

**MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, MARCH 4, 2021 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR**

Board Members Present:

Joe Garrison (Chairman), Harry Huberth (Vice Chairman), Bobby Hyman, Amy Lynn, Jeffrey Gilbert

Board Members Absent: John Cook, John Matthews

Staff Present:

Debra Ensminger, Planning Director; Stephanie Cormack, Admin Officer; Betty Lynd, Senior Planner; Joel Strickland, Assistant Planning Director; Tron Ross, Associate County Attorney

CALL TO ORDER

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

INVOCATION

Chairman Joe Garrison offered the invocation.

PLEDGE OF ALLEGIANCE

Chairman Joe Garrison led in citing of the Pledge of Allegiance.

MISSION STATEMENT

Vice Chair Harry Huberth 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 January 7, 2021
- C. Consideration of Abstentions

Vice Chair Huberth made a motion for approval of the consent agenda and approval of the minutes of January 7, 2021 meeting. Board Member Bobby Hyman seconded the motion and the motion passed unanimously 5-0.

PUBLIC HEARING

Public Hearing #1 – General Use Rezoning Request: Rural Agricultural (RA) to Residential and Agricultural 40 (RA-40)-Union Church Rd. and Ring Rd. – Debra Ensminger

Planning Director Debra Ensminger presented a request by Pete Mace requesting a General Use Rezoning from Rural Agricultural (RA) to Residential and Agricultural-40 (RA-40) of five parcels of approximately 238.32 acres located on Union Church Rd. and Ring Rd., owned by Forest Haven, LLC, per Deed Book 2793 Page 373, Deed book 2793 Page 385, and Deed Bood 2923 Page 148 and further described as ParID's 00039566, 00036964, 00037335, 00031370, and 00039567 in the Moore County Tax Records.

Ms. Ensminger went over the items within the packet regarding the request.

Vice Chair Huberth asked staff to pull up a map identifying the Voluntary Ag District (VAD) areas.

Ms. Ensminger informed the board during the development phase any property within the VAD is placed on notice of possible agricultural uses in the surrounding area. Ms. Ensminger provided a map for view to the board and audience showing areas within the VAD and the rezoning request is located within one-half (½) mile of a VAD.

Chairman Garrison requested staff to pull up the Table of Uses identifying what uses are allowed pertaining to this request for view.

Ms. Ensminger provided a copy of the current Table of Uses for view.

Chairman Garrison requested clarification if the board was able to ask the applicant about their intended use.

Ms. Ensminger explained the board could ask however the board could not base a decision on the applicant's use.

With no further questions from the board, Chairman Garrison opened the Public Hearing.

The following signed up to speak during the Public Hearing in opposition:

- Nicholas LaSala Jr.; 975 Cranes Creek Rd. Cameron
- Matthew Parker; 272 Ring Rd. Carthage
- Hannah Bullen; 541 Ring Rd. Carthage spoke on behalf of Carol Parker
- Robin Lea; 4517 Union Church Rd. Carthage representing on behalf of her father James Ring
- Michael Parker; 272 Ring Rd. Carthage
- Terry Bryant; 111 Bryant Rd. Carthage
- David Johnson; 533 Ring Rd. Carthage
- Jason Veit; 113 Ring Rd. Carthage

The following signed up to speak during the Public Hearing in favor of:

- Graham Settle; Manager of the Deed of Trustees; 106 Atwater Ct. West End

With no further discussion or public comment Chairman Garrison closed the Public Hearing.

Vice Chair Huberth asked staff to explain how this is an infill development.

Ms. Ensminger explained the county would look at an infill development by determining if it had existing water.

Vice Chair Huberth expressed based on public comment during the hearing infrastructure is not present.

Ms. Ensminger explained the county is neither for or against the request and it comes down to property rights and the number one goal of the Land Use Plan is to preserve and protect the ambiance of the county. Ms. Ensminger explained to the board the request is close to the Town of Vass, close to infrastructure, surrounded by farms, and it is ultimately up to the board to make the decision for the General Use Rezoning request. Ms. Ensminger reminded the board of the processes that if approved/denied at the Planning Board level, the Board of County Commissioners will hear the item to make a final decision. It was mentioned to the board the applicant has shared the intent is to create a Major Subdivision which would require a Conditional Use Permit process if the General Use rezoning were approved by the Board of Commissioners.

Chairman Garrison asked if the item would need to go before the Subdivision Review Board.

Ms. Ensminger explained a Conditional Use Permit for a Major Subdivision would go before the Subdivision Review Board which is an advisory board prior to being heard by the Board of Commissioners for a Quasi-Judicial Hearing for final determination.

Chairman Garrison asked Ms. Ensminger if anyone from the County Planning Department reached out to Mr. Settle asking him to rezoning the property in any way?

Ms. Ensminger replied no, the county does not operate that way.

Chairman Garrison asked Ms. Ensminger if staff have heard from the Town of Vass or if they have said anything?

Ms. Ensminger replied no.

Board Member Gilbert commented about the possibility if approved, the long term protentional of resident complaints of farming activity and inquired how that would be handled.

Ms. Ensminger explained those items would be considered during the Conditional Use Permit Quasi-Judicial hearing process. If approved during that process, there would be conditions in place associated to the project.

Chairman Garrison asked if the Planning Board decision was a legislative decision?

Ms. Ensminger replied yes and reminded the Board the draft 2020 Land Use Plan cannot be considered when making their decision as it has not been adopted, the 2013 Land Use Plan is the most recent Plan.

Board Member Lynn inquired if there were any hydro studies in the works.

Ms. Ensminger explained if approved and the applicant moves forward with the subdivision process this would be something to be considered during that process.

With no further comments Vice Chair Harry Huberth made a motion to deny the attached Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. As specified in the Land Use Plan Consistency Statement, a declaration of approval is also deemed an amendment to the Land Use Plan. The motion was seconded by Board Member Amy Lynn; the motion passed unanimously 0-5 (denied).

Vice Chair Harry Huberth made a motion to recommend denial to the Moore County Board of Commissioners General Use Rezoning from Rural Agricultural (RA) to Residential and Agricultural-40 (RA-40) of five parcels of approximately 238.32 acres located on Union Church Rd. and Ring Rd., owned by Forest Haven, LLC, per Deed Book 2793 Page 373, Deed book 2793 Page 385, and Deed Bood 2923 Page 148 and further described as ParID's 00039566, 00036964, 00037335, 00031370, and 00039567 in the Moore County Tax Records.; The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 0-5 (denied).

PLANNING DEPARTMENT REPORTS

Ms. Ensminger informed the applicant the item will be forwarded to the Board of County Commissioners as a recommendation for denial during the second meeting in April for them to hear the item presented.

Ms. Ensminger introduced new staff, Joel Strickland, and Betty Lynd. Also, informed the board of the upcoming Board of County Commissioners work session to discuss the Highway Corridor Overlay District items that was previously brought before the Planning Board.

BOARD COMMENT PERIOD

Chairman Garrison thanked Moore County staff for all their hard work while working for the county.

ADJOURNMENT

With no further comments Board Member Bobby Hyman made a motion to adjourn the March 4, 2021 regular meeting. The motion was seconded by Board Member Jeffrey Gilbert; meeting adjourned at 7:20 p.m., the motion passed unanimously 5-0.

Respectfully submitted by,

Stephanie Cormack