

MINUTES FOR THE FRANKLIN COUNTY PLANNING BOARD

September 11, 2007

The Franklin County Planning Board held its regular monthly meeting on Tuesday, September 11, 2007 in the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

PRESENT: Willie Bartholomew, Melvin Cheaves, William Holden, Ricky May, Mark McArn, Henry Nelms, Ronnie Pearce, Mary Solomon and William Wallace.
ABSENT: Philip Bues, Fannie Brown, Richard Hoyle, Phillip Jeffreys and Robert VanGraafeiland.
STAFF: Bryan Batton, Tammy Davis, Scott Hammerbacher and Patrick Young.

Chairman Henry Nelms called the meeting to order at 7:00 P.M., and welcomed those in attendance. Willie Bartholomew gave the invocation.

Agenda Items:

Item #1. Election of Officers

Pat Young called for nominations for Chairman of the Franklin County Planning Board. Ricky May made a motion, seconded by Mary Solomon to nominate Henry Nelms to serve as Chairman. With no other nominations being made, Mr. Young closed the nominations. The motion passed unanimously.

Chairman Nelms called for nomination for Vice-Chairman of the Franklin County Planning Board. Mary Solomon made a motion, seconded by William Wallace to nominate Willie Bartholomew to serve as Vice-Chairman. With no other nominations being made, Chairman Nelms closed the nominations. The motion passed unanimously.

It was unanimously approved that Tammy Davis would continue to serve as Clerk for the Franklin County Planning Board.

Item #2. Clifton Pond Subdivision, Preliminary Plat, Harris Township, Clifton Pond Road (SR 1103), R-15 & R-30 Districts, Airport Height Overlay District, 230 Lots.

Scott Hammerbacher stated the preliminary plan is for the subdivision of an approximate 549 acres tract into 230 residential lots. He stated the average lot size within the development is 1.311 acres. He stated the subdivision would be served by county water and individual septic systems. He stated the development would be subject to the recently adopted Adequate Public Schools Ordinance and a Certificate of Adequate Public Schools would be required prior to securing building permits. He stated the subdivision plan appears to meet the requirements of the UDO. He stated that approximately 31% of the development has been designated as open space. He stated a traffic impact analysis has been submitted and is pending NC DOT review. He stated the preliminary plat was reviewed by the Small Area Plan Advisory Committee for conformance with staff recommendations of the following conditions of approval:

- All road designs and entrances must meet NC DOT standards.
- All other standard conditions of subdivision approval as listed in the Franklin County UDO.
- Payment in lieu of land dedication shall be required unless the provisions of Article 31 of the UDO are satisfied.

- A Certificate of Adequate Public Schools shall be secured prior to the issuance of building permits.
- Prior to final plat, ensure all lots can accommodate on-site septic treatment and disposal. If a variance of UDO development standards is applied for in the future, a hardship will not be present.
- The Airport/Hub Small Area Plan Advisory Committee (SAPAC) formally endorsed the following conditions of approval:
 - Require delineation of projected 2027 55 DNL noise contour and Franklin County Airport and Hub Site on vicinity map of Final Plat.
 - Require notation on Final Plat referencing proximity of the Clifton Pond Subdivision to the Franklin County Airport.
 - Issuance of disclosure statement pursuant to (NCGS 47E) to the Developer, Marcus Edwards, LLC which provides notification of existing and potential noise exposure levels.
 - Require photometric street lighting plan prior to Final Plat submission.
 - Street lighting plan shall be reviewed pursuant to regulations set forth within Article 22 of the UDO, Airport Height Overlay District.
 - The SAPAC also suggested that soundproofing measures be considered for residential construction due to the proximity of the proposed development to the Franklin County Airport.
- Prior to final plat, the following items shall be submitted:
 - Landscape Plan
 - Recorded covenants (including maintenance of proposed off-site septic easements)
 - Payment in lieu of land dedication
 - Street lighting plan

Ronnie Pearce questioned if there are currently any Adequate Public Schools Ordinance fees that would apply to this development. Mr. Hammerbacher stated Royal Elementary, Bunn Middle and Bunn High are the schools that would serve this development. He stated that Bunn High School is currently over capacity.

Ricky May moved, seconded by William Holden to approve the subdivision request with the conditions as recommended by staff. The motion passed by majority vote with William Wallace voting against the request.

Item #3. UDO Text Amendment: Chapter Three – Subdivision Ordinance, Article 29, Section 29-7 (Utilities).

Pat Young stated the Public Utilities and Planning Departments have recently completed an analysis of existing water and sewer allocations within the County. He stated the existing ordinance requires all major subdivisions consisting of 16 lots or more that are either within 10,000 feet of an existing water line or within 2,500 feet of an existing sewer line to connect to County utilities. He stated there are approximately 4500 vacant lots that have been approved for development. He stated staff is proposing that the mandatory connection requirements as mandated by the UDO be suspended in the interim until a Capital Improvement Plan (CIP) for water and sewer improvements can be prepared which will be done in conjunction with the Comprehensive Development Plan (CDP).

Bryce Mendenhall (Public Utilities Director) gave a power point presentation. He stated Franklin County has legally committed approximately 80% of its available water and sewer supply to municipalities, residential subdivisions and to industrial/commercial development. He stated these allocations have served originally intended effect of spurring economic development and community growth. He stated the current average daily flow at the wastewater treatment plant is 500,000 gallons or 16% of total capacity. He stated the Division of Water Quality (DWQ) will not approve additional development to connect on to our sewer system beyond the 3 million galls per day limit. He stated the County must commit to a new sewer plant or an alternative treatment method by 2008-2009 to ensure continued DWQ approval of developments on sewer in Franklin County.

Mr. Mendenhall stated approximately \$5.5 million is projected in water system expansion costs to increase capacity by 3 million gallons per day by 2011. He stated 2 million of the current 3 million allocations from Henderson are currently being used. He stated the option to purchase a 4th million gallon from Henderson is currently in place but must be approved prior to use. He stated \$7.2 million in capital costs are projected through 2025 for additional system improvements associated with anticipated growth under current development requirements. He stated a fiscal impact of \$32.2 million in water and sewer improvements, when combined with \$7.5 million in required water and sewer capital improvements and \$95 millions in school capital needs projected through 2014 will be very costly. He stated the customer base to repay this \$32.2 million is unlikely to materialize until 2020. He stated staff is recommending that current water and sewer connection policies be suspended and that future water and sewer allocations be made on a "case-by-case" basis at the discretion of the Board of Commissioners. He stated staff would provide criteria and analysis of each request. He stated the policy would allow the County to direct the allocation of remaining capacities and would significantly reduce or defer the need to borrow money and raise taxes without any reduction in rate of growth. He stated staff is aggressively planning for future capacity expansions.

Mr. Mendenhall presented the Planning Board with three options for them to consider for approval:

- A.) Continue approving development on County water and sewer per existing connection policy ("Status Quo"); or
- B.) Suspend existing water and sewer connection policy and make issuance of water and sewer allocations subject to the Board's discretion, based on staff input and direct staff and the Comprehensive Development Plan Advisory Committee to develop a new strategy for future infrastructure provision and finance; and
- C.) Endorse water conservation measures.

Mr. Mendenhall stated the next steps would be to take the Planning Board's recommendation to the Board of Commissioners at a public hearing to be held on September 17, 2007 and then work with Comprehensive Development Plan Advisory Committee to develop a Capital Improvement Plan and a new infrastructure provision/financing strategy as part of the Comprehensive Development Plan for Board of Commissioners review by June, 2008.

William Wallace questioned if the 4500 approved vacant lots is a correct number because he feels number should be higher. Pat Young stated the 4500 vacant lots mentioned are the number of vacant lots that have access to County water and/or sewer. Ricky May questioned weren't some of those approvals forced to connect to county water. Mr. Young stated if the developments were located within the required tap-on area, then they were mandated to connect to county water. He stated with sewer connection available, the development could have a greater density which would allow more lots. William Wallace questioned the use of gray water. Bryce Mendenhall stated there has been some

discussion with NOVO to see if they could use it. He stated he needs to find a dedicated source to use gray water.

Ronnie Pearce made a motion, seconded by William Wallace to recommend approval of Policy Options B (Suspend existing water and sewer connection policy and make issuance of water and sewer allocations subject to the Board's discretion, based on staff input and direct staff and the Comprehensive Development Plan Advisory Committee to develop a new strategy for future infrastructure provision and finance) and C (Endorse water conservation measures). The motion passed unanimously.

Item # 4. UDO Text Amendment: Family Exception Discussion

Pat Young stated Shane Brantley has requested that the existing Family Exception provision within the UDO be amended to relax existing standards. He went over the following timeline summarizing the previous actions taken by the Planning Board in response to Mr. Brantley's requests:

- February 13, 2007 – Amendment was tabled as per Mr. Brantley's request.
- March 13, 2007 – Mr. Brantley presented a memo of proposed revisions to the existing ordinance. Planning Board directed staff to prepare potential amendments to the current provision for review at their next meeting.
- April 10, 2007 – Tabled due to a lack of two thirds of Planning Board members in attendance.
- May 8, 2007 – Three amendments to the current provision were presented; none were forwarded to the Board of Commissioners for approval. A motion to maintain the existing was denied. A second motion to table any further action regarding the two remaining alternative proposals was unanimously tabled.

Scott Hammerbacher stated the proposed amendments to the provision include reducing paving standards from existing requirements in addition to allowing the further subdivision of land from roadways which do not meet minimum NCDOT standards. He stated additional revisions include an increased timeframe for ownership of subdivided lots and limitations on zoning districts for which the Family Exception can be applied. He stated Emergency Management, Legal and Planning Staff share a mutual concern regarding amending the existing provision. He stated staff has the following concerns in reference to this request:

- Deviating from NCDOT standards is inadvisable due to the following issues:
 - Public Safety
 - Roadways which are not constructed to NCDOT standards become a permanent and unfunded future liability to the County.
- The allowance of additional residential lots and increased use from any form of an access easement may damage and jeopardize the property from which access is provided and may increase liability exposure to the County.
- Reducing road standards increases legal and financial liability to the County's taxpayers.
- Property maintenance agreements are unenforceable by the County.
- Potential increase in permitting fees for consulting services for roadway inspection.
- Potential abuse of this exception.
- Property owner conflicts.
- Lots may be sold to non-family members after a specified time period
- Roads developed below NCDOT standards discourage private investment and hurt the County's tax base.

- Existing UDO requirements allow for flexible development for families which is not allowed in any other North Carolina County with zoning regulations.

Mr. Hammerbacher showed examples of existing roads in Franklin County that have poor road conditions that service multiple lots and residents. He stated staff is recommending that the Family Exception provision remain unchanged based upon input received from the Emergency Management Department and legal staff.

Shane Brantley stated that he met with staff and Willie Bartholomew to try to come up with a compromise. He stated they came up with a maximum of 10 lots on a road. He stated he feels 10 lots is fair and would assist people who want to live near their family. He stated he feels this would be a compromise that would help the citizens of Franklin County that just want to help their family to better themselves by being able to live on family land. Ronnie Pearce questioned if there was a process in place where staff could know if property is sold to a non-family member. Scott Hammerbacher stated when land is sold and transferred staff doesn't never see or handle the deed process. He stated it would be up to the attorney handling the deed transfer to research if a piece of property is in the Family Exception regulations. Mr. Hammerbacher stated as the UDO is currently written, you could have unlimited family exceptions for a property but the roadways must meet DOT standards.

A citizen who is retired from DOT stated it would be up to the property owner to keep the road maintained and he feels property owners would keep their road maintained for their benefit and safety. He stated these roads in the county with the pot holes are roads that property owners who are not doing their jobs of maintaining their private paths. Pat Young stated from staff perspective the current provision requires that road be done to DOT standards even if the roads are to be maintained by the property owners. Chairman Nelms suggested making the easement wide enough to allow emergency vehicles to pass with no problem. Shane Brantley stated the proposed amendment would only allow no more than 10 homes for a private path and would be set-up as a first come, first served basis.

William Holden suggested changing right-of-ways to 45-foot requirement. Pat Young stated that would be an alternative that is not recommended but would be preferable over the proposed. William Wallace expressed the Board of Adjustment should rule for the good of the community as a whole and not by an individual basis. Scott Hammerbacher stated the Board of Adjustment is quasi-judicial board and the only way to appeal their decision is to go before the State Court of Appeals.

Willie Bartholomew moved, seconded by Ricky May to recommend approval of the proposed text amendment allowing up to 10 lots with no less than a 45-foot access easement/roadway. The motion passed with a five to four majority vote with William Wallace, Ronnie Pearce, William Holden and Mark McArn voting against the motion.

Item #5. Other Business/Reports/Open Forum

A.) Departmental Report

a. Discussion of Proposed Airport Signage

Pat Young informed the Board of the proposed airport signage being recommended and the costs associated with the signage by the Small Area Plan Advisory Committee (SAPAC). Ricky May expressed concern over the plans for the airport area. He stated he has heard lots of complaints from citizens living in the airport area with concerns of the plans for the airport. He stated is the

airport was closed, then the airport funding and the costs associated with signage could go towards to the schools and then there would be some of the solution of the overcrowding situation.

- b. Discussion of Solicitation of Volunteers for Comprehensive Development Plan (CDP) Advisory Committee
 - c. Discussion of CDP Advisory Members for Consulting Services
 - d. American Planning Association (APA) Membership
- B.) Other Business/Reports/Open Forum
- Pat Young stated the Board of Commissioners has a meeting scheduled for October 9, 2007 which conflicts with the regularly scheduled monthly meeting for the October Planning Board meeting. Mr. Young stated the Board had the choice of changing there meeting to a new date or hold their meeting at another facility. The Board decided to reschedule their October 9th meeting to October 16, 2007.

With there being no further business before the Planning Board, Chairman Nelms adjourned the meeting at 8:45 P.M.

Henry Nelms, Chairman
Franklin County Planning Board

Tammy Davis, Clerk
Franklin County Planning Board