



New Bern Board of Adjustment Minutes

May 18, 2020 Meeting

1) Call to Order

2) Roll Call

Members Present: Ross Beebe
Peter Dillon
Jim Morrison
Kenneth (Kip) Peregoy
John Riggs
Barbara Sampson

Members Absent: Richard Parsons
John Murrell
Dorothea White

Members Excused: None

3) Approval of Minutes:

Board Chairman, Kip Peregoy stated that the Board has four sets of past meeting minutes to vote on and recommended that each set be addressed individually. There were no objections from the Board.

6-24-2019 **Motion to approve: Jim Morrison**
Second: Peter Dillon

Vote: 6-0

9-30-2019 **Motion to approve: Ross Beebe**
Second: Jim Morrison

Vote: 6-0

10-28-2019 **Motion to approve: Peter Dillon**
Second: Jim Morrison

Vote: 6-0

2-24-2020 **Motion to approve: Jim Morrison**
Second: Peter Dillon

Vote: 6-0

4) New Business

Board Chairman, Kip Peregoy introduced the one item of new business: consideration of a Special Use Permit request for a Utility Facility Solar Farm. He stated that the property is located at 757 NC Highway 55 West and is further identified as Craven County Parcel Identification Numbers 8-218-010, 8-218-011, & 8-218-015.

Chairman Peregoy stated that at this time, there is no one to be speaking from the public or on behalf of the application, so there is no need to swear anyone in.

Staff member Seth Laughlin explained the application background and the presentation materials.

Mr. Laughlin stated that Plott Hound Solar, LLC has requested the Board of Adjustment hold a public hearing at its regular meeting on May 18th, 2020 to consider a Special Use Permit application to allow construction of a 5 MW solar farm on three tracts of land for the generation of electric power located at 757 NC 55 Hwy West and referenced the previously stated parcel numbers. The 48.7-acre tract is currently in agricultural use with limited Single-Family Residential use along the NC 55 Hwy West road frontage. The proposed project was conditionally approved by the City's Departmental Site Plan Review Committee on February 28th, 2020. The applicant has agreed to all required changes to the Site plan as recommended by staff. Staff finds the proposed project is consistent with the plans, rules, and regulation of the City of New Bern with no further changes. According to Section 15-146 of the Land Use Ordinance, community or regional utility facility uses must obtain a Special Use Permit to operate in all zoning districts. Staff finds that the applicant has met all Land Use Ordinance requirements of Section 15-54 for a Special Use Permit and has no objection to the approval of this request.

Mr. Laughlin referred to included maps of the proposed project, that site plan review resulted in only minor comments. He stated that 30 acres will be utilized in the proposed solar farm out of the almost 48 acre tract, and that the public notice requirement of posting on-site was met.

Chairman Peregoy stated that he had questions related to the application that he would like to have addressed at the outset of the next BOA meeting. The parcel number 8-218-010 is owned by Horace Tyler, yet he is not listed as one of the owners on the application. Mr. Peregoy asked how Mr. Tyler's property can be covered by a Special Use Permit if he is not an applicant on the application? Mr. Peregoy also asked staff to confirm if Mr. John Dillahunt is a manager of Dillahunt-Williams, LLC, who is listed as an owner on the application or some documentation that Mr. Dillahunt is authorized to sign for the LLC.

Board Member Peter Dillon stated that the legal agreement between property owners and the applicant solar power company could include authorization from Mr. Tyler.

Chairman Peregoy stated that the Board has some questions as to the application being complete which is the first requirement of the review process of a special use permit and considering that the applicant is not present due to limitations on public meetings due to Covid 19 set forth by the Governor, it is appropriate that the meeting be continued until June.

Board member Barbara Sampson asked a question concerning the types of development proposed on site. Chairman Peregoy, Board Member Jim Morrison, and staff member Laughlin explained that the proposed solar farm would consist of approximately 30 acres of solar panels, a very small parking area with no buildings, and buffered areas around the perimeter.

Board Member Peter Dillon discussed the possible market for power as the City of New Bern does have service to the site. The Board discussed additional solar farms existing in the area and the location of the city limits as it pertains to the subject site.

MOTION TO CONTINUE TO THE JUNE 29, 2020 REGULAR MEETING

Motion: Jim Morrison
Second: Barbara Sampson
Vote: 6-0

Meeting time: 16:59

***Video of tonight's meeting can be viewed on the link below. CD's of the meeting are available by request. Video Link: [https://www.newbernnc.gov/how_do_i_\(faq\)/watch_city_3_tv/index.php](https://www.newbernnc.gov/how_do_i_(faq)/watch_city_3_tv/index.php)

Date Approved: 6-29-20


Kip Peregoy, Chair

Attest: 
Seth Laughlin, Recording Secretary