

**PLANNING BOARD
AUGUST 12, 2021
5:30 PM**



**BRYANT H. WOMACK
BUILDING
40 COURTHOUSE ST.
COLUMBUS, NC 28756**

-
1. Call to Order
 2. Approval of Agenda
 3. Approval of Minutes
 - A. April 8, 2021 Minutes
 4. Chair, Vice-Chair, Secretary
 5. Three Fork Land Holding – Minor Subdivision (5 lots); 5156 NC Hwy 9 South; Tax Parcel P67-9; Township: Cooper Gap; Average Lot Size: 10.94 acres
 6. Other Business
 7. Public Comments
 8. Adjournment

POLK COUNTY PLANNING BOARD

AGENDA ITEM

AUGUST 12, 2021 REGULAR MEETING

Agenda Item#: A.

ATTACHMENTS:

Description

April 8, 2021 Minutes

Type

Cover Memo

Upload Date

7/30/2021

PLANNING BOARD
April 8, 2021 - 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, Edward Daniel, Wayne Horne
Member(s) Absent: Lee Barker
Staff Present: Cathy Ruth (County Planner), Hannah Lynch (Secretary)

1. Call to Order

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, April 8, 2021 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, April 7, 2021. 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 5:34 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. There was no one currently utilizing Zoom at this time.

2. Approval of Agenda

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

3. Approval of Minutes

A. Approval of Minutes from March 11, 2021

A motion to approve the minutes from March 11, 2021 was made by Gerald Pack, seconded by Wayne Horne. A vote was taken and all were in favor. The motion carried unanimously.

4. Zoning Ordinance Draft 160D

Cathy Ruth presented changes to the Polk County Zoning Ordinance. The Board members discussed the proposed changes, as well as changes to clarify the definition of setbacks and where these should be measured from in different scenarios.

A motion to approve the recommendation of drafted changes to the Polk County Zoning Ordinance with the plan consistency was made by Gerald Pack, seconded by John Rose. A vote was taken and all were in favor. The motion carried unanimously.

5. Other Business

None.

6. Public Comments

None.

7. Adjournment

Warren Watson adjourned the meeting at 6:32 PM.

POLK COUNTY PLANNING BOARD

AGENDA ITEM

AUGUST 12, 2021 REGULAR MEETING

Agenda Item#: 4.

ATTACHMENTS:

Description	Type	Upload Date
Planning Board By-Laws	Cover Memo	7/30/2021

POLK COUNTY PLANNING BOARD BY-LAWS

I. General Rule

The Polk County Planning Board shall be governed by Chapter 160D-301 of the General Statutes of North Carolina (NCGS), as amended, and Ordinance passed and any amendments thereto.

II. Officers and Duties

- A. Chair: A Chair shall be elected annually in February by the members of the Planning Board for a term of one year. The Chair shall be eligible for re-election. The Chair shall decide all points of order and procedure, subject to these rules, unless directed otherwise by four (4) members of the Planning Board in session at that time. The Chair, with the approval of the Planning Board, shall make all committee appointments.
- B. Vice-Chair: A Vice-Chair shall be elected by the Planning Board in the same manner and for the same term as the Chair. The Vice-Chair shall serve as acting Chair in the absence or disability of the Chair. At such times, he shall have and exercise the same powers and duties as the Chair.
- C. Secretary: A Secretary shall be elected by the Planning Board at the same time and for the same term as the Chair and Vice-Chair. However, the Secretary need not be a member of the Planning Board and shall be eligible for reappointment. The Secretary shall keep all records, shall conduct all correspondence of the Planning Board, and shall generally supervise the clerical work of the Planning Board. The Secretary shall keep a record of its members' attendance, and full and accurate minutes for regular, special, and emergency meetings, which shall be a public record. In the event of an evidentiary hearing, the Planning Board shall keep a record of its members' attendance, full and accurate minutes, as well as a detailed record of evidence presented, including witness testimony, which shall be a public record.

If the Secretary is appointed from outside the membership of the Planning Board, the Secretary shall not be eligible to vote on any matters before the Planning Board.

III. Meetings

- A. Regular Meetings: Regular meetings of the Planning Board shall be held on the second Thursday of each month at 5:30 PM (or otherwise determined with at least four (4) votes by the Planning Board) in the Polk County Board of Commissioner's Meeting Room, or at other locations in Polk County.

Cancellation of Meetings: Whenever there is no business to come before the Planning Board, the Chair may dispense with the regular meeting by giving notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.

- B. Special Meetings and Emergency Meetings: Special meetings and emergency meetings of the Planning Board may be called at any time by the Chair in conformance with G.S. 143-318.12, and the place and subject of the meeting shall be given.
- C. Remote Meetings: The Planning Board may conduct a remote meeting under a declared emergency and follow the remote meeting requirements according to NCGS 166A-19.24 and 143.318, as well as any County policies.
- D. Quorum: The quorum shall consist of four (4) members of the Planning Board.
- E. Conduct of the Meeting: All meetings of the Planning Board shall be open to the Public (For quasi-judicial proceedings, please refer to the Quasi-Judicial Rules of Procedure).

1. Meeting Rules

- a) Agenda items which require a vote must have a motion and a second before being allowed on the floor for discussion.
- b) Votes are to be made by a raise of the hand and by voice.
 - 1. The voice shall be audible enough to be picked up by the recorder and understood by the Secretary.
 - 2. A non-indication or a non-vote is the same as a “yes” vote.
 - 3. To abstain from a vote is also considered a “yes” vote, and shall be recorded as abstained.
- c) The Secretary shall record all votes by name as “for” or “against.”
- d) A time period may be allotted for citizens to comment on agenda and non-agenda items (to be determined by the Planning Board).
 - 1. Comments should be pertinent to the County’s business, and will be limited.
 - 2. Note: If the need arises, it will be left to the Planning Board’s discretion to designate a group spokesperson.
 - 3. Citizens unable to attend the meeting may submit their comments in writing.

2. Rules of Debate: Meeting Decorum Between the Planning Board Members

- a) Every Planning Board member desiring to speak should address the Chair, and upon said recognition by the Chair, should confine discussion to the question under debate, avoiding all personalities and indecorous language.
- b) The Planning Board member shall refrain from: attacking a member's motives; speaking adversely on a prior motion not pending; speaking while the Chair or other Board members are speaking; speaking against their own motions; and disturbing the Board.
- c) A member once recognized should not be interrupted when speaking unless said member is being called to order. The member should then cease speaking until the question of order is determined, without debate, by the Chair. If in order, said member shall be at liberty to proceed.
- d) A member shall be deemed to have yielded the floor when he or she has finished speaking. A member may claim the floor only when recognized by the Chair.

3. Rules of Debate: Meeting Decorum Between Planning Board Members and Citizens

- a) Order must be preserved.
 - 1. No person shall, by speech or otherwise, delay or interrupt the proceeding or the peace of the Planning Board, or disturb any person having the floor.
 - 2. No person shall refuse to obey the orders of the Chair of the Planning Board.
 - 3. Any person making irrelevant, impertinent, or slanderous remarks or who becomes boisterous while addressing the Planning Board shall not be considered orderly or decorous.
 - 4. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chair and given the opportunity to conclude remarks on the subject in a decorous manner.
 - 5. Any person failing to comply as cautioned shall be barred from making any additional comments during the meeting by the Chair, unless permission to continue or again address the Planning Board is granted by the Chair.
- b) If the Chair or the Planning Board declares an individual out of order, he or she will be requested to relinquish the podium.
 - 1. If the person does not do so, he or she is subject to removal from the meeting room and may be removed by the Sheriff.

- c) Any person who becomes disruptive or interferes with the orderly business of the Planning Board may be removed from the meeting room for the remainder of the meeting.

F. Ethics:

- a. **Advisory Decision:** Members of the Planning Board shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Planning Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
- b. **Quasi-Judicial Decisions.** – A Planning Board member exercising quasi-judicial functions shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
- c. **Resolution of Objection.** – If an objection is raised to a Planning Board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the Planning Board shall by majority vote on the objection.

Familial Relationship. – a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

- G. Voting: The voting of a majority of those present shall be sufficient to decide any matter before the Planning Board, provided the quorum is present. No Board member shall participate in the discussion or decision of any matter in which he has personal or financial interest (see Section III.F).

- H. Assignment of Alternate Members: The alternate member of the Planning Board shall participate in those Proceedings in which one or more regular members are absent or are unable to participate because of a financial or other interest. Regular members, on receiving notice of a Proceeding in which they will be unable to participate, will promptly notify the Secretary. On receiving that notification, the Secretary shall, by the most expeditious means, notify the alternate member to attend, participate and inform the Chair of the situation.

IV. Committees

The Chair may appoint committees to investigate particular matters or undertake other assignments within the responsibility of the Planning Board. The Chair shall be responsible for the preparation of the charge of the committee, subject to the approval of the Planning Board

and shall make all appointments to the committee, subject to the approval of the Planning Board.

V. Amendments

These rules may, within the limits allowed by law, be amended at any time by the affirmative of not less than four (4) members of the Planning Board provided that such amendments shall have first been presented to the membership in writing at a regular or special meeting before the meeting at which the vote on the amendment was taken.

THIS REVISED SET OF BYLAWS WAS ADOPTED BY THE POLK COUNTY PLANNING BOARD ON THE 11th DAY OF JUNE, 2020.

Chair

Secretary

POLK COUNTY PLANNING BOARD

AGENDA ITEM

AUGUST 12, 2021 REGULAR MEETING

Agenda Item#: 5.

ATTACHMENTS:

Description	Type	Upload Date
Application	Cover Memo	8/2/2021
Three Fork Plat Draft	Cover Memo	8/2/2021



POLK COUNTY, NC

35 Walker Street • PO Box 308 • Columbus, NC 28722 • Phone: 828-894-2732 • Fax: 828-894-2913

MINOR SUBDIVISION AND MAJOR SUBDIVISION APPLICATION

PERMIT # 2P22301

1. APPLICATION TYPE

Minor Subdivision (2-8 Lots) ☒

Major Subdivision (9+ Lots) ☐

NOTE: A PRE-APPLICATION CONFERENCE WITH THE SUBDIVISION ADMINISTRATOR PRIOR TO SUBMITTING THE PRELIMINARY PLAT FOR A MAJOR SUBDIVISION IS RECOMMENDED.

2. PROJECT INFORMATION

Date of Application 7/29/2021 Name of Project THREE FORKS LAND HOLDINGS SUBD.
Location 5156 NC HWY 9 NORTH Property Size (acres) 54.71 ACRES
Zoning District UNZONED Date of Last Subdivision _____
Current Land Use _____ Proposed Land Use _____
Tax Parcel Number(s) P 67-9 Proposed # of Lots 5

3. CONTACT INFORMATION

THREE FORK LAND HOLDINGS, LLC - JAMES SHEEHAN - CONTACT
Property Owner
4480 NC HWY 9 SOUTH TRYON, NC 28782
Address City, State, Zip
828-817-4977 JAMES5140@GMAIL.COM
Telephone E-mail Address

TRUE NORTH SURVEYING + MAPPING - TY CANTRELL - CONTACT
Applicant / Agent (Registered Engineer, Designer, Developer, Surveyor, etc.)
450 WEBBER LANE COLUMBUS, NC 28722
Address City, State, Zip
828-817-4009 TRUE NORTH 4150 @ GMAIL.COM
Telephone E-mail Address

If you have any questions regarding these requirements, please contact the Polk County Community Development Department at 828.894.2732.

OWNER / APPLICANT SIGNATURE Ty Cantrell

DATE 7/29/2021

FOR STAFF USE ONLY

Permit Number 2P22301 Flood? Yes ☐ Map # N/A No ☒
Fee \$350 minor sld \$100+\$50 per lot Watershed? Yes ☐ Map # N/A No ☒
Zoning District unzoned Location # 7187
Staff Signature Cathy Cuth Date 7/29/2021

DATE 7/29/21
TIME 14:44:32
USER PLCATHYR

POLK COUNTY
APPLICATION AND PERMIT

PAGE 1
PROG# PT2000

PERMIT NUMBER ZP	22301	ZONING PERMIT	APPLIED	7/29/2021
WORK ORDER#	40322	TYPE SUBDIVISION FEES	ISSUED	7/29/2021
LOCATION	5156 N NC 9 HWY		EXPIRES	1/25/2022
PI N			HEALTH	
PARCEL I D	P67-9	TRYON	REFERENCE	
TOWNSHIP	4 COOPER GAP	ACREAGE	53.050	CENSUS TRACT
WATERSHED	NOT IN WATERSHED	FLOOD PLAIN?	N	SBC#
DIRECTIONS	108; L/RN;			

THREE FORK LAND HOLDINGS, LLC OWNER I D 40485
PHONE 828-817-4977
4480 NC HWY 9 S
TRYON NC 28722

OWNER THREE FORKS LAND HOLDINGS LLC
OCCUPANT THREE FORK LAND HOLDINGS, LLC

SUBDIVISION
W HOME PARK LOT #:
ZONING DISTRICT U
COND/SPECIAL USE
SETBACK FRONT: 25 REAR: 25 RIGHT: 15 LEFT: 15
PARKING SPACES
SIGNS/PAVING
TYPE WATER/SEWER
DESCRIPTION MINOR SUBDIVISION 5 LOTS

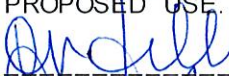
SURVEYOR
GENERAL

SITE PLAN

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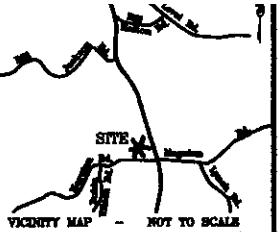
PERMIT ISSUED: 7/29/2021 BY: PLCATHYR PERMIT EXPIRES: 1/25/2022 or 12 months from last inspection

I HEREBY CERTIFY THAT THE INFORMATION GIVEN IS TRUE TO THE BEST OF MY KNOWLEDGE AND THAT ZONING IS SUBJECT TO ALL ADDITIONAL REGULATIONS PERTAINING TO THE PROPOSED USE. I UNDERSTAND THAT THIS PERMIT IS VOID AND OF NO EFFECT WITHIN 30 DAYS OF ISSUANCE IF NO BUILDING PERMIT HAS BEEN ISSUED FOR THE PROPOSED USE.


SIGNATURE OF OWNER/ AGENT

CODE ENFORCEMENT OFFICIAL

7/29/2021
DATE



VICINITY MAP - NOT TO SCALE

CERTIFICATE OF APPROVAL FOR PRELIMINARY PLAT:

THIS CERTIFIES THAT THE POLK COUNTY PLANNING BOARD APPROVED THE PRELIMINARY PLAT OF THE THREE FORKS LAND HOLDINGS, LLC SUBDIVISION ON THE _____ DAY OF _____, 2021.

CHAIRMAN, POLK COUNTY PLANNING BOARD

LINE	LENGTH	BEARING
1	22.17	S 89°41'12" E
2	78.00	S 89°41'12" E
3	78.00	S 89°41'12" E
4	82.10	S 89°41'12" E
5	86.87	S 89°41'12" E
6	86.08	S 89°41'12" E
7	86.87	S 89°41'12" E
8	86.87	S 89°41'12" E
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100	86.87	S 89°41'12" E

- GENERAL NOTES:**
1. ALL DISTANCES ARE HORIZONTAL MEASUREMENTS UNLESS OTHERWISE NOTED.
 2. ALL AREAS ARE CALCULATED BY THE COORDINATE COMPUTATION METHOD.
 3. ALL PROPERTY CORNERS ARE MONUMENTED AS SHOWN HEREON.
 4. BASIS OF BEARINGS FOR THIS SURVEY IS NC GRID (NAD 83/2011) PER GPS OBSERVATION USING VRS-RTK DATA STREAM PROVIDED BY NC GEODETIC SYSTEM.
 5. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE EXAMINATION. THE SUBJECT PROPERTY MAY BE SUBJECT TO EASEMENTS, SETBACKS, RIGHT-OF-WAYS, COVENANTS, OR RESTRICTIONS THAT THE SURVEYOR HAS NO KNOWLEDGE.
 6. THE SUBJECT PROPERTY DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD AREA AS PER FEMA FLOOD INSURANCE RATE MAP.
 7. THE SUBJECT PROPERTY IS UNZONED.
 8. THE TOTAL ACREAGE OF THE DEVELOPMENT IS 54.71 ACRES. THERE ARE FIVE (5) PROPOSED LOTS, WITH AN AVERAGE LOT SIZE OF 10.94 ACRES.
 9. THE POLK COUNTY HEALTH AND HUMAN SERVICES AGENCY HAS EXPRESSED NO OPINION AS TO THE SUSTAINABILITY OF PRIVATE SEPTIC SYSTEMS OR WATER SYSTEMS ON THIS PROPERTY. EACH LOT IS SUBJECT TO INDIVIDUAL INSPECTION AND APPROVAL OF SEPTIC SYSTEMS.

TRUE NORTH
SURVEYING & MAPPING

BOUNDARY SURVEY FOR:
THREE FORKS LAND HOLDINGS, LLC
TAX PARCEL # P-67-9
COOPERS GAP TOWNSHIP
POLK COUNTY, NORTH CAROLINA

OWNER OF RECORD:
THREE FORKS LAND HOLDINGS, LLC
4480 HWY 9 SOUTH
TAYLOR, NC 28788

PREPARED FOR:
THREE FORKS LAND HOLDINGS, LLC
4480 HWY 9 SOUTH
TAYLOR, NC 28788

SCALE: 1" = 100' DRAWN BY: T. CANTRELL

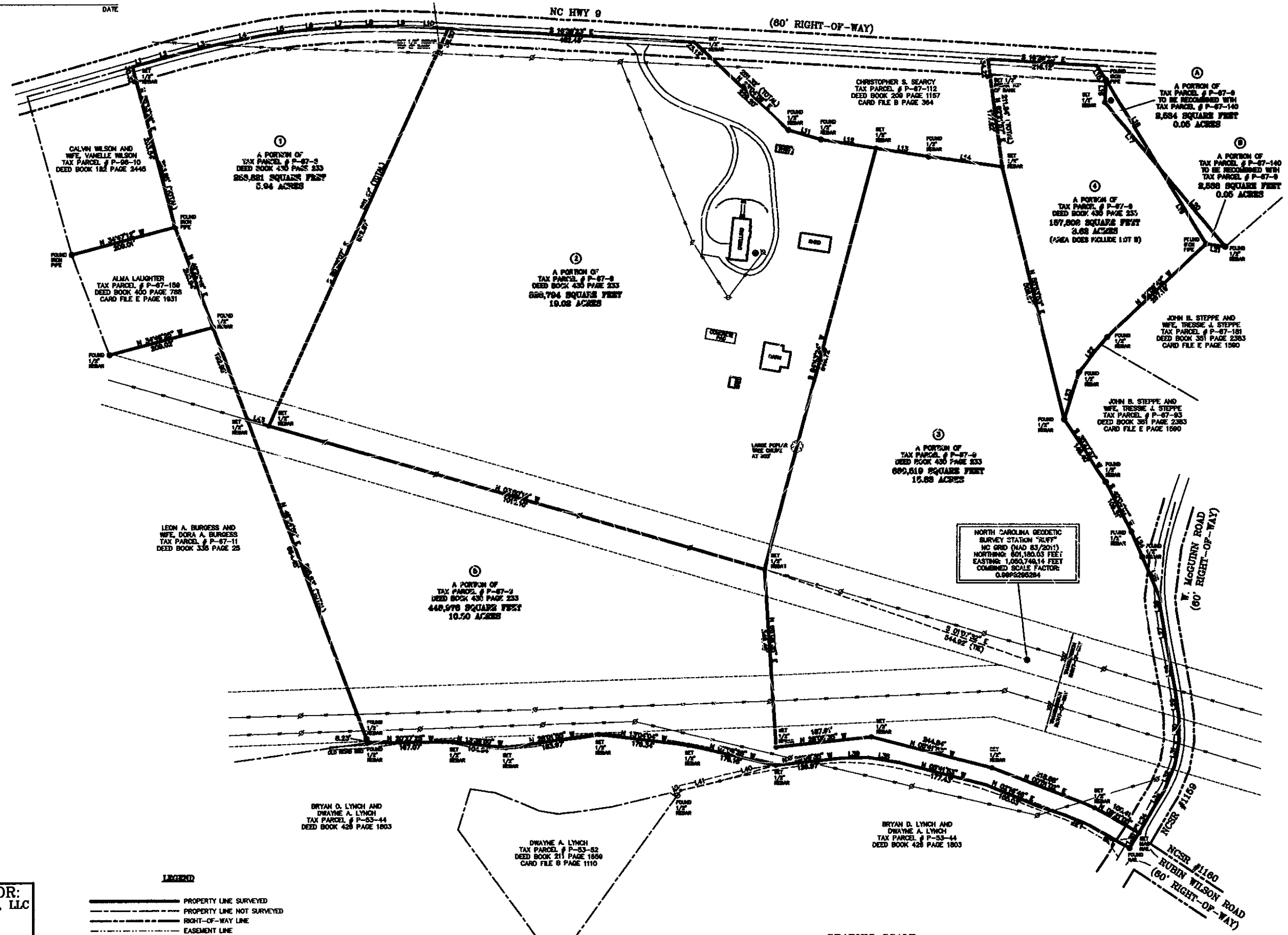


STATE OF NORTH CAROLINA
COUNTY OF POLK

I, CATHY RUTH, REVIEW OFFICER OF POLK COUNTY
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS
CERTIFICATION IS AFFIXED MEETS ALL STATUTORY
REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____ DATE _____

TYRONE D. CANTRELL, PLS-4150 _____ DATE _____



- LEGEND**
- PROPERTY LINE SURVEYED
 - - - PROPERTY LINE NOT SURVEYED
 - - - RIGHT-OF-WAY LINE
 - - - EASEMENT LINE
 - OVERHEAD UTILITIES
 - FOUND PROPERTY CORNER
 - SET PROPERTY CORNER
 - CALCULATED POINT
 - UTILITY POLE
 - WELL

