

**MINUTES OF THE  
NASH COUNTY PLANNING BOARD MEETING  
HELD MONDAY, MAY 21, 2018 AT 7:00 P.M.  
CLAUDE MAYO, JR. ADMINISTRATION BUILDING – THIRD FLOOR  
FREDERICK B. COOPER COMMISSIONERS ROOM**

**BOARD MEMBERS PRESENT**

Leonard Breedlove, Chairman  
Jeffrey Tobias, Vice-Chairman  
Moses Brown  
Harold Colston  
DeLeon Parker, Jr.  
Barbara Pulley  
Kevin Smith

**BOARD MEMBERS ABSENT**

Sandra Edwards  
Chris Sandifer

**STAFF MEMBERS PRESENT**

Nancy Nixon, Planning Director  
Adam Tyson, Senior Planner  
Windy Braswell, Planning Technician  
Jessica Flores, Permits Specialist  
Stacie Shatzer, Assistant County Manager  
William Hill, Jr.; Health & Human Services Director  
Michael Tolson, Public Facilities & Utilities Director  
Matthew Richardson, Solid Waste Convenience Center Manager

**OTHERS PRESENT**

Pat Evans	Michael Hackney	Tim Strickland
Sammy Evans	Tracy Hackney	Mike Wallace
Margaret Ferrell	Carl (Dick) Howell	Chayse Watson
Jennifer Gardner	Marvin Stallings	Judy Watson
Brandon Hackney	Dianne D. Strickland	David Williams

**1. Call to Order.**

Chairman Breedlove called the meeting to order at 7:00 p.m.

**2. Determination of a Quorum.**

Chairman Breedlove recognized a quorum.

**3. Approval of the Minutes of the April 16, 2018 Regular Meeting.**

Chairman Breedlove announced that the preparation of the minutes of the April 16, 2018 regular meeting of the Nash County Planning Board had been delayed and they would be submitted at a later date for review and approval.

**4. Conditional Use Permit Request CU-180501 Made by Nash County Public Facilities on Behalf of the Nash County Health Department Solid Waste Management Division to Authorize the Development and Operation of a Non-Hazardous Solid Waste Disposal Convenience Center Site to be Located on the North Side of Preacher Joyner Road (S.R. 1747) on a 12.725 Acre Portion of a Tract Currently in the Ownership of Comerica Bank & Trust, N.A. as Trustee of the Trust Under Will of Vivian B. Braswell for the Benefit of Mack B. Pearsall in the R-30 Single & Two-Family Residential Zoning District.**

Chairman Breedlove recognized Mr. Tyson to present the staff report.

Mr. Tyson began by stating that in accordance with the requirements of the Nash County Unified Development Ordinance (UDO) Article III, Section 3-1, Subsection 3-1.3 (E), a written notice of this public meeting was sent by first class mail on May 10, 2018 to the permit applicant, to the owner of the subject property, and to the listed owners of all surrounding properties any portion of which is located within 600 feet of the subject property.

Mr. Tyson then presented the staff report and supplemental materials related to Conditional Use Permit Request CU-180501 as submitted to the Board in the May 21, 2018 Nash County Planning Board Meeting agenda document. He noted that the Nash County Technical Review Committee (TRC) considered Conditional Use Permit Request CU-180501 on May 10, 2018 and unanimously recommended approval subject to the suggested findings, conclusions, and conditions included in the staff report.

Mr. Tyson concluded the report by informing the Board that Nash County Public Facilities & Utilities Director Michael Tolson and Nash County Health & Human Services Director William Hill, Jr. were present at the meeting to represent the application. He then offered to take any questions from the Board regarding the staff report on the request.

Mr. Brown asked if an individual residing within the Nash County portion of the City of Rocky Mount could utilize the solid waste convenience centers.

Mr. Tyson stated that he did not think so.

Vice-Chairman Tobias asked about the oversight of the proposed convenience center in reference to the N.C. Solid Waste Management Rules mentioned in the staff report.

Mr. Tyson clarified that the report mentions the N.C. Solid Waste Management Rules because the particular referenced section of the ordinance applies to both sanitary landfill facilities as well as

convenience center sites, however, the applicant has stated that the N.C. Solid Waste Management Rules do not apply to convenience center sites such as the proposed facility.

Vice-Chairman Tobias expressed confusion as to why the rules were referenced in the report at all if they have no bearing on the proposed convenience center site.

Mr. Tyson displayed the text of UDO Article XI, Section 11-4, Subsection 11-4.73 which establishes the required development standards for non-hazardous solid waste disposal facilities. He noted that when the staff report was first drafted, it was unclear as to whether the references to the N.C. Solid Waste Management Rules applied to sanitary landfill facilities, convenience center sites, or both; however, the applicant later clarified that the rules apply only to sanitary landfill facilities and not to convenience center sites.

Ms. Nixon noted that Nash County currently operates nine other similar convenience center sites throughout its jurisdiction, presumably without any known regulatory issues or problems with the state, and if the proposed site was ultimately approved, it would be operated in the same manner.

Vice-Chairman Tobias asked how the site was selected.

Mr. Tyson referred to the map depicting the current locations and service areas of the existing Nash County solid waste convenience centers and stated that, to his knowledge, it was prepared in 2016 and used as a tool for selecting the potential site in an underserved area located more than five miles from any of the currently operated locations. He stated that the availability of the land at the selected site could also have been a factor and he directed any additional site selection questions to Nash County Health & Human Services Director William Hill, Jr.

Mr. Hill addressed the Board and stated that the proposed facility would be located in what he considered to be a "major gap area" where citizens must travel further than five miles to reach a solid waste convenience center. He stated that most citizens in this area "make do" by using the existing Vick Convenience Center Site located on S NC Highway 58 which is intended to remain open after the construction of the proposed new site. He noted that the County had previously engaged in negotiations for another site in the Sandy Cross area that wasn't as centrally located in the underserved region, however, the decision on the ultimately selected site came down to both its location and the availability of the land.

Vice-Chairman Tobias asked if a private waste management company currently serviced the targeted area.

Mr. Hill answered that Waste Industries, a private waste management company, currently services all the existing Nash County solid waste convenience center sites and residents in the underserved area may hire private waste handlers for more convenient curbside trash pick-up service. He explained that, at one time in the past, Nash County offered citizens who paid for private waste collection service an exemption from solid waste fees, however, that exemption no longer applies and rural citizens of the County now pay a \$125.00 yearly solid waste fee.

Vice-Chairman Tobias asked about the number of residents in the targeted area that already use a private waste collection service and whether that might mitigate some of the need for the proposed new facility.

Mr. Hill answered that he felt some of the residents in the currently underserved area may stop utilizing a private waste collection service if the new convenience center site was established in the community.

There were no further questions from the Board for the staff.

After a brief discussion with Ms. Nixon, Chairman Breedlove recused himself from the consideration of this permit request, citing the fact that he had performed appraisal services for the subject property within the last 18 months.

Vice-Chairman Tobias assumed control of the meeting and asked for any public comments on the permit request.

Mr. Brandon Hackney addressed the Board in opposition to the request, identifying himself as a professional planner and a certified public official for a North Carolina county as well as the son of property owners currently residing near the proposed solid waste convenience center site. He expressed concerns regarding the proposed location of the site including its proximity to the floodplain and watershed areas as well as its proximity to the Rocky Mount-Wilson Regional Airport based on the potential danger for bird strikes to threaten smaller aircraft. Mr. Hackney questioned the classification of Preacher Joyner Road as a "collector road" and offered alternatives to the proposed site plan including locating the gate further back to avoid the potential stacking of vehicles in the road while waiting for the facility to open and the use of a berm with heavy landscaping to address the noise and visual impact to the adjacent properties.

Mr. Hackney also referenced UDO Text Amendment A-180402 which was recommended for approval by the Planning Board in April and adopted by the Board of Commissioners in May to reduce the required separation distance between a solid waste convenience center site and adjacent residentially used properties. He stated that it was done solely to allow for this particular proposed site. He concluded his remarks by stating that in his opinion the proposed site was unsuitable.

Mr. David Williams addressed the Board in opposition to the request, identifying himself as the property owner and developer of the Bentrige Subdivision located on Michelle Road which includes potentially forty undeveloped lots proposed for the construction of homes averaging in cost around \$150,000.00 each with a total estimated potential value of the subdivision being approximately \$6,000,000.00. He warned that while this was currently a high growth area due to the availability of nearby public water and sewer service, that could be negatively impacted in the future by the presence of the proposed convenience center site.

Mr. Tim Strickland addressed the Board in opposition to the request, identifying himself as an adjacent property owner and expressed concerns regarding the materials to be collected at the site including batteries, motor oil, and electronic devices that may include harmful substances such as lead, mercury, cadmium, arsenic, and benzene that could threaten the local water supply. He stated that the majority of residents along Preacher Joyner Road already have private waste pick-up service and while he would not address the issue of property value impacts, he did not feel that the proposed site would be in harmony with the surrounding area citing the increase in vehicle traffic and his belief that a better location could be selected elsewhere.

Vice-Chairman Tobias asked the staff to address the concerns raised by the opponents regarding the proposed location of the site.

Nash County Public Facilities & Utilities Director Michael Tolson responded by stating that existing streams serve as natural barriers to many parcels in eastern North Carolina and every ditch or stream is a headwater for something else. He noted that the proposed site is not located in the floodway or in the floodplain and while he agreed that it was located within two miles of the Rocky Mount Reservoir, he also explained that the site would be graded and buffered to comply with the North Carolina stormwater management rules. He reminded the Board that the subject property is a 12.75 acre tract with 100 to 125 feet of existing vegetation buffering the streams that will not be disturbed as the facility is proposed to be located in the already cleared area which is currently used for agricultural production. He stated that the proposed site plan accounted for the potential 50 foot wide Tar-Pamlico riparian buffers that may be required along the existing stream features despite the fact that no official determination of their existence had actually been made.

Mr. Tolson reiterated that this would be a solid waste collection facility and not a landfill and that the trash compactors would have closed tops while open tops would be allowed for yard waste and white goods containers. He explained that the County will choose not to accept batteries at this site, but it will accept e-waste which will be stored in shrink-wrapped pallet loads to be collected by a vendor. He also noted that both cooking oil and motor oil will be collected in containers located on concrete pads and recycled. He stated that both fencing and trees would be utilized as screening for the facility.

Vice-Chairman Tobias asked how close the existing Old Carriage Road convenience center site was located to Stony Creek.

Mr. Tolson stated that he did not have that information readily available but noted that the existing convenience center site located on S NC Highway 58 backed up directly to a tributary.

Mr. Smith asked about the issue raised by Mr. Hackney involving the location of the facility gate at the road.

Mr. Tolson answered that the gate was intentionally and specifically designed to be located only a few feet off the road in order to avoid creating an accessible area where individuals could dump trash when the site was closed.

Vice-Chairman Tobias asked about the proposed hours of operation for the facility.

Mr. Hill responded that the convenience center site will operate from 7:30 a.m. to 7:30 p.m. in the spring and summer and from 7:30 a.m. to 6:30 p.m. in the fall and winter. The facility will operate from 1:30 p.m. to 5:30 p.m. on Sundays and will be closed on Tuesdays.

Mr. Brown asked if the installation of a stormwater pond was ultimately required for the site, would it have an impermeable bottom.

Mr. Tolson answered that the depth of the existing groundwater would determine the construction design of the pond, however, he noted that based on his initial site calculations a pond should not be required and the stormwater runoff would likely be managed with level spreaders and grass swells to allow for some treatment prior to release away from the stream buffer areas.

Mr. Smith asked how the distance of the proposed site from the road right-of-way compares to that of the existing Old Carriage Road convenience center site.

Mr. Tolson answered that while he did not know the exact distance of the Old Carriage Road site from the road, he was instructed by the County to locate the new facility as far from the road as possible which will be about 150 to 200 feet.

Mr. Tyson speculated that the proposed new site would be approximately 100 feet closer to the road than the existing Old Carriage Road site.

Mr. Tolson noted that while the Old Carriage Road site is located further from the road, it is also served by two access drives, whereas the proposed new site was designed to include only a single access drive in order to minimize potential impacts to the road.

Vice-Chairman Tobias asked about the proposed screening and buffering of the site.

Mr. Tolson assured the Board that any conditions or requirements attached to the requested permit would be met by the County and explained that the proposed double row of evergreen trees depicted on the site plan would already be six feet tall at the time of planting and should grow quickly to provide adequate visual screening of the retaining wall. He stated that he would also be open to any other suggestions for screening the facility.

Vice-Chairman Tobias asked if there were any other potential sites under consideration by the County for the proposed new convenience center.

Mr. Tolson answered that he was not aware of any other potential sites under consideration and that he was instructed to design the proposed facility for this specific tract of land.

Vice-Chairman Tobias asked if the County would be leasing the subject site.

Mr. Tolson answered that the County is currently performing its due diligence in preparation for purchasing the subject site.

Mr. Colston asked Mr. Hill to again explain the site selection process.

Mr. Hill stated that the process began by targeting an area of the County determined to be currently underserved by the locations of the existing solid waste convenience center sites. Once the subject tract held in trust by Comerica Bank was identified, it became a matter of negotiating the amount of land to be acquired by the County and the purchase price. He noted that the determining factors in the site selection process were the existing gap in the service area, the population of the area, the distance traveled by area residents to reach the existing convenience center sites, and the availability of the land.

Mr. Colston asked if the County had made inquiries regarding other available sites within the targeted area.

Mr. Hill responded that informal inquiries had been made in other areas, specifically several years ago involving sites in the Sandy Cross area, however, they did not result in a purchase agreement and the currently proposed site was more centrally located in the targeted area.

Vice-Chairman Tobias asked if there were any further questions from the Board or members of the public. There were none.

**BOARD ACTION:** Mr. Smith offered a motion which was duly seconded by Mr. Brown to recommend the following suggested findings and conclusions in relation to Conditional Use Permit Request CU-180501 for adoption by the Nash County Board of Commissioners.

**Suggested Findings:**

- (1) The conditional use permit application was filed by Michael D. Tolson, PE, County Engineer with Nash County Public Facilities on behalf of the Nash County Health Department Solid Waste Management Division and found by staff to be complete.
- (2) The conditional use permit application requests authorization to develop and operate a non-hazardous solid waste disposal convenience center site to be located on a property generally described as 12.725 acres lying on the north side of Preacher Joyner Road (S.R. 1747) between E NC Highway 97 and Weax Parker Lane, further identified as a portion of Nash County Tax Map PIN # 373700359535 and Parcel ID # 010913 and more particularly described by the exempt subdivision plat recorded in Plat Book 41 Page 191 in the Nash County Register of Deeds and the site plan filed with the application. The property is owned by Comerica Bank & Trust, N.A. as Trustee of the Trust Under Will of Vivian B. Braswell for the Benefit of Mack B. Pearsall.
- (3) The subject property is located in the R-30 Single & Two-Family Residential Zoning District, which allows the development of a non-hazardous solid waste disposal convenience center site upon the issuance of a conditional use permit by the Nash County Board of Commissioners.
- (4) Based on the county staff report, the conditional use permit application meets the development standards specifically required for a non-hazardous solid waste disposal convenience center site as set forth in the Nash County Unified Development Ordinance Article XI, Section 11-4, Subsection 11-4.73.
- (5) Based on the county staff report, the conditional use permit application meets the other applicable requirements of the Nash County Unified Development Ordinance including, but not limited to, the dumpster screening requirements of Article XI, Section 11-3, Subsection 11-3.2; the WS-IV-PA Watershed Protection Overlay District maximum built-upon lot area limitations of Article XII, Section 12-1, Subsection 12-1.4 (C); and the airport overlay district requirements of Article XII, Section 12-6.
- (6) Based on the county staff report, the subject property is designated by the Nash County Land Development Plan as Rural Growth Area and the proposed non-hazardous solid waste disposal convenience center site would be consistent with the plan's recommendations and locational criteria for the establishment of limited nonresidential land uses in the Rural Growth Area because:
  - (a) The proposed facility can be accommodated by services typical in non-urban areas such as the available public water service and an on-site septic system;
  - (b) The proposed site has frontage along and direct access to Preacher Joyner Road (S.R. 1747), a state-maintained secondary road;

- (c) The proposed site is located approximately 1,000 feet to the southeast from the intersection of Preacher Joyner Road and E NC Highway 97, a major state highway;
- (d) The proposed site is located in relatively close proximity to the commercially-zoned old store location at 9540 E NC Highway 97, a similarly non-residential land use;
- (e) The proposed facility will be spatially separated from the nearest existing residence by more than 700 feet and screened from the view of adjacent residentially zoned lots and the road right-of-way by natural or planted vegetative buffers; and
- (f) The development of the proposed site will be limited by the specific requirements of the conditional use permit as well as by the approved site plan.

**Suggested Conclusions:**

- (1) The proposed non-hazardous solid waste disposal convenience center site complies with all the applicable standards of the Nash County Unified Development Ordinance required for the issuance of a conditional use permit.
- (2) The proposed non-hazardous solid waste disposal convenience center site will not materially endanger the public health or safety.
- (3) The proposed non-hazardous solid waste disposal convenience center site will not substantially injure the value of adjoining or abutting property.
- (4) The proposed non-hazardous solid waste disposal convenience center site will be in harmony with the area in which it is to be located.
- (5) The proposed non-hazardous solid waste disposal convenience center site will be in general conformity with the Nash County Land Development Plan.
- (6) The applicant is entitled to the issuance of a conditional use permit for a non-hazardous solid waste disposal convenience center site.

The motion was unanimously carried.

**BOARD ACTION:** Mr. Smith offered a motion which was duly seconded by Ms. Pulley to recommend approval of Conditional Use Permit Request CU-180501 to authorize the development and operation of a non-hazardous solid waste disposal convenience center site on the north side of Preacher Joyner Road, subject to the following suggested conditions.

**Suggested Conditions:**

- (1) The subject property shall be developed as a non-hazardous solid waste disposal convenience center site in accordance with the approved site plan and in compliance with the requirements of the Nash County Unified Development Ordinance including, but not limited to, the specific development standards of Article XI, Section 11-4, Subsection 11-4.73.
- (2) The maximum height of any structures erected or trees planted on this site shall not exceed an elevation of approximately 340 feet above mean sea level in accordance with the requirements of the AO-A2 Approach Surface Airport Height Limitation Zone.
- (3) The facility shall be effectively screened from the view of adjoining residences, residentially zoned lots, and road rights-of-way in accordance with the

approved site plan by existing natural vegetation to be preserved within 25 foot wide buffers located along the side property boundaries and a double row of evergreen trees to be planted and maintained in front of the fenced area.

- (4) The sign used to display the name of the facility shall comply with the applicable development standards for an identification sign as specified by the Nash County Unified Development Ordinance Article XI, Section 11-1, Subsection 11-1.5 (G).
- (5) The development of the site shall be subject to the approval and issuance of the following additional permits and documents, as applicable:
  - (a) Erosion & Sedimentation Control Plan Approval by the N.C. Department of Environmental Quality;
  - (b) N.C. Department of Transportation Driveway Permit;
  - (c) Nash County Tar-Pamlico River Basin Overlay Stormwater Management Permit;
  - (d) Nash County On-Site Wastewater Permit;
  - (e) Nash County Zoning Permit; and
  - (f) Nash County Building & Trade Permits.
- (6) Upon approval of the conditional use permit, the applicant shall submit the required recording fee made payable to the Nash County Register of Deeds.

The motion was unanimously carried.

**5. Text Amendment Request A-180501 Made by Energy Conservation Solutions, Inc. to Amend the Nash County Unified Development Ordinance, Article IX, Section 9-3, Table 9-3-1 and Article XI, Section 11-4 to Permit Roof-Mounted, Integrated, and Ground-Mounted Accessory Solar Panel Arrays in All Zoning Districts Subject to Proposed Development Standards.**

Chairman Breedlove recognized Mr. Tyson to present the staff report.

Mr. Tyson presented the staff report and supplemental materials related to Text Amendment Request A-180501 as submitted to the Board in the May 21, 2018 Nash County Planning Board Meeting agenda document. He noted that the Nash County Technical Review Committee (TRC) considered Text Amendment Request A-180501 on May 10, 2018 and unanimously recommended approval for the reasons outlined in the staff report. He concluded the report by offering to take any questions from the Board for the staff.

Ms. Pulley asked if the photograph of the example solar panel array provided by the applicant was taken in a residential area as there appeared to be no fencing around it.

Mr. Tyson responded that it did appear to have been taken in a residential area and noted that the currently proposed ordinance standards would not require fencing or screening in residential or agricultural zoning districts.

Ms. Pulley questioned the safety of the unfenced solar panel array with regard to its potential accessibility by children playing in the area.

Mr. Tyson stated that fencing would most likely be required by the electrical code in relation to the amount of voltage being generated by a particular array. For example, the larger, utility-scale solar farm sites located throughout the County's jurisdiction which include thousands of panels as well as

large inverter/transformer equipment require fencing and warning signage, but he speculated that a smaller, residential-scale installation may not trigger the fencing safety requirement.

Vice-Chairman Tobias asked if the proposed standards would allow a solar panel array to be installed in the front yard of a residence.

Mr. Tyson responded yes, provided that the solar panel array was located behind the front property line setback which usually varies from 30 to 50 feet back from the road right-of-way in most residential areas. He also noted that the solar panel array would have to be located a minimum of five feet from any other existing structures and an acceptable distance from any existing wells or septic systems present on the property.

Ms. Nixon added that lots in rural areas may have very large front yards with considerable separation distance between the home and the road in contrast to more suburban residential subdivisions where homes are usually built closer to the front property line setback. She explained that because of the relatively new interest in accessory solar panel arrays, the existing ordinance does not include any specific guidance on how they should be regulated and it would be the responsibility of the Planning Board and the Board of Commissioners to determine whether and how they should be permitted.

Chairman Breedlove stated that, in his experience, 99% of the accessory solar panel arrays he encounters are roof-mounted. He asked if the amendment could be revised so that solar panel arrays would not be permitted in the front yard of a home.

Ms. Nixon responded yes but noted that the "front yard" would need to be defined as either the area within the front property line setback or the entire area in front of the home.

Chairman Breedlove and Mr. Smith agreed that the potential visibility of the arrays from the road should be a factor in the decision.

Chairman Breedlove explained that there are different expectations for a rural property where the home is located far from the road and where no one would mind what is installed in the front yard as opposed to a more dense residential subdivision with smaller lot sizes where you wouldn't want to have the panels installed close to the road.

Vice-Chairman Tobias asked if ground-mounted accessory solar panels are intended for modular or manufactured homes or homes where the existing roof would not support the additional load of roof-mounted panels.

Mr. Tyson stated that could be a reason for homeowners to opt for ground-mounted panels or there could be instances where the home itself is located in a heavily shaded area and does not receive enough direct sunlight to accommodate roof-mounted panels.

Chairman Breedlove asked how a ground-mounted system would be more effective than a roof-mounted system for a shaded lot since the roof location would obviously be higher.

Mr. Tyson responded that the ground area may be cleared and less shaded than the house location itself.

Mr. Tyson also noted that the proposed ordinance standards could include language specifying that the accessory solar panel arrays must be located behind the rear line of the principal structure, meaning that they would be prohibited from being located in the front and side yards. He advised that when deciding where to allow the panel arrays, the Board should be mindful that the options of the property owner may be limited by factors such as shade or their location on a corner lot. He also reminded the Board that even if the County chooses to permit this land use, that would not preclude private homeowners associations from prohibiting them within specific subdivision developments.

Ms. Nixon stated that the currently proposed ordinance standards do not include measures that would require adjacent property owners to manage, remove, or alter existing trees or structures to guarantee direct sunlight on a neighbor's solar panel array and also would not prevent them from erecting new structures or planting new trees in the future that could shade the arrays.

Vice-Chairman Tobias stated that while he understood that the intent of the proposed text amendment was to serve the public good and promote clean renewable energy, it was also his belief that this proposal could potentially create disagreements between neighbors. He suggested that the Board table the request until additional information regarding the policies and ordinances of other jurisdictions for accessory solar panel arrays could be gathered and reviewed.

Vice-Chairman Tobias asked if the applicant, Energy Conservation Solutions Inc., submitted this request in relation to a specific proposed project or whether it was a more general request to amend the ordinance.

Mr. Tyson answered that a Nash County resident had already contracted with Energy Conservation Solutions, Inc. to install residential ground-mounted accessory solar panels on their property and the text amendment request was submitted in direct relation to that project. He noted that this was not the first inquiry the County had received regarding residential ground-mounted accessory solar panels, but it was the first to result in an actual text amendment request. He also stated that the applicant had registered a concern about the timeframe of the required amendment process in relation to the customer's financing agreement.

Vice-Chairman Tobias asked what would happen if the Board decided to recommend denial of the request.

Mr. Tyson answered that the Board's recommendation would proceed to the Board of Commissioners for a public hearing and a final vote, presumably within the period of the customer's financing agreement.

Ms. Nixon added that if the Planning Board chooses to table the amendment until a later date rather than act on it now, that would keep the decision at the Planning Board's level.

Chairman Breedlove suggested that the Planning Board could make its recommendation and send it to the Board of Commissioners for a final decision.

Vice-Chairman Tobias questioned whether the Planning Board would be fulfilling its responsibility as an advisory board if it did not first gather additional information in order to make a more informed recommendation to present to the Board of Commissioners.

Mr. Tyson reiterated that a Planning Board recommendation for denial of the request would allow it to proceed to the Board of Commissioners for consideration, although the applicant would then have the option of delaying the public hearing in order to present additional information to either Board.

Ms. Nixon added that if a recommendation for denial is presented to the Board of Commissioners, then that recommendation will be acted upon, and the request would not be automatically returned to the Planning Board unless the Board of Commissioners specifically chose to send it back.

Mr. Colston expressed his concern that the issue of children's safety around the unfenced residential ground-mounted accessory solar panel arrays that was raised by Ms. Pulley earlier in the meeting had perhaps been overlooked too quickly and that he felt her remarks were very valid. He stated that with the ordinance amendment in its present form and without additional study, allowing residential ground-mounted accessory solar panel arrays would be much too dangerous to consider.

Chairman Breedlove noted the electrical components visible in the submitted photographs as well as the lack of fencing to prevent access and stated that he felt the Board did not have enough information regarding the health and safety standards of this type of product to make an informed decision.

Mr. Parker stated that this was an opportunity to invest more study in order to produce regulatory standards that are more workable, instead of making a hasty decision and dealing with the consequences as they arise.

Chairman Breedlove stated that his concern was not this property owner's financing agreement for this particular project, but rather how the decision made by the Board would impact the citizens of Nash County.

Mr. Colston asked if tabling the request for a period of 60 days would allow adequate time for the staff to gather additional information regarding the policies and ordinances enforced by other jurisdictions for accessory solar panel arrays.

Mr. Tyson answered yes and clarified that the Board was requesting the staff to research and investigate the potential safety concerns related to the electrical voltage of the unfenced and accessible ground-mounted accessory solar panel arrays, their potential visual impact particularly in residential settings, and any zoning requirements currently enforced by surrounding county and municipal jurisdictions for ground-mounted accessory solar panel arrays.

**BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Smith to table Text Amendment Request A-180501 and return it to the Nash County Technical Review Committee for further study prior to its reconsideration at the Planning Board's July 16, 2018 regular meeting. The motion was unanimously carried.**

## **6. Other Business.**

Ms. Nixon reported that the following requests had been approved by the Board of Commissioners on May 7, 2018: Conditional Use Rezoning CU-170802 Amendment Request for truck customization and outdoor commercial vehicle parking on W Hornes Church Road; Text Amendment Request A-180401 to repeal the 24% maximum allowable built-upon lot area limitation required for nonresidential zoning districts; Text Amendment Request A-180402 to revise the minimum separation distance required between non-hazardous solid waste disposal facilities and residentially used property; and Text

Amendment Request A-180403 to revise the Tar-Pamlico River Basin Overlay District Stormwater Management Offsite Partial Offset Nutrient Reduction Buy-Down Option.

**7. Adjournment.**

There being no further business, Chairman Breedlove adjourned the meeting at 8:55 p.m.