



**CAMDENCOUNTY**  
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# **PLANNING BOARD**

**August 16, 2017**

**7:00 PM**

**Regular Meeting**

**Historic Courtroom**

**Courthouse Complex**

## **Agenda**

**Camden County Planning Board  
Regular Meeting  
August 16, 2017, 7:00 PM  
Historic Courtroom, Courthouse Complex**

**ITEM I.      Call to Order & Welcome**

**ITEM II.     Consideration of Agenda**

**ITEM III.    Consideration of Minutes - July 19, 2017**

1. PB Minutes July 19 2017

**ITEM IV.     Public Comments**

**ITEM V.      Old Business**

**ITEM VI.     New Business**

1. Ordinance 2017-07-03 Amendment to County Code of Ordinances
2. UDO 2017-08-07 Rezoning 729 North 343

**ITEM VII.    Information from Board and Staff**

**ITEM VIII.   Consider Date of Next Meeting - September 20, 2017**

**ITEM IX.     Adjourn**



**Camden County Planning Board**  
**AGENDA ITEM SUMMARY SHEET**  
Minutes

**Item Number:** 3.1

**Meeting Date:** August 16, 2017

**Submitted By:** Amy Barnett, Planning Clerk  
Planning & Zoning  
Prepared by: Amy Barnett

**Item Title** PB Minutes July 19 2017

**Attachments:** pbmins\_07192017 (PDF)

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – July 19, 2017

**Camden County Planning Board****Regular Meeting****July 19, 2017 7:00 PM****Historic Courtroom, Courthouse Complex****Camden, North Carolina****MINUTES**

*The regular meeting of the Camden County Planning Board was held on July 19, 2017 in the Historic Courtroom, Camden, North Carolina. The following members were present:*

**CALL TO ORDER & WELCOME**

Chairman Calvin Leary called the July 19, 2017 Planning Board meeting to order at 7:00 PM.

Planning Board Members Present:

Attendee Name	Title	Status	Arrived
Calvin Leary	Chairman	Present	6:50 PM
Fletcher Harris	Board Member	Present	6:50 PM
Patricia Delano	Vice Chairman	Present	6:50 PM
Michael Etheridge	Board Member	Absent	
Rick McCall	Board Member	Present	6:50 PM
Ray Albertson	Board Member	Present	6:50 PM
Steven Bradshaw	Board Member	Present	6:50 PM

Staff Members Present:

Attendee Name	Title	Status	Arrived
Dave Parks	Permit Officer	Present	6:40 PM
Amy Barnett	Planning Clerk	Present	6:40 PM

Also present were the following persons:

Attendee Name	Title	Company/Address	Mtg Section
John Word	Adj Prop Owner	Sharon Church Rd	Pub Comment
Glen A. Carey	Applicant	Sharon Church Rd	NB-A
Linda Nwadike	Agent for Applicant	SunEnergy1, Mooresville NC	NB-C, NB-D
Mackenzie Minehold	Representative	SunEnergy1, Mooresville NC	NB-C
Herbert Mullen	Land Owners Lawyer	Elizabeth St, Eliz City NC	NB-C
Linda Nash	Property Owner	Ivy Neck Rd	NB-D
Wesley Mason	Adj Prop Owner	Sandy Hook Rd	NB-D
Susan Bundy	Adj Prop Owner	Sandy Hook Rd	NB-D
Michael Riggs	SF Property Owner	126 Sassafrass Ln	NB-D
Jane Watman	Adj Prop Owner	Ivy Neck Rd	NB-D
Al Maver	Adj Prop Owner	Sandy Hook Rd	NB-D
Eddie Bundy	Adj Prop Owner	Sandy Hook Rd	NB-D
Dave Williams	Technical Expert	Fountain Valley, CA	NB-D

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Bradley Fite	Chief Ops Officer	SunEnergy1, Mooresville NC	NB-D
Stacy Riggs	SF Property Owner	126 Sassafrass	NB-D
Tommy Cleveland, PE	Prof Consultant	SunEnergy1, Mooresville NC	NB-D
Rich Kirkland	Appraiser	Northfield Ct, Raleigh NC	NB-D
Laurie McHurdle	Adj Prop Owner	Sandy Hook Rd	NB-D
Janise Mason	Adj Prop Owner	Sandy Hook Rd	NB-D

**CONSIDERATION OF AGENDA**

Dave Parks asked to amend the agenda to remove Item # B at the request of the applicant.

***Motion to Approve Amended Agenda***

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Ray Albertson, Board Member
<b>SECONDER:</b>	Fletcher Harris, Board Member
<b>AYES:</b>	Leary, Harris, Delano, McCall, Albertson, Bradshaw
<b>ABSENT:</b>	Etheridge

**CONSIDERATION OF MINUTES - JUNE 21, 2017*****Motion to Approve June 21, 2017 Minutes as Written***

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Fletcher Harris, Board Member
<b>SECONDER:</b>	Steven Bradshaw, Board Member
<b>AYES:</b>	Leary, Harris, Delano, McCall, Albertson, Bradshaw
<b>ABSENT:</b>	Etheridge

**PUBLIC COMMENTS**

Mr. John Word, resident of Sharon Church Road, came before the board to express concerns regarding the length of time in which notifications are received in the mail prior to meetings. Mr. Dave Parks, Permit Officer for the county, indicated that notifications for this meeting were mailed on the 10th of July. Mr. Word stated that he received his notification on July 14, and the meeting date was July 19, which is only 5 days, not 10 as the ordinances stipulate. Mr. Parks indicated that he was 1 day late in mailing the letters, and that the rules only say that the notices must be mailed within 10 days of the meeting.

**OLD BUSINESS**

NONE.

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**NEW BUSINESS****Item A: UDO 2017-06-14 Rezoning Old Swamp + Lilly Rds - Glen A Carey**

Dave Parks described this rezoning request and began going over the staff report, incorporated herein below:

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**STAFF REPORT  
UDO 2017-06-14  
Zoning Map Amendment**

**PROJECT INFORMATION**

**File Reference:** UDO 2017-06-14  
**Project Name:** N/A  
**PIN:** 01-7090-00-73-2313

**Applicant:** Al Carey

**Address:** P.O. Box 211  
 South Mills, NC  
**Phone:** (252) 333-8596  
**Email:**

**Agent for Applicant:**  
**Address:**  
**Phone:**  
**Email:**

**Current Owner of Record:** Glen Carey

**Meeting Dates:**  
 7/19/2017 - Planning Board

**Application Received:** 6/9/17  
**By:** David Parks, Permit Officer

**Application Fee paid:** \$790.00; Check #18684

**Completeness of Application:** Application is generally complete

**Documents received upon filing of application or otherwise included:**

- A. Rezoning Application
- B. Health Department Soil Evaluation
- C. Aerial of portion of property requested to be rezoned.
- D. Deed
- E. GIS Aerial, existing zoning, Comprehensive Plan future land use and CAMA Land Use Plan Suitability Maps

**PROJECT LOCATION**

**Street Address:** Property located intersection of Old Swamp and Lilly Roads.  
**Location Description:** South Mills Township

Attachment: pbmins\_07192017 (1792 : PB Minutes July 19 2017)

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**REQUEST**

Rezone approximately 24 acres from Basic Residential (R3-2) to Basic Residential (R3-1)

**From:** Basic Residential (R3-2)

The R3 Districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. Subdivision in the R3-2 district requires a minimum of two acres per lot.

**To:** Basic Residential (R3-1)

The R3 Districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. Subdivision in the R3-1 district requires a minimum of one acre per lot.

**SITE DATA**

**Lot size:** Approximately 24 acres.  
**Flood Zone:** Shaded X/AE (100 year flood)  
**Zoning District(s):** Basic Residential (R3-2)  
**Existing Land Uses:** Agriculture

**Adjacent Zoning & Uses:**

	North	South	East	West
Zoning	Basic Residential (R3-2)	Basic Residential (R3-2)	Residential (R3-2)(R2)	Basic Residential (R3-2)
Use & Size	Farmland / Some Housing	Tar Corner Subdivision	Farmland / Two Houses	Farmland

**Proposed Use(s):**

The Uses will remain the same; just the density change is requested from two to one acre.

**Description of property:**

Property abuts Old Swamp Road and Lilly Roads. Property has been in farm use for quite some time.

**ENVIRONMENTAL ASSESSMENT**

**Streams, Creeks, Major Ditches:** Joyce Creek.  
**Distance & description of nearest outfall:** Less than 1 mile.

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**INFRASTRUCTURE & COMMUNITY FACILITIES**

**Water:** Water lines are located adjacent to property along Old Swamp and Lilly roads.

**Sewer:** Perc test provided.

**Fire District:** South Mills Fire District. Property located approximately 3 miles from Station on Keeter Barn Road.

**Schools:** Impact calculated at subdivision.

**Traffic:** Staffs opinion is traffic will not exceed road capacities.

**PLANS CONSISTENCY**

**CAMA Land Use Plan Policies & Objectives:** *Consistent;* The proposed zoning change is consistent with the CAMA Land Use Plan which was adopted by the Camden County Board of Commissioners on April 4, 2005 in that the Future Land Use Maps has area as Low Density Residential 1-2 acres or greater.

**2035 Comprehensive Plan:** *Consistent;* Consistent with Comprehensive Plan (Adopted 2012) as Future Land Use Maps reflect land identified as Rural Residential 1 acre lots.

**Comprehensive Transportation Plan:** *Consistent;* Property abuts Old Swamp and Lilly Roads.

**Other Plans officially adopted by the Board of Commissioners:** N/A

**FINDINGS REGARDING ADDITIONAL REQUIREMENTS**

**Will the proposed zoning change enhance the public health, safety or welfare?**

Yes; **Reasoning:** The proposed zoning change will enhance the public health, safety, or welfare as the proposed change will allow for higher density residential development to support future commercial development providing a needed tax base for County residents.

**Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification?** Yes;

**Reasoning:** The allowable uses in the R3 (Basic Residential) zoning will not change as the request is for higher density from two acres to one acre.

**For proposals to re-zone to non-residential districts along major arterial roads:**

**Is this an expansion of an adjacent zoning district of the same classification?** N/A; **Reasoning:**

**What extraordinary showing of public need or demand is met by this application?** N/A; **Reasoning:**

**Will the request, as proposed cause serious noise, odors, light, activity, or unusual disturbances?** No; **Reasoning:** All uses allowed in the requested zoning classification should not cause any serious noise, odors, light activity, or unusual disturbances.



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**Does the request impact any CAMA Areas of Environmental Concern?** No;**Reasoning:** Property is outside any CAMA Areas of Environmental Concern.**Does the county need more land in the zoning class requested?** Yes;**Reasoning:** Higher density development in areas identified in the Comprehensive and CAMA plans provides needed roof tops to support commercial development.**Is there other land in the county that would be more appropriate for the proposed uses?** No; **Reasoning:** Proposed uses will not change.**Will not exceed the county's ability to provide public facilities:** No**Schools:** The higher density would have an impact on the high school as it is over capacity. Owner desires to create a four lot minor subdivision and preserve the rest in farmland.**Fire and Rescue:** Minimal impact.**Law Enforcement:** Minimal impact.**Parks & Recreation:** Minimal impact**Traffic Circulation or Parking:** N/A**Other County Facilities:** No.**SPOT REZONING?****Is This A Small Scale "Spot" Rezoning Request Requiring Evaluation Of Community Benefits?** Yes**If Yes (regarding small scale spot rezoning) - Applicants Reasoning:**

	Personal Benefits / Impact	Community Benefits / Impact
With Rezoning	Will allow owner to cut out a 4 lot minor subdivision of one acre lots.	Preservation of farmland and providing additional roof tops to support commercial development
Without Rezoning	Property owner will be wasting 4 acres of farm land under current zoning requiring two acre lot sizes.	No Change

**STAFF COMMENTARY**

The owner would like to create a 4 lot minor subdivision and preserve as much farm land as possible. By requesting to rezone the entire tract, if in the future the owner would need to subdivide again (there is a five year wait between minor subdivisions) the zoning will already be in place.

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**STAFF RECOMMENDATION:**

Staff recommends approval of the rezoning as it is consistent with both the CAMA Land Use Plan and Comprehensive Plan as it allows for higher densities of one acre.

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At this time, Mr. Parks introduced Mr. Al Carey, who is representing his father Glen Carey the applicant, who spoke regarding the request for rezoning:

- Asking for property to be rezoned to R3-1, one acre lot sizes
- County needs more lots sized 1 acre to increase economic development
- Rezoning will allow for preservation of farmland as the subdivision of land will not require 2 acres per lot

Ray Albertson asked to be recused from any deliberations regarding this agenda item as he farms land included in the request.

Fletcher Harris made a motion to recuse Ray Albertson. Steve Bradshaw seconded the motion. The motion passed with Chairman Calvin Leary, Vice Chairman Patricia Delano, Members Fletcher Harris, Ray Albertson, Steve Bradshaw, and Rick McCall voting Aye; None voting no; 1 absent; none not voting.

Dave Parks went over the Vicinity Map, CAMA Land Suitability Map, Comprehensive Plan and CAMA Future Land Use Maps, Zoning Map, & Floodplain Map. Copies of which are available in the board packet located on the Camden County Website in the Planning Board area of the website.

Items to note from the maps:

- Current zoning is R3-2 which requires a minimum of 2 acres to subdivide.
- CAMA Future Land Use Map designates area as low density residential.
- Southern portion of property is in the flood zone with the rest of the property being outside the floodplain.
- Comprehensive Plan designates property as Rural Residential one acre lots.

Soils initially did not perk, and Health Department asked applicant to seek a professional soil analysis. This was done, and a way was found to make the property adequate for septic tank suitability.

The soils analysis will go to the Health Department for a final approval, and any approval by this board will be contingent on the final approval by the Health Department.

Staff recommends approval as it is consistent with both the CAMA Land Use Plan and the Comprehensive Plan.

At this time, Dave Parks opened the floor for public comment. Hearing none, Chairman Calvin Leary called for a motion.

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***Motion to Approve Consistency Statement: Rezoning of Property located on corner of Old Swamp & Lilly Roads is consistent with both the CAMA Land Use Plan and the 2035 Comprehensive Plan.***

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Steven Bradshaw, Board Member
<b>SECONDER:</b>	Fletcher Harris, Board Member
<b>AYES:</b>	Leary, Harris, Delano, McCall, Albertson, Bradshaw
<b>ABSENT:</b>	Etheridge

***Motion to Approve Rezoning of Property located on corner of Old Swamp and Lilly Roads from R-3-2 to R-3-1.***

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Fletcher Harris, Board Member
<b>SECONDER:</b>	Rick McCall, Board Member
<b>AYES:</b>	Leary, Harris, Delano, McCall, Albertson, Bradshaw
<b>ABSENT:</b>	Etheridge

**Item B: UDO 2017-06-15 Rezoning Sharon Ch Rd - Glen A Carey**

Item B was removed from the agenda.

Prior to the Planning Board's consideration of Items C and D of this meetings agenda, Dave Parks addressed the public present and read through the existing design standards for Solar Farms which are included in the ordinances and herein below.

§151.347(V) The following standards shall apply to all solar farms located in Camden County:

- (1) The minimum lot size for all solar farms shall be five acres.
- (2) All structures shall meet a minimum 100-foot setback, as measured from all property lines.
- (3) There shall be 50-foot buffer prior to the perimeter fence that shields a solar farm from routine view from public rights-of-way or adjacent residentially zoned property.
- (4) The buffer shall consist of two canopy trees, four understory trees and 25 shrubs for every 100 feet. The maintenance of the buffer shall conform to current UDO standards and shall be binding to all successive grantees.
- (5) Solar farms located within FEMA's 100-year flood shall elevate all electrical connections one foot above the base flood elevation (BFE).
- (6) All collectors shall be surrounded by a lockable, minimum height, six-foot fence.
- (7) Solar power electric generation structures shall not exceed a height of 15 feet.
- (8) The solar farm shall conform to the NAICS 221114 description of a ground-mounted, solar-powered energy system, as well as any amendments to said code.
- (9) A proposed decommissioning plan, to be signed by the party responsible for decommissioning and the landowner (if different), addressing the following, shall be submitted at permit application. Decommissioning shall include:
  - (a) Removal of solar panels, buildings, cabling, electrical components, roads, and any other associated facilities down to 36 inches below grade;
  - (b) Disturbed earth shall be graded and re-seeded, unless the landowner requests, in writing, that the access roads or other land surface areas not be restored;
  - (c) Description of any agreement (e.g., lease) with landowner regarding decommissioning;

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- (d) List the type of panels and material specifications being utilized at the site;
  - (e) The identification of the party currently responsible for decommissioning;
  - (f) Estimated cost of removal prepared by a third party engineer;
  - (g) Prior to issuance of the building permit, approved decommissioning plan shall be recorded in the county register of deeds;
  - (h) Decommissioning plan and estimated cost of removal shall be updated every five years, or upon change of ownership and re-recorded in the county register of deeds.
- (10) Prior to approval of building permits, applicant shall provide an automatically renewable guarantee in the form of a bond, cash escrow deposit, or an irrevocable letter of credit issued by a federally chartered bank with a branch office in northeastern North Carolina, in favor of the county, which shall be drawn and paid in full, in immediately available funds for an amount equal to the estimated removal cost of the solar facility, in the event the owner fails to decommission the solar facility pursuant to the requirements of this section. The institution issuing the guarantee shall provide to the county a notice no less than 90 days in advance of any renewal, cancellation, termination or expiration of the guarantee.
- (11) The county shall periodically request proof of the continuous operation of the solar farm from the applicant/owner. The nature of required evidence shall be determined as a condition of the special use permit.
- (12) The solar farm shall have 12 months to complete decommissioning of the solar facility if no electricity is generated for a continuous period of 12 months. For purposes of this section, this 12-month period shall not include delay resulting from force majeure.
- 

Mr. Parks observed the following with regard to the aforementioned standards:

- These are the requirements that applicants for Solar Farms must abide by.
  - The ordinances can be changed with amendments as necessary. Amendments come before the Planning Board for a recommendation before going to the Board of Commissioners to be voted upon.
  - The Planning Board is a recommending board.
  - Agenda items heard before the Planning Board go to the Board of Commissioners with the recommendations of the Planning Board.
  - Planning Board meetings are not evidentiary, public comments at Planning Board meetings may take the form of opinions.
  - Board of Commissioner meetings are 'Quasi-Judicial'. Public comments at such meetings must be supported by evidence. Opinions are not allowed as a basis for assertions as opinions are considered heresay. Any comments made during a Public Hearing at a Board of Commissioner meeting must be factual and evidence provided.
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Item C: UDO 2017-06-04 SUP Camden Dam Solar

Dave Parks described this agenda item, and then introduced Ms. Linda Nwadike, representing SunEnergy1 for Camden Dam Solar LLC.

Linda Nwadike, SunEnergy1, Mooresville, NC

- Request is for a 5 Mega Watt AC solar facility
- Property is located on North Mill Dam Road
- Panels will be on 28 acres, property is 50 acres
- Must meet or exceed all the Federal, State, and Local rules and regulations
- Solar Facilities must obtain approval from NC Utility Commission, which requires a review by various state agencies including NCDENR, NC Division of Water Resources, NC Department of Cultural Resources, NC Historical Preservation Office, NC Department of Agriculture & Consumer Services, NC Division of Emergency Management, and so on.
  - Must meet or exceed the requirements of all of these
- All panels are set back 100 feet with a 50 foot buffer parallel to the perimeter fence
- Canopy trees will be put in place as well as shrubs per the requirements of the UDO
- Decommissioning plan has been provided per the UDO
- Federal requirement of 6' fence with 1' topper on top will be met
- Will elevate any structures which are found to be in the flood zone
- Panels are 9' in height when at full tilt, which is below the 15' maximum per the UDO
- Stormwater plan has been submitted, county engineer Greg Johnson is currently reviewing, as are various other state agencies as the SW Plan must be approved prior to commencement of construction
- Solar is widely used, and is becoming more common of a technology every day
- Solar will not endanger the public health and safety, nor will it affect property values
- Appraisal performed by Rich Kirkland of Kirkland Appraisals has been submitted as evidence.
- Property is currently zoned General Use (GUD)
- Solar Farms are a permitted use per the Table of Permissible Uses in the UDO.
- Use requires a 100 foot setback with vegetative buffer, which as previously mentioned will be put in place.
- Project is low impact, no noise, odors, excessive light, etc.
- Will not exceed public facilities. Law enforcement & emergency personnel will have a key and/or code for entry to the site, and will receive training pertaining to how to handle any emergency situation at the site.

At this time, Ms. Nwadike introduced her associate McKenzie Minehold of SunEnergy1

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McKenzie Minehold, SunEnergy1, Mooresville, NC

- SunEnergy1 has an existing relationship with Camden County through the Shiloh 1108 project
- Community Meetings have been held
  - Adjacent property owner concerns have been heard and we're trying to mitigate any issues they may have and work with them to the best of our ability
- SunEnergy1 is committed to being a good neighbor and making a positive impact in the areas where solar facilities are located
- Solar Farm will not result in any financial impact or burden to the county
- Solar Farm will not result in any light or noise pollution
- Significant local hiring (jobs)
  - 100 people - construction jobs between the solar facilities planned
  - 2-3 months construction time per solar farm

Rick McCall asked for clarification regarding the jobs. He asked if these jobs would be filled with local personnel. Ms. Minehold responded that they would be filled locally where possible with local laborers and skilled trades. When qualified personnel are not available, hiring from outside the area becomes necessary, but local resources are utilized first. Mr. McCall further asked about their job recruitment methods. Ms. Minehold responded that in addition to the usual recruitment methods, they also participate with job fairs and local staffing companies in order to get the word out that they have positions.

Ms. Minehold added:

- Construction phase will provide a temporary economic boon to the county in terms of more business in local businesses such as restaurants, gas stations, other services, etc., due to the workers needing to make use of these businesses.
- Will provide an increase in taxes for the county \$20,000 or more in property taxes as well as personal property taxes (equipment).
- Willing to hold "Solar Open House" to invite the public in to see what a Solar Farm is, what it is, how it works, and ask questions.
- Establishing partnerships with local charitable organizations as well

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At this time, Dave Parks went over the staff report as incorporated herein below.

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**STAFF FINDINGS OF FACTS  
SPECIAL USE PERMIT  
UDO 2017-06-04  
SOLAR FARM**

**PROJECT INFORMATION**

**File Reference:** UDO 2017-06-04  
**Project Name:** Camden Dam Solar, LLC  
**PIN:** 02-8944-00-75-7172  
**Applicant:** CAMDEN DAM SOLAR, LLC SUNENERGY1  
**Address:** 192 Raceway Drive, Mooresville, NC 28117  
**Phone:** (704) 662-0375  
**Email:**

**Agent for Applicant:**  
**Address:**  
**Phone:**  
**Email:**

**Current Owner of Record:** Kim Sawyer  
**Meeting Dates:**  
 7/19/2017 - Planning Board

**Application Received:** 6/2/17  
**By:** David Parks, Permit Officer

**Application Fee paid:** \$400 Check, # 18532

**Completeness of Application:** Application is generally complete

**Documents received upon filing of application or otherwise included:**

- A. Land Use/Development Application
- B. Commercial Site Plan
- C. Project Summary Letter
- D. Deed & Lease Agreement
- E. Documentation of all requirements from NC State Utilities Commission
- F. Technical Review comments
- G. Drainage Report (Not in packet)

**PROJECT LOCATION**

**Street Address:** West of 122 Mill Dam Road  
**Location Description:** Courthouse Township

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**REQUEST**

Construction of a 5MW AC Solar Facility. Camden County Code Article 151.334 Table of Permissible Uses (Use # 17.400); Specific Standards – Article 151.347(V).

**SITE DATA**

**Lot size:** Approximately 50 acres in size  
**Flood Zone:** AE/X  
**Zoning District(s):** General Use District (GUD)  
**Existing Land Uses:** Farmland/Woodland

**Adjacent Zoning & Uses:**

	North	South	East	West
Zoning	GUD	GUD	GUD	GUD
Use & Size	Woodland - 11 acres / Ar	Woodland - 12 plus acres	3 Residential lots	Farmland - 50 acres

**Proposed Use(s):** 5MW AC Solar Facility

**Description of property:** Property has approximately 5 acres of woodland and 50 acres under farm use.

**ENVIRONMENTAL ASSESSMENT**

**Streams, Creeks, Major Ditches:** Arnuese Creek is to the North  
**Distance & description of nearest outfall:**

**INFRASTRUCTURE**

There are currently no utilities servicing the property.

**Traffic:** During construction phase there will be increased traffic along South 343 and Mill Dam Road .

**UTILITIES**

- A. Does the application include a letter or certificate from the District Health Department regarding septic tanks? Applicant requesting use of portable toilet during construction phase.
- B. Does the applicant propose the use of public sewage systems? No
- C. Does the applicant propose the use of public water systems? No.
- D. Distance from existing public water supply system: Approximately 250 feet on NC 343.
- E. Is the area within a five-year proposal for the provision of public water? No
- F. Is the area within a five-year proposal for the provision of public sewage? No



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**LANDSCAPING**

- A. **Is any buffer required?** Yes. Indicated on site plan.  
 B. **Is any landscaping described in application:** Yes.

**FINDINGS REGARDING ADDITIONAL REQUIREMENTS**

**Endangering the public health and safety?** No; Staffs opinion is that application does not appear to endanger the public health and safety.

**Injure the value of adjoining or abutting property.** No; Without any evidence to the contrary - staffs opinion is that application does not appear to injure the value of adjoining or abutting property.

**Harmony with the area in which it is located.** Yes AND No; Property zoned for proposed use. Comprehensive Plan has property identified as Rural Preservation.

**EXCEED PUBLIC FACILITIES**

**Schools:** No; Proposed development will not impact schools.  
**Fire and rescue:** No  
**Law Enforcement:** No

**Planning Staff recommends approval with the following conditions:**

1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development.
2. The applicant shall complete the development strictly in accordance with the approved plans contained in the file titled UDO 2017-06-04.
3. Applicant shall provide Camden County Planning Office proof of the continuous operation annually (no later than January 30th) or upon request of the county which shall not be unreasonable in the form a letter from the facility owner stating the facility has been operational during the previous year.
4. Upon completion of the installation of the solar farm, Sun Energy shall provide training to Fire Marshall, South Camden Volunteer Fire Department and Sheriff's Office personnel as to the potential risks involved in case of an emergency inside the facility.
5. Applicant shall provide the Sheriff's Office with a key or combination to the entrance into the facility in case of an emergency. Sheriff's office shall contact owner prior to entry to ensure all power has been secured.
6. Hours of operations during construction phase shall be Monday - Saturday, dawn to dusk.
7. Property shall be maintained throughout the solar farms lifetime to include maintenance of the buffer area and grass. Grass shall not exceed 24 inches in height.
8. Applicant shall provide Camden County with a third party estimate of the salvage value of all equipment related to the project.

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9. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.

Additional Requirement: There shall be no land disturbing activity until County receives approved DENR E & S Control Plan, Stormwater Permit and Drainage Plan approved by Camden County.

Regarding "Documents received upon filing of application or otherwise included: (G)-Drainage Report", the report is 85% completed. County requirements are more strict than the requirements of the State. There are a few items of interest pending for the completion of the Drainage Report, and so the additional requirement is that no land disturbing activity will occur until the report has been completed and approved.

At this time, Dave Parks asked if there were any comments or questions from the Board. Steve Bradshaw asked if the training is a one time thing or will training be repeated. Mr. Parks stated that there will be more than one training session, and then more sessions as needed in the future. Mr. Parks added that it is a condition of the Special Use Permit that they have to provide that training.

At this time, Chairman Calvin Leary opened the floor for public comments giving each commenter a 3 minute time limit.

Herbert Mullen, Attorney at Law, Elizabeth Street, Elizabeth City, NC

- Representing property owner Kim Sawyer
- Ms. Kim Sawyer owns this land and it is hers to lease to SunEnergy1
- This will provide Ms. Sawyer a substantial sum of money as income over the next 20 to 50 years
- Requests approval on behalf of the property owner

Chairman Calvin Leary asked if there were any further public comments, hearing none he called for a motion.

***Motion to Approve Special Use Permit for Camden Dam Solar***

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Ray Albertson, Board Member
<b>SECONDER:</b>	Patricia Delano, Vice Chairman
<b>AYES:</b>	Leary, Harris, Delano, McCall, Albertson, Bradshaw
<b>ABSENT:</b>	Etheridge

Attachment: pbmins\_07192017 (1792 : PB Minutes July 19 2017)

**CAMDEN COUNTY PLANNING BOARD**Regular Meeting – July 19, 2017

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Item D: UDO 2017-06-07 SUP Sandy Solar LLC

Dave Parks read through the staff report as incorporated herein below.

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**STAFF FINDINGS OF FACTS  
SPECIAL USE PERMIT  
UDO-2017-06-07  
SOLAR FARM**

**PROJECT INFORMATION**

**File Reference:** UDO 2017-06-07  
**Project Name:** Sandy Solar, LLC  
**PIN:** 03-8965-00-62-8349  
**Applicant:** SANDY SOLAR, LLC SUNENERGY1  
**Address:** 192 Raceway Drive, Mooresville, NC 28117  
**Phone:** (704) 662-0375  
**Email:**

**Agent for Applicant:**  
**Address:**  
**Phone:**  
**Email:**

**Current Owner of Record:** James Williams & Linda Nash

**Meeting Dates:**  
 7/19/2017 - Planning Board

**Application Received:** 6/7/17  
**By:** David Parks, Permit Officer

**Application Fee paid:** \$400.00

**Completeness of Application:** Application is generally complete

**Documents received upon filing of application or otherwise included:**

- A. Land Use/Development Application
- B. Commercial Site Plan
- C. Project Summary Letter
- D. Lease Agreement
- E. Documentation of all requirements from NC State Utilities Commission
- F. Technical Review comments
- G. Drainage Report (Pending)

**PROJECT LOCATION**

**Street Address:** Across from 467 Sandy Hook Road  
**Location Description:** Shiloh Township

Attachment: pbmins\_07192017 (1792 : PB Minutes July 19 2017)

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – July 19, 2017

**REQUEST**

Construction of a 5MW AC Solar Facility. Camden County Code Article 151.334 Table of Permissible Uses (Use # 17.400); Specific Standards – Article 151.347(V).

**SITE DATA**

**Lot size:** Approximately 73 acres in size  
**Flood Zone:** X/AE  
**Zoning District(s):** General Use District (GUD)  
**Existing Land Uses:** Farmland

**Adjacent Zoning & Uses:**

	North	South	East	West
Zoning	GUD	GUD	GUD	R2
Use & Size	Farmland - 65 acres	Farmland - 88 acres	Woodland - 142 acres	Residential - various sizes

**Proposed Use(s):** 5MW AC Solar Facility

**Description of property:** Property is active farmland

**ENVIRONMENTAL ASSESSMENT**

**Streams, Creeks, Major Ditches:** Indian Town Creek to the east.  
**Distance & description of nearest outfall:** Indian Town Creek 1 mile to East.

**INFRASTRUCTURE**

There are currently no utilities servicing the property.

**Traffic:** During construction phase there will be increased traffic along Sandy Hook Road.

**UTILITIES**

- A. Does the application include a letter or certificate from the District Health Department regarding septic tanks? Applicant requesting use of portable toilet during construction phase.
- B. Does the applicant propose the use of public sewage systems? No
- C. Does the applicant propose the use of public water systems? No
- D. Distance from existing public water supply system: Adjacent to property on Sandy Hook Rd.
- E. Is the area within a five-year proposal for the provision of public water? N/A
- F. Is the area within a five-year proposal for the provision of public sewage? No

# CAMDEN COUNTY PLANNING BOARD

Regular Meeting – July 19, 2017

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## LANDSCAPING

- A. Is any buffer required? Yes. Indicated on site plan.  
 B. Is any landscaping described in application: Yes.

## FINDINGS REGARDING ADDITIONAL REQUIREMENTS

Endangering the public health and safety? No; Staffs opinion is that application does not appear to endanger the public health and safety.

Injure the value of adjoining or abutting property. No; Without any evidence to the contrary - staffs opinion is that application does not appear to injure the value of adjoining or abutting property.

Harmony with the area in which it is located. Yes AND No; Property zoned for proposed use. Comprehensive Plan has property identified as Rural Preservation.

## EXCEED PUBLIC FACILITIES

**Schools:** No; Proposed development will not impact schools.  
**Fire and rescue:** No; Request training after completed.  
**Law Enforcement:** No; Request training after completed.

**Planning Staff Recommends approval of the Special Use Permit with the following conditions:**

1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development.
2. The applicant shall complete the development strictly in accordance with the approved plans contained in the file titled UDO 2017-06-07.
3. Applicant shall provide Camden County Planning Office proof of the continuous operation annually (no later than January 30th) or upon request of the county which shall not be unreasonable in the form a letter from the facility owner stating the facility has been operational during the previous year.
4. Upon completion of the installation of the solar farm, Sun Energy shall provide training to Fire Marshall, South Camden Volunteer Fire Department and Sheriff's Office personnel as to the potential risks involved in case of an emergency inside the facility.
5. Applicant shall provide the Sheriff's Office with a key or combination to the entrance into the facility in case of an emergency. Sheriff's office shall contact owner prior to entry to ensure all power has been secured.
6. Hours of operations during construction phase shall be Monday – Saturday, dawn to dusk.

Attachment: pbmins\_07192017 (1792 : PB Minutes July 19 2017)

# CAMDEN COUNTY PLANNING BOARD

Regular Meeting – July 19, 2017

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7. Property shall be maintained throughout the solar farms lifetime to include maintenance of the buffer area and grass. Grass shall not exceed 24 inches in height.
8. Applicant shall provide Camden County with a third party estimate of the salvage value of all equipment related to the project.
9. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.

**Additional Condition:** There shall be no land disturbing activity until County receives approved DENR E & S Control Plan, Stormwater Permit and Drainage Plan approved by Camden County.

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Dave Parks stated that Ms. Linda Nwadike's comments from the previous agenda item can be incorporated by reference as they also apply to this agenda item. Mr. Parks added that the property is zoned for the requested use, and that it is also subject to the same additional condition as stated for the previous agenda item regarding no land disturbing activity until the referenced documentation is received by the County.

At this time, Dave Parks opened the floor for public comment.

Wesley Mason, Adjacent Property Owner, Sandy Hook Road, Shiloh NC

- Opposes granting SUP
- Lives directly across from proposed location of solar facility
- Concerned with potential for debris resulting from major storm / hurricane
- Concerned about safety issues
- Doesn't believe jobs will really be locally sourced
- Doesn't believe there is any real benefit to the county

Susan Bundy, Adjacent property Owner, Sandy Hook Road, Shiloh NC

- Opposes granting SUP
- Directly affected, proposed location is in front of her house
- Requests a delay on this due to not receiving her notification letter timely enough to do research
- Long term effects of projects such as this not well understood
- Concerned with potential water contamination
- Questioned architectural study at state level
- Proposed location of solar facility is located 1/4 mile away from potentially historical site
- Her family lives all along Sandy Hook Road in a straight line across from the proposed site, her family's land is her family's heritage, she believes the neighborhood should remain residential in nature and not include any industrial uses.
- She is not against solar facilities, just against locating them in residential areas.

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**CAMDEN COUNTY PLANNING BOARD**Regular Meeting – July 19, 2017

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Linda Nash, Property Owner, Ivy Neck Road, Shiloh NC

- Owns property where solar facility is proposed to be located
- This is not all about money for her
- Heritage goes both ways
- This is an opportunity for her to obtain the means to put her children through college and to pay off debts
- Asked for approval

Michael Riggs, Property Owner of Shiloh 1108 Solar Facility, S. 343, Shiloh NC

- In favor of approval
- Re-iterated what Ms. Nash stated that this is not about money, it is a business decision.

Jane Watman, Adjacent Property Owner, Ivy Neck Road, Shiloh NC

- In favor of approval
- Stated this is land Ms. Nash's grandparents left her, and she deserves to do what she wishes with the land
- Stated that just because you don't like the idea of a solar facility in the area is not a good reason to deny
- Requested approval

Al Maver, Adjacent Property Owner, Sandy Hook Road, Shiloh NC

- Opposes granting SUP
- Lives across from proposed location of solar facility
- Same concerns as Mr. Mason
- Does not want to see solar farm in front of his property
- Doubts jobs will be sourced locally
- Doesn't see benefit to county
- Concerned with the power being sent North and not being available for use locally

Eddie Bundy, Adjacent Property Owner, Sandy Hook Road, Shiloh NC

- Opposes granting SUP
- Same concerns as those others in opposition
- Observed that land owner does not live within 10 miles of site

Dave Williams, Technical Expert on behalf of SunEnergy1, Fountain Valley CA

- Spoke about categories of concerns:
  - Toxicity - materials panels are made of are non-toxic, silicon based.
  - Glare - panels are low glare, and absorb light. Panels wouldn't do much good if they reflected the light they are supposed to absorb.
  - Sound - there won't be any sound pollution after construction is completed.
  - Electromagnetic Field - doesn't produce any substantial amount of EM above that which would be found in appliances such as TV, refrigerators, microwaves, etc.
- Opinion is that there is no negative impacts to these types of systems
- Urged Board to approve

Attachment: pbmins\_07192017 (1792 : PB Minutes July 19 2017)

**CAMDEN COUNTY PLANNING BOARD**Regular Meeting – July 19, 2017

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Dave Parks asked Mr. Williams to comment on the concerns voiced regarding impacts on solar facilities from natural disasters. Specifically, Mr. Parks asked what wind zone these systems are rated for. Mr. Parks stated that Camden County is in a 110 MPH wind zone, meaning that all structures in the county must be built to withstand a sustained 110 MPH wind. Mr. Williams deferred to Ms. Nwadike for that answer. Ms. Nwadike stated that the panels can withstand a sustained 120 MPH wind.

Rick McCall asked where the power goes after it leaves the substation. Ms. Nwadike responded that she can get that information if it is needed. The power goes onto the distribution grid, but she doesn't know the name of the substation.

*Bradley Fite, Chief Operations Officer of SunEnergy1, Mooresville NC*

- Stated that the panels can withstand 120 MPH sustained wind on top of loads
- Has never seen panels come off in hurricanes
- SunEnergy1 connects solar facility to power lines, after that it is in the hands of the utility company

*Stacy Riggs, Property Owner of Shiloh 1108 Solar Facility, S. 343, Shiloh NC*

- In favor of approval
- Wife of Michael Riggs who spoke earlier
- Regarding hiring locally
  - They participate in job fairs and advertise in all the usual ways, they can only hire who applies and who is qualified for the jobs. If no one qualified applies, they have to get personnel from somewhere.
- This type of facility DOES bring money into the county... it brings it in the form of property taxes, both real property and the personal property taxes on the equipment.

*Tommy Cleveland, Professional Consulting Engineer for SunEnergy1, Mooresville NC*

- Researched health and safety impacts of solar energy. Conclusions of research were that there are no negative health or safety impacts to the neighbors of such facilities.

*Rich Kirkland, Appraiser, Kirkland Appraisals, Raleigh NC*

- Spoke about his impact analysis report and comparisons made to come up with report
- Predominant adjoining uses tend to be agricultural and residential
- Report uses 'matched pairs' to compare similar properties to analyze impacts
- Report indicated no impact to adjacent properties sale values before and after solar facilities are built in the adjacent neighborhoods.

*Linda Nwadike, SunEnergy1, Mooresville NC*

- Submitted copy of Kirkland's appraisal / analysis to record as evidence
- Submitted copy of letters sent to adjacent property owners as evidence
- Willing to work with neighbors on landscaping buffers to come to a compromise

Attachment: pbmins\_07192017 (1792 : PB Minutes July 19 2017)



**CAMDEN COUNTY PLANNING BOARD**Regular Meeting – July 19, 2017

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A member of the public present requested to speak again. Chairman Calvin Leary stated that there is a strict 3 minute maximum per person speaking. After which, Dave Parks re-iterated that the Planning Board is a recommending board, that this still has to go before the Board of Commissioners, and that the public will have another chance to speak at the public hearing.

Laurie McHurdle, Adjacent Property Owner, Sandy Hook Road, Shiloh NC

- Opposes granting SUP
- New resident just moved here
- No internet in area, now being asked to accept a solar facility in the area
- Concerned with the potential for reflection
- Concerned with how this is going to affect energy bills

Janise Mason, Adjacent Property Owner, Sandy Hook Road, Shiloh NC

- Opposes granting SUP
- Family land, doesn't want solar facility near her property
- Has sewage plant on one side of her property, and now going to have panels on the other side
- Concerned about potential health issues arising out of this
- Concerned that potential impacts are not being addressed with land owners until it's too late
- Concerned about height of shrubbery, and ability to obscure solar farm from view

At this time, Chairman Calvin Leary asked if there were any further public comments. Hearing none, he called for a motion.

***Motion to Approve Special Use Permit for Sandy Solar LLC with the additional condition as stated by staff.***

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Delano, Vice Chairman
<b>SECONDER:</b>	Rick McCall, Board Member
<b>AYES:</b>	Leary, Harris, Delano, McCall, Albertson, Bradshaw
<b>ABSENT:</b>	Etheridge

**INFORMATION FROM BOARD AND STAFF**

None.

**CONSIDER DATE OF NEXT MEETING - AUGUST 16, 2017**

Attachment: pbmins\_07192017 (1792 : PB Minutes July 19 2017)

**CAMDEN COUNTY PLANNING BOARD**Regular Meeting – July 19, 2017

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**ADJOURN**

With no further business to be brought before the Planning Board, at 8:35 PM Chairman Calvin Leary called for a motion to adjourn the July 19, 2017 meeting.

***Motion to Adjourn Meeting***

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Ray Albertson, Board Member
<b>SECONDER:</b>	Fletcher Harris, Board Member
<b>AYES:</b>	Leary, Harris, Delano, McCall, Albertson, Bradshaw
<b>ABSENT:</b>	Etheridge

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*Chairman Calvin Leary  
Camden County Planning Board*

*ATTEST:*

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*Amy Barnett  
Planning Clerk*

Attachment: pbmins\_07192017 (1792 : PB Minutes July 19 2017)



**Camden County Planning Board  
AGENDA ITEM SUMMARY SHEET**

New Business

<b>Item Number:</b>	6.1
<b>Meeting Date:</b>	August 16, 2017
<b>Submitted By:</b>	Amy Barnett, Planning Clerk Planning & Zoning Prepared by: Amy Barnett
<b>Item Title</b>	Ordinance 2017-07-03 Amendment to County Code of Ordinances
<b>Attachments:</b> Ordinances (PDF)	Ordinance 2017-07-03 Amendment to County Code of

## Ordinance No. 2017-07-03

### An Ordinance Amending the Camden County Code of Ordinances

#### Camden County, North Carolina

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

#### Article I: Purpose

The purpose of this Ordinance is to amend Chapter 151 of the Camden County Code of Ordinances of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 15, 1997, and subsequently amended and as otherwise incorporated into the Camden County Code.

#### Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (*italics*) and underlined.

#### Article III. Amend Chapter 151 as amended of the Camden County Code which shall read as follows:

### CHAPTER 151: UNIFIED DEVELOPMENT

#### § 151.347 SPECIFIC STANDARDS.

(V) The following standards shall apply to all solar farms located in Camden County:

- (9) A ~~proposed decommissioning plan~~ *obligation shall be part of the lease between property owner and developer. The obligation shall be reviewed by County staff for compliance with standard listed below prior to signatures to be* signed by party responsible for decommissioning and the landowner (if different) and recordation in the County's Registry of Deeds. ~~addressing the following shall be submitted at permit application.~~ Decommissioning *Obligation* shall include:
  - a. Removal of solar panels, buildings, cabling, electrical components, roads, and any other associated facilities down to 36 inches below grade.
  - b. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
  - c. Description of any agreement (e.g. lease) with landowner regarding decommissioning *and acknowledgment by land owner, land owner may be held ultimately responsible for decommissioning.*
  - d. List the type of panels and material specifications being utilized at the site.

- e. The identification of the party currently responsible for decommissioning.
  - f. ~~Estimated cost of removal prepared by a third party engineer.~~
  - g. Prior to issuance of the Building Permit, approved decommissioning plan obligation shall be recorded in the Camden County Registry of Deeds and shall run with the land until decommissioning is completed.
  - h. ~~Decommissioning Plan and estimated cost of removal shall be updated every 5 years or upon change of ownership and re-recorded in the County's Registry of Deeds.~~
- (10) ~~Prior to approval of building permits applicant shall provide an automatically renewable guarantee in the form of a bond, cash escrow deposit, or an irrevocable letter of credit issued by a Federally chartered bank with a branch office in northeastern North Carolina, in favor of the county, which shall be drawn and paid in full in immediately available funds for an amount equal to the estimated removal cost of the solar facility in the event the owner fails to decommission the solar facility pursuant to the requirements of this section. The institution issuing the guarantee shall provide to the county a notice no less than 90 days in advance of any renewal, cancellation, termination or expiration of the guarantee.~~  
Decommissioning Obligation shall be updated every 5 years or upon change of ownership and re-recorded in the County's Registry of Deeds.
- (11) The County shall periodically ~~request~~ require proof of the continuous operation of the solar farm from the applicant/owner. The nature of required evidence shall be determined as a condition of the special use permit.
- (12) The solar farm shall have 12 months to complete decommissioning of the solar facility if no electricity is generated for a continuous period of 12 months. For the purpose of this section this 12-month period shall not include delay resulting from force majeure. Failure to timely decommission the site in accordance with the obligation shall result in all actions available at law or in equity, including, but not limited to; Breach of contract, specific performance, mandatory injunctions, fines, abatement, nuisance, liens, assessments and judicial sale of the property.

Adopted by the Board of Commissioners for the County of Camden this      day of      , 2017.

County of Camden

\_\_\_\_\_  
 Clayton Riggs, Chairman  
 Board of Commissioners

ATTEST:

\_\_\_\_\_  
 Karen Davis  
 Clerk to the Board

## Ordinance No. 2017-05-01

**An Ordinance  
Amending the Camden County  
Code of Ordinances**

## Camden County, North Carolina

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

## Article I: Purpose

The purpose of this Ordinance is to amend Chapter 151 of the Camden County Code of Ordinances of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 15, 1997, and subsequently amended and as otherwise incorporated into the Camden County Code.

## Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (italics) and underlined.

Article III. Amend Chapter 151 as amended of the Camden County Code which shall read as follows:

## CHAPTER 151: UNIFIED DEVELOPMENT

## § 151.347 SPECIFIC STANDARDS.

**Delete existing language and replace with the following:**

*(V) The following standards shall apply to all solar farms located in Camden County:*

- (1) The minimum lot size for all solar farms shall be five acres.*
- (2) All structures shall meet a minimum 100-foot setback as measured from all property lines.*
- (3) There shall be 50-foot buffer prior to the perimeter fence that shields solar farm from routine view from public rights of way or adjacent residentially zoned property.*
- (4) The buffer shall consist of 2 canopy trees, 4 understory trees and 25 shrubs for every 100 feet. The maintenance of the buffer shall conform to current UDO standards and shall be binding to all successive grantees.*
- (5) Solar farms located within FEMA 's 100-year flood shall elevate all electrical connections one foot above the base flood elevation (BFE).*
- (6) All collectors shall be surrounded by a lockable minimum height six-foot fence.*
- (7) Solar power electric generation structures shall not exceed a height of 15 feet.*

- (8) The solar farm shall conform to the NAICS 221114 description of a ~~gun~~mounted solar powered energy system as well as any future amendments to said code.
- (9) A proposed decommissioning plan to be signed by party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted at permit application. Decommissioning shall include:
- a. Removal of solar panels, buildings, cabling, electrical components, roads, and any other associated facilities down to 36 inches below grade.
  - b. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
  - c. Description of any agreement (e.g. lease) with landowner regarding decommissioning.
  - d. List the type of panels and material specifications being utilized at the site.
  - e. The identification of the party currently responsible for decommissioning.
  - f. Estimated cost of removal prepared by a third party engineer
  - g. Prior to issuance of the Building Permit, approved decommissioning plan shall be recorded in the Camden County Registry of Deeds.
  - h. Decommissioning plan and estimated cost of removal shall be updated every 5 years or upon change of ownership and re-recorded in the County's Registry of Deeds.
- (10) Prior to approval of building permits applicant shall provide an automatically renewable guarantee in the form of a bond, cash escrow deposit, or an irrevocable letter of credit issued by a Federally chartered bank with a branch office in northeastern North Carolina, in favor of the county, which shall be drawn and paid in full in immediately available funds for an amount equal to the estimated removal cost of the solar facility in the event the owner fails to decommission the solar facility pursuant to the requirements of this section. The institution issuing the guarantee shall provide to the county a notice no less than 90 days in advance of any renewal, cancellation, termination or expiration of the guarantee..
- (11) The county shall periodically request proof of the continuous operation of the solar farm from the applicant/owner. The nature of required evidence shall be determined as a condition of the special use permit.
- (12) The solar farm shall have 12 months to complete decommissioning of the solar facility if no electricity is generated for a continuous period of 12 months. For purposes of this section this 12-month period shall not include delay resulting from force majeure.



Adopted by the Board of Commissioners for the County of Camden this 15<sup>th</sup> day of May, 2017.

County of Camden

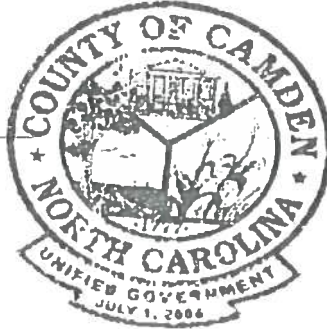
*Clayton D. Riggs*

Clayton Riggs, Chairman  
Board of Commissioners

ATTEST:

*Karen Davis*

Karen Davis  
Clerk to the Board







**Camden County Planning Board**  
**AGENDA ITEM SUMMARY SHEET**  
New Business

**Item Number:** 6.2

**Meeting Date:** August 16, 2017

**Submitted By:** Amy Barnett, Planning Clerk  
Planning & Zoning  
Prepared by: Amy Barnett

**Item Title** UDO 2017-08-07 Rezoning 729 North 343

**Attachments:** UDO 2017-08-07 Rezoning 729 North 343 (PDF)

**STAFF REPORT****UDO 2017-08-07  
Zoning Map Amendment****PROJECT INFORMATION**

**File Reference:** UDO 2017-08-07  
**Project Name;** N/A  
**PIN:** 01-8916-00-08-2247

**Applicant:** Camden County

**Address:** 117 N. 343  
 Camden, NC

**Phone:** (252) 338-1919  
**Email:**

**Agent for Applicant:**

**Address:**

**Phone:**

**Email:**

**Current Owner of Record:** Gus W. McPherson,  
 Jr.

**Meeting Dates:**

8/16/2017

**Planning Board**

**Application Received:** 8/2/2017  
**By:** David Parks, Permit Officer

**Application Fee paid:** N/A

**Completeness of Application:** Application is generally complete

**Documents received upon filing of application or otherwise included:**

- A.** Rezoning Application
- B.** Letter from owner
- C.** Aerial of portion of property requested to be rezoned.
- D.** Deed
- E.** GIS Aerial, existing zoning, Comprehensive Plan future land use and CAMA Land Use Plan Suitability Maps

**PROJECT LOCATION:**

**Street Address:** Property located at 729 North 343.

**Location Description:** South Mills Township

***PORTION OF PROPERTY IN QUESTION***



## Vicinity Map:



**REQUEST:** Rezone 1 acre containing house

**From:** General Use District (GUD)

**To:** Basic Residential (R3-1)

The GUD, general use, district is established to allow opportunities for very low density residential development and bona fide farms, along with agricultural and related agricultural uses (e.g., timber, horticulture, silviculture and aquaculture.)

The R3 Districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. Subdivision in the R3-1 district requires a minimum of one acre per lot.

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### **SITE DATA**

**Lot size:** Entire tract is approximately 73 acres. Area to be rezoned is 1 acre.  
**Flood Zone:** Zone X  
**Zoning District(s):** General Use District (GUD)  
**Existing Land Uses:** Agriculture/Residential

### **Adjacent Zoning & Uses:**

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Zoning</b>	General Use District (GUD)	General Use District (GUD)	General Use District (GUD)	General Use District (GUD)
<b>Use &amp; size</b>	Farm/Woodland	Farm/Woodland	Farmland/Housing	Woodland

### **Proposed Use(s):**

The use already exists as residential.

### **Description of property:**

Property abuts Highway 343 North.

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### **ENVIRONMENTAL ASSESSMENT**

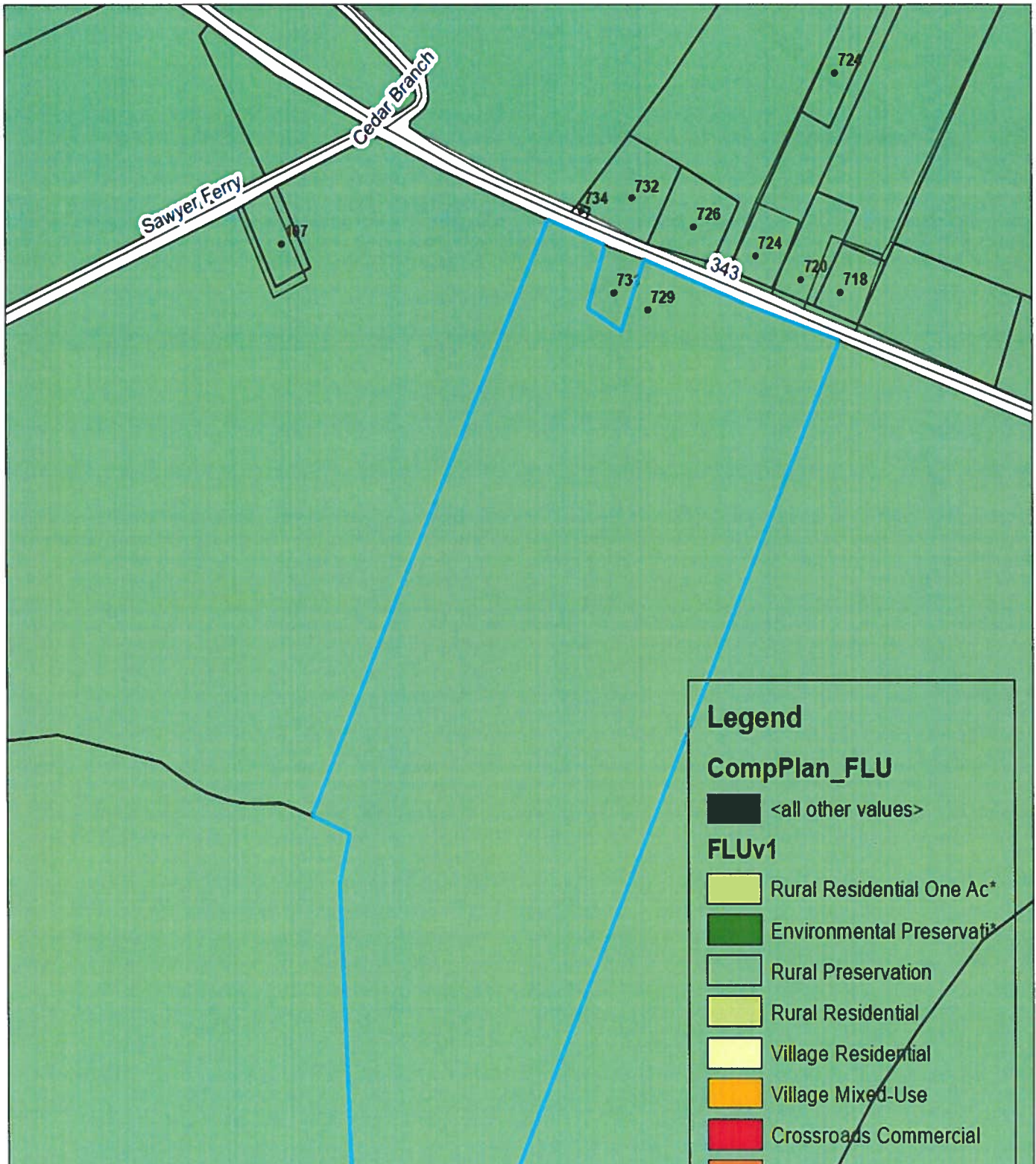
**Streams, Creeks, Major Ditches:** None.

**Distance & description of nearest outfall:** Pasquotank River is less than ½ mile to the west.



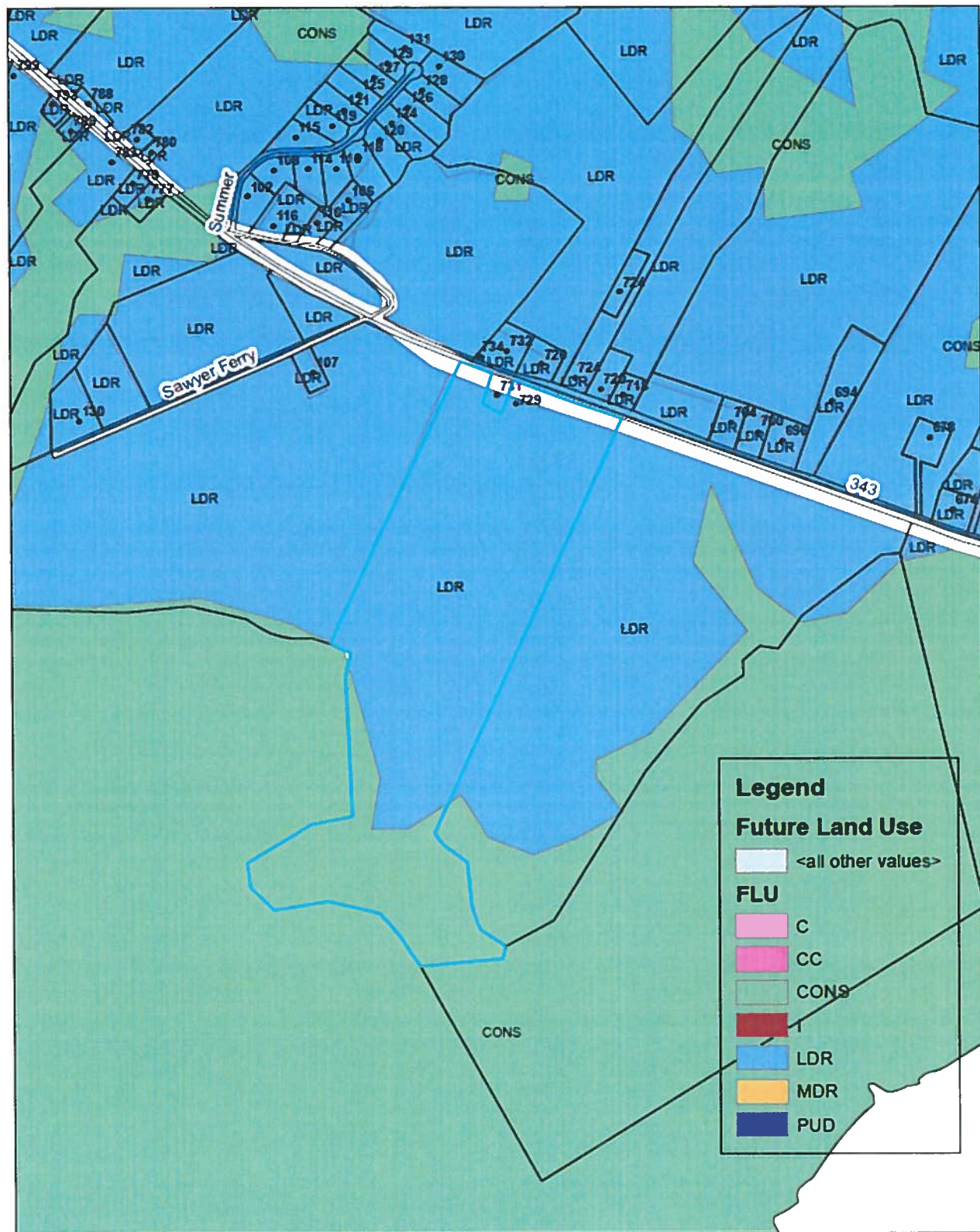


## Comprehensive Plan Future Land Use Map\

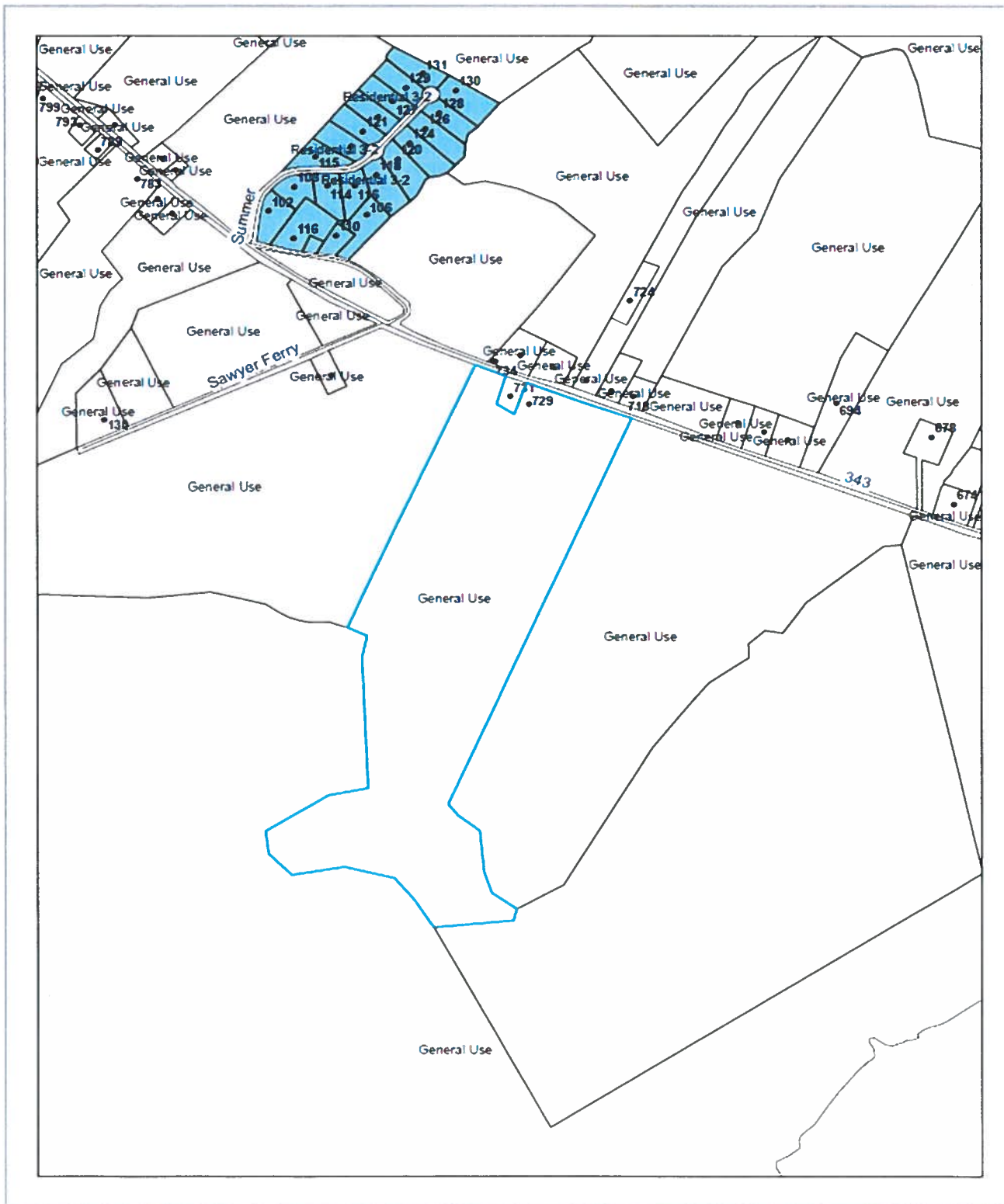




## CAMA Future Land Use Map





**Zoning Map:**

**INFRASTRUCTURE & COMMUNITY FACILITIES**

<b>Water</b>	Water lines are located adjacent to property along Highway 343.
<b>Sewer</b>	Sewer lines located adjacent to property along Highway 343
<b>Fire District</b>	South Mills Fire District. Property located over 6 miles from Station off Main Street. Property located just over 5 miles from South Camden Fire Station on Sawyers Creek Road
<b>Schools</b>	Impact already exists.
<b>Traffic</b>	Staffs opinion is traffic will not exceed road capacities.

**PLANS CONSISTENCY****CAMA Land Use Plan Policies & Objectives:**Consistent ☐Inconsistent ☒

The property is inconsistent with CAMA III, Policy 10.11.1, as adopted by the Camden County Board of Commissioners on April 4, 2005 in that this is classified as spot zoning.

**PLANS CONSISTENCY – cont.****2035 Comprehensive Plan**Consistent ☐Inconsistent ☒

Inconsistent with Comprehensive Plan (Adopted 2012) as Future Land Use Maps reflect land identified as Rural Preservation.

**PLANS CONSISTENCY – cont.****Comprehensive Transportation Plan**Consistent ☒Inconsistent ☐

Property abuts Highway 343 North.

**Other Plans officially adopted by the Board of Commissioners**

N/A

**FINDINGS REGARDING ADDITIONAL REQUIREMENTS:**

Yes ☐ No ☒ **Will the proposed zoning change enhance the public health, safety or welfare?**

**Reasoning:** The proposed zoning change will no enhance the public health, safety, or welfare as it is classified as spot zoning.

Yes ☐ No ☒ **Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification?**

**Reasoning:** The use as residential for this lot already exists and is permissible in both zoning districts.

**For proposals to re-zone to non-residential districts along major arterial roads:**

Yes ☐ No ☐ **Is this an expansion of an adjacent zoning district of the same classification? N/A**

**Reasoning:**

Yes ☐ No ☐ **What extraordinary showing of public need or demand is met by this application? N/A**

**Reasoning:**

Yes ☐ No ☒ **Will the request , as proposed cause serious noise, odors, light, activity, or unusual disturbances?**

**Reasoning:** All uses allowed in the requested zoning classification should not cause any serious noise, odors, light activity, or unusual disturbances.

Yes ☐ No ☒ **Does the request impact any CAMA Areas of Environmental Concern?**

**Reasoning:** Property is outside any CAMA Areas of Environmental Concern.

Yes ☐ No ☒ **Does the county need more land in the zoning class requested?**

**Reasoning:** Staff's opinion is that the requested zoning classification is needed, but not in this area. Opinion is based on the County's Comprehensive Plan.

Yes ☐ No ☒ **Is there other land in the county that would be more appropriate for the proposed uses?**

**Reasoning:** Proposed use already exists.

Yes ☐ No ☒ **Will not exceed the county's ability to provide public facilities:**

**Schools** – Impact already exists.

**Fire and Rescue** – Minimal impact.

**Law Enforcement** – Minimal impact.

**Parks & Recreation** – Minimal impact

**Traffic Circulation or Parking** – N/A

**Other County Facilities** – No.

**Is This A Small Scale “Spot” Rezoning Request Requiring Evaluation Of Community Benefits?**

Yes ☒ No ☐

**If Yes (regarding small scale spot rezoning) – Applicants Reasoning:**

	<b>Personal Benefits/Impact</b>	<b>Community Benefits/Impact</b>
<b>With rezoning</b>	Will allow owner to cut out house out of the farm. See Staff commentary.	None
<b>Without rezoning</b>	See Staff commentary.	No Change.

**STAFF COMMENTARY:**

In 2015 staff talked to then the current property owner (Mrs. Williams) and her attorney (Mr. Mullen) about information on subdividing the house out of the farm for her son. I informed her that she could subdivided out an acre of land as a deed of gift from a parent to a child and if she went through the regular minor subdivision process and the current zoning on property (GUD) minimum lot size would be 5 acres.

Prior to her passing she sold to Mr. Gus McPherson, Jr. what she believed was everything but the house on one acre. Her attorney (Mr. Mullen) drew up the deed (attached) which created an illegal subdivision as he gave a description of the house lot containing +/- one acre of land as being exempt. Deed was recorded in the Registry of Deeds. There was never any survey recorded subdividing that one acre or deed transferring the property.

It is staffs opinion that since the survey/deed for the house lot was never drawn up and recorded that the current owner Mr. Gus McPherson owns the house and lot. Mr. McPherson wants to get this error corrected as Mrs. Williams' son lives in the house and should be the rightful owner.

**STAFF RECOMMENDATION:** Though this would definitely be spot zoning and not consistent with the Comprehensive Plan or CAMA Land Use Plan staff recommends approval of the rezoning as the situation was created at no fault of the previous/current property owner and it is in the best interest of the public.

# Zoning Change Application County of Camden, North Carolina

A rezoning may be obtained pursuant to Article 151.580 of Unified Development Ordinance (UDO) of Camden County and upon approval by the Board of Commissioners after a recommendation from the Planning Board.

Please consult the Planning Office (1-252-338-1919) with any questions about your application.

PLEASE PRINT OR TYPE

Please Do Not Write in this Box

PIN:

01-8916-00-08-2247

UDO# 2017 - 08 - 07

Date Received: 8/2/17

Received by: af

Zoning District: G40

Fee Paid: \$ —

Applicant's Name: Camden County

If the Applicant is acting as agent for another person (the "principal"), please give that person's name on the line below and submit a copy of the agency agreement/letter with this Application.

645 W. McPherson, Jr.

Applicant's Mailing Address: 117 N 743  
Camden, NC 27921

Daytime Phone Number: (252) 338-1919

Street Address Location of Property: 729 North Hwy 743

General Description of Proposal: Request rezone one acre from G40 to R2-1.

*I swear or affirm that the foregoing information and all attachments hereto (now or subsequently provided as part of this application) are true and correct to the best of my knowledge.*

Signed: [Signature]

Dated: 8/2/17

Please include a site plan with this application and any other supporting documentation that the applicant feels would assist the Board of Commissioners and the Planning Board in determining the need for a zoning change.

\* Information to be filled out by Planning Department

\*Is the Property in a Watershed Protection area? [initials] yes

\*Flood Zone (from FIRM Map): X \*Taxes paid? yes ☒ no ☒

### Zoning Change Application Questions

*The UDO requires the Board to consider the principal issues when considering an application for a zoning change. Please respond to each issue in the space provided below or on a separate sheet.*

(A) How will the proposed zoning change enhance the public health, safety or welfare? (Article 151.585)

(B) Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? (Article 151.585)

(C) For proposals to re-zone to non-residential districts along major arterial roads (Article 151.586):

(1) Is this an expansion of an adjacent zoning district of the same classification?

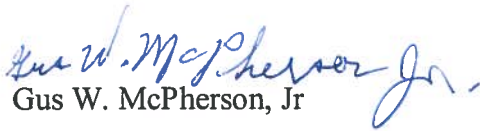
(2) What extraordinary showing of public need or demand is met by this application?



August 2, 2017

I, Gus Woodrow McPherson, Jr. give Camden County permission to rezone that one acre portion of property containing the house lot located at 729 North Highway 343 and identified by Property Identification Number 01-8916-00-08-2247.

Thank You,

  
Gus W. McPherson, Jr

Doc ID: 000623020003 Type: CRP  
 Recorded: 05/29/2015 at 02:23:20 PM  
 Fee Amt: \$206.00 Page 1 of 3  
 Revenue Tax: \$180.00  
 Camden, NC  
 Tammie Krauss Register of Deeds  
 BK **335** PG **896-898**

## NORTH CAROLINA GENERAL WARRANTY DEED

**Excise Tax:**

Parcel Identifier No. 018916000822470000 Verified by Camden County on the 29 day of May, 2015  
 By: 821 141-14 \$90,000.00 / \$900.00 pd BJA no delinquent tax-5-29-15-b

Mail/Box to: Gus Woodrow McPherson, Jr., 865 N Hwy 343 Camden, NC 27921

This instrument was prepared by: H. T. Mullen, Jr., Attorney at Law

Brief description for the Index: \_\_\_\_\_

THIS DEED made this 14th day of May, 2015 by and between

**GRANTOR**  
 Evelyn Elizabeth Williams, widowed

**GRANTEE**  
 Gus Woodrow McPherson, Jr., a life estate  
 and vested remainder to Scott Berry McPherson  
 Joseph Edwin McPherson

865 N Hwy 343 Camden, NC 27921

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of \_\_\_\_\_, \_\_\_\_\_ South Mills \_\_\_\_\_ Township, \_\_\_\_\_ Camden \_\_\_\_\_ County, North Carolina and more particularly described as follows:  
 Please see attached Exhibit A.

All or a portion of the property herein conveyed ( ) includes or ( ) does not include the primary residence of a Grantor.  
 Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.  
 The property hereinabove described was acquired by Grantor by instrument recorded in Book 78 page 760.

A map showing the above described property is recorded in Plat Book \_\_\_\_\_ page \_\_\_\_\_.

NC Bar Association Form No. L-3 © 1976, Revised © 1977, 2002

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## EXHIBIT A

Beginning at a point, said point being presently designated by a pin, same being located on the Western right of way of NC Hwy 343 which has a 100 foot right-of-way at a point said point being 1.2 miles to the junction of NC Road #1208 and from said point of beginning thence continuing along the center of a ditch South 33° West 2650 feet to a point, thence South 18° 30" West to a point, thence South 43° West 152 feet to a point, thence South 12° West 395 feet to a point, thence South 18° East 138 feet to a point, thence South 45° East 251 feet to a point, thence South 55° 45" East 72 feet to a point, thence South 80° 30" West 184 feet to a point, thence South 89° West 128 feet to a point, thence North 55° 30" West 89.0 feet to a point, thence North 2° 30" West 177 feet to a point, thence North 21° West 139 feet to a point, thence North 51° West 121 feet to a point, thence North 81° West 182 feet to a point, thence North 73° 30" West 130.5 feet to a point, thence North 84.5° West 249.5 feet to a point, thence North 49° West 125 feet to a point, thence North 0° 30" East 162 feet to a point, thence North 61° 30" East 336 feet to a point, thence North 71° East 200 feet to a point, thence North 85° East 142 feet to a point, said point being designated by a chopped Maple and same is located on the edge of an Island, thence North 11° 30" East 434 feet to a point, thence North 0° 30" East 387 feet to a point, thence North 11° East 215.5 feet to a point, said point being designated by a chopped Beach and Gum, thence North 57° West 97 feet to a point, thence North 33° East 1776.6 feet to a point, said point being located on the Western right-of-way of NC Highway # 343, thence continuing along NC Highway #343 South 60° 31" East 997 feet to a point, being the said point and place of the beginning.

There is excepted from the above described tract or parcel that certain lot containing 1 acre, +/-, as described in Cabinet 3 Slide 71A of the Camden County Public Registry, said property being presently owned by Sharon G. Camillucci.

- \* — There is also excepted from the above described tract or parcel the Grantors House and Lot which is located immediately South of the above designated parcel and consist of 1 acre, +/- . Both of these houses and lots each consisting of 1 acre, +/-, and are excepted from the conveyance of the lands hereinabove described.

The above described tract or parcel is described by that certain map or plat, same having been prepared by Henry Cunningham, Registered Surveyor, on the 17<sup>th</sup> of May, 1972 and the said plat is referred to as "Lands of Rebecca Williams, South Mills Township" the aforesaid map or plat, with the exception of the two 1 acre, +/- lots, is by reference incorporated herein.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

\_\_\_\_\_  
(Entity Name)

Evelyn Elizabeth Williams (SEAL)  
Evelyn Elizabeth Williams, widowed

By: \_\_\_\_\_ (SEAL)  
Title: \_\_\_\_\_

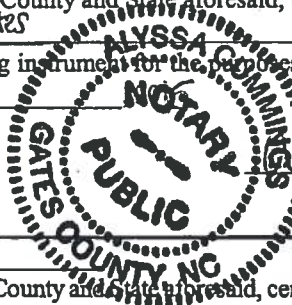
By: \_\_\_\_\_ (SEAL)  
Title: \_\_\_\_\_

By: \_\_\_\_\_ (SEAL)  
Title: \_\_\_\_\_

State of North Carolina - County of Pasquotank

I, the undersigned Notary Public of the County and State aforesaid, certify that Evelyn Elizabeth Williams, widowed personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 14<sup>th</sup> day of May

My Commission Expires: 3/31/2020



Alyssa Cummings  
Notary Public

State of North Carolina - County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged that he is the \_\_\_\_\_ of \_\_\_\_\_, a North Carolina or \_\_\_\_\_ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

State of North Carolina - County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_

Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

The foregoing Certificate(s) of \_\_\_\_\_ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By: \_\_\_\_\_ Register of Deeds for \_\_\_\_\_ County  
Deputy/Assistant - Register of Deeds

NC Bar Association Form No. L-3 © 1976, Revised © 1977, 2002

Printed by Agreement with the NC Bar Association - 1981 SoftPro Corporation, 333 E. Six Forks Rd., Raleigh, NC 27609



Filed in Camden County, NC  
on May 12, 2000 at 10:53:20 AM  
by James C. Kight  
Register of Deeds

Plat Cab 3 Slide 71A

The resubdivided parcel meets or exceeds the minimum lot size as specified within the Camden Co. Unified Development Ordinance. Resubdivided parcel.

I Henry Cunningham, professional surveyor, do certify that this map was drawn from an actual survey by me, that this map was drawn in accordance with G.S. 47-30 F.11, and that this map shows the land in ab. 78 p. 760 in the Camden County public registry. That the error of closure is 1/200000.

That the error of closure was computed by DMD. Witness my original signature, registration number and seal this 19 day of April 2000.



L-1358 Henry Cunningham  
16005 Edgewood Drive  
Elizabeth City, NC 27809

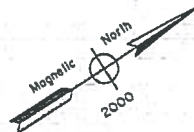
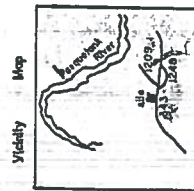
State of NORTH CAROLINA

County of Cumberland  
I, Henry Cunningham, Surveyor, do hereby certify that this map was drawn from an actual survey by me, and that this map is a true and correct copy of the original map on file in the public registry, and that this map meets all statutory requirements for recording.

Review Officer  
Date: 5-1-2000

Notary Public  
Date: 5-1-2000

Note: This lot is in Flood Hazard area C according to FEMA map 370042 0150 D December 4, 1985



Filed & recorded in office of Register of Deeds Camden Co., Camden N.C. at 10:57 AM on May 2nd, 2000 in Plat Cab 3, Slide 71A

James C. Kight  
Register of Deeds

Minor Subdivision  
James Howard Williams to  
Eugene Thomas Evans and  
Kitty J. Evans  
723 North N.C. 343  
South Mills Township  
Camden County N.C.  
Date: April 24, 2000  
Scale: 1" = 50'



**CERTIFICATE OF OWNERSHIP AND REDEVELOPMENT**  
I hereby certify that from the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of Camden County, that I have freely and voluntarily accepted this plan of subdivision and dedicate to the public use all areas shown on this plan as streets, alleys, walkways, open spaces and easements, except those specifically indicated as private and not to be dedicated to the public use. All areas shown on this plan as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such use is approved by the appropriate public authority in the public interest.

Date: 4/24/2000 Owner: James Howard Williams  
723 N NC 343  
South Mills N.C.  
335-3609

STATE of North Carolina  
County of Cumberland  
I, Henry Cunningham, Surveyor, do hereby certify that James Howard Williams personally appeared before me this date and acknowledged the due execution of the foregoing certificate.  
Witness my hand and official seal this 24 day of April 2000

Notary Public  
Henry C. Cunningham  
My commission expires October 20, 2002

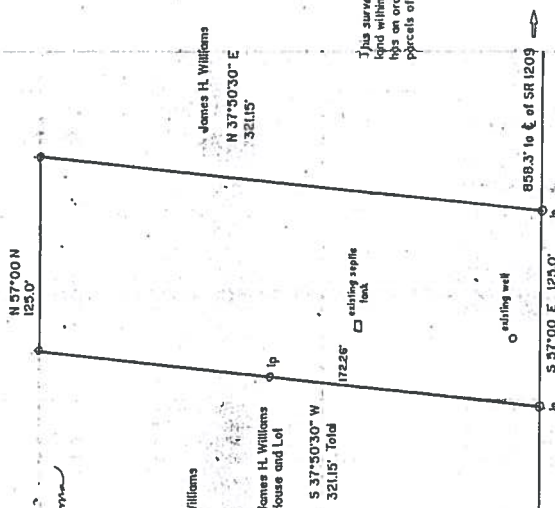
The foregoing certificate of Henry C. Cunningham a Notary Public of Pasquotank County is certified to be correct. This instrument was presented for recording on and recorded in Plat Cab 3 Slide

Register of Deeds

NC 343 100' R/W

**Certificate of Approval**  
I hereby certify that the minor subdivision shown on this plan does not involve the creation of new public streets or any changes in existing public streets, that the subdivision shown is in all respects in compliance with the Camden County Unified Development Ordinance and that therefore this plan has been approved by the Camden County Administrator subject to its being recorded in the office of the Camden County Register of Deeds within thirty (30) days of the date shown below.

Date: 5-1-2000  
The developer is required to install all water lines and related improvements prior to recording the side gift or transfer of any lot within the subdivision.



This survey creates a subdivision of land within the area of a county that has an ordinance that regulates parcels of land.