

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY DECEMBER 3 2015, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Eli Schilling, Gene Horne, Eddie Nobles, David Lambert, Scott McLeod, Joseph Garrison

Board Members Absent: Rich Smith (Chair), Aaron McNeill (Vice Chairman), Buck Mims

Staff Present: Debra Ensminger, Planning Director
Brenda White, Deputy County Attorney
Theresa Thompson, Senior Planner
Lydia Cleveland, Administrative and Transportation Program Manager

CALL TO ORDER

Planning Board Member Joseph Garrison called the meeting to order and turned the meeting over to the Moore County Planning Director Debra Ensminger.

Ms. Ensminger explained that the Chairman and Vice Chairman are absent for the meeting and the next move is for the Board to nominate the Planning Director Chairman Pro Tem. Board Member Garrison made a motion to appoint Debra Ensminger Planning Chairman Pro Tem. The motion was seconded by Board Member Gene Horne and the motion passed unanimously (6-0).

INVOCATION

Board Member Eddie Nobles offered the invocation.

MISSION STATEMENT

Board Member Horne read the Moore County Mission Statement.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

- A. Approval of Meeting Agenda
- B. Approval of Minutes of November 5, 2015
- C. Consideration of Abstentions

Board Member Horne motioned to approve the Consent Agenda and the motion was seconded by Board Member Garrison. The motion passed unanimously (6-0).

PUBLIC HEARING(S)

Prior to opening the public hearings Debra Ensminger explained the Planning Department has received many inquiries about the intent of the rezoning hearings tonight, however the intent is not what the Board is voting on and cannot be considered.

Debra Ensminger opened and described Public Hearing #1 as follows;

Pine Valley Solar Farm, LLC is requesting a General Use Rezoning of a portion of ParID 00022606, owned by McDonald Family Farms as identified in Moore County tax records; the overall parcel is approximately 89.44 acres. The request is to rezone approximately 65 acres located south of the Norfolk Southern - Aberdeen Carolina and Western Railroad Right-of-Way and outside of the existing RA-CUD area from Residential and Agricultural-40 (RA-40) to Rural Agricultural (RA). The parcel is located south of NC Highway 211.

Senior Planner Theresa Thompson stated the following as part of her presentation. “The request is to rezone approximately 65 acres of the property. The portion of the property located north of the railroad right of way will remain highway business or B2. Adjacent zoning districts include a mixture of residential, residential agriculture, and highway. The request is to rezone RA-40 to RA, differences in the two rezoning districts include in the RA-40 district the minimum lot size is 40,000 square feet where as the RA zoning district has a minimum lot size of one acre which is 43,560 square feet. There are a few additional uses that are allowed through the conditional use permit process which would require additional board approval and is a quasi judicial process as indicated in the table of uses. If rezoned to RA the applicant can apply for administrative approval of any use that is permitted by right which is indicated by “P” in that zoning district and can apply for a conditional use permit for any use which is indicated by “C”. Staff recommends that the Board make two separate motions. The first is to adopt the Moore County Land Use Plan Consistency Statement and the second is to endorse to the Board of Commissioners to approve or deny this request.”

Ms. Ensminger asked the Board if they had any questions before the applicant provides his presentation.

Mr. Brian Quinlan stated that he worked closely with the county on this rezoning and stated the site has the right characteristics to make it applicable to RA. He further explained the community was reviewed and found to be applicable as well. Mr. Quinlan further stated there are few characteristics he wanted to point out, first there isn't good public access. The only access is from 211 and it is very limited, adjacent wetlands should stay undisturbed, and finally there is a substation currently nearby that would make the property difficult for other uses. Mr. Quinlan concluded his presentation by explaining that letters were sent out to the community and there was good community support.

Board Member Scott McLeod asked if the right angle in the aerial photos is power lines. Mr. Quinlan confirmed these are two sets of power lines.

Board Member Garrison asked if the adjacent property is Pinewild and Mr. Quinlan stated that it is Pine Valley and the Pine Valley Homeowners Association was represented at the meeting.

Board Member David Lambert asked how many people attended the meeting and Mr. Quinlan explained about 4 people out of the 14 letters sent showed up for the meeting.

Ms. Ensminger called on individuals who wished to speak for or against the proposed request.

Mr. Tony Hill expressed his concern that the turnout at the community meeting was not good and the community is still in a cloud of what is going to happen because of the clear cutting that happened years ago. Mr. Hill asked the Board what they are going to do to maintain the integrity of the properties in the area.

Ms. Ensminger stated that the Planning Department and the Board protects all uses in the unincorporated areas of Moore County and asked if he is referring to the mining. Mr. Hill stated no because you cannot see the mining but the solar farm will be right out his door. Mr. Hill stated his hands are tied and the community cannot do anything.

Board Member Scott McLeod stated that the Community does have rights but the Board must consider all uses of the requested zoning district.

Board Member Eli Schilling made a motion to adopt the attached Moore County Planning Board Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member Horne and the motion passed unanimously 6-0.

Board Member Schilling made a motion to endorse the Moore County Board of Commissioners to approve the general use rezoning of the parcel known as ParID 00022606 as identified in Moore County tax records from Residential and Agricultural-40 (RA-40) to the Rural Agricultural District (RA) as proposed. The motion was seconded by Board Member Horne and the motion passed 5-1. (*Dissenting Vote – Board Member Garrison*)

Ms. Ensminger closed public hearing #1

Debra Ensminger opened and described Public Hearing #2 as follows;

Doubs Chapel Solar, LLC is requesting a General Use Rezoning of a portion of ParID 00019441, owned by “Darlene Peterson & Others” as identified in Moore County tax records; the overall parcel is approximately 102.68 acres. The request is to rezone approximately 23 acres located in the northeast corner of the parcel from Residential &

Agricultural-40 (RA-40) to Rural Agricultural (RA). The parcel is located south of Doubs Chapel Road

Senior Planner Theresa Thompson stated the following as part of her presentation. “The request is to rezone approximately 23 acres of the property, adjacent zoning districts include RA-40 and RA. Adjacent uses include single family homes and undeveloped land. The property has access to Doubs Chapel Road through an easement that the applicant is currently working on obtaining. The site has access to county water. The request is rezone from RA-40 to RA. This is similar to the first rezoning and the differences include RA-40 is 40,000 square feet minimum lot size whereas RA is 43,560. RA allows additional uses through the conditional use permit process which requires additional board approval through the quasi judicial process. Staff recommends that the Board make two separate motions. The first is to adopt the Moore County Land Use Plan Consistency Statement and the second is to endorse to the Board of Commissioners to approve or deny this request.”

Ms. Ensminger asked the Board if they had any questions for Theresa before the applicant provides their presentation.

Mr. Cullen Morris representing Doubs Chapel Solar thanked the staff for their report and the Board for considering this matter. Mr. Morris stated that we are here to talk about the rezoning and Doubs Chapel does ultimately intend to build a solar farm on this property and that a subsequent decision will be held. Mr. Morris stated for the Board and individuals present that he is present to answer any questions.

Board Member Schilling asked Mr. Morris if he will be applying for an easement for access to Doubs Chapel. Mr. Morris confirmed that the Petersons and their family are interested in selling the proposed parcel and that there is a small parcel that has road frontage where we are asking to create an easement. Board Member Schilling asked for confirmation if the individuals selling are the same as the property owner’s of the easement. Mr. Morris confirmed that this is correct.

Ms. Ensminger called on individuals who wished to speak for or against the proposed request.

Mr. Paul Chavez stated he is bothered by the location of the recent solar farms and that the Board members do not have any questions. Mr. Chavez stated that the lack of questions show him discussion was held before the meeting.

Board Member McLeod stated that there has been no discussion before tonight and we are not recommending anything in regards to a solar farm.

Mr. Chavez considered this the first step to a solar farm. Board Member McLeod stated he takes public comment very seriously and would like him to return for the conditional use permit process. Mr. Chavez concluded that he does not want this in his backyard.

Ms. Marie Crowder of 151 Lisa Lane stated she lives directly behind the rezoning request. Ms. Crowder explained that most of the area is rural residential and majority are on well water with some on county water. Ms. Crowder's additional concerns are of any type of business being introduced in this rural area because she would like it to remain the same as well as the notification process.

Board Member McLeod asked Ms. Ensminger to remind him of the notification requirements. Ms. Ensminger replied that general statutes require the Planning Department to notify all adjacent property owners by certified letter and the property is posted.

Ms. Ensminger stated that no one else has signed up but asked for others that wished to speak.

Ms. Sarah Fisher Hughes of 101 Fisher Lane stated that she was one of the people that did not know about this until they received a flyer. Ms. Fisher Hughes was curious if any research has been done in regards to the solar farm in Chatham County off White Cross Road. Including issues they may have had because it is similar to this request.

Board Member McLeod stated that any research like that would be superficial at this point because the Board is not considering a solar farm. Ms. Fisher Hughes explained she was bringing it to attention and asked if it is only going to be used for solar farm or do we know that yet as well as how long does a permit last. Ms. Ensminger explained the building permit process and Ms. Fisher Hughes stated she understood this but wanted to know how long the lease would be allowed. Board Member McLeod stated that this would be an agreement between the company and the land owner. Finally Ms. Fisher Hughes asked if any of the maps and applications would be able available to everyone to review. Ms. Ensminger explained yes and they would be available online.

Ms. Terri Curry of 115 Lisa Lane stated that the area has small kids and elderly and did not think it was fare for this area to suffer. Mr. Scott McLeod stated that the rezoning was only being considered tonight not the solar farm. Ms. Curry stated that this is wrong because it will poison the water. Board Member Schilling explained to Ms. Curry that any of her concerns may be addressed by the applicant after the hearing.

Board Member Lambert asked for clarification between the zoning districts that are being considered and stated he noticed many are the same with a small few exceptions including horse farms, produce farms, pottery shops, and family care centers which now be allowed with the new zoning. Ms. Thompson confirmed Mr. Lambert's statement and stated that most of the county is zoned RA.

Ms. Josephine Roland of 105 Lisa Lane stated that the proposed parcel is between and in the back of her home and that whoever wants to rezone the property is not considering the public because of the research she has done.

Board Member McLeod encouraged Ms. Roland to bring her research to the future meeting and stated that he feels a lot of people have an incorrect impression of what is happening. The Board takes public comment seriously and at the future dates of the conditional use permits opinions will be heard. Mr. Chavez who spoke during public hearing #1 stood and discussed his concerns further with the Board. Board Member Garrison reiterated that all concerns will be heard at a future meeting but right now we are only considering the rezoning.

Deputy County Attorney Brenda White stated that the public comment period is not for an open debate. It is just time for comments to be made and heard by the Board.

Mr. Rich Moretz of 400 Virginia Avenue, Carolina Beach spoke on behalf of the applicant. Mr. Moretz stated he wanted to make two comments, the first that he is open to a community meeting after the meeting or just with the neighborhood and the request is for a less intensive use.

Board Member Lambert made a motion to adopt the attached Moore County Planning Board Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member Garrison and the motion passed unanimously 6-0.

Board Member Lambert made a motion to endorse the Moore County Board of Commissioners to approve the general use rezoning of the parcel known as ParID# 00019441 as identified in Moore County tax records from Residential and Agricultural-40 (RA-40) to the Rural Agricultural District (RA) as proposed. The motion was seconded by Board Member Schilling and the motion passed 5-1. (*Dissenting Vote – Board Member Garrison*)

Ms. Ensminger closed public hearing #2

Debra Ensminger opened and described Public Hearing #3 as follows;

Bob Koontz is requesting a General Use Rezoning of a portion of ParID 00031790, owned by Valerie Brown Trustee as identified in Moore County tax records; the overall parcel is approximately 108 acres. A recombination plat was approved in November 12, 2014 to combine an approximate 10 acres located to the south of the parcel. The request is to rezone the entire parcel from Residential and Agricultural-40 (RA-40) to Residential and Agricultural-20 (RA-20). The parcel is located south of Airport Road.

Senior Planner Theresa Thompson stated the following as part of her presentation. “This request is to rezone the entire 108 acres of the property. The property has direct access to Airport Road and Camp Easter Road. Adjacent zoning districts include RA-40 and Southern Pines Rural Residential zoning district as illustrated on the vicinity map. Adjacent uses include single family homes, agricultural and undeveloped land. The property has access to county water and sewer. The request is to rezone the property from RA-40 to RA-20. The only main difference between the two zoning districts is RA-40 minimum lot size is 40,000 square feet and RA-20 allows for 20,000 square feet. The

table of uses is essentially the same for both districts the only difference is family child care is a permitted use in RA-40 and a conditional use in the RA-20 zoning district. Staff recommends that the Board make two separate motions. The first is to adopt the Moore County Land Use Plan Consistency Statement and the second is to endorse to the Board of Commissioners to approve or deny this request”

Ms. Ensminger asked the Board if they had any questions for Theresa before the applicant provides their presentation.

Board Member Schilling asked if the rezoning is for a portion or the entire property because the report has it written as both. Ms. Thompson explained one is a typo and it should be the entire.

Bob Kootz stated he is representing the land owner Camp Easter Management, LLC. Mr. Kootz explained that they are requesting this rezoning with the intent to place a new elementary school on the site and to add a residential subdivision. Mr. Kootz continued with the following “The aerial photograph as Theresa mentioned on the south side of the property is Camp Easter Road and the north side is Airport Road. There is direct connection throughout the property and they envision a connector road that will connect Camp Easter and Airport Road to help with traffic dispersion and this will be discussed in the conditional use process. The intent and the densities of Whispering Pines are consistent with the surrounding area and the Moore County Land Use Plan. If we reach the conditional use permit stage there will be extensive reports completed as part of the process.”

Board Member McLeod asked Mr. Kootz if the chicken houses are still there and Mr. Kootz replied that they are still on the property on the map. Board Member McLeod asked if it was a good idea to build a school next to a chicken farm. Mr. Kootz explained that it is envisioned the school will be on the southern portion of the site and the chicken houses are older and the applicant is not sure what is happening with them. Mr. Kootz stated he believes there have been some discussions between the applicant and property owners.

Board Member Schilling asked if he was building the school and Mr. Kootz replied no this is a potential site for Moore County Schools.

Board Member Lambert confirmed this is a rezoning request and we are not concerned about the intent and Board Member McLeod confirmed yes but it is a more dense consideration.

Board Member Schilling asked what is the zoning of the surrounding properties.

Ms. Ensminger stated RA-40.

Board Member McLeod asked if the adjoining properties are RA-40 and Ms. Thompson stated all adjoining is RA-40. Ms. Thompson further explained the following in regards

to zoning; “The RA-40 allows for single family subdivisions like RA-20. So there are two types of subdivisions, Conventional and Neighborhood Conservation. The minimum lot size is variable between RA-40 and RA-20. It doesn’t necessarily mean if it’s RA-40 you can’t go less than RA-40 just for clarification, if you go the Conservation route it just need s a minimum percent to open space. The Land Use Plan Consistency Statements included for you include the proximity to adjacent areas that provide maximum accessibility between living, working, and shopping areas. Encourage the development of mixed land use development where applicable to easy access, reduce travel time, and improve convenience among uses, surrounding counties, and existing towns and villages. So Staff looked at the proximity to Whispering Pines and taking into account the RA-20 deduction it still met the Land Use Plan Consistency.”

Board Member McLeod asked if the land to the west is currently owned by the applicant and Mr. Kootz stated no.

Ms. Ensminger asked for anymore questions.

Ms. Pam Ring of 900 Airport Road stated that she is the current owner of poultry houses and that they are still in use. Ms. Ring stated her concern of the nuisance the poultry houses may bring for the intended use and the potential lawsuits that may be brought against her business.

Ms. Ensminger asked if the farm is within the Voluntary Agriculture District and Ms. Ring was not certain. Ms. Ensminger explained that if it is within this district it is protected.

Board Member McLeod asked Ms. Ring if they plan to expand and she stated no. They may replace the burned existing poultry house.

Mr. Louis Ring stated he is the owner of the property as well and opposed the rezoning because it is the first step of a done deal.

Mr. Kootz explained that the RA-20 has been requested because the amount of infrastructure required for a school can only be obtained through this zoning type.

Board Member Lambert explained that he has a family member on the School Board and even though he has no legal interest he would like to sustain from the vote.

Board Member Schilling made a motion to allow Board Member Lambert to sustain from the vote. The Motion was seconded by Board Member Garrison; the motion passed unanimously 5-0.

Board Member Garrison made a motion to adopt the attached Moore County Planning Board Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by

Board member Horne, and the motion passed unanimously 5-0. (*Board Member Lambert Sustaining*)

Board Member Garrison made a motion to endorse the Moore County Board of Commissioners to approve the general use rezoning of the parcel known as ParID 00031790 as identified in Moore County tax records from Residential and Agricultural-40 (RA-40) to the Rural Residential and Agricultural-20 (RA-20) as proposed. The motion was seconded by Board Member Horne; the motion was denied 2-3 (*Dissenting Votes – Board Members Nobles, McLeod, and Schilling.*)

OTHER BOARD MATTERS

Board Member Schilling resigned from the Board due to new employment in another county.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger wished the Board a Merry Christmas and thanked them for what they do.

BOARD COMMENT PERIOD

There was no discussion.

ADJOURNMENT

Board Member Garrison made a motion to adjourn, the motion was seconded by Board Member Schilling, and the motion passed unanimously 6-0.

Respectfully submitted by,

Lydia Cleveland