

PLANNING BOARD
December 10, 2020 - 5:30 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

Members Present: Warren Watson (Chair), John Rose, Neal Barton, Gerald Pack, Alexander Hagerty (via Zoom)

Member(s) Absent: Lee Barker, Wayne Horne, Edward Daniel

Staff Present: Cathy Ruth (County Planner), Hannah Lynch (Secretary)

1. Call to Order

A. A. In order to maintain the safety of County residents, the Planning Board and Staff, the Planning Board Meeting scheduled for 5:30 p.m. Thursday, December 10, 2020 will be available for the public to call in and listen to the meeting. Call – 1-301-715-8592, Meeting ID – 821 9144 8792, Password – 876874. To ensure the public is able to safely participate in the Planning Board meeting and the Public Comments portion of the meeting, you may submit a public comment by email to hlynch@polknc.org, or by calling the Planning and Zoning Department at 828-894-2732 by 4:30 p.m. on Wednesday, December 9, 2020. Please include the following information: First and Last Name, Address, and Comment. Comments will be read into record by the Clerk during the Planning Board meeting. There will also be a chance during the Public Comments portion of the meeting to present comments live via telephone. If you have any questions, please contact the Planning and Zoning department at 828-894-2732.

Warren Watson called the meeting to order at 5:31 PM. He explained this was a meeting where, due to the COVID-19 pandemic, Zoom was being utilized as an option for Board Members and members of the public, and Alexander Hagerty would be utilizing it.

2. Approval of Agenda

A motion to approve the agenda was made by John Rose, seconded by Neal Barton. A vote was taken and all were in favor. Alexander Hagerty was also in favor via Zoom. The motion carried unanimously.

3. Approval of Minutes

A. Approval of Minutes from November 12, 2020

A motion to approve the minutes from November 12, 2020 was made by Gerald Pack, seconded by John Rose. A vote was taken and all were in favor. Alexander Hagerty was also in favor via Zoom. The motion carried unanimously.

B. Approval of Minutes from December 3, 2020

The Board looked over the minutes from the December 3, 2020 meeting. Neal Barton explained there was a mistake with his comments about scale for plats, and that he was referring to scale factor. He agreed to talk with Cathy Ruth about how best to describe this, and the Board agreed to table the approval of these minutes to the next meeting.

4. Group Development Application - Jonathan Rowe

Cathy Ruth presented the application for a Group Development. She explained this is for a property that previously applied for a group development permit and was issued one, but that the applicant has now changed the number and placement of buildings on the site. The project is for a self-storage facility located off NC Hwy 9 near the intersection of NC Hwy 9, Landrum Road, and Sandy Plains Road. She stated the plan received an updated Conditional Use Permit for the new plan, pending the group development approval by the Planning Board. Cathy Ruth described the property as meeting all setbacks and landscaping requirements, and it was properly posted and neighbors were notified before the evidentiary hearing for the updated Conditional Use Permit was held, with no one in attendance in opposition.

Jonathan Rowe explained the reason for the changes, stating once the property was graded, he ended up with more flat space than expected. None of the additional or moved buildings encroach any further into setbacks, and the overall plan is the same, but just with a few more buildings. He explained the site is located significantly lower than the road, and he has added a tree buffer to help minimize visibility of the site.

The Board discussed the project. A motion was made by Gerald Pack to approve the Group Development permit as proposed, seconded by John Rose. A vote was taken and all were in favor. Alexander Hagerty was also in favor via Zoom. The motion passed unanimously.

5. Mobile Home Park Ordinance

Cathy Ruth presented additional changes to the Mobile Home Park Ordinance. She explained she would not be going over changes previously discussed by the Planning Board, but rather just changes to pages 11 and 12 of the ordinance. She explained she spoke with the County Attorney about the requirement for all mobile home parks to have yearly well testing and distribute results to the occupants. The County Attorney did not believe that would be allowed, as it shows discrimination against the mobile home park owners. All owners of property with wells in the county have an initial testing done, but no other testing is required. Cathy Ruth explained to the board they could either choose to not address the water testing in the ordinance, or see if the County Attorney could attend the next Planning Board meeting to discuss with the board. John Rose suggested adding language stating that landlords would have to disclose to renters that the water was not tested yearly, so they are aware and do not assume it is being done. The board agreed to ask the County Attorney to attend the next Planning Board meeting to discuss the issue further.

Cathy Ruth presented the second change to the Mobile Home Park Ordinance regarding screening. She added a note allowing a possible alternative buffer consisting of a 6' high (minimum) solid visual barrier fence. She explained the way it is written, the board may consider it as an alternative to the landscaping barrier required, but they could choose not to. The board agreed to the language as proposed in the drafted ordinance.

6. Subdivision Ordinance

Cathy Ruth presented proposed changes to the Subdivision Ordinance, including some clarifying language and removal of repetitive items.

Cathy Ruth discussed a potential change regarding plat approval being required for a building permit. She explained she would need the County Attorney to look this over, but she does not believe legally it is permissible to deny a building permit based on a violation of another permit. This section would allow building permits to be denied for any properties where a subdivision has been created with a violation. The board agreed to speak with the attorney about this at the next meeting.

The board discussed changes to a provision regarding recombinations of lots. She explained as it reads, recombinations would have to go back in front of the board in which the subdivision was originally approved, but that this seems excessive for something that is exempt from the definition of a subdivision. Warren Watson asked how recombinations would work if a property was in a subdivision with an HOA with covenants, and Cathy Ruth explained that would be a civil issue.

Cathy Ruth explained a change to potentially require 2-lot subdivisions to require an application submittal. She stated she would need to clarify with the attorney about this to be sure this is what she was wanting added.

Another potential issue for the attorney to look at is regarding the Board of Adjustment or the Planning Board hearing appeals over subdivisions not approved in a certain timeframe. Cathy Ruth explained this is something she believes may be redundant in the ordinance, but would check to be sure.

Additionally, Cathy Ruth explained to the board that currently, there is a stipulation in the ordinance for an "exemption" or "exception" to the traffic impact analysis requirement, but no real guidance on when this would be issued. She discussed this and stated the attorney would be looking at it as well.

Cathy Ruth directed the board to look at the setback requirements for subdivisions. Currently, the ordinance reads if a property is being subdivided in a zoned area of the county, the setbacks to be used are located in the Polk County Zoning Ordinance. The chart in the Subdivision Ordinance shows setbacks for properties being subdivided outside of the zoned areas, according to their type of water and sewer/septic. Cathy Ruth explained the setbacks are

different and more restrictive in some areas of the unzoned area, and would like the board to look at this and determine if it is fair. She stated staff would draw up graphics to further explain the differences, to be shown at the next Planning Board meeting.

Cathy Ruth presented several statements in Section 5.9 of the ordinance allowing for discretionary decisions by the administrator. She explained she would like to take these out to make them less discretionary, and would speak with the attorney about it. Warren Watson suggested using language saying "shall require" instead of "may require" to further support this.

Cathy Ruth discussed Section 5.20 regarding clear cutting. She explained she would like the board to discuss this requirement and if it was necessary, or if it should be amended. Currently the ordinance reads if a property is clear cut without leaving a specific sized buffer, they could not develop on the property for three years. The board discussed this and Warren Watson explained this would be a best practice of forestry management. The board agreed this could be left the way it currently is, and the property owner could request a variance if needed.

Cathy Ruth talked to the board about requirements and restrictions for building on a steep slope. She explained it may be better to let NCDEQ handle these requests, as there is no engineer on staff with the county to review plans. She explained she would be having the county attorney look this over as well.

Cathy Ruth finished by explained there would be an addition of a definition for a right-of-way, separate from an easement. As these can be considered two different things, it would be good to have two separate definitions.

Cathy Ruth explained to the board all these changes would be brought back at the next meeting with clarification for some, and a request for the county attorney to attend the meeting to provide clarity for other issues.

7. Mobile Home Ordinance

Cathy Ruth presented the Polk County Mobile Home Ordinance which was previously rescinded by the Planning Board. She feels that in order to address the board's concerns about skirting on mobile homes, it would be best to do that in this ordinance, and then it would apply to all new mobile homes in the county. She explained she talked with Building Inspections and they agreed this could be required before a Certificate of Occupancy was issued to ensure the skirting would be added before having access to power. Cathy Ruth asked the board to take the ordinance home and look at the section regarding skirting, Section 302, for a discussion at the next meeting.

8. Other Business

Warren Watson asked if a special meeting would be needed on December 17, 2020 to continue working on updating ordinances. Cathy Ruth explained she met with the County Manager and Attorney and they feel like it would be possible to extend the Planning Board member terms by 6 months. She

explained she did not feel like a meeting would be needed on December 17, 2020, and that the extension would be brought up at the January 2021 Board of Commissioners meeting.

9. Public Comments

None.

10. Adjournment

A motion to adjourn the meeting was made by Gerald Pack, seconded by John Rose. A vote was taken and all were in favor. Alexander Hagerty was also in favor via Zoom. The motion carried unanimously and the meeting was adjourned.