

**MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, JANUARY 5, 2023, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR**

Board Members Present:

Joe Garrison (Chairman), Bobby Hyman (Vice-Chairman), Jeffrey Gilbert, Amy Lynn, John McLaughlin, Mick McCue

Board Members Absent:

Tucker McKenzie, David McLean, Farrah Newman

Staff Present:

Debra Ensminger, Planning Director; Stephanie Cormack, Admin Officer; Jaimie Walters, Senior Planner; Ruth Pedersen, Senior Planner; Michael Mandeville, 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-Chairman 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 November 3, 2022
- C. Consideration of Abstentions

Board Member Jeffrey Gilbert made a motion for approval of the consent agenda and approval of the minutes of November 3, 2022, meeting. Board Member Mick McCue seconded the motion and the motion passed unanimously 6-0.

PUBLIC HEARINGS

Public Hearing #1 – Conventional Rezoning Request: Residential and Agricultural-5 (RA-5) to Residential and Agricultural-2 (RA-2) – Juniper Lake Rd. – Ruth Pedersen

Senior Planner Ruth Pedersen presented a request on behalf of Kenton Loyd requesting a Conventional Rezoning from Residential and Agricultural-5 (RA-5) to Residential and Agricultural-2 (RA-2) of an approximately 3.86-acre portion of one parcel located on Juniper Lake Rd, owned by Kenton and Judith Loyd, per Deed Book 5887 Page 140 and further described as ParID 00027965 in Moore County Tax Records.

Mrs. Pedersen went over the items within the packet regarding the request.

Mr. Gilbert asked why the parcel was split zoned in the first place.

Mrs. Pedersen explained that the reasoning behind that is unclear based on the research she has done on the case.

Mr. McCue asked if the subject property was still one parcel on both the north and south parts of Juniper Lake Road. He stated he assumes that the southern portion of the parcel would be subdivided so that the new home could be on its own lot.

Mrs. Pedersen confirmed that the subject property was still one parcel and that it is the intent of the applicant to subdivide the home off from the rest of the parent parcel, but that the RA-2 zoning district is needed to meet the minimum acreage requirements.

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

The following signed up to speak during the public hearing.

- Matt Kirby; Representative for Kenton and Judith Loyd (owners)
 - Owners originally wanted to subdivide the home site off but was told by Planning Staff that the new lot would not meet the minimum lot size, so the rezoning application was submitted.

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

With no further discussion from the board, Board Member Mick McCue made a motion to adopt the attached Approval Moore County Planning Board Land Use Plan Consistency Statement and authorize its chairman to execute the document as required by North Carolina General Statute 160D-604. The motion was seconded by Vice Chairman Bobby Hyman; the motion passed 6-0.

Board Member Amy Lynn made a motion to recommend approval to the Moore County Board of Commissioners for a Conventional Rezoning from Residential and Agricultural-5 (RA-5) to Residential and Agricultural-2 (RA-2) of an approximately 3.86-acre portion of one parcel located on Juniper Lake Rd, owned by Kenton and Judith Loyd, per Deed Book 5887 Page 140 and further described as ParID 00027965 in Moore County Tax Records. The motion was seconded by Board Member Jeffrey Gilbert; the motion passed unanimously 6-0.

Public Hearing #2 – Unified Development Ordinance Text Amendment – Solar Collectors, on-site (Ground Mounted Solar Panels)– Jaimie Walters

Senior Planner Jaimie Walters presented a request on behalf of Larry Best requesting the below text amendment to the Moore County Unified Development Ordinance:

1. To amend Chapter 8 (Specific Use Standards), Section 8.101 (Solar Collectors, On-Site), Sub-Section B (Ground Mounted Solar Panels) to allow ground mounted solar panels in the front yard in the RA and RE zoning districts.

Mrs. Walters went over the items within the packet regarding the request, including options available to the board to change the proposed language.

Chair Garrison asked if staff worked with Mr. Best on the proposed text amendment.

Mrs. Walters explained that staff did work with Mr. Best on things like wording to make sure the amendment was compatible with the rest of the UDO. The requirements for screening, height, etc. came from Mr. Best.

Ms. Lynn asked for an overview of Type 2 and Type 3 screening.

Mrs. Walters read the Type 2 and Type 3 screening requirements from the UDO.

Ms. Lynn stated that the minimum buffer height of 10' might not screen the 12' max height of ground mounted solar panels should the amendment be passed.

Mrs. Walters verified that the minimum height of the buffer would be 10' as the ordinance reads now.

Chair Garrison asked if the amendment was passed would ground mounted solar be allowed by right without permits?

Mrs. Walters explained that the use would be allowed by right but that the ground mounted solar would still need permits to be installed and that part of the permit process is a zoning review to ensure that it meets all UDO requirements.

Chair Garrison commented that one of the issues with larger solar farms is that the screening would be put into place but then not maintained.

Mrs. Walters explained that if the screening put into place is not maintained it would then become a zoning violation that the department could address.

Mr. Gilbert asked for clarification on what language in the proposed text amendment is currently in the UDO.

Mrs. Walters explained that the current standards would stay and that the only change to the current UDO would be the zoning districts that would allow front yard placement and its associated requirements.

Mr. Gilbert asked why 12' was chosen for the maximum height of the panels.

Mrs. Walters explained that would be a question to ask Mr. Best as he came up with that number.

Mr. Gilbert asked if the property owners would be allowed to sell power back to the grid.

Mrs. Walters stated that she believes the intent to be to serve the residential structure on the property. She also stated that with the UDO keeping the panels at 30% of the primary structure footprint, it would be difficult to make enough power to sell back to a Utility.

Ms. Lynn stated that she felt that the amendment needed to be refined prior to approving any changes.

Mr. Gilbert asked if the same 30% size ruled that applies to ground mounted apply to roof mounted solar.

Mrs. Walters read the regulations for roof-mounted solar panels to the Board from the UDO.

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

The following signed up to speak during the public hearing.

- Larry Best (Applicant)
 - Mr. Best presented pictures and maps to the board to support his text amendment request.
 - With recent power disruptions solar may become more popular

Chair Garrison asked about limiting the text amendment to the Rural Equestrian zoning district only.

Mrs. Walters stated that it is an option for the board to make a motion to approve the text amendment with changes.

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

Chair Garrison clarified for the Board that the option to table the amendment, ask the staff to do more research and bring it back up at the next meeting is available.

The Board members had discussion on possible alternatives and changes to the text amendment.

Chair Joe Garrison made a motion to table the item until the February 2, 2023, Planning Board meeting. Board Member Mick McCue seconded the motion. the motion passed unanimously 6-0

Public Hearing #3 – Conventional Rezoning Request: Residential and Agricultural-40 (RA-40) to Rural Agricultural (RA) – Vass-Carthage Rd. – Jaimie Walters

Senior Planner Jaimie Walters presented a request on behalf of Tough Stump Technologies, LLC requesting a Conventional Rezoning from Residential and Agricultural-40 (RA-40) to Rural Agricultural (RA) of approximately 75.54 acres of two parcels located on Vass-Carthage Rd, owned by Tough Stump Technologies LLC, per Deed Book 5868 Page 385, Plat Cabinet 19 Slide 439 (Tracts 1 & 2) and further described as ParID 20120062 and ParID 20170361 in Moore County Tax Records.

Mrs. Walters went over the items within the packet regarding the request.

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

The following signed up to speak during the public hearing.

- Jarrett Heavenston (Applicant)
 - Have done a lot of work to clean up the property and rehabilitating the farmhouse and barn.
- Bryan Wellborn
 - No comment
- Jessica Holing (Attorney for the applicant)
 - Concerned about the recommendations in staff report being use specific.

Ms. Lynn asked Mrs. Walters to bring up the use table from the Unified Development Ordinance. Mrs. Walters read through which uses are allowed in the Rural Agricultural (RA) zoning district either by right, by Conditional Rezoning or by Special Use Permit.

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

With no further discussion from the board, Board Member Amy Lynn made a motion to adopt the attached Approval Moore County Planning Board Land Use Plan Consistency Statement and authorize its chairman to execute the document as required by North Carolina General Statute 160D-604. The motion was seconded by Board Member Mick McCue; the motion passed 6-0.

Vice-Chairman Bobby Hyman made a motion to recommend approval to the Moore County Board of Commissioners for a Conventional Rezoning from Residential and Agricultural-40

(RA-40) to Rural Agricultural (RA) of approximately 75.54 acres of two parcels located on Vass-Carthage Rd, owned by Tough Stump Technologies LLC, per Deed Book 5868 Page 385, Plat Cabinet 19 Slide 439 (Tracts 1 & 2) and further described as ParID 20120062 and ParID 20170361 in Moore County Tax Records. The motion was seconded by Board Member Mick McCue; the motion passed unanimously 6-0.

PLANNING DEPARTMENT REPORTS

There were no comments from the Planning Department

BOARD COMMENT PERIOD

Chairman Garrison thanked everyone who came to the meeting. He also thanked the board members and staff for their work.

ADJOURNMENT

With no further comments Vice-Chairman Bobby Hyman made a motion to adjourn the January 5, 2023, regular meeting. The motion was seconded by Board Member Mick McCue, the motion passed unanimously 6-0. Meeting adjourned at 7:38 p.m.

Respectfully submitted by,

Jaimie Walters