Full Service area identifies a residential base development density to be 2 units per acre, but could be increased to 3-4 units per acre through overlay zoning depending upon services available and potential impacts on the surrounding area.

The policy emphasis for the Corolla subarea is to allow for predominately medium density residential development (2 to 3 units per acre) with minimal commercial development

arranged in clusters. An overall density of no more than 3 units per acre should apply to PUDs with a mandated 30% permanent open space requirement.

The proposed use is in keeping with the policies of the plan, some of which are:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

4. *The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.* Based on the suggested findings, staff has determined it is probably true that the use will not exceed the county's ability to provide adequate public facilities, including but not limited to schools, fire and rescue, law enforcement, and other county facilities.

Suggested Findings:

- a. The existing roadways are proposed to be utilized for the proposed SFD lots, existing utility services are proposed to service the new uses, wastewater capacity is available, and on-site stormwater management is proposed to address additional runoff.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends conditional approval of the amended sketch plan/use permit subject to the following:

1. The Currituck County emergency beach access and hatteras ramp located on proposed lot 1A shall be relocated in a 20' easement. The developer will remove vegetation within the easement, install an emergency access that is equivalent to the existing crossing (i.e. surface, stabilization).

2. A pedestrian easement and access shall be provided along the western side of NC 12 Phase 1 commercial tract. In addition, a pedestrian crossing shall be provided at the southern beach access.
3. The following plan corrections shall be provided:
 - a. Remove LBH reference from the racquet club in the Summary Data Table (Development Areas).
 - b. Correct the development area calculated acreage that equals a calculated total 366.22 acres (including open space, total commercial allocation.
 - c. Correct the total commercial acreage to a calculated total 30.92 acres.
 - d. Add Turnpike Properties to the General Notes (Owners).
 - e. Remove Phase 9 Note on Sheet 4 of 5 or correct to reflect the ordinance language.

IV. PLANNING BOARD RECOMMENDATION:

Mr. Cooper moved to approve PB 90-07 with the findings of fact and staff recommendations included in the case analysis. Mr. Craddock seconded the motion and motion carried unanimously.

PLANNING BOARD DISCUSSION (5.13.14)

Mr. Cooper asked if the commercial allocation is the same size.

Ms. Voliva said not exactly, 3.35 acres of commercial allocation will be removed from the racquet club lot, and re-establish 3 acres commercial allocation north of the fire station on the west side of NC 12.

Mr. Strader, Quible & Associates said staff did a good job explaining the staff analysis. The proposed plan is in compliance with the Land Use Plan (LUP) and the applicant is agreeable with all conditions. Mr. Strader will be glad to answer any questions the board may have.

PLANNING BOARD ACTION

Mr. Cooper moved to approve PB 90-07 with the findings of fact and staff recommendations included in the case analysis. Mr. Craddock seconded the motion and motion carried unanimously.

Chairman O'Neal opened the Public Hearing.

Tom Nash, Attorney for the applicant, had no comments.

Michael Strader, Quible & Associates, had no comments.

There being no further comments, Chairman O'Neal closed the Public Hearing.

Commissioner Petrey moved to approve PB-07 with the staff findings and recommendations include in the case analysis that the use will not endanger the public health or safety, the use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located, the use will be in conformity with the Land Use Plan or other officially adopted plan, and the use will not exceed the county's ability to provide adequate public facilities; including but not limited to, schools, fire and rescue law enforcement, and other county facilities. Commissioner Gilbert seconded the motion. Motion carried unanimously.

B) Consideration and Action: PB 14-05 The Gables: Request a preliminary plat/use permit for 66 residential lots located on the north side of Guinea Road, approximately 0.75 mile from the intersection of Caratoke Highway and Guinea Road, Tax Map 22, Parcels 64A, 64E, and 71B, Moyock Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning and Community Development Director, reviewed the request including staff, Technical Review Committee and Planning Board recommendations.

CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: June 2, 2014
PB 14-05 The Gables

ITEM: PB 14-05 The Gables preliminary plat/use permit for 66 residential lots in a traditional subdivision.

LOCATION: Moyock: located on the north side of Guinea Road, the subdivision entrance is approximately 0.75 mile from the intersection of Caratoke Highway and Guinea Road, Moyock Township

TAX ID: 0022-000-064A-0000
0022-000-064E-0000
0022-000-071B-0000

ZONING DISTRICT: Conditional District - Single Family Mainland (CDSFM)

PRESENT USE: Woodland/Farmland

OWNER: Brooks R. and Tina M. Clements
4625 East Princess Anne Road
Norfolk, VA 23502

APPLICANT: Bissell Professional Group
3512 North Croatan Highway
PO Box 1068
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Farmland/Woodland	AG
SOUTH:	Low density residential	AG
EAST:	Undeveloped	SFM
WEST:	Low density residential	AG

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Full Service within the Moyock subarea.

SIZE OF SITE: 97.79 acres
97.42 acres (total development area)

NUMBER OF UNITS: 66 lots

PROJECT DENSITY:	0.67 units/acre – overall density
OPEN SPACE:	29.23 Acres Required 29.27 Acres Provided
UTILITIES:	The proposed lots will be served by county water and individual on-site septic systems.
RECREATION AND PARK AREA:	The required park area dedication is 1.683 acres. The TRC requests a payment in lieu of the dedication. The payment, based on the current tax value, is \$10,478 and must be paid prior to final plat approval.

V. NARRATIVE OF REQUEST:

- The applicant is requesting preliminary plat/use permit approval of a 66 lot residential traditional subdivision.
- On July 1, 2013, the Board of Commissioners approved the conditional zoning of 97.75 acres to CD-SFM with the following conditions:
 - The proposed use will be a 66 lot residential subdivision.
 - 50' buffer will be provided adjacent to farmland.
 - Additional screening to include trees, shrubs, fencing, and berms, as appropriate and in general conformance with the conceptual development plan, will be provided:
 - Adjacent to existing residential properties along the entrance road; and,
 - Adjacent to developed residential properties.
 - The street stub located on the northeast side of the proposed development shall be coordinated with the adjacent land owner, n/f Jerry L. Old. The proposed lots adjacent to the Old property may require reconfiguration to accommodate a street stub that meets the intersection spacing requirements of the UDO. Minor deviations from the concept plan shall be allowed to provide flexibility in the street placement and lot configuration.
- The proposed development provides for a hard-surfaced, ADA-accessible trail located within the open space and along the front of some lots.

VI. USE PERMIT REVIEW STANDARDS:

Use Permit Criteria and Staff Findings:

Use permits (UP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the UP procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

In order to approve a UP, certain criteria must be satisfied. The criteria and staff findings of fact are outlined as follows:

1. *The use will not endanger the public health or safety.*

Based on the suggested finding provided by the applicant, staff has determined it is probably true that the use will not endanger the public health or safety.

Suggested Findings:

- a. The use will adhere to county health and safety standards, including recommendations that were made by Albemarle Regional Health Services, and should therefore not adversely impact the public health or safety.
2. *The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.*

Based on the suggested findings provided by the applicant, staff has determined it is probably true that the use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Suggested Findings:

- a. Most of the surrounding land has been zoned for development and has either been developed as single family residential, or is slated to be developed as follows:
 - (1) Currituck Reserve to the north and west (zoned PUD)
 - (2) Beckmoore Estates adjacent to the southwest (single-family under construction)
 - (3) Existing single family homes to the south
 - (4) SF subdivision planned to the east (Holly Ridge)
- b. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area, as the subdivision is of similar density to the surrounding area.

3. *The use will be in conformity with the Land Use Plan or other officially adopted plan.*

Based on the suggested findings, staff has determined it is probably true that the use will be in conformity with the Land Use Plan or other officially adopted plans.

Suggested Findings:

The 2006 Land Use Plan classifies this site as Full Service within the Moyock subarea.

The Full Service area identifies a residential base development density to be 2 units per acre, but could be increased to 3-4 units per acre through overlay zoning depending upon services available and potential impacts on the surrounding area.

The policy emphasis for the Moyock subarea indicates in areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. The proposed development density is 0.67 units per acre.

The proposed use is in keeping with the policies of the plan, some of which are:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

POLICY PR6: All new residential development shall provide for ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS including, as may be appropriate, funding in proportion to the demand created by the development. The amount of open space and improvements may be determined according to the number of dwelling units in the development and/or by a percentage of the total acreage in the development. Fees in lieu of land dedication shall be based on the inflation adjusted assessed value of the development or subdivision for property tax purposes.

POLICY WQ4: RUNOFF AND DRAINAGE from development, forestry and agricultural activities shall be of a quality and quantity as near to natural conditions as possible. Post-development runoff shall not exceed pre-development volumes.

4. *The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.* Based on the suggested findings, staff has determined it is probably true that the use will not exceed the county's ability to provide adequate public facilities, including but not limited to schools, fire and rescue, law enforcement, and other county facilities.

Suggested Findings:

- a. Based on the student generation rates, this subdivision will generate the following students:
 - i. 16 elementary students
 - ii. 5 middle school students
 - iii. 9 high school students
- b. The proposed development will not exceed the county's ability to provide adequate public facilities

VII. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends conditional approval of the proposed 66 lot residential subdivision with the following conditions:

1. The pedestrian circulation for the proposed development will be accomplished by a trail in lieu of sidewalks on both sides of the street and be subject to the following:
 - a. The trail must be hard surfaced, ADA-accessible, and located within open space set-asides, where possible.
 - b. All pedestrian cross walks shall be aligned with cross walks on the opposing side of the street.
 - c. Pedestrian circulation shall be extended to property boundaries where street interconnection (Thayne Drive and Clements Way) also extend to property boundaries.
2. The 30' access easement (Clements/Spruill) shall be labeled.
3. Currituck County will accept payment in lieu of recreation and park area dedication in accordance with the UDO.

VIII. PLANNING BOARD RECOMMENDATION:

Mr. Cartwright moved to approve PB 14-05 with the findings of fact and staff recommendations included in the case analysis. Ms. Bell seconded the motion and motion carried unanimously.

PLANNING BOARD DISCUSSION (5.13.14)

Mr. Cooper asked of examples of hard surfaces.

Ms. Voliva said concrete, asphalt, or it could be wood.

Ms. Bell said the property is located in a Full Service District in Moyock, but they have to have a septic tank on each lot.

Ms. Voliva stated this is correct.

Mr. Klebitz provided an overview of the proposed project. Mr. Klebitz said his client is in agreement with staff recommendations.

Mr. Cooper said he liked the idea of the path in the open space. Mr. Cooper asked what the surface on the path will be.

Mr. Klebitz said they have not decided, but it will have to be ADA compliance. Mr. Klebitz said there will be two entrances to the project and they will be clearly marked.

Ms. Bell asked what the size and price of the homes will be.

Mr. Klebitz said approximately 1700-3100 sq. ft. and range from \$279,000-\$349,000.

Ms. Helvestine asked once the stormwater ponds goes in, who will maintain the ponds. Ms. Helvestine is concerned with who is going to maintain the ponds and who she should contact if they are not being maintain. Ms. Helvestine asked if the ponds will have fountains in them.

Ms. Voliva said you may contact the county for enforcement which may include contacting the state. Ms. Voliva said the state stormwater deals with more water quality and the county looks at the water quantity standpoint.

Mr. Woody said the county has a stormwater ordinance and the ponds will have to be maintained in accordance with approved plans.

PLANNING BOARD ACTION

Mr. Cartwright moved to approve PB 14-05 with the findings of fact and staff recommendations included in the case analysis. Ms. Bell seconded the motion and motion carried unanimously.

Chairman O'Neal opened the Public Hearing.

Mark Bissell, representing the applicant, stated there were two community meetings held. Stormwater and buffering had been addressed. Additional buffering would be provided. There would be less stormwater runoff at buildout than there is now. The project is consistent with the Land Use Plan and they have complied with the conditions for approval. There would be 1.4 miles of trails.

Sue Helvestine, Moyock, had concerns on behalf of adjacent residents who have animals. They did not want complaints from new people moving in. Mr. Woody offered to write a letter for the homeowner with livestock, acknowledging by the County the presence of the animals. This could be shown to Animal Control if they received a complaint. A note could also be included on the plat regarding the presence of livestock. Ms. Helvestine also felt fountains were needed for the proposed ponds to prevent mosquitoes from breeding. She also felt trees should be planted when the road is built

Tina Clement, Virginia Beach, stated it would be a lovely development.

There being no further comments, Chairman O'Neal closed the Public Hearing.

Commissioner Martin moved to approve PB 14-05 to include Mr. Woody's letter to concerned citizens already there, and with suggested findings that are included in the case analysis that the use will not endanger the public health or safety, the use will not injure the value of adjoining or abutting lands, the use will be in conformity with the Land Use Plan, and the use will not exceed the county's ability to provide adequate public facilities. Commissioner Gilbert seconded the motion. Motion carried unanimously.

**C) Consideration and Action: PB 14-09 Currituck County – Utility Use
Landscaping: Request to amend the Unified Development Ordinance
Chapter 5: Development Standards to create an alternative landscape plan
for utility uses.**

Ben Woody, Planning and Community Development Director, reviewed the request and staff recommendations.

The following text amendment submitted by the Currituck County Planning and Community Development Department establishes an alternative landscaping plan for utility uses including solar arrays.

Currently, the UDO requires certain areas of nonresidential sites to be landscaped. Utilities uses, such as electrical stations and solar arrays, may be burden by these landscaping requirements. Such landscaping, especially canopy trees, can interfere with the utility equipment or service.

This proposed text amendment would allow for utility uses to apply for an alternative landscape plan in which a reduction in the required landscaping standards is permitted. Under the alternative landscape plan, the permit issuing authority may allow for an adjustment in planting locations or a reduction in the type or total number of required caliper inches provided the utility provider demonstrates the required landscaping will interfere with the utility equipment or service.

While the proposed alternative landscape plan for utility uses does allow for a reduction in required landscaping, it does also aim to screen the use from right-of-ways and developed land by requiring a Type C buffer along those uses.

Staff recommends approval of this request as it:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan, specifically:

POLICY CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.

POLICY CA2: A CANOPY OF STREET TREES shall be encouraged along all major highways in the County. This canopy may be implemented through the preservation of existing trees or the planting of trees that will reach substantial size at maturity. The preservation or planting of such trees shall be encouraged in the area immediately adjoining the right of way.

POLICY CA3: LANDSCAPE IMPROVEMENTS at existing and new commercial developments, particularly as related to breaking up and softening the appearance of expansive parking areas, and absorbing storm water runoff, shall be required.

2. Would improve the compatibility among uses and ensure efficient development within the county.

The Planning Board recommended unanimous approval at their May 13, 2014 meeting.

PLANNING BOARD DISCUSSION (5.13.14)

Ms. Glave provided an overview of the text amendment.

PLANNING BOARD ACTION

Mr. Craddock moved to approved PB 14-09 due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development and with opaque buffering. Mr. Cooper seconded the motion and motion carried unanimously.

Utility Landscaping UDO AMENDMENT REQUEST

Amendment to the Unified Development Ordinance Chapter 5: Development Standards, to create an alternative landscape plan for utility uses.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Section 5.2.9: Alternative Landscape Plan is amended by adding the following underlined language:

A. General

Alternative landscape plans, materials, or methods may be justified due to natural conditions, such as streams, estuarine or wetland areas, topography, and physical conditions related to the site. Lot configuration and utility uses and easements may justify an alternative landscape plan, as well as impractical situations that would result from application of Section 5.2, Landscaping Standards.

B. Allowable Deviations

The Planning Director or if noted, the permit issuing authority, shall approve an Alternative Landscape Plan if it meets the purpose and intent of the landscaping standards in this section. Allowable deviations from the standards of this section include, but are not limited to the following:

(6) Utility Uses

A reduction in the required landscaping standards may be allowed for utility uses in accordance with the following standards:

- (a) An adjustment to planting locations or reduction in the type or total number of required caliper inches may be allowed by the permit issuing authority provided the utility provider demonstrates the required landscaping will interfere with the utility equipment or service.

(b) Utility equipment and associated security fencing shall be screened from rights-of-ways and existing developed land by a Type C buffer. The buffer may be reduced in accordance with Subsection (a) above.

Item 2: That Section 5.11: Farmland Compatibility Standards is amended by adding the following underlined language and deleting the strikethrough language:

5.11.2 Applicability

Except where exempted by Section 5.11.3, Exemptions, the standards in this section shall apply to all major subdivisions (see Section 2.4.8), planned developments (see Section 2.4.5), or site plans (see Section 2.4.7) on lots or tracts of ten acres in area or greater proposed adjacent to a bona fide farm or agricultural use associated with a bona fide farm.

5.11.3 Exemptions

The standards in this section shall not apply to the following:

- A. ~~Family subdivisions~~ Utility uses in accordance with Section 5.2.9: Alternative Landscape Plan; and
- B. Portions of a conservation subdivision adjacent to an agricultural use or activity taking place within the conservation subdivision's open space set-aside.

Item 3: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Chairman O'Neal opened the Public Hearing. There being no comments, he closed the Public Hearing.

Commissioner Petrey moved to approve PB 14-09 due to its consistency with the Land Use Plan and that the request is reasonable and in the public interest and does not result in significantly adverse impacts to adjacent property owners. Commissioner Griggs seconded the motion. Motion carried unanimously.

D) Consideration and Action: PB 14-07 Ecoplexus, Inc.: Request for a use permit for a solar array (solar energy farm) located in Shawboro on Shawboro Road directly across from Shawboro Elementary School, Tax Map 33 Parcel 1C, Crawford Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning and Community Development Director, reviewed the request and recommendations of the staff, Technical Review Board and Planning Board.

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: June 2, 2014
PB 14-07 Ecoplexus, Inc.**

ITEM: PB 14-07 Ecoplexus, Inc. request a use permit to operate a solar array (solar energy farm).

LOCATION: Shawboro: Shawboro Road (Directly across from Shawboro Elementary)

TAX ID: 0033-000-001C-0000

ZONING DISTRICT: Agricultural (AG)

PRESENT USE: Active Farmland

OWNER: Guy Newman
707 London Bridge Rd
Va Beach VA 23454

APPLICANT: Ecoplexus, Inc
650 Townsend St #310
San Francisco CA 94103

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Elementary School/Manned Convenience Center/Low Density Residential	AG
SOUTH	Active Farmland/Low Density Residential/Undeveloped	AG
EAST:	Active Farmland/Low Density Residential/Undeveloped	AG
WEST:	Active Farmland/Low Density Residential/Undeveloped	AG

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Rural within the Shawboro-Crawford subarea.

SIZE OF SITE: 225.46 acres

COMMUNITY MEETING: A community meeting was held on October 15, 2013 at the Shawboro Elementary School. Approximately 20 residents attended the meeting. A summary of the meeting can be found in the attached application.

IX. NARRATIVE OF REQUEST:

1. The applicant is requesting to operate a solar energy farm.
2. The solar energy farm will consist of approximately 86,400 300-Watt panels arranged in rows that are affixed to a metal racking structure and attached to the ground with either driven posts or ground screws.
3. The applicant states that the facility will produce clean, renewable energy for an average of 1,900 local homes, in addition to providing short-term economic stimulus and job creation along with long-term tax revenue while requiring no provision of additional services or infrastructure.

4. According to the G.S. 105-275(45), the county can tax the solar energy electrical system at 20% of the value. It is estimated that this project will add approximately 34,000 to the tax base annually.
5. The UDO specifically states that the solar arrays must be configured to avoid glare and heat transference to adjacent lands. The applicant states that the whole concept of efficient solar power is to absorb as much light as possible while reflecting as little light as possible. Solar panels are designed to produce less glare than standard window glass. These solar panels will use "high-transmission, low-iron" glass which absorbs more light, thus producing smaller amounts of glare than normal glass.

X. QUESTION(S) BEFORE THE BOARD:

Use Permit Criteria and Staff Findings:

Use permits (UP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the UP procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

In order to approve a UP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. *The use will not endanger the public health or safety.*

Based on the suggested finding provided by the applicant, staff has determined it is probably true that the use will not endanger the public health or safety.

Suggested Findings:

- a. According to the applicant, the use will propose no additional burden on public infrastructure and services. It will be an unmanned site and there will be no buildings associated with the use.
2. *The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.*

Based on the suggested findings provided by the applicant, staff has determined it is probably true that the use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Suggested Findings:

- a. According to the applicant, all of the surrounding parcels fall under the AG zoning district and have a Rural Land Use Plan designation. Both of these elements restrict any residential development that could take place to small scale residential uses or low density conservation subdivisions.
 - b. According to the applicant the facility can actually enhance the surrounding area. While traditional agriculture produces dust and runoff, the solar farm will produce neither, nor is there any traffic created after the construction period. Also, the facility will be nearly silent.
 - c. According to the applicant, the facility represents a consistent, predictable land use that will be in harmony with the surrounding area by not contributing to urbanization of the landscape.
3. *The use will be in conformity with the Land Use Plan or other officially adopted plans.*
- Based on the suggested findings, staff has determined it is probably true that the use will be in conformity with the Land Use Plan or other officially adopted plans.

Suggested Findings:

The 2006 Land Use Plan classifies this site as Rural within the Shawboro-Crawford subarea. The intent of the Rural area is to provide for agriculture, forestry, and other allied uses traditionally associated with a rural area. Preferred uses include very low density dispersed development associated directly with farm uses. The proposed use is in keeping with the policies of the plan, some of which are:

- a. POLICY AG1: ACTIVE AGRICULTURAL LANDS having high productive potential, and especially those removed from infrastructure and services, should be conserved for continued agricultural uses. (According to the applicant, the facility represents a very low impact use of the land; additionally, it can be decommissioned and disassembled at the end of its useful life, allowing the underlying land to be returned to agricultural use. In this sense, the facility acts as a long-term conservation easement, keeping the land free of more intensive development during the 30 year minimum lifespan of the facility.)
 - b. POLICY AG4: County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOURCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farmland. (According to the applicant, the proposed facility is highly compatible with agriculture and resource based activities; neither the solar farm nor surrounding agriculture will have any ill effects on one another.)
 - c. POLICY WQ5: Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant existing vegetation, shall be encouraged. (According to the applicant, they intend to maximize existing topography and vegetation to the greatest degree possible. This includes utilization of existing drainage, as feasible, and providing appropriate setbacks from any jurisdictional streams or wetlands.)
4. *The use will not exceed the county's ability to provide adequate public facilities, including but not limited to schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate:*

Based on the suggested findings, staff has determined it is probably true that the use will not exceed the county's ability to provide adequate public facilities, including but not limited to schools, fire and rescue, law enforcement, and other county facilities.

Suggested Findings:

- a. The use will not create any burden on public facilities and will have no impact on schools.

XI. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval of the use permit subject to the findings of fact as listed above and the following conditions:

1. Identify potential wetlands and call out the Wetland/Riparian buffer. No development is allowed within 50 feet of wetlands. Development proposed near the wetlands as illustrated on the county's GIS would require a wetland delineation approved by the US Army Corps of Engineers. (UDO Section 7.6.1)
2. Identify the sight triangle. (UDO Section 5.3.4)
3. Barbed/concertina wire and aboveground electrified fences are not allowed. (UDO Section 5.3.7). You may submit a Security Plan proposing barbed/concertina wire or aboveground electrified fence for security reasons. (UDO Section 5.3.5)

4. The driveway must have an apron of asphalt or six inches of concrete for a distance of 15 feet from the edge of pavement. Driveway must align with existing driveways on the opposite side of the road. (UDO Section 5.6.7)
5. An NCDOT driveway permit is required.
6. Any development/removal of trees is subject to tree protection standards and will require a tree inventory. (UDO Section 7.2)
7. The property is in an AE flood zone with a base flood elevation of 5.4 feet and design flood elevation of 6.4 feet. The electrical/mechanical equipment must be elevated above the design flood elevation or be flood proofed. An elevation certificate prepared by a licensed North Carolina surveyor may be required after installation to confirm the elevation. Utilities must be located and constructed to minimize flood damage. (UDO Section 7.4)
8. Landscaping standards, including farmland buffers, will be developed by a separate text amendment that will track with this case. Plans must be modified to meet the proposed landscaping standards prior to the Planning Board meeting.
9. The solar modules must be anchored to withstand 120 mph winds.
10. Must be designed for hydrostatic pressures in the event of a flood per Chapter 16 of the NC Building Code.
11. Please put sign on fence AUTHORIZED PERSONS ONLY
12. Address sign at site entry.
13. All drainage easements need to be 25 feet from the top of embankment.
14. It appears the solar panels are not in alignment with and will cross the existing farm ditches. Provisions must be made to cross these ditches.
15. Appropriate ground cover/grass is required.
16. The main drainage ditches need to be cleaned out of sediment/debris during initial construction.
17. An approval of erosion and sedimentation control plan and a coastal stormwater permit must be obtained prior to commencing this project.

Suggested use permit conditions

1. Provide a glare analysis or documentation as approved by the Federal Aviation Administration since this solar energy system is near the Currituck County Airport prior to building permit approval. (FAA publication "Technical Guidance for Evaluating Selected Solar Technologies on Airports")
2. The total height of the solar energy system, including any mounts, shall not exceed 15 feet above the ground when orientated at maximum tilt.
3. The solar energy system, including its security fence, shall be fully screened (opaque) from rights-of-way and properties containing a residential use. *(The Planning Board may wish to add this condition to the utility landscaping text amendment that is tracking with this case. This would ensure that this condition becomes a requirement for all utility facility use permits.)*
4. Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for interconnection to system components and/or the local utility power grid.
5. Prior to the issuance of a building permit, provide a plan for decommissioning. The solar energy system owner shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period. Decommissioning shall include removal of solar collectors, cabling, electrical components, and any other associated items.
6. Provide a copy of the private lease agreement and plan for removal of the facility and equipment.

XII. PLANNING BOARD RECOMMENDATION:

Mr. Bell moved to approve PB 14-07 with the findings of fact, technical review committee recommendations (1-17) and staff recommendations (1-6) included in the case analysis and signage on the gate in case of emergency. Mr. Cartwright seconded the motion and motion carried unanimously.

PLANNING BOARD DISCUSSION (5.13.14)

Ms. Overstreet asked with it close to the airport, will any reflective glare affect aircrafts?

Ms. Glave said the FAA requires a glare analysis for anything close to an airport and the FAA will have to sign off on it.

Mr. Craddock asked what happens to the use permit during the 24 months (12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period).

Ms. Glave said the use permit will run with the land.

Mr. Woody said the board would have to set a condition in the use permit.

Mr. Cooper asked staff if this request is in harmony with area in which it is located.

Ms. Glave said in looking at the application, applying the ordinance and suggested opaque bufferyard from rights-of-way and residential uses, this request is in harmony with the area.

Mr. Craddock asked if Ecoplexus is manufacturing the solar panels or the contractor leasing the property.

Mr. Rogers said Ecoplexus is the contractor.

Ms. Hamby, Hyman & Robey provided an overview of the project. Ms. Hamby said the developers do not have any issues with any conditions in the case analysis.

Mr. Bell asked the height of the buffer/landscape.

Ms. Hamby said they will be using native landscape trees that will be approximately 40 feet tall when they reach maturity. The panels and the fence will be well hidden.

Mr. Craddock asked if there will be a building on site to hold materials, and if so what material will it be made of.

Mr. Kendrick said no structure will be on the site, but they will have a small storage shed to hold spare parts.

Mr. Rogers provided pictures of what the solar panels will look like.

Mr. Cooper said the solar modules must withstand 120 mph winds.

Mr. Kendrick said they are designed for 125 mph winds.

Mr. Bell asked the applicant if they have done any projects within the state of North Carolina.

Mr. Kendrick stated no.

Mr. Cooper asked Ms. Hamby what is the ground elevation.

Ms. Hamby said it varies from 4 – 4.5 feet and the flood elevation is 5 feet.

Mr. Cooper asked if freeboard will apply.

Ms. Glave said yes.

Ms. Bell asked what kind of material will be used for the fence.

Ms. Hamby said a security plan will be submitted and the fence will be made of welded wire at 5 feet in height and 1 foot of barb wire across the top. The fence will be on the back side of the buffer.

Ms. Bell asked if any maintenance will be done to the property once it is completed.

Ms. Hamby stated the property will be periodically mowed and this will include the 8 foot path between the panels.

Mr. Rogers provided an overview of the solar farms.

The board discussed the number of solar panels on the property, design and size of each panel, acreage, height of panels, material of panels, security, average voltage of DC current in the junction box, removable vs. stationary panels, etc.

Mr. Bell asked how long will the construction take.

Mr. Kendrick said approximately 3 months of construction and 3 months of wiring.

Ms. Overstreet asked is there any information on how these panels will do during a hurricane.

Mr. Kendrick said it will come back to the structural engineer.

Mr. Bell asked since the facility will be locked, will the local power company have a way to get into the facility in the event of an emergency?

Mr. Kendrick said yes.

Mr. Cooper asked based on any information they may have, what is the fire hazard risk?

Mr. Kendrick said the major conductors are underground, will be inspected by county inspectors, and built to compliance to the ordinance. Mr. Kendrick said they do not have any data on the fire hazard risk.

Mr. Craddock stated the invertors do not have fire suppression system in them, is this correct?

Mr. Kendrick said yes.

Mr. Cooper said the panels that are adjusted to the position of the sun may be a challenge for the wind.

Mr. Kendrick said they work with an engineer to design for the land.

Mr. Craddock asked if the fire department would have access to the interior of the property.

Mr. Kendrick said yes.

Mr. Craddock asked if signs are posted on the fence of who to call in case of an emergency.

Mr. Kendrick stated this is something that can be done.

Mr. Bell said this is a different type of project for the area. Mr. Bell asked what is the life span of the panels.

Mr. Kendrick said 50 years.

Mr. Cooper asked staff if this will fall under the new stormwater manual.

Ms. Glave said yes.

PLANNING BOARD ACTION

Mr. Bell moved to approve PB 14-07 with the findings of fact, technical review committee recommendations (1-17) and staff recommendations (1-6) included in the case analysis and signage on the gate in case of emergency. Mr. Cartwright seconded the motion and motion carried unanimously.

Commissioner Griggs asked about electromagnetic emanations. Mr. Woody responded that, according to a UNC School of Government report, there is no output to be concerned with outside the area. There would be no residual effects to the ground post operation. There should be no heat from the site. Some locations were requesting performance guarantees. Mr. Woody felt the decommissioning plan was acceptable. Glare would be a non-issue for roads.

Chairman O'Neal opened the Public Hearing.

John Morrison, Attorney for the applicant, stated this project complied with the UDO. Guy Newman is the owner of the property. The project would increase property taxes received, create temporary construction jobs, no glare from panels, no surface heat, no stormwater concerns, and no noise. Panels would be 2-8 feet and wind resistant to 150 mph. This would be a 30 year project, no subdivision, with no services required. He respectfully requested it be passed.

Erik Stebe, applicant, stated the start date would be in Spring 2015. The entire complex would be fenced and buffered. They have agreed to comply with staff findings. There will be routine maintenance, mowing, and inspections. A sign will be posted with emergency numbers.

Halsey Kendrick, applicant, explained construction with panel racking and ground screws when asked about surface cover. He stated the land would be disturbed as little as possible.

Commissioner Griggs had read online reviews and commended the company.

There being no further comments, Chairman O'Neal closed the Public Hearing.

Commissioner Gilbert moved to approve PB14-07 with the staff findings and recommendations included in the staff analysis, adding the staff findings that the use will not endanger the public health or safety, the use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located, the use will be in conformity with the Land Use Plan or other officially adopted plan, and the use will not exceed the county's ability to provide adequate public facilities; including but not limited to, schools, fire and rescue law enforcement, and other county facilities. Commissioner McCord seconded the motion. Motion carried unanimously.

Old Business

A) Consideration of Motion to Repeal Direction of Board of Commissioners Remanding PB14-03 Currituck County: Outdoor Shooting Ranges to the Planning Board

Ike McRee, County Attorney, related that action taken at the May 19, 2014 meeting was coming back for consideration at the request of the Board of Commissioners.

Commissioner Griggs moved to repeal the direction of the Board of Commissioners to remand PB14-03 back to the Planning Board and instead remand it back to staff for action. Commissioner Martin seconded the motion. Motion carried unanimously.

New Business

A) Presentation of FY 2014-2015 Budget and Set Date for Public Hearing

Dan Scanlon, County Manager, presented the proposed budget for FY 2014-15. As Budget Officer, he is required by General Statute to present a balanced budget to the Board of Commissioners, and the Board is required to hold a Public Hearing and adopt the Budget prior to July 1. He noted during his review the proposed rate would be \$.48, a reduction of ½ cent from the previous year.

Commissioner Gilbert moved to set the Public Hearing and possible adoption of the FY 2014-2015 Budget for June 16, 2014. Commissioner Martin seconded the motion. Motion carried unanimously.

B) Board Appointments:

1. Appointment to Senior Citizens Advisory Board

Chairman O'Neal moved to nominated Joanne DiBello for reappointment for a term expiring April 2016. Motion carried unanimously.

C) Consent Agenda:

1. Approval of May 19, 2014 Minutes
2. CDBG Monthly Status Report
3. Change Orders – Generator Sets for YMCA and NC Cooperative Ext Complexes

4. Project Ordinance for Central Elementary School Parking
5. Resolution Opposing Any Action by the NC General Assembly to Require the UNC Board of Governors to Study the Feasibility of Dissolving or Developing a Plan to Dissolve Elizabeth City State University

Commissioner Martin moved to approve the Consent Agenda. Commissioner Gilbert seconded the motion. Motion carried unanimously.

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is design, bid and construction of Central Elementary School Parking Project.

SECTION 2. The following amounts are appropriated for the project:

Central Parking Project	\$ 350,000
Professional Services	\$ 76,755
Contingency	<u>\$ 23,245</u>
	<u><u>\$ 450,000</u></u>

SECTION 3. The following revenues are available to complete this project:

Residual funding from Jarvisburg Elementary School	\$ 85,664
Residual funding from Soccer Lighting/Bleacher Project	\$ 17,405
Residual funding from Shawboro Elementary School	\$ 231,624
Investment earnings	<u>\$ 115,307</u>
	<u><u>\$ 450,000</u></u>

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

RESOLUTION

Opposing Any Action by the North Carolina General Assembly
to Require the UNC Board of Governors to Study the Feasibility of Dissolving
or Developing a Plan to Dissolve Elizabeth City State University

WHEREAS, Senate Bill 744 entitled "The Current Operations and Capital Improvements Appropriations Act of 2014" reads in Section 11.6 as follows: "The Board of Governors of The University of North Carolina shall study the feasibility of dissolving any constituent institution whose fall full time equivalent student enrollment declined by more than twenty percent (20%) between the 2010-2011 fiscal year and the 2013-2014 fiscal year and shall develop a plan for its dissolution. The Board of Governors shall report its findings and recommendations, including the plan for dissolution, to the 2015 General Assembly"; and

WHEREAS, Elizabeth City State University is not specifically named in Section 11.6 of Senate Bill 744; but it is the only campus in the 16-member University of North Carolina system that meets the stated criteria; and

WHEREAS, Elizabeth City State University was established by the North Carolina General Assembly in 1891 and plays an important role as one of the country's historically black colleges and universities; and

WHEREAS, it is acknowledged and agreed that Elizabeth City State University has suffered an enrollment decline in recent years, which has led to a significant budget shortfall; however, major steps have been taken to address the budget challenges and progress is being made under the direction of capable leadership; and

WHEREAS, Elizabeth City State University leadership has devised a plan alongside University of North Carolina System governance to increase its enrollment; and the University is currently in the midst of conducting a search for a permanent Chancellor; therefore, the University must be granted the necessary time to reverse its downward enrollment trend of

recent years and move forward with its critical mission to provide quality educational opportunities; and

WHEREAS, it must also be properly appreciated that in addition to its role of providing educational opportunity to a populace that might otherwise not be able to attain a higher education and the better life afforded by that education, Elizabeth City State University has been and continues to be a major economic engine for an oft-forgotten, economically depressed Northeastern North Carolina by creating, as the region's third-largest employer, \$118 million in output sales, \$83 million in gross regional product and \$59 million in labor income; and

WHEREAS, local government officials are currently engaged in major economic development efforts, which will require collaboration with Elizabeth City State University to provide the necessary training for high-paying jobs in a blossoming local aviation industry; and

WHEREAS, a large majority of K-12 teachers hired in Northeastern North Carolina are educated at Elizabeth City State University; and

WHEREAS, it is the finding of the Board of Commissioners of Currituck County that the simple exercise of performing the proposed study would stymie the University's efforts to increase enrollment, engage a chancellor, retain qualified and dedicated instructors and staff and grow the University as is desired by all concerned; and further would do irreparable harm to the economy of Northeastern North Carolina.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Currituck County that any action by the North Carolina General Assembly to require the UNC Board of Governors to study the feasibility of dissolving or developing a plan to dissolve Elizabeth City State University is vehemently opposed.

D) Commissioner's Report

Commissioner Gilbert and the rest of the Board congratulated the county High School graduates.

E) County Manager's Report

Commissioner Gilbert moved to recess the regular meeting and reconvene as the Tourism Development Authority. Commissioner Martin seconded the motion. Motion carried unanimously.

Special Meeting

Tourism Development Authority

Presentation of FY 2014-2015 Tourism Development Authority Budget and Set Date for Public Hearing

Dan Scanlon, County Manager, presented the proposed Tourism Development Authority (TDA) budget for FY 2014-15. As Budget Officer, he is required by General Statute to present a balanced budget to the Board of Commissioners, and the Board is required to hold a Public Hearing and adopt the Budget prior to July 1. He noted this budget is for the management of Occupancy Tax.

Commissioner Gilbert moved to set the Public Hearing and possible adoption of the FY 2014-2015 TDA Budget for June 16, 2014. Commissioner Petrey seconded the motion. Motion carried unanimously.

Commissioner Gilbert moved to adjourn the Tourism Development Authority meeting and reconvene the regular meeting. Commissioner Petrey seconded the motion. Motion carried unanimously.

Closed Session

~~Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney in order to preserve attorney-client confidentiality in the matter entitled Swan Beach Corolla, LLC v. Currituck County~~

Adjourn

There being no further business, Commissioner Petrey moved to adjourn. Commissioner Gilbert seconded the motion. The meeting was adjourned.