

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

Board Members Present: Joseph Garrison (Chair) Eddie Nobles (Vice Chairman), Gene Horne, Bobby Hyman, John Cook, Aaron McNeill, Scott McLeod, David Lambert

Board Members Absent: Rich Smith

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

Chairman Joseph Garrison called the meeting to order at 6:00 pm.

INVOCATION

Board Member Aaron McNeill offered the invocation.

PLEDGE OF ALLEGIANCE

Vice Chairman Eddie Nobles led in citing of the Pledge of Allegiance.

MISSION STATEMENT

Board Member Bobby Hyman 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 September 1, 2016
- C. Consideration of Abstentions

Board Member Gene Horne made a motion to approve the consent agenda. The motion was seconded by Vice Chairman Nobles and the motion passed unanimously 8-0.

PUBLIC HEARING(S)

Chairman Garrison opened and explained public hearing number one as the following;

Sheryl Evans is requesting a Conditional Use Permit for the use of a one-unit Bed & Breakfast in a single family residence located at 286 Heritage Farm Road (ParID 00038405), owned by Robert and Sheryl Evans, as identified in Moore County tax records.

Senior Planner, Theresa Thompson stated the following as part of her presentation. “The applicant Sheryl Evans is requesting to open a one unit Bed and Breakfast in her single family residence located at 286 Heritage Farm Road. All adjacent properties are zoned RA-40 and the applicant will occupy the first floor of the three story home as indicated on the floor plan in your packets. The Fire Marshal, Building Inspector, and Environmental Health have met with the applicant and went over what will be required to obtain the necessary permits. The existing site, building, and proposed use are in compliance with all UDO standards. The UDO requires that the four findings of fact are met as included in the staff report. Any recommendation of denial would need to include which finding is not met and why. There may need to be minor adjustments made to the site plan therefore staff also recommends including an additional condition to the motion if approved as stated in the staff report. Please let me know if you have any questions.”

The Board did not have any additional questions.

Board Member David Lambert made a motion to endorse the Moore County Board of Commissioners to approve the Conditional Use Permit for the use of a one-unit Bed & Breakfast in a single family residence located at 286 Heritage Farm Road (ParID 00038405), owned by Sheryl Evans, as identified in Moore County tax records. The motion was seconded by Board Member Hyman and the motion passed unanimously 8-0.

Chairman Garrison closed public hearing number one.

Chairman Garrison opened and explained public hearing number two as the following;

Pristine Sun Fund 12, LLC is requesting a Conditional Use Permit to construct a commercial Solar Collector Facility on approximately 12.28 acres of an overall approximately 28.15 acre parcel located at 2495 Jason Road (ParID 00009291), owned by Cynthia Dabestani as identified in Moore County tax records.

Ms. Thompson stated the following as part of her presentation. “This request is to locate a solar collector facility at 2495 Jason Road which is approximately five and half miles west of Robbins. The subject property received conditional use permit approval for a solar collector facility on May 19, 2015 which has since expired. The project size has also increased from approximately eleven acres to approximately twelve and half acres. The proposed area is currently undeveloped. There is a small private cemetery, which will be fenced off from the solar collector facility, as illustrated on the site plan. Adjacent

uses include single family homes, undeveloped property, and agriculture. The project area will comprise of approximately 12.28 acres of the 28 acre lot. The site plan meets the UDO's screening requirements by utilizing a type 2 screening, which is a 3 foot high dense evergreen plant that shall be of a species normally expected to reach a height of 7 feet in 3 years time, to the side and rear of the property that is adjacent to residentially zoned property. In addition to the minimum screening requirements, the applicant also is installing type 2 screening along all property lines including the front property line, which is not a UDO requirement, as illustrated on the site plan. The proposed site plan meets all UDO requirements. Staff will ensure that all specific use standards will be met as specified in the UDO and will be inspected by county staff before a Certificate of Occupancy is issued. The UDO requires that the four findings of fact are met as included in the staff report and any recommendation of denial would need to include which finding is not met and why. There may need to be minor adjustments made to the site plan therefore staff also recommends including an additional condition to the motion if approved as stated in the staff report that reads "Should the Zoning Administrator, Building Inspections, Environmental Health, NCDOT, or the Fire Marshal identify minor changes, staff shall be authorized to accept such minor modifications to the site plan as necessary. Please let me know if you have any questions."

The Board did not have any questions for Ms. Thompson

Ms. Sylvia Baumberger stated that she owns adjoining property and herself and her husband Tom (also present) had several concerns including health hazards, property devaluation, the evergreen plants and if they will grow as indicated and remain green all year, confirmation if road access is required to the cemetery on the site plan, affects on cattle including service roads and pesticides, how existing septic and sewage lines would be affected, and finally if they were to purchase additional property would this interfere with the site plan as submitted.

Mr. Leonard Konopinski was present on behalf of the applicant and stated that he did not have answers to all the questions but would be willing find out those he does not have answers too. Mr. Konopinski explained that solar panels are one of the safest and cleanest forms of energy generation because there are no moving parts and no pollution is generated.

Board Member Scott McLeod asked Mr. Konopinski if he could explain the hazards associated with the panels. Mr. Konopinski explained that panels are typically made of crystal silicon which is non toxic. Board Member McLeod asked Mr. Konopinski to confirm if there are no toxic materials in the solar panels on behalf of the applicant. Mr. Konopinski stated that he could not confirm at the present time what the panels are made of but that this could be verified. Board Member McLeod asked if Mr. Konopinski had information regarding property values and he stated he did not.

Board Member Horne asked what the lifespan of the panels are, and Mr. Konopinski stated that they typically last for 25 years with a warranty of 30 years. Board Member

Horne asked how they are disposed of and the end of their useful life, and Mr. Konopinski stated that they can be recycled.

Board Member John Cook asked how vegetation would be controlled and Mr. Konopinski stated he was not familiar for this site. Several Board Members requested information regarding the pesticides due to the adjacent properties and the cattle of the property owners present.

Chairman Garrison gave the floor to the Planning and Transportation Director, Debra Ensminger. Ms. Ensminger recommended that this item be tabled for a future date when more information can be presented and answered by the applicant.

Board Member McLeod made a motion to table this hearing to a future meeting. The motion was seconded by Board Member Hyman and the motion passed unanimously 8-0.

Chairman Garrison left public hearing number two open to a future date.

Board Member Aaron McNeill requested to the applicant that a different site be considered because it does not fit in this area of the community.

Board Member Horne made a motion to adjourn as the Moore County Planning Board and reconvene as the Moore County Watershed Review Board. The motion was seconded by Board Member David Lambert and the motion passed unanimously 8-0.

Chairman Garrison opened and explained public hearing number three as the following

Sandhills Center for Mental Health is seeking a Special Non-residential Intensity Allocation (SNIA) to increase the maximum built-upon area to 59.79 % on three adjacent properties located on Grant Street (ParID 00018148, 00030688, and 00020621) in the Seven Lakes Village Business district, owned by Sandhills Center for Mental Health, to construct an off-site parking lot adjacent to a proposed office building (185 Grant Street) that will be built across the road.

Ms. Thompson stated the following as part of her presentation. "Sandhills Center for Mental Health is requested to increase the maximum built upon area to 59.79% on three adjacent properties located on Grant Street in the Seven Lakes Village Business District. The request to construct an off-site parking lot adjacent to a proposed office building that is being constructed across the road. The property is located in the Balance of Watershed III Little River Vass Watershed Overlay District. The watershed district allows up to 24% built upon area except through the approval of a SNIA which you can approve up to 70% built upon area. So far, nine SNIA's have been approved in the Little River Watershed for a total of 7.63 acres leaving a balance of 1,169.64 acres for future allocations. State law requires 5% to be set aside of the total 1,168.81 acres for public projects such as school and utility stations which is 61.96 acres so that number will remain the same. The applicant submitted the stormwater control plans illustrating a retention pond being located adjacent to the parking lot. The project's engineer also includes a letter stating the

stormwater plan is designed in accordance with NCDEQ Stormwater best management practice manual. The applicant has also recombined the parcels so the Moore County Tax department will issue one Parcel ID for the project. The applicant meets all UDO requirements for SNIA approval and therefore staff recommends approval of the SNIA request. Please let me know if you have any questions.”

Tim Carpenter with LKC Engineering was present on behalf of the applicant.

Board Member McLeod asked what stormwater device will be installed. Mr. Carpenter explained that there will be a couple of basins in and around the parking lot.

Board Member Cook asked if adjoining property owners are aware of this project. Mr. Carpenter stated that he is unaware of the notifications required for this type of item but they are currently grading the parking lot across the road so people are aware of a project taking place.

Board Member Lambert made a motion to approve the Special Non-residential Intensity Allocation (SNIA) to increase the maximum built-upon area to 59.79 % on three adjacent properties known as ParID 00018148, 00030688, and 00020621, owned by Sandhills Center for Mental Health. The motion was seconded by Vice Chairman Nobles and the motion passed unanimously 8-0.

Board Member Hyman made a motion to adjourn as the Moore County Watershed Review Board and Reconvene as the Moore County Planning Board. The motion was seconded by Board Member Horne and the motion passed unanimously 8-0.

OTHER BOARD MATTERS

No other Board Matters were discussed.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger stated that there are no items for the November regular meeting and introduced the online training. Ms. Ensminger asked if they would like to proceed with this training during this time and the Board agreed to proceed with training on November 3, 2016 and walk through topics starting with number one.

Ms. Ensminger stated to the Board that the Unified Development Ordinance will go before the Board of Commissioners on October 18, 2016.

BOARD COMMENT PERIOD

Board Member McNeill stated that all the plants are dead at the solar farm site on 211 near Sandhills Turf. Ms. Thompson stated that she would follow up with them in regards to this matter.

Board Member McLeod asked if we had any enforcement power and Ms. Thompson stated that we do because it is part of the agreement and if they do not follow up the Conditional Use Permit can be revoked.

Ms. Ensminger stated that she will follow up with the representative for this site and will let them know that this is the last chance and if not corrected the Conditional Use Permit will be null and void and electric will be disconnected.

Garrison asked if a solar farm could be classified as an industrial use and Ms. Ensminger stated that we have very little industrial zoning in the county and a rezoning would be required for most potential applicants in order to proceed.

The Board agreed with this classification as a conditional use therefore Board Member McLeod made a motion to modify the classification of a Commercial Solar Collector Facility from being permitted as a conditional use in the RA to strictly Industrial (I). The motion was seconded by Board Member McNeill; the Board held a discussion regarding spot zoning issues and Ms. Ensminger stated that they would be informed if a request was spot zoning, and so the motion passed unanimously 8-0.

Ms. Ensminger stated that staff will update this within the Unified Development Ordinance when it goes before the Board of Commissioners on October 18, 2016.

ADJOURNMENT

Board Member Hyman made a motion to adjourn the October 6, 2016 regular meeting. The motion was seconded by Vice Chairman Nobles and the motion passed unanimously 8-0.

Respectfully submitted by,

Lydia Cleveland