

**Camden County Board of Commissioners**  
**BOC - Special Meeting**  
**March 20, 2017, 7:00 PM**  
**Historic Courtroom, Courthouse Complex**  
**Camden, North Carolina**

**MINUTES**

*A special meeting of the Camden County Board of Commissioners was held on March 20, 2017 in the Historic Courtroom, Camden, North Carolina.*

**WELCOME & CALL TO ORDER**

Board Members Present:

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Garry Meiggs	Vice Chairman	Present	6:50 PM
Clayton Riggs	Chairman	Present	6:50 PM
Tom White	Commissioner	Present	6:50 PM
Randy Krainiak	Commissioner	Present	6:50 PM
Ross Munro	Commissioner	Present	6:50 PM

Staff Members Present:

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Michael Brillhart	County Manager	Present	6:50 PM
John Morrison	County Attorney	Present	6:50 PM
Amy Barnett	Assistant Clerk to the Board	Present	6:50 PM

Also present were the following:

<b>Name</b>	<b>Address</b>	<b>Representing</b>	<b>Title</b>	<b>Purpose</b>
Dan Porter	117 NC 343 N, Camden, NC 27921	Camden County Planning Dept	Director	Present Info: Item 3.A.
Dave Parks	117 NC 343 N, Camden, NC 27921	Camden County Planning Dept	Zoning Officer	Present Info: Item 3.A.
Herbert Mullen	101 East Elizabeth St Elizabeth City NC 27909		Attorney At Law	Speak in Opposition to Item 3.A.
Mark Pearson	3104 Bandol Lane Oakton, VA 22124	Solar Access USA		Speak in Opposition to Item 3.A.
Louis Matheus	Boco Ratan, Florida	TW Solar, based out of Barcelona Spain		Speak in Opposition to Item 3.A.
Linda Nwadike	129 Raceway Drive Morrisville, NC	Sun Energy 1		Speak in Opposition to Item 3.A.

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19 **INVOCATION & PLEDGE OF ALLEGIANCE**

20 Commissioner Clayton Riggs led those present in the Invocation & Pledge of Allegiance.

21  
22 **PUBLIC COMMENTS**

23 There were no public comments regarding issues other than those on the agenda.

24  
25 **CONSIDERATION OF AGENDA**

26  
27 *Motion to Approve Agenda as Presented.*

28	<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
29	<b>MOVER:</b>	Garry Meiggs, Vice Chairman
30	<b>AYES:</b>	Meiggs, Riggs, White, Krainiak, Munro

31  
32 **PUBLIC HEARINGS**

33  
34 ***Item A: Ordinance 2017-03-01 - Ordinance to Consider Placement of a Moratorium on Solar Farms***

35  
36  
37 *Motion to Go Into Public Hearing for Ordinance 2017-03-01 - Ordinance to Consider Placement of a Moratorium on Solar Farms*

39	<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
40	<b>MOVER:</b>	Tom White, Commissioner
41	<b>AYES:</b>	Meiggs, Riggs, White, Krainiak, Munro

42 -----  
43 For text of Ordinance 2017-03-01 & Letter from County Attorney, See Attachments A & B  
44 located at the end of these minutes  
45 -----

46  
47 **Discussion**

48  
49 Dan Porter described this ordinance. This ordinance places a moratorium on the acceptance,  
50 processing, or consideration of applications for solar arrays otherwise known as solar farms  
51 pursuant to General Statute Section 153A-340(H). This would put a pause on the issuance or  
52 processing of applications for solar farms in the county for a period of 60 days. This will also  
53 give staff an opportunity to look at related ordinances to determine if those ordinances need  
54 revision.

55  
56 County Attorney John Morrison addressed the board regarding the suggested procedure for this  
57 hearing. He suggested asking a series of questions of staff regarding the facts of this matter, then  
58 letting the public present have their say in the matter. He reminded the board of the procedures  
59 relating to moratoriums, and also that this hearing is not a quasi-judicial hearing and that  
60 speakers need not be sworn in to speak as there are no rules of evidence or testimony for this  
61 hearing.

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62 At this time, County Attorney John Morrison asked a series of questions to which Mr. Porter  
63 gave responses.

64  
65 *John Morrison:* Mr. Porter would you state your current position.

66 *Dan Porter:* Director of Planning and Community Development for Camden County  
67 NC.

68 *John Morrison:* How long have you held that position?

69 *Dan Porter:* Since 2004

70 *John Morrison:* What are the duties of that position?

71 *Dan Porter:* Oversees the development of property in the county as well as looking into  
72 the future plans we might undertake to follow the policies that the commission  
73 sets. Day to day activities include building inspections, Zoning, applications,  
74 special use permits, and the like.

75 *John Morrison:* Are you familiar with the current status of the Camden County Unified  
76 Development Ordinance as it relates to the construction and operation of solar  
77 farms within Camden County?

78 *Dan Porter:* Yes

79 *John Morrison:* What is the current status of the ordinance? When was the ordinance  
80 last amended and when was it written approximately?

81 *Dan Porter:* Not sure of the exact date it was amended, want to say 4 or 5 years ago. At  
82 that time, Camden did not have any regulations with regard to solar farms. As  
83 these types of activities were occurring in neighboring counties and this part of  
84 the state, so staff looked into some rudimentary types of regulations related to  
85 solar farms at that time. There was not a model template available from the  
86 School of Government, so we adopted a set of regulations at that time that  
87 basically allow solar farms to be built in any zone in the county.

88 *John Morrison:* Currently a solar farm could be constructed in any location in the county  
89 that met certain specifications. Is that correct?

90 *Dan Porter:* That's correct.

91 *John Morrison:* And it's subject to a special use permit, meaning that approval would  
92 only be given by the Board of Commissioners.

93 *Dan Porter:* That's correct.

94 *John Morrison:* In terms of geography, theoretically, one could be built across from the  
95 courthouse, beside a high school, or a church, or what have you.

96 *Dan Porter:* If it met the 5 or 6 standards that are in place.

97 *John Morrison:* How many solar farms are currently in Camden County?

98 *Dan Porter:* None operating, but there is one that has been approved and I believe is  
99 under construction in the southern part of the county.

100



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136 *John Morrison:* Is it also true that very recently we've learned that Pasquotank County is  
137 also having some concerns and is going to be looking at some kind of prohibitions  
138 on further solar farm development in that county?

139 *Dan Porter:* I read an article on that this morning, and it would seem to be to that effect.

140 *John Morrison:* Are you familiar with the solar farm activity in the adjacent counties of  
141 Pasquotank, Gates, Perquimans, and Chowan in addition to Currituck which we  
142 just discussed?

143 *Dan Porter:* I don't know all the specifics, but I am aware of the one in Pasquotank and  
144 I've driven through Gates County and noticed 2 or 3 on the way to Suffolk, VA.

145 *John Morrison:* Is it a fair statement that solar farm construction appears to be increasing  
146 in the counties I mentioned?

147 *Dan Porter:* Yes.

148 *John Morrison:* At my request, you researched a report from the NC Department of  
149 Environmental Quality, formerly known as the Department of Environment and  
150 Natural Resources (DENR), under date of February 10th, 2016. Is that correct?

151 *Dan Porter:* Yes.

152 *John Morrison:* And did you make copies for the commissioners?

153 *Dan Porter:* Yes.

154 *John Morrison:* Please distribute those to the commissioners.

155 *Dan Porter:* (passed documentation out to the commissioners)

156 *John Morrison:* NC Department of Environmental Quality deals with what it's title  
157 implies, environmental quality throughout the state, is that correct?

158 *Dan Porter:* Yes, it governs any number of different activities ongoing.

159 *John Morrison:* Is it also true that they have on their staff many qualified experts in  
160 research and development and environmental development?

161 *Dan Porter:* I would assume they do as they write a lot of regulations.

162 *John Morrison:* Have you had the opportunity to review this document at my request  
163 [referring to that which was passed out to the commissioners]?

164 *Dan Porter:* Yes I have.

165 *John Morrison:* Would you please summarize it for us.

166 *Dan Porter:* The document is a printout of a PowerPoint presentation. The first thing it  
167 looks at is the growth of solar energy in North Carolina.

168  
169 A member of the audience present at the meeting asked for a copy of the report, having no  
170 further copies, County Attorney John Morrison asked the Board for a 3 minute recess so that  
171 copies of the report could be made so the audience could follow along.

172

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173 After the recess, John Morrison continued with his questions of Mr. Porter, specific to the  
174 summary of the aforementioned document.

175

176 *John Morrison:* Before the recess we were discussing a report dated 2-10-16 from the  
177 Department of Environmental Quality. Are you aware of any report more recent  
178 than this?

179 *Dan Porter:* No.

180 *John Morrison:* Please summarize for us things that stood out to you in your capacity as  
181 Planner for Camden County.

182 *Dan Porter:* On the first page, the report speaks of the growth up to 2015, and that North  
183 Carolina ranked 4th in the country in terms of Solar Power generation. Also the  
184 rate of growth in NC was the fastest in the nation. NC is 4th in the nation in terms  
185 of installed capacity at 1300 mega-watts with about 1600 mega-watts planned.  
186 Page 2 shows that NC is home to the largest solar facility east of the Mississippi,  
187 which is a Sun Energy One 80 mega-watt project on 1400 acres in Edgecombe  
188 County. Page 3 shows a cross section of what a solar panel looks like, with a  
189 frame, glass component, an encapsulating component, and then the solar cells,  
190 another encapsulating component layer beneath that, then what's called a back  
191 sheet, then a junction box. Basically it's a cut-a-way of what a solar panel is.  
192 They don't go into any further description of what those components are made of

193 *Dan Porter:* Page 4 looks at the end of life decommissioning. Typically the life span of  
194 a solar array is about 25 years. The report makes mention that there are about 250  
195 million pounds of solar panel materials in NC today. The report also makes  
196 mention of toxic components contained in the makeup of solar panels.

197 *John Morrison:* Does the report specify what those toxic components are?

198 *Dan Porter:* No. And it doesn't give a source.

199 *John Morrison:* Does the report specify what kind of care to take if any?

200 *Dan Porter:* No.

201 *John Morrison:* Ok, continue.

202 *Dan Porter:* The report mentions that there is a limited recycling capacity.

203

204 Chairman Clayton Riggs interrupted so that Commissioner Meiggs could comment on the  
205 toxicity. Commissioner Meiggs asked for clarification that this report was from 2 years ago.  
206 Mr. Porter confirmed this. Commissioner Meiggs also stated that NC is 3rd in the nation in solar  
207 production behind California and Arizona. As far as the panels, there has been a lot of change in  
208 the construction of the panels as well as the amount of recyclable components.

209

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210 County Attorney John Morrison asked Commissioner Meiggs, for the record, what his source of  
211 information was for the information he stated. Commissioner Meiggs stated his source was the  
212 NC Association of Electrical Cooperatives.

213

214 *John Morrison:* Mr. Porter, please continue.

215 *Dan Porter:* The report states that there is not much recycling value in the components.  
216 The report also states that one of the key elements of decommissioning is the re-  
217 vegetation of the land and also the stabilization of the soils. Page 5 of the report  
218 outlines environmental and health impacts. One of the impacts is the  
219 transformation of the land use. Solar farms and solar panels take up a good deal  
220 of land, typically being located on farm land which reduces the amount of crop  
221 land in production. Also because such areas are fenced, it has an effect on  
222 wildlife habitat. The report mentions a few health concerns for humans with  
223 regard to the toxicity, pollutants, and emissions. The report states that solar is not  
224 completely carbon free, that some carbon based energy goes into the construction.  
225 Page 6 of the report goes into the kinds of requirements that California has with  
226 regard to solar farms. California requires an environmental analysis, soil  
227 management and restoration plans, and a bond for decommissioning. This page  
228 of the report also mentions the requirements in place in Europe. Europe regulates  
229 the collection, transport, and treatment of any recycling of any kind of  
230 photovoltaic components and materials. The US Bureau of Land Management  
231 requires a bond if any of these facilities are located on Federal lands, and they  
232 also require proper disposal at decommissioning and bonds for the reclamation of  
233 the land.

234 *John Morrison:* These are procedures that are followed in other states and countries.

235 *Dan Porter:* Correct

236 *John Morrison:* In fairness, you've not formed any opinion yet. Is that correct?

237 *Dan Porter:* That is correct.

238 *John Morrison:* Nor have you formed an opinion as to how accurate this report is. Is  
239 that correct?

240 *Dan Porter:* That is correct.

241 *John Morrison:* If the Commissioners do see fit to grant a moratorium, would you  
242 receive other information with an open mind?

243 *Dan Porter:* Yes.

244 *John Morrison:* You've mentioned various specifications for decommissioning and toxic  
245 waste, if any there is, etc. Is the current ordinance that specific?

246 *Dan Porter:* The current ordinance does require a decommissioning plan, and it does  
247 require a bond, it is not that specific except that the land must be restored to its  
248 original condition.

249

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250 *John Morrison:* How is the bond specified as the ordinance is currently drawn?

251 *Dan Porter:* The cost of decommissioning is developed by the applicant through their  
252 engineering firm. Camden's ordinance allows the amount of the bond to be  
253 decreased by the salvage value of the installed equipment. We also require that  
254 the salvage value be certified by someone other than the applicant themselves.  
255 Our experience is that most applicants feel the salvage value is higher than the  
256 cost of decommissioning.

257 *John Morrison:* Are you satisfied with that or does that cause you some concern?

258 *Dan Porter:* I'm not satisfied that is the way we should be treating it. I don't really know  
259 whether it's a higher value or not. The way the ordinance is written, it gives the  
260 County very little enforcement leverage over the decommissioning.

261 *John Morrison:* Are you aware of Camden County residents having raised concerns  
262 about the further development of solar farms in Camden County?

263 *Dan Porter:* I am. There have been several people who have come to the Planning  
264 Office to ask questions. One applicant held some meetings that were required by  
265 the Utilities Commission with regard to a couple of projects that are being  
266 considered or may be considered. Dave Parks, Zoning Officer and Floodplain  
267 Manager, attended those meetings and can speak about those.

268  
269 Commissioner Randy Krainiak asked Mr. Porter how many acres were in Camden County. Mr.  
270 Porter stated he did not know right off hand, but that there are about 250 square miles in the  
271 County. Commissioner Krainiak asked how many of those square miles were farmland. Mr.  
272 Porter stated that he did not know that number. Commissioner Krainiak stated that the county  
273 does not tell a farmer what they can plant, and expressed an opinion that the county should not  
274 be telling a farmer he can't lease out his land for a solar farm. Commissioner Krainiak also  
275 questioned the validity of the statement made by the report that there is not much recyclable  
276 value in solar panels. Mr. Porter stated he did not know the source from which that statement  
277 was derived for the report.

278  
279 Commissioner Krainiak asked Mr. Porter to find out how much of the acreage of the county is in  
280 farmland. Mr. Porter replied that he can do that. Mr. Porter added that land in the county is  
281 zoned in order to control the use of land as far as what can go on a piece of land and what it can  
282 be used for, but that doesn't mean the county will tell a farmer what to plant.

283

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284 Commissioner Clayton Riggs commented that "those types of analysis are what happens during  
285 the 60-days that we have a moratorium on. That 60-day moratorium gives you a chance to  
286 research some of that information that you are trying to compare with".  
287

288 County Attorney John Morrison addressed the Board: "Since this is an informal hearing, and I'm  
289 sure we have some folks who will have some very meritorious points to speak to you about as to  
290 why there should not be a moratorium, and I will commend your attention to them. I think it is  
291 important to emphasize the points raised by Commissioner Krainiak. I am presenting facts, that  
292 if you wanted to impose a moratorium, would support it. As we have discussed previously,  
293 moratoriums are not favored in the law. They are legal, but they are very carefully defined, and  
294 you have to cross all your t's and dot all your i's. One of the reasons the legislature saw fit to do  
295 that is because of the protection of private property rights. About 95% of your job, it seems to  
296 me, is this balancing act between the health, safety, and welfare of the county on one hand and  
297 your constitutional obligation to protect private property rights on the other. And finding that  
298 sweet spot is sometimes difficult. I would also like to point out to the board, I have no opinion as  
299 to whether you should impose a moratorium, and if I did have such an opinion it would be  
300 irresponsible of me to suggest which way you should go and my opinion would be irrelevant,  
301 only to make sure you comply with the law."  
302

303 At this time, Dave Parks came to the podium and presented the following: "Several years ago  
304 the Public Utilities Commission held public hearings. Once they receive letter from adjacent  
305 property owner of a proposed site they are required to conduct a public hearing. They take all the  
306 neighbors inputs to these applications. Some of the concerns include the following, and these are  
307 just the highlights:

- 308 • Will the proposed use have an effect on wildlife
- 309 • Some of the sites are considered historical, what impact would there be on any burial  
310 grounds or artifacts and so on
- 311 • Some say it is an eyesore, that it takes away from the rural nature of the area
- 312 • Some say solar farms will lower property values
- 313 • Some residents want to keep the county as rural as possible
- 314 • What are the benefits to the county as far as taxes and employment
- 315 • Are the residents getting a reduction in electric rates
- 316 • Do they plan to utilize county residents for employment
- 317 • Noise levels during construction
- 318 • Hours of operation
- 319 • Reflection from the panels and its effect on birds
- 320 • Stormwater runoff
- 321 • Will it be built to withstand hurricane force winds
- 322 • Environmental concerns with regard to storage and use of chemicals
- 323 • Emergency access to the site after completion of construction in case of emergency, fire,  
324 or natural disaster
- 325 • Will Camden County Volunteer Fire Department be able to handle a fire emergency at  
326 sites such as this
- 327 • Impact on farming and the amount of land in the county that will be taken out of farming
- 328 • Buffering, landscaping, etc.
- 329

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- 330       • Notification to residents on the proposed to use  
331       • Decommissioning plan  
332       • Maintenance of the facility  
333       • Use not compatible with residential zoning  
334       • Electromagnetic interference on people and homes and what are the health effects on the  
335       human body if living adjacent or near a solar farm  
336       • The utilization of land after decommissioning, can it be farmed again  
337       These are several of the concerns that the neighbors and adjacent property owners had at that  
338       meeting."

339       County Attorney John Morrison asked Mr. Parks the following questions:

340  
341       *John Morrison:* When did the Public Utilities Commission hold that meeting.  
342       *Dave Parks:* That meeting was held about three or four years ago, Commissioner Meiggs  
343       was at that meeting.

344       *John Morrison:* Was that meeting advertised?

345       *Dave Parks:* It was advertised by the Public Utilities Commission.

346       *John Morrison:* The concerns expressed there, you have no opinion as to whether they  
347       are valid or not valid, but you do have an opinion that these are the types of  
348       concerns the citizens of the county have raised, is that correct?

349       *Dave Parks:* Yes sir.

350       *John Morrison:* Approximately how many citizens participated in this meeting?

351       *Dave Parks:* There were around 20 at the meeting.

352       *John Morrison:* Thank you.

353  
354       County Attorney John Morrison asked the board if there were any questions for Mr. Parks.  
355       Hearing none, he requested Dan Porter to return to the podium.

356  
357       County Attorney John Morrison continued his questioning of Mr. Porter.

358  
359       *John Morrison:* Mr. Porter in your professional capacity in light of what we've talked  
360       about thus far do you have a professional opinion as to whether a moratorium  
361       should be granted or not for a brief period of time?

362       *Dan Porter:* I believe there should be. I think there are enough questions and concerns as  
363       Dave Parks mentioned a minute ago, some of them are valid points. I think the  
364       commissioners have questions with regard to the percentage of farms versus solar  
365       panels. I think there are a lot of questions that we don't address in our ordinances  
366       right now. What we have right now is very rudimentary.

367       *John Morrison:* With regards to things you would study if there was a moratorium, would  
368       it be advisable to do a comprehensive zoning study to review relevant ordinances  
369       from other locales and model ordinances regarding solar Farms?

370

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371 *Dan Porter:* Yes sir, that would be part of our study.

372 *John Morrison:* Why would you want to do that?

373 *Dan Porter:* I'm sure there are a lot of people that have more experience than we have,  
374 and we would like to see what the state of the regulatory nature across this part of  
375 the state as well as other parts of the state are. It's a growing land use activity that  
376 we are having more and more questions about.

377 *John Morrison:* Would you also want to study whether it would be beneficial or not to  
378 the citizens of Camden County to authorize solar farms in some parts of the  
379 county and prohibit them in others?

380 *Dan Porter:* Yes sir, I think that as the notes that Dave Parks just read from, the citizens  
381 have some concerns that are related to location not necessarily just the presence of  
382 them but more so their location relative to other land uses.

383 *John Morrison:* Do you have an opinion as to whether you could conduct this study that  
384 you have just outlined regardless of a moratorium? If the commissioners elected  
385 not to impose a moratorium could you still go forward with the study?

386 *Dan Porter:* We could. What would happen is as we gain more information we would  
387 want to make more changes, so the state of the regulation would be in flux for a  
388 long period of time, either that or we would approve projects under our current  
389 regulations even though we are continuing to find more information about them  
390 and come in at a later date and revise the ordinance, which would be kind of like  
391 closing the barn doors after the cows get out, more or less.

392 *John Morrison:* I asked if you had an opinion on this. If ultimately, at some time in the  
393 future, but not now, you conduct this study immediately and then come back with  
394 suggestions, do you have an opinion as to whether that would be fair or unfair to  
395 potential solar farm developers who made plans for investment based upon the  
396 current ordinance only to get here and find out they have been changed?

397 *Dan Porter:* Yes sir, that definitely would have an impact on their development plans.

398 *John Morrison:* So is it your recommendation that the citizens of the county would be  
399 best served by a moratorium while you do your studies, and then come back and  
400 make your recommendations?

401 *Dan Porter:* Yes sir.

402 *John Morrison:* Now, tell us what you would do and when you would do it and how  
403 much time it would take for a moratorium to allow you to accomplish your  
404 purposes.

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406 *Dan Porter:* We would look at the surrounding counties and what their regulations are. If  
407 they are making changes, what their regulations are moving towards. We would  
408 also look at the state organizations model template for solar farm regulations. We  
409 would look at those parts, as I said earlier solar farms are allowed in any zoning  
410 district in the county, which makes it pretty wide open. We would try to look at  
411 geographic areas that might be less impactful on the current residents and the  
412 development patterns in the area. Some of the questions that were brought up, I  
413 would like to get more information on and I'm not sure how long it would take.  
414 Those types of things, we could probably do in about 60 days. And I would like to  
415 think we could do some other research as well, but the question of pollutants and  
416 toxic materials I think is something I would like to get a more definitive idea  
417 about what is being talked about. And we would certainly look at the  
418 decommissioning plan, we hear from applicants that these things will be in  
419 operation forever, but everything has its life and so would like to look at more  
420 information about how we can make sure that if they are not in operation that they  
421 would be decommissioned in a way that would restore the land to its original  
422 state.

423 *John Morrison:* Ok, let me see if I can sum up what you would do then if a moratorium  
424 was granted. You would undertake a comprehensive study to address all the  
425 concerns we talked about tonight. You would review model ordinances and  
426 existing ordinances of other locales. You would then make proposed amendments  
427 to the Unified Development Ordinance if you thought they were in the best  
428 interests of the people of the county.

429 *Dan Porter:* Yes sir, we would. If I could add to that, if there are other items that are  
430 specific that the Commissioners would like us to look into we certainly would do  
431 that, we want to go in the direction that the Commissioners would like the policies  
432 to go.

433 *John Morrison:* Then, if you did determine amendments to the current UDO were  
434 mandated, you would begin processing them through the various agencies of the  
435 county such as the Planning Board, conduct public hearings, and so on.

436 *Dan Porter:* Yes, typically we would make a set of conclusions and recommendations  
437 that we would take to the Planning Board for their consideration, and then once  
438 they held their meeting they would make a recommendation to the Board of  
439 Commissioners. Typically with ordinances, the first time you hear it you would  
440 set a public hearing date, the second time you hear it would be the actual holding  
441 of the public hearing on any revisions to the regulations. I would like to revise  
442 that a little bit tonight because as a 60-day moratorium we have until May 20th to  
443 get this information back to the Board of Commissioners and without extending it  
444 we would need to hold that public hearing sometime prior to May 20th. So we  
445 would not have time to bring it to the Board of Commissioners for setting a public  
446 hearing date and then hold the public hearing the following meeting. I would like  
447 for the Board to set a date for the public hearing tonight so that we will know  
448 what that public hearing date is.

449

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450 *John Morrison:* You mentioned 60 days, is that enough time for you to do the work?

451 *Dan Porter:* That is the ideal amount of time, and is the shortest period of time that we  
452 can do it in. Simply because by the Board of Commissioners meeting once a  
453 month, we have to go to the Planning Board, we would have to have our  
454 information to the Planning Board in April in order to get a report to the Board of  
455 Commissioners for a public hearing sometime before May 20th.

456 *John Morrison:* Would you be prepared to make reports at every meeting of the Board of  
457 Commissioners between now and May 20th on the progress or lack thereof you  
458 have made?

459 *Dan Porter:* Yes sir, we could give a status report.

460 *John Morrison:* And you are prepared to have a to-do list that would set a certain amount  
461 of time for study, a certain amount of time for proposed amendments, a certain  
462 amount of time to get it to the Planning Board, and to come back to the Board of  
463 Commissioners?

464 *Dan Porter:* I would have that for the next time we met.

465 *John Morrison:* That concludes my questions for you, the Commissioners may have  
466 some questions for you.

467 At this time, the Commissioners posed the following questions of Mr. Porter:

468 *Commissioner Garry Meiggs:* Mine is not so much a question as just a comment.  
469 Concerns about this data have already been raised in multiple areas. Me  
470 personally, it would not be hard for me to make any decisions using this data as to  
471 make it by. Seems to me this is really driven by, when do these tax credits run  
472 out? 2018?

473 *Dan Porter:* I do not know, I know that there are tax credits for this type of renewable  
474 energy and I'm not sure, there are federal tax credits and I believe state tax credits  
475 as well.

476 *Commissioner Garry Meiggs:* I read where the tax credits will go to 26% sometime in  
477 2019 or 2020, and then 22%. The state has already cut theirs out.

478 *Commissioner Randy Krainiak:* The state is already zero, right?

479 *Commissioner Clayton Riggs:* So North Carolina's credits are already zero and the federal  
480 plan cuts it several percentages every year.

481 *Commissioner Garry Meiggs:* I don't really think this counts as concerns so much as solar  
482 projects or renewable energy projects so much as it is maybe where they're placed  
483 and where they are allowed. Does that deserve maybe more looking at, probably  
484 so because I expect first thing that went into that UDO was just a plain 'carte  
485 blanche' deal.

486 *Dan Porter:* Yes sir.

487

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488 *Commissioner Garry Meiggs:* We were not thinking about the location of these projects  
489 here, not back then.

490 *Commissioner Clayton Riggs:* And we did not have any definitive information on what  
491 setbacks or what type of barriers we should use for visibility. What are they going  
492 to do to the residents that are 50 feet away from them or 100 feet away from  
493 them? So, those setbacks and types of barriers will impact greatly on where they  
494 can be located. Personally, I drove over to Gates County to look, I was not  
495 pleased at some of the projects... how close to the road they are and on two of  
496 them there was no buffer. I think some of that stems from the fact that they were  
497 not regulated very well and that developers wanted to make a quick buck and get  
498 them in the ground as fast as they could, and they knew that Gates County did not  
499 have anything in their UDO to regulate it at the time. That almost happened to  
500 Camden, because our UDO like you said a few minutes ago was kind of basic and  
501 vague, we did not know what we were up against so we did not dwell very long  
502 on any of the restrictions against it.

503 *Commissioner Clayton Riggs:* I do want to know, Mr. Porter, we do not intend on having  
504 to hire an outside group to study this, right? This is going to be a staff project isn't  
505 it?

506 *Dan Porter:* Yes sir. We are not going to hire anyone to do it. We would not be able to  
507 get them hired within 60 days.

508 *Commissioner Clayton Riggs:* The cost of hiring consultants can be exorbitant  
509 sometimes.

510 *Dan Porter:* No, and that may limit how much detail we go into in terms of the makeup  
511 of solar panels. We may have to rely on other reports rather than independent  
512 research.

513 *Commissioner Clayton Riggs:* I would like to ask County Attorney Morrison a question:  
514 The way I understand it, 60 days is the maximum we can go at one time...

515 *John Morrison:* No sir, you can go more than 60 days but I would caution you not to do  
516 that because then you begin to raise eyebrows. If you were to find at the end of  
517 60 days, after diligent efforts, Mr. Porter had not been able to complete the  
518 project, you can extend a moratorium but you have to go back through the same  
519 safeguards we are doing tonight and he would have to explain why he couldn't get  
520 it done and what yet remains to be done and when he is going to get it done. And  
521 then you could extend it, say in 30-day increments or something like that. My  
522 recommendation is to try to keep the heat on everybody and let's get this done in  
523 60 days. The law is stern for a reason. Commissioner Krainiak has already  
524 addressed it in park - private property rights. The legislature thought, 'well we  
525 can't damage people but so much with 60 days'. Try to get it done in 60 days,  
526 and if you can't then we will talk about it then. That would be my  
527 recommendation, 60 days if you are so inclined.

528

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529 *Dan Porter:* If I could add just one thing to that. If you were to extend it we would have  
530 to have another public hearing, and we would have to advertise it. You can  
531 implement a moratorium for 60 days by having one advertisement and one public  
532 hearing, in order to go longer than 60 days you have to advertise more frequently  
533 and there would have to be another public hearing to extend it.

534 *John Morrison:* That is an important point, I neglected to tell you that, thank you Mr.  
535 Porter. When Mr. Porter and I were researching this we were aware that the most  
536 you can do tonight if you are inclined is 60 days because we did not advertise this  
537 twice. If you are going to go more than 60 days it has to be advertised on two  
538 successive weeks.

539 *Commissioner Clayton Riggs:* I guess one of the questions that the people in the  
540 audience want to know is that one special use permit that we have already granted  
541 would not be affected by the moratorium.

542 *John Morrison:* It will not, they have vested property rights.

543 *Commissioner Clayton Riggs:* So, if you already have your permit in hand, you are not  
544 affected by the moratorium.

545 *Dan Porter:* That is correct.

546 *Commissioner Randy Krainiak:* And the other two, did you say there were two more  
547 coming up?

548 *Dan Porter:* No sir, we do not have their applications, we just know that they are out  
549 there. We have had a couple of conversations with a company regarding a couple  
550 of sites, and we have had inquiries from another relatively serious person and I  
551 have heard rumor of two or three others.

552 *Commissioner Randy Krainiak:* Since there is nobody breaking our doors down, is there  
553 any advantage to having a moratorium or are you just going to go ahead and do  
554 your due diligence come tomorrow morning and start investigating it?

555 *Dan Porter:* I would suspect that after this discussion, if somebody is out there  
556 contemplating they would bring an application in as soon as possible. And that is  
557 the reason for having a moratorium is that we have the time to look into the  
558 regulations and not have to process that application under our current rules.

559 *Commissioner Clayton Riggs:* I think one of the key points that I am interested in us  
560 knowing about, and I am sure that the developers have already studied this very  
561 hard but maybe they have not shared all of the information or maybe it has not  
562 been researched very well, the levels of heavy metals and the mercury content -  
563 this older environmental impact study mentions the fact that mercury is used in  
564 the manufacturing of the solar panels and then I am come to understand that be  
565 more modern solar panels eliminate that mercury.

566 *Commissioner Garry Meiggs:* And the more modern is a re-buildable panel.

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568 *Commissioner Clayton Riggs:* So I think that maybe part of our moratorium may address  
569 the limitations of what type of materials will be used and the less toxic will be  
570 favored in each instance for permits going forward.

571 *Dan Porter:* I have no information on that, that is information I would have to find.

572 *Commissioner Clayton Riggs:* That would be one of your 'to-do' things as we move  
573 forward. I am not going to live long enough to be poisoned by a solar panel in  
574 Camden County but it is very possible that some of these younger folks or our  
575 future populations may have that problem cropping up around them. So we want  
576 to prevent rather than have to remediate afterwards, and if requiring particular  
577 types of building materials and particular locations aids in that then that would be  
578 part of the new UDO.

579 *Commissioner Garry Meiggs:* My suggestion on that, Mr. Chairman, would be to be very  
580 careful with that because the technology in this is changing so rapidly you are  
581 liable to name something that will knock your self right out of being able to use  
582 the best and brightest and most efficient that has come out. You have to be careful  
583 with that.

584 *Commissioner Randy Krainiak:* We just covered that 2 months ago when we approved  
585 the special use permit for the one that is under construction. They showed us that  
586 there are no hazardous materials.

587  
588 At this time, Mr. Porter asked if the board had any further questions for him. Hearing none, the  
589 floor was opened to public comment.

590  
591 **Public Hearing - Public Comments Section**

592  
593 *Herbert Mullin, Attorney at Law, 101 East Elizabeth Street, Elizabeth City, NC, 27909*

594  
595 *Herbert Mullin:* I have two particular people here who are experts in this field. But first,  
596 let me tell you of a lady of some years who called me last week and said "Herbert  
597 Taylor, I need you to help me". And I said I would be glad to and I said what's it  
598 about? She said "I have got a contract to place my 50 acres in a solar farm, and  
599 they are going to pay me some awfully good rent, and I really need that money.  
600 I'm older, I have limited income, and I really need it. Would you go to the Board  
601 of Commissioners and let them know of my need, let them know I am not trying  
602 to hurt anybody. This is my land, I did not buy it, I inherited it from my mama  
603 and my daddy. And I look to this money to cause me to have an opportunity for a  
604 reasonable lifestyle from here on to the rest of my life". She said "Please ask that  
605 Board of Commissioners not to put a moratorium, not to stop what I have been  
606 offered, not to have me run the chance of not having to have this money". She  
607 said "Please". And so I bring you that from the lady.

608 *Herbert Mullin:* I will let these experts speak, I am not an expert, I do not know much  
609 about solar farms but these men do.

610

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611 *Commissioner Ross Munro:* The lady that you told the touching story of, how old is she?

612 *Herbert Mullin:* About 78 or 79.

613 *Commissioner Ross Munro:* So, she has survived 79 years so far? Is a 60 day  
614 moratorium out of the limit for this person?

615 *Herbert Mullin:* I don't know how the moratorium will affect her.

616 *Commissioner Ross Munro:* But 60 days is not too much to ask an entire population of a  
617 county to wait to make sure we do the right thing.

618 *Herbert Mullin:* And, should Mr. Porter, it's interesting to me as I understand it the last  
619 time you all looked at this ordinance was in 2015, and this is just barely 2017.  
620 There has got to be something said for that.

621 *Commissioner Ross Munro:* Back to my original question, 60 days is not too long to ask  
622 somebody to wait so the county can figure it out, correct sir?

623 *Herbert Mullin:* No, and of course, it may cause her project not to go forward.

624 *Commissioner Ross Munro:* I think if there is so much money in a project to go forward,  
625 60 days is not too long to wait for a company to put a pause on it. We can put a  
626 pause on it, and they can come back in 60 days.

627 *Herbert Mullin:* Oh, I understand definitely, the possibility exists that it may end her  
628 opportunity to lease her property to the solar developer.

629 *Commissioner Ross Munro:* We would not want to do something that might hurt other  
630 citizens of the county either, would we sir?

631 *Herbert Mullin:* Well, I know you would not and I know these gentlemen here who  
632 represent major solar farm people have not and would not do such because if it  
633 did it would cause them repercussions throughout Eastern North Carolina. And  
634 frankly, in Camden County the number of acres, I think you said it was a 50-acre  
635 permit issued, and the number of farm acres is far in excess of that. In Currituck, I  
636 mean, all we are doing is following the big dogs. Currituck has numerous solar  
637 farms and others under contract and so they stopped it after they already have it  
638 going. Pasquotank, I doubt there will be as large a solar farm in all of Camden  
639 County as there are one or two in Pasquotank. So, we are limited, our lands are  
640 limited, but more than that, a solar farm cannot be in existence unless they have  
641 connection lines and a power company to sell their solar energy to. They cannot  
642 just put them up where they want to. They have to implement them through the  
643 utilities, and they can only put them where the utilities can accept the current.

644 *Commissioner Ross Munro:* True, and then on top of that, aren't we forced to buy that  
645 higher priced solar power generated from a solar farm and doesn't that raise the  
646 cost of electricity for everybody in the county?

647 *Herbert Mullen:* Utilities Commission regulates that, I do not.

648

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649 *Commissioner Ross Munro:* But, that is how it works, correct sir? So actually, we are  
650 forced to buy solar power at a higher right so costing a little bit more out of our  
651 pockets for everybody in the county to pay their utility bills, isn't that correct?

652 *Herbert Mullin:* I am told it is cheaper than nuclear energy, and nuclear energy is by and  
653 large what you are buying now because coal is bad because of coal ash, and the  
654 government supports what makes it possible for any of us to afford it. So I don't  
655 think that the solar panel is an opportunity to have some cheaper current then we  
656 have had before, it is far cheaper to have solar panels I am told then it is to have  
657 nuclear power plants.

658 *Commissioner Ross Munro:* I think that the cost of the solar panel per megawatt-hour is  
659 \$231 of tax subsidies that makes it affordable, isn't that correct?

660 *Herbert Mullin:* I am not sure, these gentlemen would know and can tell you.

661  
662 At this time, County Attorney John Morrison asked Attorney Mullin if he would like to direct the  
663 questioning of the two gentlemen he referred to. Attorney Mullin indicated that County Attorney  
664 John Morrison should direct the questioning.

665  
666 *Mark Pearson, 3104 Bandol Lane, Oakton, Virginia, 22124*

667  
668 *John Morrison:* Mr. Pearson, I am going to ask you a few questions just to move the ball  
669 along, background, and then you will have all the time you reasonably need to tell  
670 us some interesting facts I'm sure we don't know about solar energy.

671 *John Morrison:* What is your occupation sir?

672 *Mark Pearson:* I am a solar developer, solar Farms.

673 *John Morrison:* What company are you associated with?

674 *Mark Pearson:* Solar Access USA.

675 *John Morrison:* Is that your firm, your company rather?

676 *Mark Pearson:* That is mine and my partner's company.

677 *John Morrison:* And you currently have an application pending in Camden County?

678 *Mark Pearson:* We have an incomplete application.

679 *John Morrison:* So it has not been submitted yet, is that correct?

680 *Mark Pearson:* That is correct.

681 *John Morrison:* So if a moratorium was granted, you would be affected by it?

682 *Mark Pearson:* Yes we would.

683 *John Morrison:* What is your educational background sir?

684 *Mark Pearson:* I have a double major in geology and computer cartography from Rutgers  
685 College.

686

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687 *John Morrison:* Computer cartography?

688 *Mark Pearson:* That is computerized map making.

689 *John Morrison:* And how many solar farm developments have you been involved in?

690 *Mark Pearson:* I am currently working on 4, and my partners, who are working with us  
691 on the one we are contemplating here have done in excess of 25.

692 *John Morrison:* Your company right now has no active solar farm, is that correct?

693 *Mark Pearson:* That is correct. Well, yes, Solar Access USA has none. But these  
694 companies, these LLC's are actually put together for a particular project.

695 *John Morrison:* Ok, I understand that. Do you have any special training or education in  
696 solar farm construction, operation, decommissioning, and environmental impacts?

697 *Mark Pearson:* Nothing other than what I have learned on the job and my academic  
698 background lends itself to finding good sites for solar farms and that's basically  
699 what I'm here to talk about today.

700 *John Morrison:* Would it be a fair statement that flat cleared land is conducive to solar  
701 farm development?

702 *Mark Pearson:* Yes.

703 *John Morrison:* And Camden has a lot of that.

704 *Mark Pearson:* It does.

705 *John Morrison:* Please feel free sir now to make your presentation, and this is not a  
706 formal court proceeding so you can bring in hearsay, you can address your  
707 comments however you want them. And the Commissioners may have some  
708 questions.

709 *Mark Pearson:* What I would like to do is, the old adage "a picture tells a thousand  
710 words", I have a map basically it's of Camden County, Currituck County, and  
711 Pasquotank County. It has a picture of substations, and I think it would be very  
712 enlightening for everybody here, because you would all look at it and go "wow, I  
713 am glad I got this information". So here we are, I don't know if you can all see  
714 this, but basically it is a satellite picture of Camden County in the middle with  
715 Pasquotank and Perquimans to the West and Currituck County to the east. There  
716 is also a transmission line, which you probably all know where it is, it bisects the  
717 county. There are only a few places in the county where you can put a solar farm.  
718 95% of the county you cannot put a solar farm on economically. The reason is  
719 you need what is called three phase power, and we have all seen it. If you go out  
720 to 158, that comes across from Elizabeth City, or actually right out here you will  
721 see a pole and then you will see a cross on the top with 3 wires - that is three  
722 phase. And not only do you need that three phase, but you need the higher level of  
723 that which is 34000 volts, they call it a 34kv line. Now they emanate from  
724 substations. So you have to put a solar farm where that line goes.

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726 *Mark Pearson* (continued): Now, for Camden County, first of all Camden does not have  
727 any substations which is why it does not have any solar farms. And because it  
728 does not have substations, it will never have many solar farms at all. You just  
729 cannot put them here without a substation. So, what you have today is to the right  
730 in Currituck County is to substations one is called Sligo and the other is called  
731 Shawboro. Now, there is no more capacity in those substations, meaning if you  
732 wanted to you could not build a solar farm and hook it up there. So, everything to  
733 the east is out. At the intersection of Route 34 and 158, there is a transmission line  
734 running through there and right on that corner there you see three phase that  
735 comes down from the Sligo substation down 34. That line and the line coming  
736 across from Elizabeth City are the only two places in the county, and wherever  
737 those three phase goes that you can even hook a solar farm up to. All the land,  
738 which looks like at least 50% feel and that is north of 158 you cannot put a solar  
739 farm on. There is no transmission line, there is no three phase power. Maybe  
740 there's a little that runs up 343, but it is of too low voltage to put one on. So, not  
741 only is there very few places to put it but the two substations in Currituck County  
742 are already full, so they really have nothing to worry about over there. The  
743 Pasquotank substation is full and there is just a little bit of room left in the  
744 Elizabeth City substation. The two farms that are being contemplated are going to  
745 take the remaining capacity, so after these two farms are done, that is it for  
746 Camden County.

747 *Commissioner Clayton Riggs*: I live 13 miles from that transmission line, and one mile  
748 from my house there is a solar farm going to be. I live in the bottom end of this  
749 county and that gentleman sitting right back there in that corner has a 50-acre  
750 solar farm and they have already put steel in the ground.

751 *Mark Pearson*: And that is on 3 phase power correct?

752 *Commissioner Clayton Riggs*: That is on 3 phase power in Shiloh.

753 *Mark Pearson*: That goes up to, it would have to probably, to the Shawboro or Sligo  
754 substation. If you got on that line and started following it, they don't connect to  
755 transmission lines. Transmission lines go to substations, three phase power goes  
756 to substations, but the two don't connect. And, since those are already full, you  
757 could not put a second one on that line today. It's over.

758 A member of the audience asked who is it that says when the substations are full.

759 *Mark Pearson*: Dominion Power Company can tell you that information.

760 Chairman Clayton Riggs reminded the audience that if they want to speak, they will have an  
761 opportunity to address the Board and ask questions, but to let those at the podium give their  
762 presentations.

763 *Commissioner Clayton Riggs*: Even though we are not on the transmission line, the three  
764 phase power goes back to the Shawboro substation and it is entered into the grid  
765 at that point.

766

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767 *Mark Pearson: Yes.*

768 *Commissioner Clayton Riggs: So, the first statement you said that the only place we*  
769 *could put one is on that three phase transmission line, was a little bit misleading*  
770 *because we can put it in other places but it has to be on one of those legs up that*  
771 *three phase power coming off.*

772 *Mark Pearson: Yes, I forgot to use the word, if you say three phase it is a distribution*  
773 *line. Transmission line is 230,000 volts, that is the one running through here. The*  
774 *only way to hook one of those up is to get 1000 acres, build your own sub station,*  
775 *and then go directly to the transmission line. Now if you follow the line out of*  
776 *Elizabeth City cross to Shawboro, there is no land that is there. Frank Williams*  
777 *has 175 acres, I believe the Browns have couple hundred acres, but you need 1000*  
778 *acres all together, like the picture that Mr. Porter showed of the Sun Energy 1*  
779 *which was about 1,400 acres, that does not exist here. So you will never have to*  
780 *worry about the big ones either. So really what is left, unless, the only way this*  
781 *can change is if they add more big transformers in these substations, if they do,*  
782 *that but in order to do that it makes the project economically unfeasible.*  
783 *Everything is very competitive out here. If they don't go for one here, in other*  
784 *words to interconnect, you have to have a price of about \$1,000,000 or less to do*  
785 *it. If you build a substation you are up in the 5 to 10 million dollar range. So*  
786 *therefore, it is just not going to make sense. So the only way, basically what's left*  
787 *is really just a couple of spots that come across from Elizabeth City and then start*  
788 *going down towards Shiloh, but not really even that far, really just outside of*  
789 *Camden and at that point there is a step down transformer and so forth. Camden*  
790 *County has really nothing to worry about being inundated with solar farms. That's*  
791 *really it in a nutshell. And so just another couple more stats, I believe Camden*  
792 *County has 306 square miles, is roughly 195,000 and change acres, the land we*  
793 *are talking about for these two small solar farms and a midsize one is about three*  
794 *hundred acres that represents about .1% of the land in Camden County. And that*  
795 *might be the only solar farms ever. You just can't take thousands of acres*  
796 *anywhere you want build a solar farm, it just does not happen. The other thing I*  
797 *would like to mention as far as what you have seen throughout North Carolina is a*  
798 *bunch of these 50-acre solar farms, 5 megawatts, you see them all over the place.*  
799 *That game is over, the reason that they proliferated so much is that North Carolina*  
800 *passed a law that guaranteed they would buy the power for up to a 5 megawatt*  
801 *farm for up to 20 years, this was called a power purchase agreement or PPA. That*  
802 *is done. It is now down to one megawatt over 10 years which means 10 acres, it*  
803 *just doesn't make any sense, it's just not economically feasible, nobody's going to*  
804 *do it. So, unless you have already started a project over the past year, what you*  
805 *are going to see is in a couple of more years, solar is pretty much over in North*  
806 *Carolina. Now, you still have wind, and some other things that you can potentially*  
807 *do, but I don't see in the economic models that we have to work with to price*  
808 *these things where you can ever build one based on this. I have just a couple of*  
809 *other comments, there's no recycling because nobody has ever decommissioned*  
810 *one.*

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812 *Commissioner Clayton Riggs:* Is your project the 200 acre project?

813 *Mark Pearson:* Yes sir.

814 *Commissioner Clayton Riggs:* So what you have told me in the last seven minutes while  
815 you were talking is "let me build mine, and nobody else will come". Is that what I  
816 heard?

817 *Mark Pearson:* That is a good way to put it.

818 *Commissioner Ross Munro:* Also I have heard that it is not commercially viable to build  
819 them without the taxpayer subsidies.

820 *Mark Pearson:* Well, it is not commercially viable because there is no more room left in  
821 the substations. It's like trying to book a hotel room when there is no vacancy.  
822 You are just not going to get a room.

823 *Commissioner Clayton Riggs:* Ok, let's talk about how easy substations are. That little  
824 blue substation that is way up there on US HWY 17 that is on your map, that little  
825 blue substation, I don't know how long it took them to plan it, but it only took a  
826 couple of incentives and the fact that there was an opportunity to make money and  
827 for growth of the county for that thing to just pop up in the middle of South Mills.

828 *Mark Pearson:* And that is a switching station, it is not a substation with transformers. If  
829 you go there, there are none of those big boxes that basically take the high  
830 electricity down...

831 *Commissioner Garry Meiggs:* Oh yes it is.

832 *Commissioner Clayton Riggs:* It is his substation (referring to Commissioner Garry  
833 Meiggs).

834 *Mark Pearson:* I just drove by it today and all I saw were the switches. I am not arguing.  
835 There may be, if they added one up there, but as of last year when we did this  
836 planning there was no more.

837 *Commissioner Clayton Riggs:* And part of what we are thinking about there is a lot of  
838 very commercial developable land up there that we have to consider in this whole  
839 plan that we are talking about. So, when we say 50 or 100 acre, whatever the  
840 wattage you have on them is, solar farms, technically speaking somebody could  
841 go up there and put one like a quarter of a mile from it and wire to it. If there's as  
842 much money in this business as some people portray, because you've got to be  
843 making money in order to pay a farmer a high-dollar amount per acre. Somebody  
844 out there is making money if the farmer is getting a couple of hundred dollars an  
845 acre to raise corn and then a solar developer comes in and gives him for example  
846 \$750 to stop raising corn so they can put a solar panel there, there are people  
847 making money at it because you don't pay the landowner that kind of money and  
848 not make money yourself.

849 *Mark Pearson:* We would not be in it to lose money.

850

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851 *Commissioner Clayton Riggs:* Exactly what I am saying. So now, what we are trying to  
852 do with this 2 month moratorium is give us an opportunity to study this so that  
853 setbacks and local regulations can be put in place so that when I drive from my  
854 house to this Courthouse I don't drive by your solar farm glaring at my face. If  
855 there are some beautiful trees, shrubbery, or something and a nice little buffer  
856 around it so that it does not distract from the beauty that people come here for.  
857 There are two things that we have, quality of life and we have farmland. You guys  
858 want to use the farmland. So if you want to use the farmland, you are going to  
859 have to do it within a set of parameters that we are going to work on setting up, or  
860 then the other alternative Currituck County just said, we are going to prohibit  
861 them all together. That is what the guy told me on the phone today, Currituck  
862 County prohibited them. There are three choices, we could go like we are going,  
863 we could do a moratorium, or we can prohibit.

864 *Mark Pearson:* And I'm not arguing that and let's talk about Currituck County. Their  
865 transmission lines don't bisect in the short, they run north and south the long way  
866 of the land. So you can grab 1,000 acres in a bunch of different places there and  
867 build a substation and do that. You can't really do that here today, unless you  
868 want to all of a sudden kick everybody off their land and rezone it back to  
869 agriculture, which is not going to happen. It's all about the devil is in the details.  
870 Camden County itself, for example when you say, there's that huge chunk of  
871 Camden County that is just completely square, literally north of the courthouse, if  
872 you went right North I think it even has a little airstrip there because there are no  
873 transmission lines or anything even running anywhere near there that would never  
874 even be a candidate. Unless for some reason...

875 *Commissioner Clayton Riggs:* You would have to fight with the Navy over that.

876 *Mark Pearson:* I'm just telling you the economics. What I am really trying to do is share  
877 with you the economics, and my job is to find good sites. There's only one good  
878 site or two and all of Camden County and I will never look again because I have  
879 already looked over it with a fine-tooth comb. It has to be on big three phase  
880 commercial power, and it has to have access to an open substation. There is only  
881 one open substation left and that is Elizabeth City, and they only have a little bit  
882 of capacity left. After these two, and I would recommend you jumping on it  
883 because if you don't someone else will take them and then you won't have any. I  
884 would guess that the County probably just wants a few but they don't want to be  
885 overrun with them. My point is that I want to alleviate any fears that somehow  
886 these things can get blanketed and they can not. Also there are some very good  
887 points brought up about toxicity and reflective and so forth, these higher  
888 efficiency panels really absorb the sunlight. They are really matte kind of colored,  
889 you are not going to see a reflection. You will see them if you look for them, but  
890 it's not going to be like a skyscraper that you can just see the reflection. The more  
891 light that is reflected back the less that is absorbed. And the way they build them  
892 today, there is almost no toxic or heavy metals in there at all. And if you compare  
893 it with burning coal, coal puts way more mercury in the atmosphere than a solar  
894 field would. You can't even compare it.

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896 *Mark Pearson* (continued): As a matter of fact, tuna today is better to eat because there  
897 has been less coal-burning and that has been the number one way in which coal  
898 got into the atmosphere which is mercury would get in the water and the tuna  
899 would eat it through the food chain. So it is, it uses maybe 1% of the carbon  
900 compared to coal, and it probably uses 2-3% of the carbon compared to natural  
901 gas. There is more money for the county, environmentally friendly, take the same  
902 piece of land, no pesticides no fertilizers, no herbicides, for 30 years. No plowing,  
903 no dust. There is always 18 inches of ground cover, no bare dirt once it is in place.  
904 And lastly as far as how safe they are, this is proven technology, they are on  
905 schools, nurseries, hospitals, houses, they are everywhere. And there has never  
906 been any negative health effects that anybody has ever attributed two solar panels  
907 in place.

908 *John Morrison*: Sir, if you could would you speak to the increase in the tax base, if any,  
909 and jobs this would create.

910 *Mark Pearson*: Yes, it will, but what I would really like to do is get you hard numbers as  
911 opposed to me just saying 'yes it is better economically'. At any one time when  
912 they are building this, you will have at least 100 temporary workers working in  
913 the surrounding communities, so it is restaurants, it's everything. Perfect example,  
914 I am doing a project in Culpeper County, and I am talking to a land owner who  
915 grows hay and he said 'You know what? I just got a call yesterday from the one  
916 that Dominion is building in Remington for Microsoft and they just ordered a ton  
917 of hay from me. I had no idea this order was going to come, came out of the blue.'  
918 here is a farmer who just got a great big order that he never would have got to  
919 help build this thing. So it is good for the economy and the tax base is going to be  
920 better because first of all it comes right out of land use so that just bumped it up  
921 too. I am just saying that if you go through environmentally, culturally, and  
922 economically, it is a win on all three. Thank you very much.

923 *Commissioner Clayton Riggs*: We have another gentlemen who wants to talk. And then,  
924 Miss Linda Nwadike wants to talk.

925  
926 *Louis Matheus, of Boco Raton Florida, representing TW Solar, an International Solar Developer*  
927 *based out of Barcelona Spain.*  
928

929 *Louis Matheus*: TW Solar already has some projects in the ground here in North Carolina  
930 and a number of active projects under development.

931 *John Morrison*: Before you go any farther sir, would you give us your educational  
932 background and your expertise?

933 *Louis Matheus*: I am a civil engineer by training, I have a masters degree in business out  
934 of Colorado University, and I have, I think I am going on 10 years now on solar  
935 and renewable energy field in general.

936 *John Morrison*: Are you a licensed engineer sir?

937 *Louis Matheus*: I do not have a professional engineer license, no.

938

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939 *John Morrison:* But you did take a degree in engineering?

940 *Louis Matheus:* Yes

941 *John Morrison:* And how many solar farms have you worked on?

942 *Louis Matheus:* Personally, I have over three hundred megawatts of renewable energy  
943 having been developed as solar and wind. The company I am representing, TW  
944 Solar, has a track record of one gigawatt of solar projects worldwide.

945 *John Morrison:* But how many have YOU worked on personally?

946 *Louis Matheus:* 300.

947 *John Morrison:* Ok, thank you.

948 *Louis Matheus:* So, there are a number of points to address as well as other points  
949 throughout the conversation tonight, I want to address some of them. I agree with  
950 Mr. Pearson on there are limitations and how much solar you can put in Camden  
951 County. These stem from two basic points. What Mr. Pearson mentioned was  
952 access to transmission. There are only so many places that you can connect a solar  
953 plant to the grid economically. A developer always has the option to upgrade the  
954 system so that more solar can be brought online, but at that point they have to pay  
955 for the upgrades themselves. The second limitation comes from load. How much  
956 power is the system demanding? You cannot produce more power then the system  
957 needs. At that point you have to curtail production by taking your plant offline  
958 and you are losing the power you are producing. That hurts the economics really  
959 fast. So you always size the project so that it only provides as much power as the  
960 system can take at any given point in time. Further you have the limitation that the  
961 grid here operated by the city municipality and also Albemarle EMC interconnect  
962 with Dominion Power, I believe, and Dominion being part of the PJM network up  
963 in Virginia, they have stringent regulations. Nobody that is not part of the PJM  
964 system can feed power into the PJM grid. So effectively, Dominion will put a  
965 constraint that systems cannot produce more power then the system is handling  
966 because then the power would flow into their system and they won't allow that. So  
967 it is true that there are limitations in the grid. I have not studied the entire grid and  
968 the county to assert how many points you can actually put or how many  
969 megawatts. We have not conducted our study for the project that we are interested  
970 in putting here in Camden County. However, we do have to have a technical study  
971 done on the interconnection request to make sure that the substation, and  
972 transmission line, can handle the output of a solar system without overloading the  
973 system. So the intent of our study is for it to tell us how much or how big can a  
974 solar system be without compromising the grid and without having to incur a  
975 significant capital expenditure to upgrade the system. That will be our goal, that  
976 will essentially limit the solar system. Our estimate is that it can be anywhere  
977 between 20 and 7 megawatts right now. 20 would be the maximum capacity on  
978 the infrastructure, seven being the load that the system is holding. So somewhere  
979 in between, we think, is the size our project will be.

980

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981 *Louis Matheus:* Addressing the topic of toxicity...

982 *Commissioner Tom White:* How many acres are you talking about putting in?

983 *Louis Matheus:* If we go for a system of 20 megawatts, that is the biggest we consider we  
984 can do, it would be at most 160 acres. And it can go down from there, it can be  
985 down to 100 depending on the size of the parcel.

986 *Commissioner Ross Munro:* And do you agree with the other gentleman that there is only  
987 a couple of viable places in Camden County that you can actually put a solar  
988 farm?

989 *Louis Matheus:* Intuitively, yes. But I have not done a comprehensive study of the entire  
990 grid. But yes, just by the limitation of load you cannot put too many megawatts.  
991 You would need something to actually use that power, if in the future you have a  
992 lot of consumption here, you put an industrial park, you put a paper mill,  
993 something to that effect that can actually draw a lot of power from the grid, that  
994 opens up capacity for more development. But up until that happens the power  
995 does not have anywhere to go so it would be restricted.

996 *Louis Matheus:* On the topic of toxicity, the panels are sealed. They are meant to sustain  
997 being put out there for 25 to 30 years without breaking down. If there are any  
998 heavy metals, they would be contained inside. As soon as one of those panels  
999 breaks or stops functioning it has to be replaced. There would be a potential  
1000 problem if they were let to sit there at the site broken for many many years. That  
1001 is the only scenario I can picture. For them to release any heavy metals, they  
1002 would have to burn upwards of 1000 degrees Fahrenheit, and I do not think that a  
1003 wildfire on agricultural land would ever reach that. I have not seen the concerns  
1004 of toxicity come up anywhere else, and I have worked in projects in several states  
1005 in the US including North Carolina, Colorado, California, Texas, and the toxicity  
1006 has never really come up as a concern, and also in other countries we have  
1007 worked in such as Central and South America as well. The toxicity of the panels  
1008 themselves has never really been a concern. In terms of electromagnetism, there is  
1009 no equipment that puts out excess of electromagnetic fields. A refrigerator or  
1010 television in your home would put out as much as the inverter, and the inverter is  
1011 just by definition of where it is located is sufficiently distant from any permanent  
1012 structure. That would not affect anyone. And anyway, the negative health effects  
1013 of electromagnetism have never been able to be proven. So you are no worse off  
1014 having a solar system than you are with having power lines for your TV in your  
1015 bedroom. On the topic of the cost of solar, the legislation that allows development  
1016 of solar in North Carolina that has accounted for this boom is based on a piece of  
1017 Federal legislation called PURPA (Public Utility Regulatory Policies Act). The  
1018 way PURPA works is, it says that as long as a renewable energy generator or a  
1019 co-generation facility can produce power at or below the utilities avoided cost  
1020 then the utility is forced to buy it. That is the way it works, so, the only way the  
1021 solar system can get a PPA (power purchase agreement) is if they can sell that  
1022 power lower than the utility can generate it currently.

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1024           *Louis Matheus* (continued): The idea is that the more solar that you put in the system the  
1025           cost for everyone starts coming down. Every time you put a request for a large  
1026           solar system above, it used to be 5 mega watts now it's one megawatt, before you  
1027           can get a power purchase agreement with the utility, the utility will do a study to  
1028           see what is their avoided cost and that is the power purchase agreement they will  
1029           offer. If you can, in fact, as a developer, produce power cheaper than that then  
1030           you have a deal. If your cost of generation is higher you wouldn't sign the PPA  
1031           and you do not have a project. So, just by the concept of the legislation this is  
1032           supported by the construction of more solar systems can not negatively affect the  
1033           rates in the state. Now, what brought me out here today, I flew in just for this  
1034           public hearing, when I read the proposed moratorium, my concern was mostly on  
1035           the language that was using, seeking before the public hearing, I understand the  
1036           concept of revising the ordinance but it seems like the end of the moratorium was  
1037           to limit or prohibit the development of solar in the county. There is a particular  
1038           phrase in the document I saw that raised that concern. I want to express that as a  
1039           developer, we work with the county, we work with land owners to do solar  
1040           projects right, we do not want any enemies if we can make everybody happy with  
1041           our solar system our work is all the easier. So I would encourage the county to  
1042           look at putting an ordinance in place that would allow everybody to be happy with  
1043           development. There is a suggested template ordinance already prepared by the  
1044           NC Sustainable Energy Association, I brought a copy of that with me. I've been  
1045           in contact with them and they provided some documentation that you might find  
1046           useful. I would be happy to share that with you. Again, this is not our product,  
1047           this is mostly from the NC Sustainable Energy Association. So, as long as the  
1048           moratorium is put in place for the sole purpose of revising whether your  
1049           ordinance is sufficient to allow for sustainable development of solar projects in  
1050           harmony with the community, with the environment, with the alternative uses of  
1051           the land, we are ok with that. We would encourage you to not consider limiting  
1052           because market and technical factors will do that for you and also you are  
1053           depriving the community of a lot of the benefits that solar can bring. I have some  
1054           figures here on the solar benefits, again these are not prepared by me, but by the  
1055           NC Sustainable Energy Association. Up to now, they can attribute almost 5,500  
1056           full time equivalent jobs in North Carolina because of the solar industry. In 2016  
1057           alone, solar revenue from NC came up to 1.4 billion dollars. The agricultural land  
1058           taken out of farming because of solar developments statewide is just .2% of the  
1059           entire NC cropland. Again, these are numbers that are readily available, and I'll  
1060           be happy to share them with you if you need them. A solar system of about 10  
1061           mega watts would cost somewhere between 20 and 50 million dollars, depending  
1062           on the technology that is put in place. I'm not too sure how the county taxes  
1063           developments, but I'm sure it has to be over that number on the capital expense of  
1064           the solar system. So, just think about the tax revenue increase by bringing in a  
1065           solar system that is also not bringing any burden on the county elsewhere. You  
1066           don't need additional services, you don't need to change anything, the solar  
1067           developer will bear all the cost and the community will benefit at large from the  
1068           tax revenue. With that, I'll take any questions you may have for me.

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1070 *John Morrison:* If I may make a comment sir. I wrote a letter to the commissioners with  
1071 a model of a moratorium for 60 days. That letter is a public record. You are  
1072 welcome to it, I went to great lengths and the commissioners are very aware that  
1073 they should not have formed an opinion before tonight, that there would be  
1074 additional evidence and the question before them is to impose a moratorium or  
1075 not on my recommendation of no more than 60 days. So there is, I can assure  
1076 you, the fix is not in. Everybody was told to keep an open mind. I have not heard  
1077 anybody talk about a complete prohibition of solar farms. You would be available  
1078 to consult with our Planner if a moratorium was granted for 60 days, correct?

1079 *Louis Matheus:* I believe so, yes.

1080 *John Morrison:* As to give input, to suggest research materials, model ordinances, and  
1081 answer questions?

1082 *Louis Matheus:* As a matter of fact, I plan on meeting with Mr. Parks tomorrow.

1083 *John Morrison:* That would be one of the purposes of a moratorium. Alright. Thank  
1084 you.

1085 *Commissioner Tom White:* Lets say, 10 or 15 years down the road, maintenance, do you  
1086 all retain ownership or do you sell once its built and finished? Will you sell that  
1087 project?

1088 *Louis Matheus:* There are several factors that come into play there.

1089 *Commissioner Tom White:* Who is going to continue the maintenance, I guess is my  
1090 concern.

1091 *Louis Matheus:* The way the company I represent, TW Solar, works, they usually do the  
1092 early development when they have all their licenses / permits in place, they bring  
1093 a partner that will be the ultimate owner of the system. Usually there is a transfer  
1094 of ownership when the plant reaches what they call commercial operation date,  
1095 the formal day when you have the ribbon cutting and power starts flowing into the  
1096 grid. At that point, we would transfer ownership to the long term owner of the  
1097 system. There are developers who keep ownership of the project throughout their  
1098 life. There are some that develop because there is a tax play here, because of the  
1099 production tax credits, federal incentives, some people come in with the intent of  
1100 pulling out the tax equity. So after the tax benefits are exhausted, usually within  
1101 3-5 years, they move out and they sell the project to somebody else. Now the  
1102 licenses are fixed for the plant, so the economics of the project and the permits are  
1103 fixed once the project begins operation. If there is a bond required on the system,  
1104 whoever buys the system has to maintain the bond.

1105 *Commissioner Tom White:* So, basically whoever the ownership, it could keep moving,  
1106 and they are going to be responsible, whoever that might be, to continue  
1107 maintenance and then at the end of the 20 or 25 years to dismantle and get rid of  
1108 it, if it's no longer in use.

1109



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1148 *Louis Matheus:* Yes.

1149 *Commissioner Clayton Riggs:* So that guy is a twice a year employee. I guess what we  
1150 want to know is how many full time employees are going to be there every day?  
1151 Just one or two?

1152 *Louis Matheus:* Yes, and it's hard to say, but yes, and I can find you better statistics to  
1153 attest to that. I'm sure I can consult with the NC Sustainable Energy Association.  
1154 Again, my work centers on the development and not on the operation of the solar  
1155 farm. Perhaps someone else later can provide some information about that.

1156 At this time, Chairman Clayton Riggs asked if there were any further questions for Mr. Matheus.

1157 *Commissioner Ross Munro:* If a 60 day moratorium was enacted, would you still be  
1158 pursuing building a solar farm in Camden after that 60 days?

1159 *Louis Matheus:* It would certainly impose a 60 day delay on us. The next step for us is  
1160 to begin the interconnection studies, the system impact study, we have to go talk  
1161 to the utility company and put a formal request with them to allow  
1162 interconnection of a solar plant where we want it.

1163 *Commissioner Clayton Riggs:* 60-day moratorium, while we are studying the ordinance,  
1164 doesn't affect any of that work at all.

1165 *Louis Matheus:* We wouldn't start our work up until the moratorium has lapsed, so it  
1166 essentially pushes us 60 days, because we don't want to start that study...

1167 *Commissioner Clayton Riggs:* No one is going to starve to death while we wait those 60  
1168 days, though are they?

1169 *Louis Matheus:* Granted. My concern is more that the moratorium would lead to a  
1170 permanent limitation or prohibition of solar, more than the concern about the  
1171 moratorium itself. Thank you.

1172 At this time, Chairman Riggs recognized the representative from Sun Energy 1, Ms. Linda  
1173 Nwadike.

1174 *Linda Nwadike, of Morrisville NC, representing solar developer Sun Energy 1*

1175 *Linda Nwadike:* I'm representing Sun Energy 1. My degree is in chemical engineering.  
1176 I also have a professional management certification.

1177 *John Morrison:* Would you give the clerk your address please.

1178 *Linda Nwadike:* I can be reached at 192 Raceway Drive, Morrisville, NC.

1179 *John Morrison:* Thank you. Go ahead and tell us what you like please.

1180

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1181 *Linda Nwadike:* First, I want to thank you guys this evening, and as a developer with  
1182 Sun Energy 1, we love ordinances, don't get me wrong. Those are the rules put in  
1183 place for us to follow. And we don't have to second guess anything. So, in  
1184 regards to the ordinance, we love that idea, we don't mind the ridged rules you  
1185 might be placing on us, however I just have a couple of concerns that I'd like to  
1186 discuss this evening. One of the things mentioned earlier by Mr. Porter, was in  
1187 regards to the DEQ [Department of Environmental Quality]. And of course, Sun  
1188 Energy 1's site was also mentioned, so I have to at least go through it and discuss,  
1189 so give me a moment.

1190 *Linda Nwadike:* One of the things mentioned was that panels contain toxic components.  
1191 And this is incorrect in regards to Sun Energy 1, we usually utilize a silicon based  
1192 panels, and when I was up here in January, I brought a sample of the panel for  
1193 you guys to take a look at, which all of you guys touched. There's really nothing  
1194 in it, it's made of sand, enclosed with glass on it. So the panels that we utilize are  
1195 not toxic at all.

1196 *Linda Nwadike:* In regards to, I'm looking through this documentation, it also states that  
1197 there is a negative recycling value. That is again incorrect, like Commissioner  
1198 Meiggs mentioned, this article, I think it was 2015 when it was written,  
1199 technology changes as you all know, and again this is incorrect, because the  
1200 panels have a lot of salvage values in them. They can be recycled. Even in the  
1201 land fill, the panels that we utilize. So I just want to touch base on that a little bit.

1202 *Linda Nwadike:* There was mentioned a loss of wildlife habitat, and that is the same  
1203 thing if you have a subdivision coming in. The wildlife, there isn't any loss of it,  
1204 wildlife, the path of it, has to move to a different pathway, so we have to consider  
1205 that as well.

1206 *Linda Nwadike:* In regards to affects on human health concerns, toxic substances  
1207 including mercury from manufacturing, again, I would love to give you guys  
1208 some data on that, so you guys take a look at. And also, while you guys are doing  
1209 your study, so you can definitely take a look at that. So, these are a few things I  
1210 wanted to mention, and keep in mind this article was written by the NC  
1211 Department of Environmental Quality. Before a solar facility can be built, the  
1212 state also reviews our application. And the state, the utility company, the CPCM  
1213 process goes through various environmental studies that we have to do. The  
1214 Department of Agriculture takes a look at our application and makes their  
1215 judgements as to water quality, they take a look at... so there are various  
1216 departments in the state that reviews our application. I can also provide that list  
1217 for you guys to take a look at. So my concern with this article is just don't base  
1218 your judgement on this article. Please look at the facts. Look at the rules and  
1219 regulations, look at the various departments that review the application, not just at  
1220 the county level, but Federal and State, and see who reviews it before we can  
1221 build.

1222

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1223 *Linda Nwadike:* I want to talk a little bit about, Mr. Krainiak made a comment in regards  
1224 to how many acres of farm land are in Camden County. A quick google search  
1225 found that there are over 49,310 acres of land in farms here in Camden County.  
1226 And we are just talking about 300 acres out of 49,310. This is from the 2012  
1227 Census of Agriculture numbers. In North Carolina there are 4.75 million acres of  
1228 cropland. For solar, there are just .2% being utilized right now out of 4.75 million  
1229 acres. Just to make sure you guys realize that.

1230 *Linda Nwadike:* We talked about cost, you need to understand this, I'm not saying solar  
1231 is the all and all for energy, I think there should be a mixture of energy. Again,  
1232 like I mentioned my background is in energy sector, I have been in nuclear, I have  
1233 done oil and gas, and I think the best is renewable. And that is what I'm working  
1234 on right now. This range of energy reduces the dependence on foreign oil, so we  
1235 have to make sure we understand that as well as we move forward.

1236 *Linda Nwadike:* Solar farms offer a level of financial security to the property owners for  
1237 20-30 years. This is income that they know is coming every single year for 20-30  
1238 years.

1239 *Linda Nwadike:* And then, of course as you guys know, per my presentation here a  
1240 couple of months ago, once decommission comes, we revert the land back to its  
1241 original form. And I'm going to touch base a little bit on decommissioning,  
1242 because that's one thing that was mentioned earlier as well. As most people  
1243 know, there's various recyclable materials in solar. Not only the copper, the solar  
1244 panels themselves. Studies have been done, from independent engineers (and  
1245 we've provided an independent engineer in our documentation for our application  
1246 for the one that you guys approved in January), and this shows that the salvage  
1247 value of the solar facilities outweighs the cost of decommissioning solar facilities.  
1248 So again, think about it and take a look at it.

1249 *Linda Nwadike:* I understand that our neighbors, Currituck, put a ban on it a month ago.  
1250 I was at that meeting actually, and I spoke at that meeting. And I just want to  
1251 make sure that you guys understand that yes Currituck put a ban, but it is a  
1252 temporary ban right now. At the same time, Currituck is still reviewing theirs as  
1253 well. So it's not a permanent ban on solar in Currituck, which was mentioned  
1254 earlier, they are going to revert it, they are discussing it right now and they are  
1255 definitely making changes to their ordinance. Which again, as a developer for  
1256 Sun Energy 1, we love ordinances. If you would like to make changes, please go  
1257 ahead and make changes, but please do not ban solar because it doesn't just affect  
1258 Sun Energy 1, or the other developers in here, it affects the land owners, it affects  
1259 jobs, local economy through the restaurants we eat in, hotels we stay in when we  
1260 come into town, the gas stations that we utilize, so it's not just the developer that  
1261 this affects.

1262 *Commissioner Clayton Riggs:* What is the total time it takes you to build a 50 acre solar  
1263 farm? About 3 months, 4 months?

1264

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1265 *Linda Nwadike:* It varies depending on the number of employees that we get, we like to  
1266 hire locally, so the more people that are hired, the duration of time it will take.  
1267 And if you hire less people, it will be a longer duration of time to build. For a 5  
1268 megawatt facility, I would think probably 3 to 5 months for that project.

1269 *Linda Nwadike:* I would like to kindly request that you don't just blindly make changes  
1270 to your ordinances, following Currituck or whoever else is making changes, that  
1271 you do your research and not only just follow what the big dogs are doing, kind of  
1272 like what someone else mentioned here, but please research this and look at  
1273 various other counties, not only Currituck, while you're making your decisions. I  
1274 would love to give you guys templates from various other counties, in addition,  
1275 I'm open to giving you guys a tour of our facilities so you guys can at least take a  
1276 look at these facilities and see what exactly it consists of. Not just talking about it  
1277 but you guys take a walk into our facility whenever you have time. You have my  
1278 contact information. Feel free to contact me and let me know what day you  
1279 would like to take a tour of our facility. I would love to give you a tour. That's  
1280 all I have, if you have any questions, I'll be glad to answer whatever questions you  
1281 have.

1282 *Commissioner Garry Meiggs:* Do you have your power purchase agreement for your  
1283 project?

1284 *Linda Nwadike:* Yes, we have ours for our project. And to add to this, I know you're  
1285 saying a 60 day moratorium, that affects us as well, because we do have other  
1286 applications as well that we're considering placing here and in Currituck, just to  
1287 let you know, so that affects us as well.

1288 At this time, Chairman Riggs asked if there were any further public comments.

1289 *John Morrison:* If I can address some of the comments that have been made, I've heard no  
1290 discussion about a permanent prohibition, although that would be your option. I would  
1291 caution you not to do that. I have some questions about the legality of that. And I want  
1292 to assure everybody that this board came here with an open mind, that they were advised  
1293 by me not to form an opinion until they had heard comments tonight, that there would  
1294 certainly be qualified individuals with relevant information in opposition to a moratorium  
1295 and that they should pay close attention to that. This was not a foregone conclusion  
1296 before we got here. I think the presentation has been sufficient to give you findings of  
1297 fact and to make a determination. As we discussed, if you are inclined toward a  
1298 moratorium it cannot exceed 60 days at this point. It has to be very specific, which you  
1299 could follow the draft I gave you as to what will be done during that period and when it  
1300 will be done. You are under no obligation to impose a moratorium of any kind, you can  
1301 just say 'we're not convinced as to the need'. It's an open decision for you to exercise  
1302 your discretion.

1303

**CAMDEN COUNTY BOARD OF COMMISSIONERS**

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1304 *Commissioner Clayton Riggs:* I think it would be appropriate if we made an announcement to  
1305 the citizens or to the gentlemen who spoke this evening, if you have some pertinent  
1306 information that will help or some website that will help in the research of Mr. Porter's  
1307 ordinances like you offered to share, if you would please send the links to Mr. Porter in  
1308 an email or send the information in bullet point form of things you want to emphasize,  
1309 that will give him the opportunity to work on it during the time frame.

1310 At this time, hearing no further public comments or questions from board or staff, Chairman  
1311 Riggs called for a motion to come out of public hearing.

1312  
1313 *Motion to Come Out of Public Hearing for Ordinance 2017-03-01 - Ordinance to Consider*  
1314 *Placement of a Moratorium on Solar Farms*

1315	<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
1316	<b>MOVER:</b>	Garry Meiggs, Vice Chairman
1317	<b>AYES:</b>	Meiggs, Riggs, White, Krainiak, Munro

1318  
1319 *Motion to amend the agenda to add "Ordinance 2017-03-01 - Ordinance to consider placement*  
1320 *of a Moratorium on Solar Farms" to the agenda as New Business Item 4-B*

1321	<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
1322	<b>MOVER:</b>	Tom White, Commissioner
1323	<b>AYES:</b>	Meiggs, Riggs, White, Krainiak, Munro

1324

1325 **NEW BUSINESS**

1326  
1327 *Item A: Resolution 2017-03-01 Resolution of Support for the Dismal Swamp Canal and*  
1328 *Funding Request for Dredging Operations Due to Impacts of Hurricane Matthew*  
1329

1330 *Motion to Approve Resolution 2017-03-01 Resolution of Support for the Dismal Swamp Canal*  
1331 *and Funding Request for Dredging Operations Due to Impacts of Hurricane Matthew*

1332	<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
1333	<b>MOVER:</b>	Garry Meiggs, Vice Chairman
1334	<b>AYES:</b>	Meiggs, Riggs, White, Krainiak, Munro

1335

**CAMDEN COUNTY BOARD OF COMMISSIONERS**

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1336 **Item B: Ordinance 2017-03-01 - Ordinance to consider placement of a Moratorium on Solar**  
1337 **Farms**

1338  
1339 *Motion to Approve "Ordinance 2017-03-01 - Ordinance to consider placement of a Moratorium*  
1340 *on Solar Farms" to place a 60 day Moratorium on the placement of Solar Farms in Camden*  
1341 *County, in order to allow staff to review current ordinance, with the following provisions:*

- 1342
  - *A study shall be made on areas where Solar Farms would be undesirable.*
  - 1343 • *A Public Hearing shall take place prior to May 20, 2017 to consider passing or not*  
1344 *passing an amended Solar Farm Ordinance*
  - 1345 • *Planning Director Dan Porter shall provide a report on ordinance research efforts at*  
1346 *each Board of Commissioners meeting during the period of the moratorium*
  - 1347 • *Moratorium Ordinance document shall contain the Findings of Fact as submitted by*  
1348 *County Attorney John Morrison*

1349  
1350 A roll call vote was taken, below are the results of the vote:

1351	<b>RESULT:</b>	<b>PASSED [4 TO 1]</b>
1352	<b>MOVER:</b>	Tom White, Commissioner
1353	<b>AYES:</b>	Meiggs, Riggs, White, Munro
1354	<b>NAYS:</b>	Krainiak

1355  
1356  
1357 *Motion to Amend previous motion to alter date of Public Hearing to Monday, May 15, 2017*  
1358

1359 (As clarification at his request, Commissioner Randy Krainiak voted aye as shown herein below  
1360 ONLY to approve the amending of the motion regarding the alteration of the date of the Public  
1361 Hearing for the revised ordinance to be brought before the Board near the end of the moratorium,  
1362 not to approve the ordinance for the moratorium.)

1363	<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
1364	<b>MOVER:</b>	Clayton Riggs, Chairman
1365	<b>AYES:</b>	Meiggs, Riggs, White, Krainiak, Munro

1366  
1367 **COMMISSIONER'S REPORT**

1368  
1369 There were no Commissioner's Reports at this time.

1370  
1371 **COUNTY MANAGER'S REPORT**

1372  
1373 There were no reports from the County Manager at this time.

1374  
1375 **OTHER MATTERS**

1376  
1377 There were no Other Matters at this time.

**CAMDEN COUNTY BOARD OF COMMISSIONERS**

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1378 **ADJOURN**

1379

1380 The Camden County Board of Commissioners adjourned the March 20, 2017 Special Meeting at  
1381 9:07 PM.

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*Chairman Clayton Riggs*

1387

*Camden County Board of Commissioners*

1388

1389

1390 *ATTEST:*

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1393

1394

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*Amy Barnett*

1396 *Assistant Clerk to the Board*

**Ordinance No. 2017-03-01**

**AN ORDINANCE OF THE CAMDEN COUNTY BOARD OF COMMISSIONERS  
IMPOSING A MORATORIUM ON THE ACCEPTANCE, PROCESSING OR  
CONSIDERATION OF APPLICATIONS FOR SOLAR ARRAYS (SOLAR FARMS)  
PURSUANT TO N.C. GEN. STAT. SECTION 153A-340(h)**

The Board of Commissioners for the County of Camden, North Carolina, at a specially scheduled, single item agenda, held on March 20th, 2017, after due advertisement as by law required, conducted a public hearing as mandated by law and heard from interested members of the public as well as County officials for the purpose of gathering information and thereafter taking appropriate action regarding the imposition, or not, of a moratorium on the acceptance, processing or consideration of applications for solar farms. As a result of this meeting and in accord with the information produced therein, the Board of Commissioners makes the following findings of fact, conclusions and legislative remedy:

**I. FINDINGS OF FACT - STATEMENT OF THE PROBLEM  
NECESSITATING A MORATORIUM; THE COURSES OF ACTION  
ALTERNATIVE TO A MORATORIUM CONSIDERED AND THEIR  
INDEQUACY-NCGS 153A-340(h)(1)**

- A. The current Camden County Unified Development Ordinance permits solar farms pursuant to a special use permit, without other restriction as to location within the County.
- B. There is currently one solar farm in Camden County with a total of 50 acres dedicated to such use.
- C. The planning department is in discussion with three additional parties for solar farms which would consume approximately 300 acres of farmland.
- D. Camden County is almost entirely rural with no incorporated community. Most of its acreage is devoted to agricultural production and residential use.
- E. Moreover, Camden County land is uniformly flat. As a result of agricultural use, many acres are already cleared. Accordingly, the County appears a desirable site for the construction of future solar farms.
- F. Currituck County, immediately adjacent to the north, has recently banned further construction of solar farms increasing the likelihood solar farm developers will look to Camden as a desirable location.

- G. Other nearby counties, in particular Pasquotank, Gates, Perquimans and Chowan, have seen increased applications for, and development of, solar farms. Like Camden, they are largely rural with a completely flat terrain.
- H. In a February 10<sup>th</sup>, 2016, report to the North Carolina General Assembly, the North Carolina Department of Environmental Quality expressed concern for the loss of agricultural land and jobs resulting from a conversion of agricultural property to solar farm arrays and the consequent loss of wildlife habitat.
- I. County residents have reported concerns arising from solar farm construction and operation including, but not limited to, adverse aesthetic impacts, potential diminution in value of properties' adjacent, and change in the agricultural nature of the County which its residents desire to retain. The County planning staff has also noted solar farms take land out of any other contemplated use for great lengths of time in that the average life of a solar farm is at least twenty years.
- J. Staff further related their concerns: a comprehensive zoning study is necessary to review relevant ordinances from other locales and to determine whether the County's citizens would be better served by restricting solar farm locations to certain areas of the County and prohibiting them in others. Further, staffed opined a moratorium should be issued while the study is underway. Failure to do so would run the risk of increasing applications with the necessity of acting upon those applications under the current ordinance when the same may not be adequate for the protection of the health, safety and welfare of the Camden community.
- K. A period of time is required to contemplate the necessity, or not, of amendment to the Camden County Unified Development Ordinance to properly reflect land development patterns with regard to solar farms.
- L. It is of immediate and manifest concern to the Board of Commissioners, the use of land for solar farms requires attentive, prompt, and comprehensive review to consider an amendment, or not, to existing ordinances to protect the best interest of the community.
- M. In the event modification of existing ordinances will be mandated, it would be unfair to potential solar farm developers to make plans for development while the law is uncertain. It would likewise be, at the least, a partial frustration of the purpose of the study to receive further solar farm applications during the study period.

**II. STATEMENT OF DEVELOPMENT APPORVAL SUBJECT TO THE MORATORIUM AND HOW SUCH MORATORIUM WILL ADDRESS THE EXISTING PROBLEMS-NCGS 153A-340(h)(2)**

- A. Imposition of a moratorium on the acceptance, processing or consideration of solar farm applications will temporarily prevent the approval of solar farms as a permitted use of land.
- B. Immediately thereafter, the County will undertake a comprehensive study to address the concerns cited herein by proposed amendments to the Unified Development Ordinance or based upon this study, make a determination no amendments are required.

**III. DATE FOR TERMINATION AND THE REASONABLE NECESSITY FOR ITS LENGTH TO ADDRESS THE PROBLEMS GIVING RISE TO THE IMPOSITION OF A MORATORIUM-NCGS 153A-340(h)(3)**

- A. Regulation to restrict or prohibit the use of land for solar farms will require amendment of the Camden County Unified Development Ordinance. Therefore, time is required to review existing ordinances, draft proposed amendments and process the same through relevant County boards or agencies. It is anticipated that a minimum 60 days is necessary.
- B. A public hearing will be held prior to May 20, 2017, to consider proposed changes to existing ordinance language on solar farms.

**IV. STATEMENT OF ACTIONS AND SCHEDULE FOR THOSE ACTIONS PROPOSED TO BE TAKEN DURING THE EXISTANCE OF A MORATORIUM REASONABLY NECESSARY TO ADDRESS THE PROBLEMS AND CONDITIONS LEADING TO THE IMPOSITION OF THE MORATORIUM-NCGS 153A-340(h)(4)**

- A. Thereof during the existence of this moratorium, the appropriate Camden county staff shall:
  - 1. Review the Camden County Unified Development Ordinance and current Land Use Plan to determine if the appropriateness of amendment to the same is advisable to meet and preserve the stated goals established by the existing Camden County Land Use Plan.
  - 2. Process any land use amendments through the Camden County Planning Board to allow a public hearing on requisite amendments prior to the expiration of this ordinance.
- B. The Board of Commissioners shall require at each scheduled Board meeting a report from staff on its progress and thereafter schedule a public hearing to review staff's suggestions and potentially alter existing ordinances.

**V. IMPOSITION OF MORATORIUMS**

A. NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CAMDEN, after careful, deliberate and studied contemplation of the above, the Camden County Board of Commissioners does hereby implement and impose, effective from the date and time of the adoption of this ordinance, up to and including the end of May 20, 2017, a moratorium prohibiting the acceptance, processing or consideration by any County employee, appointed or elected official, an application for land use within the County for a solar array or solar farm.

ADOPTED THIS THE 20<sup>TH</sup> DAY OF MARCH, 2017 AT \_\_\_\_\_ O'CLOCK PM.

County of Camden

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

ATTEST:

\_\_\_\_\_  
Amy Barnett  
Acting Clerk to the Board

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Please Respond To:  
Moyock

March 13, 2017

Camden County Board of Commissioners  
VIA EMAIL

*RE: Solar Farm Moratorium Hearing on March 20<sup>th</sup>*

Dear Board of Commissioners:

Pursuant to my recent instruction, please accept this document as a brief primer on moratoriums, and in particular the possibility of imposition of a solar farm moratorium.

It is important that you form no opinion until after the hearing as to whether a moratorium should or should not be imposed. Please do not interpret anything in this as a recommendation from me as to what your vote should be. There may well be evidence that occurs at the hearing from sources I have not consulted. Therefore, keep an open mind.

That being said, I offer some bullet points for your consideration as well as a draft of a moratorium, if you are so inclined at the conclusion of the hearing. This draft almost surely will be amended based upon what occurs on the 20<sup>th</sup>. It is simply a place at which to begin the conversation and is illustrative of the moratorium format.

### Moratorium Bullet Points

- A moratorium is now a creature of state legislation that allows a Board of Commissioners to halt land use development for a finite period of time under certain detailed conditions. A moratorium takes the form of an ordinance and can occur only after a public hearing. The hearing is not a quasi-judicial proceeding. It is, however, open to the public and must be advertised and the comments elicited at the public hearing must be considered by you.

- Moratoriums are legal, but they are not favored in the law. That is to say, there must be strict statutory compliance.
- The current moratorium statute was passed by the general assembly in, I believe, 2007. Up to that time a moratorium was looked upon as an inherent common law power of the Board of Commissioners subject only to its discretion. The General Assembly determined that discretion had been repeatedly violated by lengthy moratoriums which were in effect amounting to a prohibition of legitimate land development. Hence, the statute.
- NCGS 153A-340 now carefully controls the procedure for not only the passage of a moratorium but its length as well.
- You will be engaged in a classic local government decision which requires you to legislate for the health, safety and welfare of the community on the one hand, and to protect private property rights on the other.
- You must determine, from facts presented and believed by you, the need for moratorium exists. You must then articulate why that need exists. Next, you must explain why other less onerous methods are not available. Further, you must state what will be done during the moratorium, who will do it, and deadlines must be established for completion. Finally, the determination as to whether impose a moratorium must be taken in public session after due advertisement as is required for any other county ordinance.
- The moratorium may be extended, but only after another hearing explaining why the necessary work was not completed within the original moratorium, how much time it will take to complete this work, etc. The statute strongly implies 60 days is a reasonable amount of time. The longer we surpass 60 days, the more vulnerable the County is to legal challenge.
- In the event a developer was to sue, the matter will be scheduled at the next available session of Camden Superior Court. It will be given priority and that court date cannot be continued except for the most extraordinary reasons.

In addition to the proposed moratorium, you will also find a blog from the School of Government which I strongly commend to your study. If you are feeling particularly scholarly, you may go online and review NCGS 153A-340(h) *et seq.* Finally, I again bring to your attention, the proposed draft contains only information I am aware of. It does not contain any information which may come from opponents of the moratorium that will be presented the night of the hearing. This information, will be judged by you not in the exercise of your discretion and could result in a finding that moratorium is

required. Again, make no decision until you have heard all evidence. The credibility of all evidence, from any source, is for you alone to decide.

I am available to discuss this with you individually, by phone or email, prior to the hearing. My cell phone, which is usually the best way to get me quickly, is 252-333-9398. My email is [jmorrison@twifordlaw.com](mailto:jmorrison@twifordlaw.com).

Thank you for your kind and deliberate consideration of this important matter.

Warmest Personal Regards,

A handwritten signature in black ink, appearing to read "John S. Morrison", written in a cursive style.

John S. Morrison