

MINUTES OF THE WAYNE COUNTY PLANNING BOARD

WAYNE COUNTY, NORTH CAROLINA

The Wayne County Planning Board met at 7:00 p.m. on Tuesday, May 13, 2014 in the Jeffrey's Building after due notice was given.

MEMBERS PRESENT: Messrs. Mike Aycock, Brent Hood, Edward Cromartie, Julian Aycock, Daniel Taylor, Chris Cox and Mrs. Joann Summerlin.

MEMBERS ABSENT: None.

EX-OFFICIO MEMBERS PRESENT: None.

EX-OFFICIO MEMBERS ABSENT: Messrs. Steve Stroud, Kevin Whitley, Kevin Johnson, Dennis Goodson and Joe Gurley.

BOARD ACTION – May 13, 2014

It was the Board's decision to approve the minutes for the April 8, 2014 meeting. A motion was made by Mr. Julian Aycock and seconded by Mrs. Summerlin to approve the minutes. The Board passed the motion unanimously.

Consideration of the Following Plats:

Red Oak Plantation, Rev. Lot 1, Final
Owner\Developer: Johnathan Moore
Surveyor: Benton & Associates
Fork Township, N NC 581 Hwy

Mr. Price stated the plat met the minimum requirements of the Wayne County Subdivision Regulations. Mr. Price recommended approval of the plat. After discussion by the Board, a motion was made by Mr. Cromartie and seconded by Mr. Cox to approve the plat. The Board passed the motion unanimously.

Ingram Fields, Sec. 1, Final, Lots 1-12
Owner\Developer: J & N Developers
Surveyor: Bryan K. Jones Consulting
Fork Township, NCSR 1235

Mr. Price stated the plat met the minimum requirements of the Wayne County Subdivision Regulations with the following exceptions: 1) signatures needed on certificates, and 2) built to standards letter from NCDOT. Mr. Price

recommended conditional approval. After discussion by the Board, a motion was made by Mr. Cox and seconded by Mr. Julian Aycock to conditionally approve the plat. The Board passed the motion unanimously.

Darin Wassenhove, Final, Lot 1
Owner\Developer: Darin Wassenhove
Surveyor: Dan Butler
Stoney Creek Township, NCSR 2304

Mr. Price stated the plat met the minimum requirements of the Wayne County Subdivision Regulations. Mr. Price recommended approval of the plat. After discussion by the Board, a motion was made by Mr. Cox and seconded by Mrs. Summerlin to approve the plat. The Board passed the motion unanimously.

The Reach, Sec. 6, Final, Lot 79
Owner\Developer: Albert J. Vail
Surveyor: B.R. Kornegay, Inc.
Buck Swamp Township, NCSR 1319

Mr. Price stated the plat met the minimum requirements of the Wayne County Subdivision Regulations. Mr. Price recommended approval of the plat. After discussion by the Board, a motion was made by Mr. Julian Aycock and seconded by Mr. Taylor to approve the plat.

Dean K. & Vicki B. Bingham, Final, Lot 1
Owner\Developer: Dean & Vicki Bingham
Surveyor: B. R. Kornegay, Inc.
Grantham Township, NCSR 1008

Mr. Price stated the plat met the minimum requirements of the Wayne County Subdivision Regulations with the following exception: 1) updating driveway permit. Mr. Price recommended conditional approval of the plat. After discussion by the Board, a motion was made by Mr. Cox and seconded by Mrs. Summerlin to conditionally approve the plat. The Board passed the motion unanimously.

Kevin & Amanda Sheets, Final, Lot 1
Owner\Developer: Kevin & Amanda Sheets
Surveyor: B. R. Kornegay, Inc.
Grantham Township, US 13 South Hwy

Mr. Price stated the plat met the minimum requirements of the Wayne County Subdivision Regulations with the following exception: 1) driveway permit required. Mr. Price recommended conditional approval. After discussion by the

Board, a motion was made by Mr. Cox and seconded by Mr. Julian Aycock to conditionally approve the plat. The Board passed the motion unanimously.

Dan & Rita Lancaster, Final, Lots 1-4
Owner\Developer: Dan & Rita Lancaster
Surveyor: B. R. Kornegay, Inc.
Buck Swamp Township, NCSR 1330

Mr. Price stated the plat met the minimum requirements of the Wayne County Subdivision Regulations with the following exceptions: 1) driveway permit required, and 2) health department approval. Mr. Price recommended conditional approval of the plat. After discussion by the Board, a motion was made by Mr. Cox and seconded by Mr. Taylor to conditionally approve the plat. The Board passed the motion unanimously.

New Business

Subdivision Streets

Mr. Price stated a request had been made by a County Commissioners to see if the Planning Board could do about streets approved by the Board in the County built to DOT standards but failed to be picked up by DOT as a maintained street. He stated there are several different ways of doing it and what drives part of the requirement is the minimum requirements of DOT. He stated they won't take a street over that doesn't have any houses on it at all because then they don't know if it will be used at all. Mr. Price stated they do have minimum requirements which are fairly low. They include 20% of the lots must be individually owned and two occupied dwellings for each tenth of a mile. He stated the ones earlier, both are less than a tenth of a mile long so if the developer puts two houses on one street, two houses on the other street and sells those, he can petition for those two streets to be taken over. Mr. Price stated they would have a letter up front from DOT stating that the street has been built to their standards and this would be accepted by them once they have a sufficient number of houses, petition signed and street still to their standard. Mr. Price stated what this change in the subdivision ordinance will do is help spur along the developer in doing that. He stated this means the department would still keep issuing development permits which is the start of the process from our office until 75% of the lots have been permitted or started construction on. Mr. Price stated once that is done, some kind of evidence would be required from the developer that the street has been accepted for DOT maintenance. He stated once that is received, the other 25% will be released. He stated then a petition is submitted to DOT for them to take over the street. Mr. Price stated as a result of the petition being submitted, DOT would go look at the street and then a punch list would be given back to the developer if anything needed to be done.

He stated once the District Engineer has accepted it for submission to the Board of Transportation then the remainder of the permits are released. Mr. Mike Aycock asked if there was a fee to petition DOT to take the streets over. Mr. Price stated he didn't know. Mr. Cox stated there use to be a fee but he wasn't sure about now. Mr. Mike Aycock stated in his opinion it would be in the developers best interest to make the request to DOT to take over the streets earlier rather than later. Mr. Price what happens is when there is a small number of lots and they get sold quickly and the developer then has very little interest in doing anything with the street. He stated this is what is in place already in Johnston County and they said it has worked well for them. Mr. Price stated he would answer any questions if there were any, or if they wanted to think about it and wait until the next meeting to take action. Mr. Cox asked Mr. Parker if he had looked at the wording of it to see how it compares to Johnston County's. Mr. Parker stated no, he had talked with Connie and said that was how it was worded. Mr. Cox asked if it were verbatim. Mr. Price stated they didn't use the word development permit, it was another wording, but the rest was the same. Mr. Cox asked Mr. Price to explain no. 4 referring to "15% of the total estimated cost of street construction." Mr. Price stated if after the permits are discontinued there would be an opportunity to continue on provided there was a bond or cashiers check equal to that amount of money. Mr. Cox asked if that would be for the whole subdivision or the next phase. Mr. Price stated it would be a phase at the time. After the discussion, a motion was made by Mr. Cromartie and seconded by Mr. Cox for Mr. Parker to review some of the wording and be revised and brought back to the Board for discussion at a later date. The Board passed the motion unanimously.

Rezoning Request – RA-20 to CS

Mr. Price stated a request had been received to rezone a parcel from RA-20 to Community Shopping. He stated the parcel is 2.14 acres on the west side of US 117 between it and CSX Railroad. Mr. Price stated the proposed buyer is requesting the zone be changed to Community Shopping and is located across from Charles B. Aycock High School. He stated the zoning there has been in place since the late 60's and most of the property around the high school was zoned RA-20 at that time. Mr. Price stated the way the building was built in the mid 90's the maps that the planning department and the Town of Pikeville had showed the property being in Pikeville's jurisdiction. He stated a zoning permit was obtained from Pikeville showing it was zoned correctly and the building permits were issued by the County. He stated later on it was discovered the County had never released that area to Pikeville to zone, so it was put back in the County's zoning in RA-20 which made it a non-conforming use. Mr. Price stated the buyer of the property is interested in not only using the building that is currently there but adding on an accessory building on the property. He stated to be able to do that and get permits, the property would have to be in

the correct zone so they are requesting to change the zone now before the deal is closed. After discussion by the Board, a motion was made by Mrs. Summerlin and seconded by Mr. Julian Aycock to approve the request and forward to the Board of Commissioners. The Board passed the motion unanimously.

Old Business

Solar Farm Ordinance

Mr. Price stated the ordinance was discussed at the March meeting and there were several suggested changes. He stated since he wasn't at the April meeting so the changes have been made and brought back and is up for any other changes and discussion. He stated there was much discussion on residential and how close it can be to a house on adjoining property. He stated the biggest change in dealing with residential areas is being changed from a 1\4 of a mile to a 1\10 of a mile so far as the area around the solar farm. He stated what this means is the solar farms can not be in a residential area. Mr. Price stated a residential area is defined as one that has 25 houses in it. He stated a buffer would be drawn around the boundary of the solar farm a 1\10 of a mile and count the number of house, if 24 houses are there is will be allowed, if 26 houses there would be a problem. Mr. Price stated what this means is they would have to pull in the boundary on one corner to avoid one or two houses. He stated if it abutted right up to a subdivision and there is 25 houses right along the border that would be a problematic site. He stated looking at the solar farms in place now, all do meet the requirement of having less than the 25 houses within 1\10 of a mile.

Mr. Price stated there was some discussion on the minimum size of the solar facility. He stated it has been added in the minimum size of the solar facility would be 10 acres. He also stated improved areas shall be 150 ft. from any residential areas or churches. He stated previously what was in there was 300 ft., so based on the previous conversation it was changed to the 150 ft. Mr. Price stated the language for access roads has been clarified and should be as follows "all access roads and storage areas shall be established on a 30' minimum easement to a public right of way." Mr. Price also made reference to item "H" which has been modified to now read "all solar energy facilities located in a residential area shall have a minimum landscape buffer of 50 ft. The buffer shall contain evergreen trees planted no more than 8 feet apart and at least 4' tall at time of planting. A buffer area will not be required between a solar energy facility and an industrial or commercial use. A planted buffer will not be required if an opaque fence is installed." Mr. Cox asked Mr. Price about discussing the items individually in Section Five. Mr. Cox read item "A" referencing all solar energy facilities must comply with the requirements established in the Wayne County Zoning Ordinance. Mr. Price stated this is not the zoning ordinance, but

solar facilities are being added as a permitted use in some of the zones. He stated this is basically for the unzoned areas of the County. He stated if it went into a commercial or industrial zone it would meet the setback requirements of that zone, but not necessarily this ordinance. Mr. Cox asked about the AICUZ, I & II and any noise zone and height zone. Mr. Price stated yes, it would go in a ring of about five miles around SJAFB. Mr. Cox suggested to add in item "D" the wording of "such recommendation must not be unreasonably withheld". Mr. Jay Cobb with Strata Solar spoke up and wanted to address some of the suggestions they made that didn't result in any change. Mr. Cobb stated this particular item "D" about having to get the recommendation from SJAFB. He stated their concern was is there any types of projects that this type of approval is required and that it be established in a reasonable amount of time. Mr. Price stated the County is required by State law on any change of zones within five miles of SJAFB to send a notice to the Base and get a recommendation back from them. Mr. Cobb also made reference to item "E" & "F" regarding the term "improved areas" which has not been defined. He stated they pointed out their concern and suggested to define "improved areas" as solar or electrical generator equipment. He also stated if there was a vegetative buffer requirement outside the fence line that it wouldn't be counted against their distance. Mr. Cox made a suggestion to add the definition of improved area to section three definitions. Mr. Price stated any area that would have the inverter or panels would be considered improved areas. Mr. Cobb also stated concern for item "H", the last sentence stating "a buffer area will not be required between a solar energy facility and an industrial or commercial use." He asked would an agricultural use be considered a commercial use or something different that could be added to the list. Mr. Price stated it wouldn't be either of them, it could be added but that decision would be up to the Board. Mr. Cobb asked if it could be considered to be added to the list. Mr. Cobb stated they have done a few solar sites in the County and hoped to do more and most times are put on farmland and most times are surrounded by other farms and wouldn't make much sense to have to put in a vegetative buffer to screen one farm from another. Mr. Cobb also stated a concern regarding item "B" referencing the minimum lot size and their projects are 5 mega watts and take up about 30 acres but are not adverse to doing projects geared towards smaller commercial companies that are 1\10 that size or even 1% that size which is not an insignificant project. Mr. Cobb asked if a business owner approached them and had a building and property and wanted to do a small ground mounted system on their property that would have a few 100 panels and the business may not have 10 acres, would that project fall under this document? Mr. Price stated as long as long as you aren't selling electricity off site. Mr. Cobb stated even though the project may be small they still sell all the energy back to the power company. Mr. Price stated if you are selling electricity off site it will have to be 10 acres. He stated the reason for the minimum lot size when it is a single use or primary use of the property it is to avoid the conflicts with them going up next to residential areas. Mr. Price stated

the way to handle it may be to add to item "B" under Section Five the wording "for primary use", which would allow accessory uses. After discussion on Item "D" & "F" Mr. Parker made the recommendation to change some of the wording in both items to read: "D" – All solar energy facilities located in areas covered by the 2011 AICUZ report of subsequent reports must be sent to Seymour Johnson Air Force Base Commander or designated official for comment, and "F" – Improved areas shall be at least 150 feet from any residential building or churches. Also, Mr. Parker recommended adding to Item "H" the wording of agriculture and timber. Mr. Cox was concerned with Section Six, Item "A" the wording of "vegetation above must be planted along the sides and adjoining a public road." Mr. Cox asked what if there was existing vegetation? Mr. Price stated that can be looked at when a site plan is turned in for planning board approval and you will be able to see what was there. Mr. Price stated for example if there's an existing timber tract between the fence line and the highway, that would be the buffer with no plantings required. He stated there just needed to be some type of assurance the timber will stay there. Mr. Cobb stated under Section Seven Item "C" regarding the wording of "materials, colors, textures, screening and landscaping. Mr. Price stated when you plant trees out along as a planted buffer, plant trees that are native to this area. Mr. Cobb stated they have a list of trees that would grow the appropriate height for what is needed. Mr. Cox suggested adding in the word "buffer" into Item "C" which will read "the design of solar energy facilities buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment." Mr. Cox stated he had a question about Item "F" & "G" and asked if they had found these facilities to produce any emissions. Mr. Cobb stated they haven't found to be an issue and Seymour Johnson has already made a request for future projects with the County asking for technical data so they can make verification it will not make any navigational issues. Mr. Cox also questions Section Eight Item "C" regarding granting a variance to the fencing requirement and asked about adding the wording of landscaping. Mr. Price stated the wording of "and/or landscaping" could be added into the sentence. Mr. Parker also stated at the beginning of the ordinance the two paragraphs beginning with the wording "Whereas" if the Board agrees will be removed. The Board agreed unanimously to remove those two paragraphs. After discussion by the Board, a motion was made by Mr. Cox and seconded by Mr. Julian Aycock to make requested changes and bring back at June meeting for discussion. The Board passed the motion unanimously.

With there being no further business, a motion was made by Mr. Hood and seconded by Mr. Julian Aycock to adjourn the meeting. The Board passed the motion unanimously.

Robin N. Bjorling
Clerk to the Board
April 8, 2014