

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY NOVEMBER 5 2015, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Aaron McNeill (Vice Chairman), Eli Schilling, Buck Mims, Gene Horne, Eddie Nobles, David Lambert

Board Members Absent: Rich Smith (Chair), Scott McLeod, Joseph Garrison

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

CALL TO ORDER

Planning Board Vice Chairman Aaron McNeill called the meeting to order.

INVOCATION

Board Member Eddie Nobles offered the invocation.

MISSION STATEMENT

Board Member David Lambert 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 October 1, 2015
- C. Consideration of Abstentions

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

PUBLIC HEARING

Vice Chairman McNeill described the Public Hearing as follows;

Moore County Planning Staff is proposing adding the following language to the Moore County Unified Development Ordinance: Section 7.1.105 Any use not specifically listed in the Table of Uses is prohibited.

Senior Planner Theresa Thompson stated the following as part of her presentation. “Staff is proposing this language because without it someone could interpret if a use is not listed in the Table of Uses that we might not regulate that use; therefore they would not need a permit. This seeks to clarify to anybody that if you are proposing a use and it is not listed in the Table of Uses in the UDO then it is prohibited. The next step would be to apply for a text amendment”

Board Member Schilling explained that he had a concern with the possibility of the UDO not being all encompassing and that this might prohibit new business or new technology. In response to Board Member Schilling’s concern Ms. Thompson explained that certain uses can fall under other categories like a professional business or retail. Any others that do not fall under these categories may bring with them regulations that Staff are not familiar. Ms. Thompson further explained that with this statement included if someone wanted to propose a new use, the individual would apply for a text amendment and then Staff would go through the process by doing research and developing specific use standards.

Board Member Buck Mims stated that in the past we have created new ordinances for things but this is a little more protected.

Board Member Schilling stated he understood that it could always be changed but from a laymen perspective, he posed, that the process may not be understood.

Board Member Mims asked Ms. Thompson to summarize the text amendment process. Ms. Thompson explained that there is a chapter in the UDO called Amendments. An applicant explains what they want and then staff would work with this applicant on what ideas are available to help them obtain their needs. Ms. Thompson further explained this provides staff with time to do research, review state statutes, review the states stance, and review other jurisdictions and their language in regards to the requested item.

Planning Director Debra Ensminger asked Deputy County Attorney Brenda White if she could provide the Air Modelers as an example. Ms. White confirmed and Ms. Ensminger explained that in the past a group of people or a club that flew model airplanes utilized land for their activity and the Department classified this group as a club. The Department was challenged in Superior Court by an adjacent property owner and lost because the specific use was not identified. Ms. Ensminger concluded that this is protecting us in the event something is not listed.

Board Member Mims stated that this was just completed in Aberdeen.

Ms. Ensminger stated that this is to protect the unfriendliness that may come in and that we currently cannot do anything about.

Vice Chairman McNeill opened the floor for a motion.

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

Board Member Mims made a motion recommend the Moore County Board of Commissioners amend the Moore County Unified Development Ordinance to Article 7 as proposed and that the proposed amendment is consistent with the adopted 2013 Land Use Plan. The motion was seconded by Board member Horne and the motion passed unanimously 6-0.

WORKS SESSION

Theresa Thompson reviewed Subdivisions during the Work Session.

Ms. Thompson explained that there will be one chapter for all subdivisions in order to clarify, make the process more streamlined, and reader friendly.

Ms. Thompson brought attention to the following points of the chapter.

- Level 2 Minor Subdivisions were removed and there is just Major and Minor categories.
- The chapter is laid out in the following order; Exemptions, Family Subdivisions, Minor Subdivisions, and then Major Subdivisions.
- The first two sections are required of any subdivision as specified in statutes.
- Under the Exemptions category the first 4 types are drawn from the statutes and the remaining 4 were added. These include Estate Exclusions, Court Order Surveys, Easement Plates, and Non Occupied Facilities.
- Section 24.4 subsection C1 states that a Septic Suitability Certificate can be made optional. Moore County Environmental Health requests that it remain a required document because they receive comments that neighbors have buildable land but they do not understand why theirs is not.
 - Ms. Thompson stated that this document can also be considered for all types of subdivisions.
 - Vice Chairman Aaron McNeill asked that this be an option but also be made aware to individuals.
 - Board Member Mims asked why this document is not required of all subdivisions.

- Ms. Thompson explained that this because right now we do not allow any subdivisions be created without an easement except for Family Subdivisions in order to deter landlocked property.
- Ms. Thompson stated that she checked with seven other jurisdictions and no one made this a requirement.
- Under Minor Subdivisions, staff has worked with Public Safety and NCDOT to determine if properties of a certain amount of lots could subdivide on an easement. It was determined that 4 or less lots were preferred so the issue of maintenance and emergency access was minimized.
 - The minimum required distance between Flag Lots was increased to 300 feet to decrease the amount of potential driveways. The final approval of Flag Lots was also changed to administrative approval rather than the Subdivision Review Board.
 - Minor Subdivisions on Easements would require a Road Maintenance Agreement.
- The Major Subdivision category remained the same it was just made simpler.
 - The Improvement Guarantee section will need to be updated.
- Page 20 of the Chapter lists all the Subdivisions and what is required of each.
- Page 24 of the Chapter lists all required Certificates

Board Member Mims asked how many pages were removed and Ms. Thompson stated about 20.

Board Member Lambert stated that on page 24 the font styles are different and Ms. Thompson made a note to make this correction.

Vice Chairman McNeill asked if the process regarding the recording of affidavits have been identified. Ms. Thompson stated that staff is still working on the details of this process.

Vice Chairman McNeill thanked staff and Ms. Thompson for working with him and making something that is useable.

Ms. Thompson stated that she sought out the advice of several local surveyors to create the current product.

OTHER BOARD MATTERS

There was no discussion.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger continued the compliments to Ms. Thompson because she is the only Planner currently on staff and writing of the UDO is not the only thing she does on a daily basis.

Ms. Ensminger stated for the Board that for the one Board of Commissioners meeting in November they will review the Vets Office Conditional Use Permit request. The December Planning Board meeting will include three Rezonings and the continuation of the Work Session.

BOARD COMMENT PERIOD

There was no discussion.

ADJOURNMENT

Respectfully submitted by,

Lydia Cleveland