

**MOORE COUNTY PLANNING BOARD
REGULAR MEETING
THURSDAY, AUGUST 6, 2015, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd Floor**

CALL TO ORDER – 6 PM

INVOCATION – (Member Volunteer)

PLEDGE OF ALLEGIENCE – (Member Volunteer)

MISSION STATEMENT – (Member Volunteer)

ELECTION OF VICE CHAIR

I. PUBLIC COMMENT PERIOD (*Procedures are attached*)
Please sign up on the Public Comment Sign In sheet near the door

II. APPROVAL OF CONSENT AGENDA

All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

- A. Approval of Meeting Agenda
- B. Approval of Minutes of July 2, 2015
- C. Consideration of Abstentions

III. PUBLIC HEARING

1. The Town of Pinebluff has requested to extend their extra-territorial jurisdiction (ETJ). The expansion area is located to the west of Pinebluff including a two (2) mile buffer from Parcel ID 00056458. (*Debra Ensminger*)

IV. OTHER BOARD MATTERS

V. PLANNING DEPARTMENT REPORTS

VI. BOARD COMMENT PERIOD

VII. UPCOMING EVENTS

- Tuesday, August 18, 2015 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage.
- Thursday, September 3, 2015 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage

VIII. ADJOURNMENT

Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is give to the County.

Please see attached procedures for the Public Comment Period and public commend during Public Hearings

PUBLIC COMMENT PROCEDURES MOORE COUNTY PLANNING BOARD

The Moore County Planning Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:

- 1. The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes*
- 1. Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.*
- 1. Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.*
- 2. Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed.*
- 3. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*
- 4. Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.*
- 5. Any applause will be held until the end of the Public Comment Period.*
- 6. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*
- 7. Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*
- 8. Action on items brought up during the Public Comment Period will be at the discretion of the Board.*

Adopted on the 4th day of February, 2010 by a 8 to 1 vote of the Moore County Planning Board

**MOORE COUNTY PLANNING BOARD
PUBLIC HEARINGS PROCEDURES**

The Moore County Planning Board serves the public as well as the Board of Commissioners. During each public hearing a special time has been set aside for the purpose of receiving comments and suggestions. To insure that comments and suggestions are productive and not unnecessarily long, procedural rules for conducting public hearings are necessary. The following procedural rules will be utilized during public hearings of the Moore County Planning Board:

- 1. Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*
- 3. Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*
- 4. Any applause will be held until the end of the public hearing.*
- 5. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*
- 6. Action on items brought up during the public hearing will be at the discretion of the Board.*

Adopted on the 5th day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board

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

Board Members Present: Buck Mims (Chair), Scott McLeod, Joesph Garrison, Eli Schilling, Eddie Nobles

Board Members Absent: Aaron McNeill (Vice Chairman), Rich Smith, Gene Horne,

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 Eddie McNeill offered the invocation.

PLEDGE OF ALLEGIANCE

Board and Staff recited the Pledge of Allegiance.

MISSION STATEMENT

Board Member Joseph Garrison 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 May 7, 2015
- C. Consideration of Abstentions

Board Member Eli Schilling motioned to approve the Consent Agenda and the motion was seconded by Board Member Garrison. The motion passed unanimously (5-0).

WORK SESSION

Planning Director Debra Ensminger opened the work session and explained that Theresa Thompson will review 11 sections and Tim Emmert will explain changes to Article 16 Wireless Communication Facilities.

Ms. Thompson explained the intent of the changes is to simplify and make the ordinances easier to understand.

Ms. Thompson first reviewed proposed Article 3 also referred as **Zoning Districts**. Ms. Thompson explained that everything is the same as before and staff did not change the intent of any of the zoning districts. Conditional Districts were removed due to the complexity while Conditional Zoning remained but moved to another article.

Ms. Thompson continued to explain the changes associated with each of the following articles;

Article 4 – Dimensional Standards

Ms. Thompson explained that the content within this article was condensed from 19 pages to 8 with the removal of individual tables and replaced with one that contains all the information. Additional changes include the front setback was changed to 30 feet, a side setback was added to zoning district B2, and for new businesses within zoning district Village Business the minimum lot width has been changed to 75 feet with a rode frontage of 30 feet.

Article 7 – Non-Residential Screening

Ms. Thompson explained that non intensive outdoor recreation is now exempt from screening and under “screen types” if there is existing vegetation staff will count that towards the required screening. Proof of this existing vegetation will be required on the submitted site plan and a site visit will be conducted before zoning approval is given. This section is still in progress because staff is working with the Wildlife Commission to develop pertinent landscaping requirements applicable to the area. Items C, D, and E is new language to give the zoning administrator more flexibility and finally the tables of recommended, not recommended, and discouraged/prohibited species were provided by the Wildlife Commission but they are still working through them.

Planning Board Member Garrison recommended reducing the amount of tables to make it less confusing on what is allowed versus what is prohibited. Additional Board members agreed that the guides are good but it need additional revisions.

Article 10 – Conditional Use Permits

Most of the language is directly from the statutes and it may be repetitive of other articles but it will allow the average citizen to find what they are looking for and all the information they need will be one location. Currently all the requirements for a conditional use permit may be listed in several articles.

Article 11 – Amendments

Staff added an appeals section.

Article 12 – Conditional Zoning

This section is a little longer than the current article but this because two chapters have been combined into one.

Article 13 – Appeals and Variances

Most of the language for this article is straight from the statutes.

Article 14 – Vested Rights

Article 14 is a new article and includes information from case law.

Article 15 – Nonconforming Situations

The information included in Article 15 is the same just broken down into easier to read components.

Tim Emmert explained the changes to the next article.

Article 16 – Wireless Communication Facilities

Mr. Emmert explained that there are a lot of changes in the new Wireless Communication Facilities article. These changes include the removal of redundant language, references to a Master Plan, references to landscaping, a consultant's review, and biennial permits. There was an addition to include the requirement of an antenna array before a permit would be approved.

Ms. Thompson continued with a review of the remaining article included in this work session.

Article 22 – Enforcement and Penalties

Ms. Thompson explained that enforcement is a step by step process that begins no later than 10 days after a complaint is filed. A courtesy letter is given first with a typical timeframe of compliance within 30 days. This can be extended several times in order for violation to be corrected. The final resort is a violation letter than is vetted through the County Attorney's office and gives the violator 10 days to comply.

Ms. Thompson explained additional chapters will be brought before them in a similar fashion in future work sessions.

OTHER BOARD MATTERS

Board Member Scott McLeod asked about the decommissioning requirements for Solar Farms and expressed concern that no bond is required. Ms. Ensminger explained that staff are reviewing this requirement and will make changes as recommended.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger told the Planning Board to anticipate the ETJ expansion request from Pinebluff to be a part of the agenda for the next Planning Board Meeting.

BOARD COMMENT PERIOD

Board Member Nobles commented that he liked the direction that the proposed Unified Development Ordinances was going.

ADJOURNMENT

With no further comments Chairman Mims adjourned the meeting.

Respectfully submitted by,

Lydia Cleveland
Administrative and Transportation Manager

MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning & Transportation Services Director

DATE: July 20, 2015

SUBJECT: Request for Extension of Extraterritorial Jurisdiction

PRESENTER: Debra Ensminger

REQUEST

The Town of Pinebluff is requesting to extend the extraterritorial jurisdiction (ETJ). The expansion area is located to the west of Pinebluff including a two (2) mile buffer from Parcel ID 00056458.

BACKGROUND

- Cities received the right to apply all land use development ordinances (zoning and subdivision) to the area immediately outside their city limits in 1959. This area is called a city's extraterritorial jurisdiction (ETJ).
- In 1999, the Town of Pinebluff received special legislation (Senate Bill 433) to increase their ETJ from one (1) mile to a maximum of two (2) miles from their respective corporate boundaries without regard to the population limit of NCGS 160A-360.
- At the March 8, 2007 Moore County Planning Board Meeting, the Town of Pinebluff requested an expansion of their ETJ that would include areas Aberdeen could annex per the June 2006 annexation agreement. The case was continued to allow Aberdeen and Pinebluff to work out an agreement but was not brought back before the Planning Board.
- On July 12, 2012, the Consent Order (11 CVS 268) was settled between the Town of Pinebluff and the Town of Aberdeen regarding the allocation of the overlapping extraterritorial jurisdictions.
- On November 20, 2012, the Moore County Board of Commissioners approved the "Resolution Consenting to the Agreement Between the Town of Aberdeen and the Town of Pinebluff to Extend the Extraterritorial Jurisdiction of Pinebluff pursuant to NCGS 160A-360(e)" and map reflecting the agreed upon ETJ expansion area.
- On April 16, 2013, the Moore County Board of Commissioners approved the revised resolution between the Town of Aberdeen and the Town of Pinebluff. The previously adopted resolution by the Board in November 2012 reflected only a portion of the proposed expansion area. The revised resolution superseded the November 2012 resolution and the map reflected the full ETJ expansion area.
- On October 16, 2014, the Town of Pinebluff adopted the "Resolution To Extend the Extraterritorial Jurisdiction of the Town of Pinebluff" requesting the Moore County Board of Commissioners adopt a resolution authorizing the Town of Pinebluff to exercise extraterritorial jurisdiction in part of the area within two (2) miles of the border of the area annexed into the Town on July 19, 2007.

- On June 23, 2015, the Town of Pinebluff sent a request to the Moore County Commissioners to proceed with its process for determining whether it will grant the Town's request to extend its extraterritorial jurisdiction.

STAFF REVIEW

- The total acreage of the parcels included in the request is 2,781 acres.
- There are a total number of 183 parcels included in the request.
- All parcels are zoned Rural Agricultural (RA) with the exception ParID 97000370 (B-1) and ParID 10002192 (Industrial).
- With the approval of this request the enforcement of building, zoning, and subdivision will be administered by the Town of Pinebluff.

STAFF RECOMMENDATION

Staff recommends the Moore County Planning Board make the following motion:

Motion: Make a motion to endorse the Moore County Board of Commissioners to approve/deny the request for expansion of extraterritorial jurisdiction by the Town of Pinebluff.

ATTACHMENTS

Resolution to Extend the Extraterritorial Jurisdiction of the Town of Pinebluff
Pinebluff ETJ Proposed Extension Map

**A RESOLUTION TO EXTEND THE EXTRATERRITORIAL JURISDICTION OF
THE TOWN OF PINEBLUFF**

WHEREAS, Board of Commissioners of the Town of Pinebluff, North Carolina adopted an Ordinance on July 19, 2007 annexing certain property described therein into the Town of Pinebluff; and,

WHEREAS, Session Law 1999-35, Senate Bill 433 modifies N.C. Gen. Stat. § 160A-360(a) to allow the Town of Pinebluff to exercise extraterritorial jurisdiction for a distance of not more than two miles beyond its corporate limits without regard to the population of the Town; and,

WHEREAS, Session Law 1999-35, Senate Bill 433 modifies N.C. Gen. Stat. § 160A-360(f) to provide that when the Town annexes new areas into its corporate limits, the County Board of Commissioners must upon request adopt a resolution authorizing the Town to exercise extraterritorial jurisdiction in areas within the two mile area authorized in N. C. Gen. Stat. § 160A-360(a) upon a showing that the annexation has been accomplished.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Town of Pinebluff that:

Section 1. By virtue of the authority granted by N.C. Gen. Stat. § 160A-360 as modified by Session Law 1999-35, the Board of Commissioners of the Town of Pinebluff requests that the Moore County Board of Commissioners adopt a resolution authorizing the Town of Pinebluff to exercise extraterritorial jurisdiction in part of the area within two miles of the border of the area annexed into the Town on July 19, 2007 and shown on the map attached hereto as Exhibit 1 as the area denoted in yellow within the arc of the red circle demarking the area that is within two miles of the perimeter of the area annexed; and,

Section 2. A copy of the Ordinance Annexing the additional area into the corporate limits of the Town of Pinebluff is attached as Exhibit 2.

Section 3. The Mayor of the Town of Pinebluff shall transmit a copy of this of this Resolution and supporting exhibits to the Chairman of the Moore County Commissioners.

Adopted on the 16th day of October, 2014.

Carlene L. Mc Lamb
Mayor

PINEBLUFF ETJ PROPOSED EXTENSION

All data for Proposed
Town of Pinebluff ETJ Expansion

This map includes the current proposed
area and the historical discussion from 2011.
Information from 2011 is based off a
map dated October 5, 2011.

LEGEND

- ★ Parcel 00056458
- ⋮ 2 Mile Buffer Based on Parcel 00056458
- ⊖ 2 Mile Buffer Based on Pinebluff incorporated area
- ▭ PROPERTY LINES
- RAILROADS
- STREETS
- ▨ OTHER JURISDICTIONS ETJ
- ▨ PINEBLUFF ETJ
- ▨ Pinebluff's Proposed Parcels ETJ Extension
- ▨ PINEBLUFF ETJ EXPANSION (2011)
- ▨ NO ETJ EXPANSION (2011)
- ▨ ABERDEEN ETJ EXPANSION (2011)
- ▨ ABERDEEN incorporated area
- ▨ PINEBLUFF incorporated area
- ▨ TOWNS
- ▨ VILLAGES

MAP PREPARED BY MOORE COUNTY GIS DEPARTMENT
Date: March 03, 2015



Moore County GIS Disclaimer
All the information contained on this media is prepared for the inventory of real property found within Moore County. All data is compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information. All information contained herein was created for the County's internal use. MOORE COUNTY, ITS OFFICIALS, AGENTS AND EMPLOYEES MAKE NO WARRANTY AS TO THE CORRECTNESS OR ACCURACY OF THE INFORMATION SET FORTH ON THIS MEDIA WHETHER EXPRESS OR IMPLIED, IN FACT OR IN LAW, INCLUDING WITHOUT LIMITATION THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR USE. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

