

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY MAY 7, 2015, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Buck Mims (Chair), Aaron McNeill (Vice Chairman), Scott McLoed, Joesph Garrison, Eli Schilling, Rich Smith, Gene Horne, Eddie Nobles

Board Members Absent: Robert Hayter

Staff Present: Debra Ensminger, Planning Director
Theresa Thompson, Planner
Tim Emmert, Planning Supervisor
Brenda White, Deputy County Attorney
Lydia Cleveland, Administrative Officer II

CALL TO ORDER

Planning Board Chairman Buck Mims called the meeting to order.

INVOCATION

Board Member Aaron McNeill offered the invocation.

MISSION STATEMENT

Board Member Eli Schilling 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 April 16, 2015
- C. Consideration of Abstentions

Board Member Schilling motioned to approve the Consent Agenda and the motion was seconded by Board Member Gene Horne. The motion passed unanimously (8-0).

PUBLIC HEARING(s)

Chairman Mims opened public hearing #1

The applicant, Fred Hobbs, is seeking approval of amendments to the application and land development plan for the Pine Forest Planned Unit Development-Hamlet (PUD-H) fronting on both NC Hwy 211 and NC Hwy 73 on parcels (ParID: 00015770, 00020641, 00020654, 00020660, 00020634, 00020645, 00020658, 98000728, 00020750, 00020652, 20080013, 00023428, 00015773, 00015974, 00020752, 00020757) owned by MHK Ventures Inc. as identified in Moore County tax records. These parcels consist of approximately 1,652 acres.

Prior to presenting public hearing #1, Planning Director Debra Ensminger passed out the Land Development Plan also included in the Board's packet.

Ms. Ensminger welcomed all present members of the Board and stated that the applicant of public hearing #1 is seeking an amendment of documents related to the Pine Forest development. Ms. Ensminger stated that all conditions that were set forth at the time it was originally approved on September 6, 2011 by the Moore County Board of Commissioners are still in place today. Ms. Ensminger summarized that the applicant is seeking three amendments to the original application. The three amendments include moving the access off highway 211 closer to Archie Road, relocating the wastewater treatment plant from Pine Forest to the Dormie Club site, and the request to use potable water for irrigation until the wastewater treatment plant is constructed.

Board Member Scott McLeod asked for confirmation that the potable water would only be used until the construction of the wastewater treatment plant and Ms. Ensminger confirmed this statement.

Ms. Ensminger further stated that the water and sewer agreement is one of the items included in the Board Order and is anticipated to be heard at an upcoming Board of Commissioners meeting.

Ms. Ensminger explained that approval of the three amendments will allow county staff to move forward with the water and sewer agreement and the Moore County Planning Director to sign the preliminary plan.

Ms. Ensminger concluded her presentation and asked the Board if they had any questions.

Chairman Mims asked if there is a timeline for when the wastewater treatment plant will be operational and Ms. Ensminger explained this will be determined once the water and sewer agreement is finalized.

Board Member McLeod asked if there is any indication on how much water will be consumed for irrigation and Ms. Ensminger stated they have not.

Board Member Schilling asked if the amount to be proposed may adversely affect the water supply and Ms. Ensminger explained that the water and sewer agreement will address all these concerns with the intention of keeping the citizens of Moore County safe.

Board Member McLeod asked if there is a deadline for the wastewater treatment plant and Ms. Ensminger explained this will be addressed at the Board of Commissioner level.

Board Member Rich Smith asked for confirmation that the irrigation will be recharged into the local ground water and Ms. Ensminger stated that this is correct.

Chairman Mims asked if the Board had any more questions.

Board Member Schilling asked for confirmation that the other entrance not mentioned in the amendments will remain at the same location and Ms. Ensminger confirmed there will be two entrances one off highway 211 and highway 73.

Chairman Mims asked if the Board had any more questions and with no further questions from the Board, Chairman Mims called on individuals who signed the public hearing sign in sheet for item number one.

Robert Stolting stated his name and that he is from West End and explained he would like to give his three minutes to the next speaker on the list Ms. Ruth Stolting.

Ruth Stolting stated her name and that she is from West End and is present to speak on behalf of members and friends of Save Our Sandhills. Ms. Stolting explained that those she is representing have been concerned about the Pine Forest development in the past and are presently concerned about the relocation of the wastewater treatment plant from Dormie Club. Ms. Stolting is particularly concerned about the relocation of the wastewater treatment plant because a map she displayed had a wastewater treatment plant already mapped on Dormie Club. In reference to this relocation Ms. Stolting would like information on the following in regards to the proposed wastewater treatment plant; the size and how many the plant intends to serve, the location, the monitoring of ground and surface water around Little River, and the specifications to safeguard the watershed in case of an accident. In conclusion, Ms. Stolting asked that item #1 of the proposed amendments be denied.

Chairman Mims asked Ms. Stolting if she had any evidence regarding the adverse effect on the water supply or community. Ms. Stolting stated that the Planning Director for Whispering Pines has issues with silt and she is more concerned about potential issues.

Chairman Mims asked for confirmation regarding Ms. Stolting comments about the wetlands and she did not have her information with her but did mention data was found in 2007. In response Chairman Mims read the following “a 75 foot setback will be provided on each side of the center lines of each blue line stream of the property and or a 25 foot buffer from all wetland which everyone is greater”. Ms. Stolting concluded that Carthage

has been very involved and Vass and Whispering Pines did not have any idea anything was going in their watershed.

Bill Hubert stated his name and that he is from Pinehurst. Mr. Hubert would like clarification on why the wastewater treatment plant will be moved as well as the size and stated he is concerned about the use of Nicks Creek water. Board Member Schilling confirmed for Ms. Hubert that Nicks Creek water will not be used for irrigation as specified as part of the conditions.

Peter Levine stated his name and that he is from West End. Mr. Levine explained that he is very confused about the project because of the controversy in the past as well as the possibility of the property being for sale. Chairman Mims stated that this project has not been completed haphazardly and Board Member Joe Garrison asked for clarification if Mr. Levine was opposed to the project originally in which stringent standards were put in place. Mr. Levine did not address Mr. Garrison's question and concluded by thanking the members of the Board and stated that he hoped they would take his and others concerns into consideration.

Marsh Smith stated his name and that he is from Mills Creek. Mr. Smith explained that he most concerned about Nicks Creek due to the possibly of sewage being deposited into this body of water due to line breaks. Mr. Smith further stated that he appreciated the legal ads in the paper but the property signs were small in his opinion.

The applicant Fred Hobbs was called forward for his statements and to answer any questions from previous speakers. Mr. Hobbs explained that the commissioners have been stringently concerned if there is a spill into Nicks Creeks and in response met with several departments within Moore County. In regards to the size the site was initially designed for a million gallons a day but it is currently being designed for 500,000 gallons per day in two 250,000 increments. Moore County has also requested an additional 500,000 for future needs. In regards to the potable water the developer is in contract with Harnett County to buy 3 million gallons a day. In regards to when the wastewater treatment plant will be built is based on the 80-90 rule. There is currently a portion of the water and sewer agreement for 125,000 gallons per day for wastewater treatment, which Mr. Hobbs explained that when the applicant reaches 80% of the 125,000 gallon capacity we have to begin planning either for the construction or the pipeline for the Addor plant and when we meet 90% we must be under construction or we will be put on a moratorium and no further connections can be made. This will be monitored by Moore County Public Works. Mr. Hobbs further explained that the intent of the developer is to sell the property in which there is movement within the last several months.

Board Member Rich Smith asked if the regulations that are in place from the approved plan with NCDENR these stay in affect with the new plan and Mr. Hobbs stated yes the Board issues as they are related to water and sewer will be codified in the water and sewer agreement and will further contractually require the developer to do what the county interprets the board order requirements to be.

Board Member Eli Schilling asked if the agreement for the Pine Forest development that had testing requirements for Nicks creek will it continue without the wastewater treatment and in the new location. Mr. Hobbs confirmed the same testing protocol will be in place.

Board Member Rich Smith asked the new location has that been presented to NCDENR is there any reason could not go there.

Fred Hobbs stated it has not been presented to NCDENR and there is no reason it could not go there.

Board Member Smith asked for confirmation that the first phase is approximately 50% smaller than the original proposal.

Fred Hobbs stated yes the minimum is 250,000 gallons per day.

Chairman Mims asked for the Board anymore questions.

Planning Director Debra Ensminger stated the recommended motion as follows, we request the Board to make a motion to approve the amendments to the application and land development plan to the Pine Forest planned unit development and MHK ventures as identified in Moore County Tax records. Board Member Schilling made a motion and it was seconded by Board Member Garrison, the motion passed unanimously (8-0).

Board Member Rich Smith stated all members of the Planning Board live in Moore County and each member cannot operate on hearsay or how well an entity is doing or if someone has a right based on their success. He further stated we are bound by our own regulations and these changes will hopefully be for the better. The Board can only vote on the facts and we can promise we will be monitoring the construction and following the process through NCDENR.

Chairman Mims also stated that the Board appreciates everyone who came to the mean and voiced their opinion on the matter.

Chairman Mims closed public hearing #1

Chairman Mims opened public hearing #2

The applicant, Enerparc, Inc. is seeking a Conditional Use Permit to construct a commercial Solar Collector Facility on Yow Road in the Sheffield Township on a parcel (ParID 00013870) owned by Jennifer Hamrick as identified in the Moore County tax records. The parcel is approximately 44.75 acres.

Planner, Theresa Thompson presented background information provided in the Board packet staff report and supporting documents as well as the purpose of the request submitted by the applicant. Ms. Thompson stated the four findings of fact have been met

and this information is included in the staff report as well Ms. Thompson also requested that the following statement be added to the motion; “should the Zoning Administrator, Building Inspector, Environmental Health, NC DOT or Fire Marshall identify minor changes staff shall be authorized to make adjustments as necessary”. Ms Thompson concluded her presentation and asked for further questions.

Mr. Chad Brown asked if the rezoning will affect neighboring properties. The Planning Board confirmed his will remain the same. Mr. Brown further asked if there is a way there will not be a lot of solar farms and Chairman Mims stated each request will have to go through the application process.

Board Member Smith stated he is disappointed there is no one here to address questions regarding the buffer. Planner Ms. Thompson explained the location of the site and it very unlikely it will be seen from the road.

The Board held no further discussion.

Board Member Smith made a motion to endorse the Moore County Board of Commissioners to approve the Conditional Use Permit for the use of a Solar Collector Facility on the parcel known as ParID# 00013870 and should the Zoning Administrator, Building Inspector, Environmental Health, NCDOT or Fire Marshall identify minor changes staff shall be authorized to make adjustments as necessary. The motion was seconded by Board Member Horne and motion passed unanimously (8-0)

Chairman Mims closed public hearing #2

OTHER BOARD MATTERS

Board Member McLeod asked Mr. Thompson if Enerparc is part of a larger company and to let them know to have someone present if they have a future request.

PLANNING DEPARTMENT REPORTS

Planning Director stated that it was good to have a lot of the citizens present and we will not have a June meeting she further stated the next project will be revisions to the Unified Development Ordinance.

BOARD COMMENT PERIOD

Chairman Mims thanked the commissioners that are present and for Vice Chairman McNeill for leading the April 16th meeting.

ADJOURNMENT

With no further comments Chairman Mims adjourned the meeting.

Respectfully submitted by,

Lydia Cleveland
Administrative Officer II