

Regular Session, December 16, 2013, 7:00 p.m.
Catawba County Board of Commissioners

Appointments

Town of Catawba Planning Board	129	12/16/13
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Ordinances

Freitas Rezoning Request – 1 acre from PD to HC	125	12/16/13
Strata Rezoning Request – 31 Acres from R-20 to R-80 CD	126	12/16/13

Public Hearings

Freitas Rezoning Request – 1 acre from PD to HC	125	12/16/13
Strata Rezoning Request – 31 Acres from R-20 to R-80 CD	126	12/16/13

The Catawba County Board of Commissioners met in regular session on Monday, December 16, 2013, at 7:00 p.m. in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Randy Isenhower and Commissioners Dan Hunsucker and Barbara G. Beatty. Commissioner Lynn M. Lail was absent.

Also present were County Manager J. Thomas Lundy, Assistant County Managers Dewey Harris and Mary Furtado, Assistant County Attorney Jodi Stewart and County Clerk Barbara Morris. County Attorney Debra Bechtel was absent.

1. Chair Katherine W. Barnes called the meeting to order at 7:00 p.m.
2. Chair Barnes led the Pledge of Allegiance to the Flag.
3. Commissioner Barbara G. Beatty offered the invocation.
4. Commissioner Beatty made a motion to approve the minutes from the Board's Regular Meeting and Closed Session of December 2, 2013. The motion carried unanimously.

Chair Barnes noted that Commissioner Lynn M. Lail was absent.

5. Recognition of Special Guests: Chair Barnes recognized Donna Mull, 4-H Extension Agent from Cooperative Extension, and asked her to acknowledge the students in the audience who would be appointed or reappointed to the Catawba County Youth Council later in the meeting.
6. Public Comments for Items Not on the Agenda: None.
7. Public Hearings:
 - a. Planner Chris Timberlake came forward and requested the Board hold a public hearing to receive citizen comments and consider an application by Jaime Freitas to rezone a 1.0 acre parcel located at 4723 Mountain Creek Avenue in the Sherrills Ford Small Area Planning District from the PD

Planned Development to the HC Highway Commercial district. The PD Planned Development district encourages the master planning of large scale, multiple or mixed use development patterns. The HC Highway Commercial district provides for regional highway-oriented businesses, offices, services and civic uses.

The applicant's property was zoned PD Planned Development and is the location of Just Suspension, a specialty auto parts business. Parcels to the north and west are zoned HC Highway Commercial and undeveloped. Parcels to the south and east are zoned PD Planned Development, with the eastern parcels developed and the southern parcel undeveloped.

Applicants who propose a planned development usually have more opportunity for flexibility and creativity in design than is possible under conventional zoning regulations. However, there are some uses (such as motor vehicle repair, motor vehicle sales) that are permitted in the HC district that are not permitted in the PD district. The property is within the Mixed Use Corridor-Overlay district which requires additional aesthetic standards such as allowing certain exterior materials, providing pedestrian friendly improvements, and requiring additional standards to some uses. In general, the overlay district provides for higher development standards along certain corridors in the county.

Public sewer is anticipated to be available along Highway 150 East in April 2014. The property is currently served by a private septic system and public water. The existing septic system accommodates the current use but may be subject to expansion depending on whether additional businesses occupy portions of the building. Under this scenario, the County's Sewer Ordinance would not require connection to the future public sewer line.

Highway 150 East is designated as a boulevard in the 2035 Greater Hickory Urban Area Long Range Transportation Plan. This road, listed as a strategic highway corridor, is a major east-west route between Shelby, Lincolnton, and Mooresville and is recommended to be widened from two lanes to multi (four) lanes. The State Transportation Improvement Plan contains plans for the widening of Highway 150 East to a multi-lane facility. The planning and design portion of the project is currently on-going and should be completed in 2014. It is anticipated that right-of-way acquisition will begin in 2017 and construction could start after 2020. Traffic counts for Highway 150 East in 2011 measured 9,800 to the west of the site and 11,000 to the east. Based on design and construction, the road capacity in this area is 14,200 according to the Catawba County Thoroughfare Plan. Development of the property will not overburden the existing roadway.

The Sherrills Ford Small Area Plan serves as the current land use plan for this area. The property is located in an area designated for a regional commercial center, which are envisioned to provide a mixture of uses such as commercial, office-institutional, and multi-family. The requested HC Highway Commercial district accommodates uses that are consistent with the types of uses recommended in the plan.

Staff recommended the 1.0 acre parcel be rezoned from PD Planned Development to HC Highway Commercial based on the request being consistent with the adopted Small Area Plan; the request being in harmony with the adjacent commercial land uses; and the property being adjacent to and near other HC Highway Commercial properties.

The Planning Board held a public hearing on November 25, 2013. No one spoke in favor or in opposition to the request. There were no questions or comments from the Planning Board. The Planning Board voted 7-0 to submit a favorable recommendation to the Board of Commissioners to rezone the parcel totaling 1.00 acre from PD Planned Development to HC Highway Commercial based on the reasons set forth in the staff's recommendation noted above.

Chair Barnes opened the public hearing and no one came forward to speak. Chair Barnes closed the public hearing and Commissioner Hunsucker made a motion to approve the rezoning request and adopt the following consistency statement and ordinance. The motion carried unanimously.

ZONING MAP AMENDMENT CONSISTENCY STATEMENT

On December 16, 2013 the Catawba County Board of Commissioners conducted a public hearing for the purpose of considering a zoning map amendment to PIN 3686-12-86-9124 (Case #RZ2013-05).

Upon considering the matter, the Catawba County Board of Commissioners finds the item to be consistent with the Sherrills Ford Small Area Plan and reasonable for rezoning based upon:

- 1) The request being consistent with the adopted small area plan;
- 2) The request being in harmony with the adjacent commercial land uses; and
- 3) The property is adjacent to and in close proximity to other HC Highway Commercial properties.

The Catawba County Board of Commissioners therefore approves the zoning map amendment. This approval was affirmed by a vote of ____ - ____ of the Catawba County Board of Commissioners.

Ordinance No. 2013-_____

AMENDMENT TO THE CATAWBA COUNTY ZONING MAP

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described property from Planned Development (PD) to Highway Commercial (HC).

One parcel totaling 1.00 acre located at 4723 Mountain Creek Avenue in the Sherrills Ford Small Area Planning District, Mountain Creek Township, and further identified by Parcel Identification Number 3686-12-86-9124.

PLAN CONSISTENCY STATEMENT:

Pursuant to NCGS 153A-341, and upon consideration of the recommendations and guiding principles of the Sherrills Ford Small Area Plan, the Catawba County Board of Commissioners finds the rezoning request to be consistent with the Small Area Plan and reasonable for rezoning based upon:

- 4) The request being consistent with the adopted small area plan;
- 5) The request being in harmony with the adjacent commercial land uses; and
- 6) The property is adjacent to and in close proximity to other HC Highway Commercial properties.

This, the 16th day of December 2013.

b. Planner Chris Timberlake came forward and requested the Board hold a public hearing to receive citizen comments and consider an application by Strata Solar to rezone approximately 31 acres of a 158 acre tract located at 2819 Sigmon Dairy Road in the Startown Small Area Planning District from R-20 Residential to R-80-CD Conditional District, specifically for a solar farm.

The current R-20 Residential district requires a minimum lot size of one half acre and is considered a high density "general use" district. Predominant uses in this district include single-family homes

and agriculture, both of which are allowed by right. The R-80 Residential district requires a minimum lot size of two acres and is considered a low density "general use." Predominant uses in this district include single-family homes and agriculture in a more rural surrounding, both of which are allowed by right. In contrast to uses allowed by right, conditional district zoning is based on a specific proposed use, such as the requested solar farm. In conditional zoning, the proposed use would be bound by a set of regulations and negotiated conditions specific to the request, accompanied by a site plan. With approval of the solar farm, the base zoning district will be Residential 80 – Conditional District (R-80-CD).

The property for which the rezoning request applies is zoned R-20 Residential and is undeveloped and currently used for agricultural purposes. Strata Solar proposed to lease 31 acres located in the northwest portion of the 158 acre tract to install and operate a 5 megawatt solar facility. Parcels to the north, south, east and west are all zoned R-20, with some containing single-family homes, some vacant and undeveloped or used for agricultural uses, and one being the location of a Federal Aviation Administration radio station.

The property on which the solar farm is proposed and the adjacent properties are located within the Doublewide Manufactured Home-Overlay (DWMH-O) district, which provides opportunities for installation/placement of doublewide manufactured homes. It is also located in the Floodplain Management-Overlay (FPM-O) district. Betts Branch runs along the western property line. According to the site plan submitted, the tract (approximately 28 acres of solar panels) would be developed according to development standards, found in Section 44-633 of the Unified Development Ordinance (UDO), which were adopted by the Board of Commissioners on September 16, 2013.

Sigmon Dairy Road is designated as a local residential road in the Catawba County Thoroughfare Plan, generally designed and constructed to carry 8,000 to 10,000 vehicles per day depending on lane widths. Traffic counts taken in 2011 along Sigmon Dairy Road to the east of the site measured 670 average trips per day. Development of the property will not overburden the existing roadway or cause significant congestion issues during normal operations or construction.

The Startown Small Area Plan serves as the current land use plan for this area. The property is located in an area recommended for high density (1/2 acre minimum lot size) residential development. The density associated with this request is inconsistent with the density recommendations of the plan; however, this particular community is comprised predominantly of large acreage tracts accommodating agricultural and residential development, and the proposed use would be compatible with the existing development pattern in the area. Prior to recent amendments to the UDO, solar farms were classified as public service facilities allowed in all residential districts subject to a special use permit.

The Catawba County Planning Board held a public hearing on November 25, 2013. Three adjacent property owners addressed the board with questions about the proposal, including: will there be security on the site and adjacent properties during construction?; what will happen to the access road once construction is complete?; where will parking be during the development phase and will there be traffic issues?; what are the benefits of the solar farm to the County? and will there be a buffer established between the existing residences and the solar farm?

Lance Williams of Strata Solar addressed the Planning Board to respond to each of the issues as follows: on-site security would be available 24-7 during the construction phase, and the Sheriff's Office would be notified of the construction; once construction is completed, temporary construction mats would be removed and the underlying areas as well as the access road will be reseeded allowing them to return to their natural appearance; all construction traffic would be contained on-site completely outside of the public right-of-way during the approximate 120 day construction cycle. Construction traffic would not create a traffic hazard; the solar farm would generate approximately \$30,000 in tax revenue, and there would be a double row of evergreens around the north and east side of the solar farm. The plants would be at least five feet tall at the time of planting.

One Planning Board member commented that there would be some visibility of the solar arrays from Startown Road and Kings Grant Subdivision west of the site. Another comment was made by a Planning Board member concerning the need for preservation of farmland and preference for locating solar farms exclusively in existing industrial districts. The Planning Board voted 6-1 to recommend denial of this rezoning request based on the opinion that the solar farm would not be totally screened and invisible from all sides, and the opinion that solar farms should only be allowed in industrial districts, not on farmland.

Staff recommended that the 31 acres to be leased by Strata Solar be rezoned from R-20 Residential to R-80-CD Conditional District subject to the conditions listed and illustrated on the site plan, based on the relatively low density pattern of the surrounding neighborhood; consistent with density required in the R-80 district (80,000 square feet or two acres), combined with conditional zoning designating a solar farm as the exclusive use; the proposed development meeting the standards of Section 44-633 of the UDO as identified on the site plan; the topography of the site, existing vegetation and additional vegetation to be planted combined to offer natural buffering and minimal visibility of the site; and that the UDO allows for the consideration of solar farms as a permitted use in the R-80-CD Conditional District.

Chair Barnes then opened the public hearing. Lance Williams from Strata Solar came forward to address questions that had been raised at the Planning Board public hearing on November 25, 2013, regarding security, an access road, benefit to the County, and buffering. The property owner, a Strata employee, an adjacent property owner, a farmer who currently has a Strata Solar Farm on his property, and a citizen in favor of developing green energy came forward to support the rezoning. Three property owners whose property, while not adjacent, is near the proposed solar farm came forward to voice their concerns regarding security, fencing and construction traffic issues. It was confirmed, when notice issues were raised, that the land had been posted pursuant to General Statutes. Chair Barnes then closed the public hearing. After Board discussion regarding all voiced concerns as well as concerns regarding the buffering and grubbing close to the creek, Strata Solar agreed to approach property owners in the Kings Grant Subdivision to determine if they desired additional buffering through landscaping and Strata Solar would include in its lease the property up to a creek running between the solar farm and Kings Grant Subdivision to ensure the existing natural buffering be maintained. The property owner, Mr. Kenny Sigmon, agreed to lease this increased area to Strata Solar. These site conditions are in addition to those previously agreed upon by Strata Solar as summarized below.

Commissioner Hunsucker made a motion to approve the rezoning, with the additional conditions outlined above, and adopt the consistency statement and ordinance that follow. The motion carried unanimously.

ZONING MAP AMENDMENT CONSISTENCY STATEMENT

On December 16, 2013 the Catawba County Board of Commissioners conducted a public hearing for the purpose of considering a zoning map amendment to PIN 3638-14-34-4192 (Case #RZ2013-06).

Upon considering the matter, the Catawba County Board of Commissioners finds the item to be inconsistent with the Startown Small Area Plan, but reasonable for rezoning based upon:

- 1) The relatively low density pattern of the surrounding neighborhood; consistent with density required in the R-80 district (80,000 square feet, 2 acres), combined with conditional zoning designating a solar farm as the exclusive use;
- 2) The proposed development meeting the standards of Section 44-633 of the Unified Development Ordinance (UDO) for a solar farm development as identified on the site plan;

Justin Setzer – Bunker Hill High School
Carmen Silva – Newton-Conover High School
Daniel Drum – Newton-Conover High School
Cole Lackey – Hickory High School
Samuel Evans – Hickory High School
Matthew Fleming – Fred T. Foard High School
Laney Rowe – St. Stephens High School – Girl Scout Rep.

Jessica Sigmon – Bunker Hill High School
Abigail Cox– Newton-Conover High School
Melissa Hirsch – Hickory High School
Thomas McBrayer – Hickory High School
Lilia Pina – Challenger High School
Madison Alicardi - Fred T. Foard HS

Chair Barnes also recommended the reappointment of the following students to the Catawba County Youth Council:

Andrew Beard – Bandys High School
Leigha Williamson – Bandys High School – 4H Rep
John Battiston – Private School
Kasey Boger – Fred T. Foard High School
Thomas Hill – Challenger High School
Sarahi Robles – Newton-Conover High School
Chipper Drum – Newton-Conover High School

Darby Monsam – Bandys High School
Sophia Sharp – Maiden High School
Jordan Katlyn Howard – Private School
Luigi Lopez – Fred T. Foard High School
Stephen Bechtel – Discovery High School
Taylor Thompson – Newton-Conover HSI
Candace Silva – Newton-Conover HSI

Chair Barnes stated that these recommendation came in the form of a motion which carried unanimously.

9. Departmental Reports:
Library.

Library Director Suzanne White presented an informational report to the Board on innovative programs of the Catawba County Library designed to “bridge gaps” by partnering with the community on early and lifelong learning programs and opportunities. The report also gave an update on progress in constructing a new Sherrills Ford Branch Library, which is anticipated to be completed by the summer of 2014. No Board action was required.

10. Other Items of Business:

a. County Manager J. Thomas Lundy recognized ICMA Fellow Haley Kadish who had been with the County for the last year and a half as a management analyst and was leaving to take a position in Ohio with a management consultant firm. Mr. Lundy praised Ms. Kadish’s efforts and contributions to Catawba County and wished her well.

b. Budget Transfers: Pursuant to Board authority granted to the County Manager, the following budget transfers have been completed:

Special Contingency Transfer

From:

115-150120-994200 Special Contingency Expense
\$114,775

115-150120-691500 Special Contingency Revenue
\$114,775

To:

115-150120-995110 Transfer to General Fund
\$114,775

115-150120-680800 Insurance Settlements
\$114,755

Special Contingency Revision

110-260150-984000 EMS – Motor Vehicles
\$114,755

110-260150-695115 Communications Center – From Self Insurance Fund
\$114,755

County Manager Contingency Transfer:

From:

110-190100-994000 County Manager Contingency
\$10,328

110-260150-984000 EMS – Motor Vehicles
\$10,328

1/10/14 – Transfer of special contingency – In Fiscal Year 2007/08, Special Contingency was created in the Self Insurance Fund to allow the transfer of insurance reimbursements back to originating departments. This transfer moves \$114,755 from reimbursed insurance for Catawba County EMS Unit 2008 Ford F-250 vehicle number 27-805 that was involved in a collision that resulted in a total loss of the ambulance. The total cost of replacement is \$145,103. Additionally, \$10,328 is transferred from County Manager Contingency and will be combined with \$20,000 already in the EMS budget to provide the remaining funds needed to replace the ambulance.

County Manager Contingency Transfer:

From:

110-190100-994000 County Manager Contingency
\$3,000

110-190050-829900 Other Misc. Benefits
\$3,000

12/27/13 – Transfer from Contingency needed to cover expenses for department head staff development program at annual planning retreat and teambuilding program.

11. Attorney's Report: None.
12. Manager's Report: County Manager J. Thomas Lundy requested the Board consider a closed session pursuant to North Carolina General Statute 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body. Mr. Lundy did not anticipate any action to be taken upon return to open session. Commissioner Beatty made a motion to move into closed session at 8:25 p.m. The motion carried unanimously.
13. Adjournment. The Board returned to open session at 8:45 p.m. No action was taken. Commissioner Hunsucker made a motion to adjourn the meeting at 8:45 p.m.

Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Barbara E. Morris
County Clerk