



CURRITUCK COUNTY NORTH CAROLINA

February 14, 2017

Minutes – Regular Meeting of the Planning Board

ORIENTATION FOR NEW PLANNING BOARD MEMBERS

Ben Woody held a training session with new Planning Board Member, Timmy Thomas.

WORK SESSION

A work session was held prior to the regular meeting.

CALL TO ORDER

Steven Craddock called the meeting to order at 7:00 pm.

Attendee Name	Title	Status	Arrived
Carol Bell	Chairman	Absent	
Fred Whiteman	Vice Chairman	Absent	
C. Shay Ballance	Board Member	Absent	
Robert (Bobby) Bell	Board Member	Present	
Steven Craddock	Board Member	Present	
John McColley	Board Member	Present	
Jeff O'Brien	Board Member	Absent	
Jane Overstreet	Board Member	Present	
J. Timothy (Timmy) Thomas	Board Member	Present	
Ben Woody	Planning & Community Development Director	Present	
Tammy Glave	Senior Planner	Present	
Cheri Elliott	Administrative Assistant	Present	

A) Pledge of Allegiance & Moment of Silence

Everyone stood for the Pledge of Allegiance and a moment of silence.

B) Announce Quorum Being Met

Mr. Craddock announced a quorum being met with five members present.

C) Approval of Agenda

Mr. Craddock asked if there were any changes to the agenda tonight. With no changes to the agenda, John McColley motioned to approve, Bobby Bell seconded the motion and motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John McColley, Board Member
SECONDER:	Robert (Bobby) Bell, Board Member
AYES:	Robert (Bobby) Bell, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jane Overstreet, Board Member, J. Timothy Thomas, Board Member
ABSENT:	Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Jeff O'Brien, Board Member

D) Ask for Disqualifications

Mr. Craddock asked if any board member had a conflict of interest with respect to any matters coming before the board tonight. None.

APPROVAL OF MINUTES FOR JANUARY 10, 2017

Mr. Bell moved to approve the minutes for January 10, 2017 as presented. Mr. McColley seconded the motion and motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert (Bobby) Bell, Board Member
SECONDER:	John McColley, Board Member
AYES:	Robert (Bobby) Bell, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jane Overstreet, Board Member, J. Timothy Thomas, Board Member
ABSENT:	Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Jeff O'Brien, Board Member

OLD BUSINESS

None.

NEW BUSINESS

A. Temporary Chairman

Due to the absence of Chairman Carol Bell and Vice-Chairman Whiteman, Mr. Bell nominated Mr. Craddock to act as temporary Chairman. Mr. McColley seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert (Bobby) Bell, Board Member
SECONDER:	John McColley, Board Member
AYES:	Robert (Bobby) Bell, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jane Overstreet, Board Member, J. Timothy Thomas, Board Member
ABSENT:	Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Jeff O'Brien, Board Member

B. PB 16-28 Currituck County BOC:

Tammy Glave, Senior Planner, presented the case on behalf of the Currituck County Board of Commissioners (BOC). Ms. Glave gave background information on solar arrays in Currituck County which began in June 2, 2014 with one condition that panels did not produce excessive glare and later changes were made to add ground cover, screening, height limits, decommission plans and setbacks. The permit required was also changed from a use permit to conditional rezoning and removed the solar array use from all zoning districts except the AG district on January 4, 2016. The BOC adopted an ordinance imposing a moratorium on the acceptance, processing, or consideration of applications for solar arrays on January 3, 2017. For the requested text amendment tonight, Staff recommends adoption of the proposed text amendment to remove solar array as an allowable use from the Unified Development Ordinance (UDO) Chapter 4 since it preserves the stated goals established by the Currituck County 2006 Land Use Plan with the preservation of farmland and prohibition of all energy producing facilities within the county's jurisdiction.

Ms. Overton asked if there were any open requests for solar arrays. Ms. Glave said there is one in construction and one that is complete. There are no new applications since the moratorium had a condition to not accept any new applications.

Mr. Craddock asked what reasons were cited by the Board of Commissioners for this text amendment. Mr. Woody said the Board of Commissioners referenced an environmental report which shows concern for loss of wildlife and agricultural land. Another reference is the fact that Currituck County is ranked fifth among the top ten counties in North Carolina for applications through the department of utilities for solar arrays. Also, property owners complained of loss in property values and the aesthetic complaints of the solar arrays. Lastly, they referenced a Land Use Plan policy that says Currituck will not support energy producing facilities and the Board of Commissioners have determined solar arrays fall under the energy producing category.

Mr. Craddock opened the public hearing.

Steve Fentress (247 Grandy Road, Grandy), spoke against the total removal of solar arrays in the UDO. He said the county should not completely ban solar arrays, but put more stringent restrictions on them to keep solar arrays from being in Currituck County. Mr. Fentress was concerned that the panels currently used are not tested and may have toxic materials since they are not made in the United States. Mr. Fentress also showed concern for the setbacks not being great enough.

Mr. Craddock closed the public hearing.

Board members discussed tax percentages for farm land verses solar arrays. Some members showed concern for loss in revenue for the county. Discussion was also held on property owners not having the right to put solar arrays on non-productive farm land.

Mr. McColley motioned to approve due to the active agricultural lands (LUP Policy AG1) and the county's non-support of energy producing facilities (LUP Policy ID9) for consistency of the Land Use Plan. There was no second and the motion died.

Board members discussed whether the item could be tabled and Mr. Woody encouraged them to make a decision of approval or denial.

Mr. McColley motioned to approve again with the same consistencies of the Land Use Plan as stated before, due to the active agricultural lands (LUP Policy AG1) and the county's non-support of energy producing facilities (LUP Policy ID9) and Bobby Bell seconded the motion. Ms. Overton asked to amend the motion as approved with the recommendation that the Board of Commissioners not rush to a decision since this affects the county with income loss and land sitting vacant for several years.

Mr. McColley agreed to the amended motion and the motion carried unanimously.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 2/20/2017 6:00 PM
MOVER:	John McColley, Board Member	
SECONDER:	Robert (Bobby) Bell, Board Member	
AYES:	Robert (Bobby) Bell, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jane Overstreet, Board Member, J. Timothy Thomas, Board Member	
ABSENT:	Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Jeff O'Brien, Board Member	

C. PB 16-25 Steve Fentress:

Tammy Glave, Senior Planner, handed out a revised request for a text amendment and noted if the previous text amendment we just discussed is approved on Monday night, Mr. Fentress said he will withdraw his request. He is keeping this on the record in case there is a delay on the decision Monday night so something will be in place. Based on what you see in the Staff Report, Staff recommends denial of the request as written since upon review by the Planner, Chief Building Inspector and the County Attorney, there are numerous conflicting issues. Although staff is willing to work with Mr. Fentress to craft a text amendment that will address the relevant portions in the Unified Development Ordinance (UDO) and the Technical Review Committee (TRC) comments, including the comments from the Chief Building Inspector, County Attorney and Staff.

Mr. Craddock asked how different the revision was from the original. Ms. Glave said it basically amended the buffer language.

Mr. McColley asked what the time frame was to fix this text amendment. Ms. Glave said the moratorium runs out on March 3rd, so it would have to be before that time.

Mr. Woody said staff could start working with Mr. Fentress on Tuesday or Wednesday if the Board of Commissioners doesn't approve Currituck's text amendment to remove solar arrays.

Steve Fentress, 247 Grandy Road, presented his case and compared tax values for solar arrays to houses on property, etc, and said not having solar arrays would not be an economic downfall for Currituck County. Mr. Fentress then passed out an email sent by Michael Fox and shared the details and the attached letter within the email. Mr. Fentress also shared information from Sun Energy's website showing they plan on 33 more solar arrays in northeastern North Carolina and this is just one of fifty companies in North Carolina. Mr. Fentress said last year North Carolina was fifth in the nation for solar arrays and now North Carolina is second in the nation behind California and this is why we need

more stringent restrictions on solar arrays to keep them from wanting to come to Currituck County and his text amendment will help do that.

Mr. Craddock opened and closed the public hearing with no speakers present.

Mr. McColley said if these inconsistencies are with state laws then this might require a work session. Ms. Glave said we are willing to do that (clarification - work session is with the Planning Department, not the Board of Commissioners).

Mr. Craddock thanked Mr. Fentress as a citizen of the county and appreciated the amount of research he has done for this text amendment request.

Mr. McColley motioned to recommend denial of the text amendment based on the inconsistencies with the Land Use Plan and encouraged Mr. Fentress to work with staff and the TRC to refine the text amendment before it goes to the Board of Commissioners Meeting. Mr. Craddock seconded the motion and the motion carried unanimously.

RESULT:	RECOMMENDED DENIAL [UNANIMOUS]	Next: 5/1/2017 6:00 PM
MOVER:	John McColley, Board Member	
SECONDER:	Steven Craddock, Board Member	
AYES:	Robert (Bobby) Bell, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jane Overstreet, Board Member, J. Timothy Thomas, Board Member	
ABSENT:	Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Jeff O'Brien, Board Member	

D. PB 16-24 Blue Water Development Corp.

Applicant requested item be moved to March 14, 2017 Planning Board Meeting.

RESULT:	CONTINUED WITH NO VOTE	Next: 3/14/2017 7:00 PM
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ANNOUNCEMENTS

Mr. Woody said the Land Use Plan is in full swing and we have completed our outreach to the community. I would like to schedule a work session with the Planning Board in March for discussion on the Land Use Plan. Also, the county has received a grant for a pedestrian plan and would like to get a volunteer from the Planning Board to help on the committee. There are currently thirteen volunteers and the committee will meet from March until June or July. We would like to start looking at walking paths and biking paths for the mainland.

Mr. Craddock welcomed Timmy Thomas on his appointment to the Planning Board.

ADJOURNMENT

E. Motion to Adjourn

Mr. McColley motioned to adjourn the meeting. Mr. Craddock seconded the motion and motion carried unanimously at 9:15 pm.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John McColley, Board Member
SECONDER:	Steven Craddock, Board Member
AYES:	Robert (Bobby) Bell, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jane Overstreet, Board Member, J. Timothy Thomas, Board Member
ABSENT:	Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Jeff O'Brien, Board Member