

# Duplin County Planning Department

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## Minutes Duplin County Planning Board 01-14-2014

**Members Present** Marshall Britt, Charles Edwards Jr., Bobby Jean Rivenbark, Tina Murphy and Debbie Jones

**Members absent** J.B. Merritt

**Others Present** Randall Tyndall, Kenneth Stevens (representing Brandon Wolfe)

A meeting of the Duplin County Planning Board was held at the County Commissioners Board Room on January 14, 2014. The meeting was called to order at approximately 7:00 p.m. The planner advised all present that the meeting was being recorded and to please silence their cell phones. It was noted that a quorum was present.

The Planner requested that the agenda be amended to recognize Mr. Kenneth Stevens and add his request to the current agenda. A motion was made, seconded, and approved to allow Mr. Stevens request be considered. Kenneth Stevens requested a variance of the limit of 3 residential units established from Thelma Duncan Lane (along Hwy N NC 111Hwy) . 5 residences (all family) are currently permitted along Thelma Duncan Lane and the family wanted to allow the granddaughter to build a home at the westerly portion of the property accessed by Thelma Duncan Lane. Note: The property was not to be deeded to the granddaughter at this time, but she would be allowed to establish a residence on the property. The husband (Brandon Wolfe) had already received an approved perk test on the property (Permit # 26227) but was waiting installation pending variance approval. A motion was made, seconded, and conditionally approved to allow the permitting of this portion of land as requested. The approval was conditional provided the property was not subdivided and deeded. If at what time the family chose to deed this portion of property to anyone, the Planning Board would consider final approval of this division of property only if the family agreed to get an 50 ft access/ingress/egress easement from N NC Hwy 111 to the residence. It was noted that Danny Duncan (another family member) did have an adjacent property with access to N NC Hwy 111 that could potentially allow this easement.

The board returned to the regular agenda. Members were requested to review and approve, disapprove or amend the minutes of the 10-08-2013 meeting. There being no corrections nor amendments, a motion was made, seconded, and approved to record the minutes as written.

The board members were requested to review the draft agenda and provided additions, deletions, and amendments. No additions were made. The agenda was approved.

The board members were requested to review the agenda and disclose any potential "conflicts of interest". The board determined that no potential conflicts existed. No disclosures were made.

Under OLD BUSINESS, the following items were discussed:

The November 2013 and December 2013 meetings were canceled at determination of chairman due to various reasons (sickness of board members, no pending business, etc).

The Planner reported that Mr. Chris Jernigan had chosen to seek employment elsewhere and was no longer assisting the County Planner. A replacement was not being considered at this time.

The 2014 Planning Board Meeting schedule and the Planning Department TOP TEN issues listing were reviewed. A motion to approve was made, seconded and approved as printed. The Planner stated that the upcoming annual budget would be recommended at a later meeting.

Under NEW BUSINESS, the following items were discussed:

The Planner reported that several concerned citizens had made public comment at the December 16, 2013 Board of County Commissioners meeting in opposition of a proposed 5 MW Solar Farm site at 141 Coy Smith Road in the Albertson district. Copies of a portion of the BOC Board minutes regarding these comments and a copy of the County Attorney e-mail response to the BOC was provided to the Planning Board as well as a copy of the NC State Solar Development Template for consideration. Photos taken at 2 existing Solar sites near Warsaw NC were shown to Board members to give a better understanding of the construction of similar sites. News articles regarding similar opposition by citizens from the western part of the State were provided to the board members for consideration.

A concern regarding the suspected impact that the Coy Smith Road Solar Farm could potentially have on the nearby County Water well was made previously that day by Chairman Marshall Britt. The County Planner contacted the County Water Superintendent and she contacted Mr. Byron Reeves, PE Environmental Engineer, NCDENR-Public Water Supply Section, Wilmington, NC. Mr. Reeves responded with an e-mail to the Water Superintendent (Ms. Donna Brown) that in their opinion the Public Water Supply Section did not view solar panels and/or solar farms as a potential source of contamination for the county's water supply system.

The Planner also contacted the County Attorney to seek advice on the legal response/options potentially that could be taken by the Planning Board. The Planner was

advised that the Planning Board did have the authority under GS 153-340 to recommend to the County Board of Commissioners a moratorium, and also clarified the conditions of such a recommendation. The Planner provided to the Planning Board a listing of the conditions and also a copy of the Rutherford County Planning Commission written recommendation to their County Board of Commissioners when a similar action was taken in July 2013.

After discussion, the Planner was directed by the Planning Board to take the following actions:

- 1) Write a letter to the Chairman of the Duplin County Board of Commissioners for presentation at their January 21, 2014 meeting stating the following:
  - a. The Planning Board has received a copy of the concerns as stated in public comment during the December 16, 2013 BOC meeting regarding the permitting of a Solar Farm at 141 Coy Smith Road, Albertson, NC.
  - b. The Planning Board has sought and received a copy of the legal response provided via e-mail from the County Attorney to the County BOC regarding these concerns.
  - c. The Planning Board has sought and received additional legal guidance from the County Attorney of optional potential action(s) authorized to the Planning Board
  - d. The Planning Board members have been presented a copy of the NC State Model Ordinance and have reviewed this for consideration
  - e. The Planning Board does not make any recommendations at this time, but awaits additional tasking from the County BOC
  - f. (Copy of letter attached for the record) – see attachment
- 2) The Planner was also requested to contact Mr. Dan Conrad from the NC Utilities Commission as to any additional action(s) regarding the permitting of the 141 Coy Smith Road Solar site.

Under OTHER BUSINESS items:

Updates on the following were made by the Planner in sharing current status of these projects/programs:

Update of PLAN IT EAST initiatives – Next meeting February 2014

The next scheduled meeting of the Duplin County Planning Board is on February 11, 2014 at 7:00 PM at the Commissioners Board room.

Having no additional business, the meeting was adjourned by unanimous vote at approximately 8:45 pm.

Submitted for consideration:

Randall G. Tyndall, County Planner