

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, MAY 4, 2023, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present:

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

Board Members Absent:

Tucker McKenzie,

Staff Present:

Debra Ensminger, Planning Director; Stephanie Cormack, Admin Officer; Ruth Pedersen, Senior Planner; 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 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 March 2, 2023
- C. Consideration of Abstentions

Board member Jeff Gilbert made a motion for approval of the consent agenda and approval of the minutes of March 2, 2023, meeting. Vice-chair Hyman seconded the motion and the motion passed unanimously 8-0.

PUBLIC HEARINGS

Public Hearing #1 – Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) – Ruth Pedersen

Senior Planner Ruth Pedersen presented a request for a Conditional Rezoning from Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) to construct a 259' antenna support structure for a Wireless Communication Facility on an approximately 0.11-acre portion of one parcel of approximately 645.21 acres located on S Carbonton Rd., owned by Jordan Two, LLC, per Deed Book 5072 Page 207 and further described as ParID 00003417 in Moore County Tax Records.

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

Board member McCue inquired about the deed within the packet and the number of pages included.

Mrs. Pedersen explained the applicant is available for comments and can help provide more information.

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

The following signed up to speak during the Public Hearing.

- Jonathan Yates; 105 Broad St. Charleston SC; applicant representative
 - Mr. Yates addressed Board member McCue's comment explaining the property owner owns several properties and the deed reflects ownership of the parcel.
 - Mr. Yates spoke in favor of the proposed item, explaining the need for service in the rural areas. Verizon will be on top with room for additional carriers.
- Lynn Goldhammer; 11 Salem Ln. Pinehurst, NC
 - Ms. Goldhammer expressed her concerns about the negative impact on farm animals and the people in the area.
- Matthew Parker; 4269 Union Church Rd. Carthage, NC
 - Mr. Parker-local farmer expressed the need for good cell service and how it benefits his agri-business.

Board member Lynn inquired if there had been any studies regarding Ms. Goldhammer's concerns.

Mr. Yates explained the standards in place are set by the Federal Communications Commission, the current project will come in about 1% -2% of what is allowed to omit which is under the

regulations set in place by the Federal Communications Commission criteria. Mr. Yates also mentioned the property being proposed is all timber land with no farm animals present.

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

With no further discussion from the board, Vice-chair Bobby Hyman 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 David McLean; the motion passed 8-0.

Vice-chair Bobby Hyman made a motion to recommend Approval to the Moore County Board of Commissioners of the Conditional Rezoning from Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) to construct a 259' antenna support structure for a Wireless Communication Facility on an approximately 0.11-acre portion of one parcel of approximately 645.21 acres located on S. Carbonton Rd., owned by Jordan Two, LLC, per Deed Book 5072 Page 207 and further described as ParID 00003417 in Moore County Tax Records. The motion was seconded by Board member John McLaughlin; the motion passed 8-0.

Public Hearing #2 – Unified Development Ordinance Text Amendment – Ruth Pedersen

Senior Planner Ruth Pedersen presented a request to amend the Moore County Unified Development Ordinance as follows:

1. Chapter 4 (Zoning Permits, Site Plans, and Determinations) Section 4.2 to remove zoning decision sign requirements,
2. Chapter 7 (General Development Standards), Section 7.8 to add “Manufacturing, General” to Conditional Zoning uses in the Urban Transition Highway Corridor Overlay District,
3. Chapter 8 (Specific use Standards), Section 8.113 to remove the requirement for a Biennial Operating Permit for persons operating wireless communication facilities,
4. Chapter 10 (General Application Review Procedures), Section 10.8 to give the administrator the option to provide additional public notice of a public hearing beyond the statutory requirement on a case-by-case basis without any legal obligation to do so,
5. Chapter 17 (Flood Damage Prevention), Section 17.1 to correct the statute reference,
6. Chapter 19 (Subdivisions) to remove Subdivision Review Board requirements to approve family and minor subdivision plats,
7. Chapter 19 (Subdivisions), Section 19.7 to change Stormwater Management Plan submittal requirement from preliminary plat stage to final plat stage, update stormwater management plan requirements to be consistent with current NCDEQ policies, and move this section from 19.7 (Major Subdivisions – Preliminary Plat Submittal and Review) to Section 19.11 (Major Subdivision – Construction Process),
8. Chapter 19 (Subdivisions), Section 19.16 to change items on the table of subdivision requirements checklist as follows:
 - a. Proposed buildings are required if applicable on preliminary plats,
 - b. Existing buildings are required only on exempt, minor, and family subdivisions,

- c. Allow existing topography to be shown on preliminary plats, not proposed topography,
 - d. Allow existing and proposed entrance signs to be shown on preliminary plats if applicable,
 - e. Allow estimated linear feet in streets on preliminary plats and require linear feet in streets on final plats,
 - f. Allow estimated percentage of entire project to be covered with impervious surfaces, including totals by phase on preliminary plats and require percentage of entire project to be covered with impervious surface, including totals by phase on final plats.
 - g. Allow estimated separate impervious surface totals by streets, sidewalks, maximum allowed for each lot, etc. on preliminary plats and require separate impervious surface totals by streets, sidewalks, maximum allowed for each lot, etc. on final plats.
 - h. Primary and secondary fire and rescue responders are required on preliminary and final plats.
 - i. Allow Stormwater Management Plans for major subdivisions to be submitted at final plat stage rather than preliminary plat stage.
 - j. Remove requirement for a utilities certificate on minor subdivision plats.
9. Chapter 20 (Definitions), Section 20.2 to add the definition of stormwater management plan, stormwater control measures, dispersed flow, vegetated conveyance, and post-construction stormwater management permit to the definitions section.

Mrs. Pedersen went over each item within the packet regarding the request.

The following board members commented on the following items:

- Mr. Gilbert, item 7.g. what if they do not meet the current calculations? Mrs. Pedersen explained there would be a discrepancy and would need to be corrected at final plat submittal.
- Mr. Gilbert, item E. removal of zoning decision sign-how will the neighboring property be notified of a zoning decision? Ms. Ensminger explained the neighboring properties could contact the office.
- Mr. McCue, item E. removal of zoning decision sign has the same concerns as Mr. Gilbert.
- Mr. Garrison, item E., if an appeal is made regarding a zoning decision who would hear the appeal? Ms. Ensminger explained the appeal would be heard before the Board of Adjustment.
- Mr. McCue, chapter 19 item 5.D, what if the administrator does not act within the 14 days? Ms. Ensminger explained staff would never allow this to happen.
- Mr. Gilbert, if the board makes a motion would it have to be all items, or can these be broken down by sections? Mrs. Pedersen explained this would be an option.

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

The following signed up to speak during the Public Hearing.

- Matthew Parker; 4269 Union Church Rd. Carthage, NC-spoke against the proposed changes.
- Bob Coates, 21 Edinburgh Ln. Pinehurst, NC -spoke against the proposed changes. (See Exhibit A)
- Bruce Geddes, 232 Bowman Rd. Aberdeen, NC-spoke against the proposed changes. (See Exhibit B)
- Lynn Goldhammer, 11 Salem Ln. Pinehurst, NC- spoke against the proposed changes.
- Marsh Smith, 568 Santee Rd. Carthage- spoke against the proposed changes.

Chairman Garrison inquired if the board feels they need more time is a motion to table an option or if the board would like to approve certain items and table others.

Mrs. Pedersen explained tabling the item would be an option if it was very clear in the motion.

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

Minor discussion was held amount the board members.

Board member Mick McCue made a motion to table all items and hold a workshop on May 18th at 6 pm located at 1 Courthouse Square. The motion was seconded by Board member Farrah Newman; the motion passed 8-0.

Public Hearing #3 – Amend 2013 Moore County Land Use Plan – Debra Ensminger

Planning Director presented a request to amend the 2013 Moore County Land Use Plan, East Moore Water District (page 56) as follows:

Current Language: “The intent of the system is to supply water to rural residents to improve their quality of life; the system was not necessarily designed to promote growth or support large subdivisions in the district.”

Potential modification: “The intent of the system is to supply water to rural residents to improve their quality of life. It is recognized that the infrastructure has the potential to support growth including major subdivisions.

A request to amend the 2013 Land Use Plan, Rural Agricultural Future Land Use Category (page 82) as follows:

Current Language: “Primary use of the land is to support rural residential life associated with agricultural uses (e.g. row crops, forestry, horticulture, grazing, poultry, dairy, swine operations, and intensive agricultural uses in certain areas) and other rural activities. Major subdivisions of

land are strongly discouraged; however, family subdivisions and subdivisions of four or less lots would be considered.”

Potential modification: “Primary use of the land is to support rural residential life associated with agricultural uses (e.g. row crops, forestry, horticulture, grazing, poultry, dairy, swine operations, and intensive agricultural uses in certain areas) and other rural activities. Major subdivisions of land should only be considered in the Future Land Use Map Category of Rural Agricultural that are zoned RA-40, RA-20, or RA-USB AND can be connected to existing water infrastructure. Major subdivisions of land are strongly discouraged in other Rural Agricultural areas however, family subdivisions and subdivisions of four or less lots would be considered.”

Ms. Ensminger went over each item within the packet regarding the request.

The following board member provided these comments.

- Ms. Newman was unsure why the language needed to be changed.
- Mr. McLean feels the current language and proposed language is vague and not sure why it needs to be changed.
- Mr. Garrison feels the language was in place for a reason and feels the Land Use Plan should be updated all at once vs. modification of language.
- Ms. Lynn feels the best path would be to update the Land Use Plan as a whole and not modify the language.

Ms. Ensminger explained there is a conflict between the Land Use Plan and the Unified Development Ordinance (UDO). The modifications being proposed is an attempt to fix inconsistencies.

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

The following signed up to speak during the Public Hearing.

- Matthew Parker; 4269 Union Church Rd. Carthage, NC - spoke against the proposed changes.
- Bob Coates, 21 Edinburgh Ln. Pinehurst, NC - spoke against the proposed changes. (See Exhibit A)
- Bruce Geddes, 232 Bowman Rd. Aberdeen, NC - spoke against the proposed changes. (See Exhibit B)
- Lynn Goldhammer, 11 Salem Ln. Pinehurst, NC - spoke against the proposed changes.
- Marsh Smith, 568 Santee Rd. Carthage - spoke against the proposed changes.

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

Mr. McCue feels the proposed language modifications are to benefit the developers and not to protect Moore County. He feels this process is not the way to change the Land Use Plan, changes to the Land Use Plan should go through a major process of review in its entirety.

Board member McCue made a motion to Deny the proposed amendments to the 2013 Moore County Land Use Plan as provided within the staff report and recommended by the Board of County Commissioners. The motion was seconded by Board member Farrah Newman; the motion was denied 0-8.

PLANNING DEPARTMENT REPORTS

No departmental updates

BOARD COMMENT PERIOD

Chairman Garrison thanked staff and reminded everyone of the work session on May 18th.

ADJOURNMENT

With no further comments Vice-Chairman Bobby Hyman made a motion to adjourn the May 4, 2023, regular meeting. The motion was seconded by Board member David McLean, the motion passed unanimously 8-0. Meeting adjourned at 8:45 p.m.

Respectfully submitted by,

Stephanie Cormack

Moore County P&Z Meeting Public Comments - 4 May 2023

I'm Bob Coates and I live at 21 Edinburgh Lane in Pinehurst. I have some concerns with the proposed changes to both the UDO and the Land Use Plan - items 2 and 3 of the Public Hearing. My issues are fourfold.

- 1) It makes the development process too easy for developers.
- 2) It removes the requirement to provide meaningful information to the Subdivision Review Board during the preliminary plat review
- 3) The citizens are left out of providing input to the LUP
- 4) Development will go where the water line goes and the citizens do not have adequate input on where that will be

Changes to UDO Subdivision Process

Subdivision review is about determining how much development is feasible on a particular site in order to protect nearby landowners from unreasonable adverse impacts. The subdivision process is a three-way equation of the developer and the neighbors and the County government balancing both sets of interests. That is why there is an application process in the first place, why there are notice requirements, why the application documents are open to the public and why there are public hearings.

The proposed removal of a requirement for Zoning Decision signs because they are a "burden to the developer" is but one example of reducing the developer workload.

If the County hollows out this process it is infringing on the rights of existing invested development and it is abandoning its duty of governance and stewardship.

There is a proposal to move many of the Stormwater Management Plan requirements from the preliminary plat stage which is reviewed by the Subdivision Review Board (SRB) to final plat stage. This results in the SRB not being able to review many of the practical elements of the proposed subdivision. The reason given is that creating a stormwater management plan can be very expensive for the developer.

The reason cited in the Agenda Package for these amendments is to avoid inconvenience to developers. Developers are in the business of land development. They have to determine the development potential of a piece of land before they ever put an offer in to buy it. To suggest that they are incapable of demonstrating development feasibility to the County in order to justify a subdivision approval is not accurate and is at odds with long-standing subdivision requirements of this County and across North Carolina.

Please vote to recommend keeping the subdivision process intact.

Exhibit A

Amendments to Land Use Plan

The question of whether to open the historic Rural Agricultural portions of the County to suburban growth should be subject to a meaningful review by the citizens of the County. It would be a major change from our long-standing traditions from the 2013 Land Use Plan and from the draft Plan proposed in 2020.

Major subdivisions would now be considered in areas where there is existing water infrastructure. This results in a de facto zoning change. The citizens need to be involved in where the waterlines go.

The citizens of Moore County should be the ones to determine the question of how much growth should occur and where it is desired. This matter should be part of the intensive process of updating the Land Use Plan. Historically LUP updates have involved all sectors of the County. It should not be rushed.

Please vote to recommend against these amendments to the Land Use Plan and Future Land Use Map Classification.

Exhibit B

- The proposed changes to the UDO and land use plan are coupled with other activities, such as water and sewer projects underway or intended by the water and sewer task force. These projects are or will be located near or adjacent to existing towns and villages.
- The proposed changes don't specify areas targeted for development, but the draft 2020 land use plan includes a map, and that map shows areas targeted for development near or adjacent to existing towns and villages in southern Moore County. The new plan is likely to include a future land use map as well. What is that map going to show? Shouldn't you see it before considering the proposals on the table this evening? Shouldn't the residents of Moore County have an opportunity to see this map before you consider these proposals?
- A new map is likely to target areas for development near or adjacent to existing towns and villages, especially with the proposed language in the land use plan regarding use of existing utilities.
- Taken together, the water and sewer developments, coupled with the proposals you see this evening, will certainly enable, if not hasten, high density development around existing towns and villages, most of which will go into our current or expanded ETJs.
- The ETJs provide a vital buffer, in a rural form, that makes the towns and villages what they are. Small, quaint, and attractive, and in many places the ETJs also help protect high quality watersheds.
- If you agree with these proposals, you will be enabling the kind of growth that will swallow the towns and villages into a whole new way of life in southern Moore County, similar to the sprawl we see in places like Charlotte and Cary. I don't want that, and I hope you don't want it either.

Bruce Geddes

232 Bowman Rd.

Aberdeen NC 28315

19 acre farm in Pinehurst ETJ