

PLANNING BOARD
January 9, 2020 - 5:30 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

Members Present: Libby Morris (Chair), Neal Barton, Lee Barker, Gerald Pack, Alexander Hagerty

Member(s) Absent: Wayne Horne, Warren Watson, John Rose

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

1. Call to Order

Libby Morris called the meeting to order at 5:30 PM.

2. Approval of Agenda

A motion to approve the agenda was made by Gerald Pack, seconded by Neal Barton. A vote was taken and all were in favor. The motion carried unanimously.

3. Approval of Minutes

A. Approval of November 14, 2019 Minutes

A motion to approve the minutes from the November 14, 2019 Planning Board meeting was made by Lee Barker, seconded by Libby Morris. A vote was taken and all were in favor. The motion carried unanimously.

4. Wireless Telecommunication Ordinance

Cathy Ruth gave a presentation on a request from the County Commissioners. The County Commissioners requested the Planning Board, along with the County Manager review the Wireless Telecommunication Ordinance to address height and collocation issues to public safety tower facilities. The draft ordinance changes included increasing from 120' to 200' tower height for Public Safety Facilities, and allowing collocation of Public Safety Facility towers.

The Planning Board had questions about the public safety definition, lighting heights, and who would own the tower. Cathy Ruth suggested tabling the discussion to the next regularly scheduled meeting to allow the county manager a chance to attend and discuss further with the Planning Board. The board agreed to this.

5. Other Business

A. What's Going on in Polk County

Cathy Ruth gave a presentation on the development in Polk County. She showed the number of residential building permits issued for the past twenty

years and how the numbers have fluctuated. She also listed a number of upcoming commercial projects in the county, and gave a brief overview of the 2020 US Census.

6. Public Comments

None.

7. Adjournment

Gerald Pack made a motion to adjourn the meeting at 5:58 PM, seconded by Lee Barker. A vote was taken and all were in favor. The motion passed unanimously.

PLANNING BOARD
February 13, 2020 - 5:30 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

Members Present: Warren Watson (Chair), Alexander Hagerty, Neal Barton, John Rose, Edward Daniel, Gerald Pack, Wayne Horne
Member(s) Absent: Lee Barker
Staff Present: Cathy Ruth (County Planner), Hannah Lynch (Secretary)

1. Call to Order

Cathy Ruth asked Alexander Hagerty to call the meeting to order. Alexander Hagerty called the meeting to order at 5:32 PM.

2. Approval of Agenda

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

3. Approval of Minutes

A. Approval of Minutes from January 9, 2020

A motion to approve the minutes from the January 9, 2020 Planning Board meeting was made by Gerald Pack, seconded by John Rose. A vote was taken and all were in favor. The motion carried unanimously.

4. Chairman, Vice-Chairman, and Secretary Election Vote

Cathy Ruth opened the floor for a nomination for Planning Board Chairman for 2020. Gerald Pack made a motion to nominate Warren Watson. There were no other nominations. Alexander Hagerty seconded the motion to nominate Warren Watson as Planning Board Chairman. A vote was taken and all were in favor. The motion passed unanimously.

Cathy Ruth opened the floor for a nomination for Planning Board Vice-Chairman for 2020. Wayne Horne made a motion to nominate John Rose. There were no other nominations. Alexander Hagerty seconded the motion to nominate John Rose as Planning Board Vice-Chairman. A vote was taken and all were in favor. The motion passed unanimously.

Cathy Ruth opened the floor for a nomination for Planning Board Secretary. Warren Watson made a motion to nominate Hannah Lynch. There were no other nominations and the motion passed by consensus.

5. Wireless Telecommunications Ordinance

Cathy Ruth gave a presentation on a request from the County Commissioners, previously presented at the January 9, 2020 Planning Board meeting. The County Commissioners requested the Planning Board, along with the County Manager review the Wireless Telecommunication Ordinance to address height and collocation issues to public safety tower facilities. The draft ordinance changes included increasing from 120' to 200' tower height for Public Safety Facilities, and allowing collocation of Public Safety Facility towers.

Cathy Ruth went over the question from the last Planning Board meeting regarding the definition of "public safety" and presented three possible definitions. The Board discussed these and also the need for better wireless and internet coverage within Polk County, and the benefit allowing the proposed exemption would serve.

Gerald Pack made a motion to make the recommendation to the Board of Commissioners as drafted, and John Rose seconded. A vote was taken and all were in favor. The motion passed unanimously and Chair Warren Watson signed the recommendation.

6. 2020 Ordinance Changes

Cathy Ruth presented the required ordinance changes by the North Carolina General Assembly. These were passed under Chapter 160D for land use law and are changes required by all counties and municipalities within the state by January 1, 2021. She explained Staff will be looking through every Polk County land use ordinance and bringing them before the Planning Board to make change recommendations to the Board of Commissioners throughout the upcoming year.

7. US Census 2020

Cathy Ruth gave a presentation on the 2020 US Census and the outreach being conducted by the Polk County Complete Count Committee. Erin Miller from the US Census also spoke about the available Census Taker positions being offered currently. The Board discussed potential roadblocks in reaching citizens in the county and possible resolutions to these.

8. Other Business

None.

9. Public Comments

None.

10. Adjournment

A motion was made by Gerald Pack to adjourn the meeting, seconded by Wayne Horne. A vote was taken and all were in favor. The motion passed unanimously and the meeting was adjourned at 6:41 PM.

PLANNING BOARD
June 11, 2020 - 5:30 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

Members Present: Warren Watson (Chair), Neal Barton, John Rose, Edward Daniel, Wayne Horne
Members Present via Zoom: Alexander Hagerty, Lee Barker
Member(s) Absent: Gerald Pack
Staff Present: Cathy Ruth (County Planner), Hannah Lynch (Secretary)

1. PUBLIC NOTICE - Electronic Meeting

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, June 11, 2020 will be available for the public to call in and listen to the meeting. Call – 1-301-715-8592, Meeting ID – 880 4344 1396, Password – 693186. 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, June 10, 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.

2. Call to Order

Warren Watson called the meeting to order at 5:31 PM. He explained this would be a meeting where two members would be calling in remotely via Zoom to attend, due to the COVID-19 pandemic. The present board members and staff introduced themselves, followed by the two remote members, Alexander Hagerty and Lee Barker. Cathy Ruth explained to members they would need to share their name before speaking, especially while voting. She explained they were provided masks, and out of courtesy to other members they were encouraged to wear masks. Also, to be aware of social distancing.

3. Approval of Agenda

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

4. Approval of Minutes

A. Approval of Minutes from February 13, 2020

A motion to approve the minutes from the February 13, 2020 Planning Board meeting was made by Edward Daniel, seconded by John Rose. A vote was taken and all present were in favor. Alexander Hagerty and Lee Barker were also in favor, via Zoom. The motion carried unanimously.

5. Planning Board Ordinance Updates

Cathy Ruth went through the proposed changes to the current ordinance titled, "An Ordinance Amending the Composition and Term of Members of the Polk County Planning Board." She requested an additional change to change the name of the ordinance to the "Polk County Planning Board Ordinance." The Board discussed the proposed changes and made several adjustments for clarification purposes.

Cathy Ruth read through the drafted recommendation to be submitted to the County Commissioners. She explained there will be a public hearing and the Commissioners would make the final determination on the changes.

A motion to adopt the changes as amended was made by Neal Barton, seconded by Wayne Horne. A vote was taken and all present were in favor. Alexander Hagerty and Lee Barker were also in favor, via Zoom. The motion carried unanimously.

6. Planning Board By-Laws Updates

Warren Watson read through the proposed changes to the Planning Board By-Laws. The Board made several changes for clarification. Lee Barker had questions about how votes are counted, specifically abstaining. The Board agreed it should be noted in the by-laws that abstaining from a vote would be noted as abstaining in the minutes of the meeting, but counted as a "yes" vote. Alexander Hagerty asked about the definition of "quorum" and a change was made to the by-laws to make this consistent with the ordinance.

The Board discussed the section on "Meeting Rules" and agreed to make it up to the Planning Board's discretion to designate a group spokesperson, allow the Planning Board to impose a time limit on speakers, and citizens unable to attend may submit comments in writing.

The Board also discussed the section on "Committees" and if the chair should have the authority to vote as a full member in all committees. Warren Watson did not believe this was necessary, and the Board agreed. This was removed from the proposed changes.

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

7. Mobile Home Ordinance Repeal

Cathy Ruth discussed the recommendation to repeal the Mobile Home Ordinance. She shared mobile homes built before 1976 were not compliant with HUD code standards and this ordinance was created to prohibit those mobile homes from moving in and around the county. She explained the new law NCGS 160D-909 does not allow this. The County cannot exclude mobile homes based on the age of the home.

A motion to repeal the Mobile Home Ordinance was made by John Rose, seconded by Wayne Horne. A vote was taken and all present were in favor. Alexander Hagerty and Lee Barker were also in favor, via Zoom. The motion carried unanimously.

8. Other Business

Cathy Ruth explained the process for the ordinance updates for the remainder of the year. Warren Watson requested she provide a timeline and outline of how the Planning Board will be addressing these, and Cathy Ruth agreed.

9. Public Comments

None.

10. Adjournment

A motion was made by Wayne Horne to adjourn the meeting, seconded by John Rose. A vote was taken and all present were in favor. Alexander Hagerty and Lee Barker were also in favor, via Zoom. The motion carried unanimously and the meeting was adjourned at 6:58 PM.

PLANNING BOARD
July 9, 2020 - 5:30 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

Members Present: Warren Watson (Chair), Edward Daniel, John Rose, Wayne Home, Gerald Pack
Members Present via Zoom: Alexander Hagerty, Lee Barker
Member(s) Absent: Neal Barton
Staff Present: Cathy Ruth (County Planner), Hannah Lynch (Secretary)

1. PUBLIC NOTICE - Electronic Meeting

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, July 9, 2020 will be available for the public to call in and listen to the meeting. Call – 1-301-715-8592, Meeting ID – 858 7079 1696, Password – 600229. 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, July 8, 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.

2. Call to Order

Warren Watson called the meeting to order at 5:36 PM. He explained this would be a meeting where two members would be calling in remotely via Zoom to attend, due to the COVID-19 pandemic. The present board members and staff introduced themselves, followed by the two remote members, Alexander Hagerty and Lee Barker.

3. Approval of Agenda

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

4. Approval of Minutes

A. Approval of June 11, 2020 Minutes

A motion to approve the minutes from the June 11, 2020 Planning Board

meeting was made by John Rose, seconded by Edward Daniel. A vote was taken and all present were in favor. Alexander Hagerty and Lee Barker were also in favor, via Zoom. The motion carried unanimously.

5. Schedule of 160D Ordinance Updates

Cathy Ruth presented the proposed schedule for 160D updates to the county ordinances. She explained this was flexible and all changes would be presented to the Board of Commissioners either all at once or in batches. She stated all changes for 160D needed to be complete by July 1, 2021.

6. Adult Entertainment Ordinance Updates

Cathy Ruth went through the proposed changes to the ordinance titled, "Polk County Adult Entertainment Ordinance." The Board discussed the proposed changes and Lee Barker recommended changing the definition of "Nude Model Studio" to remove the rule regarding enrolling in the class three days in advance, allow for nude portraits to be allowed at a location with nude models, and multiple models should be allowed at one time. The Board agreed to have Cathy Ruth draft these changes and tabled the discussion until the next meeting.

7. Flood Damage Prevention Ordinance Updates

Cathy Ruth went through the proposed changes to the ordinance titled, "Flood Damage Prevention Ordinance." She explained these changes were pulled from a model ordinance from the state to update and improve language. The Board discussed the proposed changes and agreed to them.

There were several sections considered optional changes. The Board discussed these. Regarding the change allowing "tiny homes/houses and park models" being viewed as residential structures, Gerald Pack made a motion to remove this language from the ordinance, seconded by Wayne Horne. A vote was taken and all present were in favor. Alexander Hagerty and Lee Barker were also in favor, via Zoom. The motion carried unanimously.

Regarding the change allowing the "governing body" to hear appeals to the ordinance and the Planning Board to hear variances, the Board agreed unanimously to change appeals and variances to being heard by the Board of Adjustment.

The Board agreed to review this ordinance more and tabled the discussion until the next meeting.

8. Other Business

Cathy Ruth explained Alexander Hagerty contacted her regarding the rule in the Planning Board By-Laws which allows for an abstention of a vote to be considered a "yes" vote. He told her this was not in Robert's Rules of Order. Cathy Ruth explained county boards are allowed to decide on this, but this

section had been taken from the Board of Commissioners' By-Laws. She explained the Board could choose to change this, but she felt that it should be a "yes" or "no" vote instead of just abstaining. The Board agreed to look through the handouts regarding the conflict and tabled the discussion until the next meeting.

9. Public Comments

None.

10. Adjournment

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

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

Members Present: Warren Watson (Chair), Edward Daniel, John Rose, Gerald Pack, Neal Barton
Members Present via Zoom: Alexander Hagerty, Lee Barker
Member(s) Absent: Wayne Horne
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, September 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, September 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 5:30 PM. He explained this would be a meeting where two members would be calling in remotely via Zoom to attend, due to the COVID-19 pandemic. The present board members and staff introduced themselves, followed by the two remote members, Alexander Hagerty and Lee Barker.

2. Approval of Agenda

A motion to approve the agenda was made by Gerald Pack, seconded by Edward Daniel. A vote was taken and all present were in favor. Alexander Hagerty and Lee Barker were also in favor, via Zoom. The motion carried unanimously.

3. Approval of Minutes

A. Approval of Minutes from July 9, 2020

A motion to approve the minutes from the July 9, 2020 Planning Board meeting was made by Gerald Pack, seconded by John Rose. A vote was taken and all

present were in favor. Alexander Hagerty and Lee Barker were also in favor, via Zoom. The motion carried unanimously.

4. Kay Acres Subdivision

Kay Acres, a proposed minor subdivision, was presented to the Board by Cathy Ruth for preliminary approval. She explained the history of the subdivision and the definition of aggregation. As the current subdivision request will create the fourth parcel in three years, the entire subdivision falls under aggregation. The Board discussed the proposal and some missing elements from the plat. A motion was made by Gerald Pack to approve the subdivision, pending the necessary additions to the plat included for final approval. The motion was seconded by Neal Barton. A vote was taken and all present were in favor. Alexander Hagerty and Lee Barker were also in favor, via Zoom. The motion carried unanimously.

5. Ordinances Timeline 160D Updated

Cathy Ruth went through several changes to the proposed timeline for 160D changes to ordinances. She explained the timeline would be changing often and she would continue to present it at future Planning Board meetings.

6. Census 2020 - Update

Cathy Ruth presented an update on the 2020 US Census. She explained Polk County was the recipient of a grant from Dogwood Health Trust to advertise for the Census to raise the self-response percentage for the county. She stated money was spent for signs to be posted around the county, sticky fliers to be given out on pizza boxes, library books, Thermal Belt Outreach, and voting mailings, and for a marquis advertisement on the Tryon Theater. She also explained more money was being offered by the Trust for every percentage increase for self-response, and a \$5000 bonus was received for already having the self-response percentage for the county higher than it was currently at this time for the 2010 Census. She thanked the community for their support.

7. Planning Board By-Laws

The Board discussed the current Planning Board By-Laws and if they needed to be changed in regard to voting and how abstained votes are counted. Currently they are counted as a "yes" vote, following the current Polk County Board of Commissioner rules. Warren Watson explained it would be good for the different boards within Polk County to follow the same rules, and to follow the current Board of Commissioner rules. The Board agreed to keep the rules as currently written. A motion was made by Neal Barton to agree with the existing Polk County Planning Board Rules, seconded by John Rose. A vote was taken and all present were in favor. Alexander Hagerty and Lee Barker were also in favor, via Zoom. The motion carried unanimously.

8. Adult Entertainment Ordinance Update

Cathy Ruth went through the proposed changes to the ordinance titled, "Polk County Adult Entertainment Ordinance." The Board discussed the proposed changes previously recommended by Lee Barker to change the definition of "Nude Model Studio" to remove the rule regarding enrolling in the class three days in advance and multiple models should be allowed at one time. A motion was made by Gerald Pack to accept the changes to the ordinances as drafted, seconded by Lee Barker. A vote was taken and all present were in favor. Alexander Hagerty and Lee Barker were also in favor, via Zoom. The motion carried unanimously.

9. Flood Damage Prevention Ordinance Update

Cathy Ruth went through the proposed changes to the ordinance titled, "Flood Damage Prevention Ordinance." She explained these changes were pulled from a model ordinance from the state to update their requirements and improve language. The changes also included the Polk County Board of Adjustment to hear quasi-judicial hearings, rather than the Planning Board. The Board discussed the proposed changes and agreed to them. A motion was made by Gerald Pack to accept the changes to the ordinance as drafted, seconded by Neal Barker. A vote was taken and all present were in favor. Alexander Hagerty and Lee Barker were also in favor, via Zoom. The motion carried unanimously.

10. Sign Ordinance Update

Cathy Ruth discussed potential changes to the Polk County Sign Ordinance to allow "bona fide farms" display a sign, no bigger than 3'x3' on their property as an exemption to the Sign Ordinance. The Board discussed this change. Cathy Ruth also presented several updates to allow the Polk County Board of Adjustment hear appeals and variance requests of the Sign Ordinance. The Board agreed to have Cathy Ruth draft the proposed changes and table the discussion to the next meeting.

11. Other Business

Gerald Pack brought up the issue of minimum housing requirements for rentals in Polk County. The Board discussed this and agreed it was something to look at in the future.

12. Public Comments

None.

13. Adjournment

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

PLANNING BOARD
October 8, 2020 - 5:30 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

Members Present: Warren Watson (Chair), Edward Daniel, John Rose, Gerald Pack, Neal Barton, Wayne Horne
Members Present via Zoom: Alexander Hagerty
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, October 8, 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, October 7, 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.

John Rose (Vice-Chair) called the meeting to order at 5:33 PM in Warren Watson's (Chair) absence. He explained this would be a meeting where Zoom was being utilized by one member (Alexander Hagerty) to attend, due to the COVID-19 pandemic. The present board members and staff introduced themselves, following by the remote member, Alexander Hagerty. Warren Watson later arrived after the approval of the agenda and took over the meeting as Chair.

2. Approval of Agenda

A motion to approve the agenda was made by Edward Daniel, seconded by Wayne Horne. A vote was taken and all present were in favor. Alexander Hagerty was also in favor, via Zoom. The motion carried unanimously.

3. Approval of Minutes

A. Approval of Minutes from September 10, 2020

A motion to approve the minutes from the September 10, 2020 Planning Board

meeting was made by Warren Watson, seconded by Neal Barton. A vote was taken and all present were in favor. Alexander Hagerty was also in favor, via Zoom. The motion carried unanimously.

4. Brown Subdivision - Minor

Applicant: Michael Brian Brown
Applicant Address: 48 Brown Farm Rd., Hendersonville, NC 28792
Location: P84-12
Average Lot Size: 10.33 acres +/-
Total Acreage: 30.97 acres +/-
Sites: 3 Lots
Road System: N/A
Water/Sewer: Private
Proposed Land Use: Residential
Township: Columbus

The Brown Subdivision, a proposed minor subdivision, was presented to the Board by Cathy Ruth for preliminary approval. She explained the history of the subdivision and the definition of aggregation. As the current subdivision request will create three additional lots, in addition to the two previous lots created, the entire subdivision falls under aggregation. The Board discussed the proposal. A motion was made by Wayne Horne to approve the subdivision, seconded by Gerald Pack. A vote was taken and all present were in favor. Alexander Hagerty was also in favor, via Zoom. The motion carried unanimously.

5. Derbyshire Subdivision - Major - Phase 1C, Section 5

Applicant: Byana LLC
Applicant Address: 400 Landrum Road, Columbus, NC 28722
Location: P97-254
Average Lot Size: 1.22 acres
Total Acreage: 4.90
Sites: 4 Lots
Road System: Private
Water/Sewer: Community / Private
Proposed Land Use: Open Residential
Township: Columbus

Derbyshire Subdivision, an addition to an existing major subdivision began in 2007, was presented to the Board by Cathy Ruth for preliminary approval. She explained the history of the subdivision and that this is the last section to be subdivided. She explained the section being proposed is to be subdivided into four separate lots, with one of those being later recombined with an existing lot. The Board discussed the proposal. A motion was made by Gerald Pack to approve the subdivision, seconded by John Rose. A vote was taken and all present were in favor. Alexander Hagerty was also in favor, via Zoom. The motion carried unanimously.

6. Ordinances Timeline 160D Updated

Warren Watson went through the updated timeline for the 160D ordinance changes. For the November meeting, the Planning Board is preparing to look over changes to the Polk County Mobile Home Ordinance and the Polk County Subdivision Ordinance.

7. Sign Ordinance Update

Cathy Ruth discussed potential changes to the Polk County Sign Ordinance to allow "bona fide farms" display a sign, no bigger than 3'x3' on their property as an exemption to the Sign Ordinance. The Board discussed this change. Cathy Ruth also presented several updates to allow the Polk County Board of Adjustment hear appeals and variance requests of the Sign Ordinance. A motion was made by Wayne Horne to accept the changes to the ordinance as drafted, seconded by Gerald Pack. A vote was taken and all present were in favor. Alexander Hagerty was also in favor, via Zoom. The motion carried unanimously.

8. Wireless Telecommunication Ordinance

Cathy Ruth presented the updated Polk County Wireless Telecommunications Ordinance, which included a reference change to the new 160D state requirements. A motion was made by Edward Daniel to accept the change to the ordinance as drafted, seconded by John Rose. A vote was taken and all present were in favor. Alexander Hagerty was also in favor, via Zoom. The motion carried unanimously.

9. Other Business

Cathy Ruth gave a brief overview of the upcoming ordinances to be updated at the November meeting, the Polk County Mobile Home Park Ordinance and the Polk County Subdivision Ordinance. She explained there are changes that are mandatory to be made, but there are also other potential changes and issues within these ordinances that could be discussed, to be changed later.

10. Public Comments

None.

11. Adjournment

Warren Watson adjourned the meeting at 6:31 PM.

PLANNING BOARD
November 12, 2020 - 5:30 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

Members Present: Warren Watson (Chair), Edward Daniel, John Rose,
Alexander Hagerty, Wayne Horne, Gerald Pack
Member(s) Absent: Lee Barker, Neal Barton
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, November 12, 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, November 11, 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 5:36 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, however there is no one currently using it.

2. Approval of Agenda

A motion to approve the agenda was made by Gerald Pack, 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 October 8, 2020

Warren Watson pointed out two mistakes to fix on the minutes from the October 8, 2020 Planning Board meeting. He requested the name "Wayne Horne" be updated on item 6 of the minutes and in the adjournment to say "Warren Watson."

The Board approved the minutes unanimously with the proposed changes.

4. Mobile Home Park Ordinance

Warren Watson explained the packet mailed to all Planning Board members contained two copies of the Polk County Mobile Home Park Ordinance - one with the required changes for 160D, and one with the required changes along with recommended changes to the ordinance.

Cathy Ruth went through the changes required by 160D. The Board discussed these changes.

Cathy Ruth then went through the Mobile Home Park Ordinance with recommended changes. The Board discussed the necessity of an operating permit for a mobile home park and whether or not one should be required. As the ordinance is currently written, an operating permit ensures the mobile home park has been constructed according to the approved plan and gives the owner the permission to then lease mobile home lots.

The Board also discussed whether or not a phased park plan should be approved by the Planning Board or Administrator in phases or in whole, and how to ensure the mobile home park is maintained as it begins to age.

Cathy Ruth explained the different types of "tiny homes" that can be constructed, including a tiny home built as an RV, one built as a mobile home, one as a modular home, or a tiny home built as a "stick-built" residence on site. She explained having more than one of these built as RVs on a site would constitute an RV park, which is different from a mobile home park.

The Board had more discussion about the operating permit requirement in the current ordinance, and potentially renaming this to be a Certification of Operation. They also discussed having Cathy Ruth draft this as an authorization to construct the mobile home park, and then not requiring the recording of this until the mobile home park is complete with infrastructure and ready for mobile homes to be placed on lots.

The Board moved on to discuss the option for clustering lots in a mobile home park. Cathy Ruth showed three slides with different versions, including the way the ordinance is currently written, and two options for clustering (one with a minimum lot size, and one without). Allowing mobile home parks to cluster the lots provides more open space and a larger buffer from neighboring parcels. The Board agreed to having this as an option and adding commentary to the ordinance to provide the reasoning behind this, including protecting neighboring parcels with a decent buffer and maintaining roads.

Cathy Ruth asked the Board if they felt a tree buffer would be necessary to add to the Mobile Home Park Ordinance. They agreed it could be something good to add to the ordinance to further protect neighboring parcels.

Cathy Ruth highlighted a section of the ordinance requiring inspection of the community water system on a yearly basis. The Board asked whose responsibility it is to ensure the water is good and who enforces it. She agreed she would check with Environmental Health to get clarity on this.

The Board concluded their discussion of the Mobile Home Park Ordinance by discussing lighting mitigation being required, rather than a specific type of lighting.

5. Other Business

Cathy Ruth passed out a copy of the Polk County Subdivision Ordinance with required changes for NCGS Chapter 160D, as well as recommendations for other changes. The Board agreed to look through this in advance of the next meeting.

The Board also discussed meeting more often in order to address all changes required by NCGS Chapter 160D. They discussed that four members of the Board would be leaving the Board in 2021, and it would be good to utilize the current expertise of those currently sitting on the Board to address as many of these changes as possible. The Board agreed to having two additional meetings in December along with the regularly scheduled meeting. The next meeting of the Planning Board will be Thursday, December 3, 2020.

A copy of the proposed 2021 Planning Board regular meeting schedule was passed out for review. A motion to approve the schedule was made by Edward Daniel, seconded by Gerald Pack. A vote was taken and all were in favor. The motion carried unanimously.

6. Public Comments

None.

7. Adjournment

Warren Watson adjourned the meeting at 6:55 PM.

PLANNING BOARD
December 3, 2020 - 5:30 PM
Bryant H. Womack Building
40 Courthouse Street
Columbus, NC 28722
MINUTES

Members Present: Warren Watson (Chair), Edward Daniel, John Rose, Gerald Pack, Neal Barton, Wayne Horne
Members Present via Zoom: Alexander Hagerty
Member(s) Absent: Lee Barker
Staff Present: Cathy Ruth (County Planner), Hannah Lynch (Secretary)

1. Call to Order - Special Meeting

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 3, 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 2, 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.

John Rose (Vice-Chair) called the meeting to order at 5:34 PM in Warren Watson's (Chair) absence. He explained this would be a meeting where Zoom was being utilized by one member (Alexander Hagerty) to attend, due to the COVID-19 pandemic. Warren Watson later arrived after the approval of the agenda and took over the meeting as Chair.

2. Approval of Agenda

A motion to approve the agenda was made by Gerald Pack, seconded by Edward Daniel. A vote was taken and all present were in favor. Alexander Hagerty was also in favor, via Zoom. The motion carried unanimously.

3. Mobile Home Park Ordinance

Cathy Ruth presented proposed changes to the Mobile Home Ordinance, as highlighted in yellow in the meeting packet.

The Board discussed changes to the issuance of an operating permit. They agreed to issue an authorization letter when the mobile home park is approved by the Planning Board, and have the Zoning Administrator issue a compliance letter when all improvements are in. This would be the final step before recording the final plan.

The Board also discussed the need for yearly testing of well water at a mobile home park. They agreed it would be prudent to have this testing and discussed how to enforce this. The Board agreed to have mobile home park owners have the testing yearly and issue the results to all mobile home park inhabitants, as well as sign an affidavit for the Zoning Department that this was completed along with a copy of the results. Cathy Ruth agreed to also speak with Environmental Health about enforceable measures that could potentially be taken to ensure any issues with the well water were addressed.

Warren Watson asked about underpinning being required on all mobile homes within a park before occupancy. Cathy Ruth stated she would talk with Building Inspections to see if this is a building code requirement or not, and also if this is something that can be addressed within the Mobile Home Park Ordinance.

The Board discussed screening of a mobile home park. They agreed to require screening and discussed how best to ensure it remains adequate throughout the year. They decided to allow for either evergreen screening or privacy fences (of at least 6' in height). If a mobile home park owner decided to use evergreens, they must be 4' tall at the time of planting and grow to 6' within the two years. They also agreed to add a stipulation that the screening must be maintained.

Cathy Ruth agreed to draft the changes that were discussed and bring this ordinance back at the next meeting on December 10 for further review.

4. Subdivision Ordinance

Cathy Ruth presented changes to the Subdivision Ordinance, as required by NCGS 160D. She reminded the Board the Subdivision Ordinance is about the land itself that is being divided, rather than the use of the land.

The Board discussed several wording changes that were required by 160D, as well as allowing the Polk County Board of Adjustment to handle all appeals and variances of the Subdivision Ordinance.

Cathy Ruth gave the Board an example of a "pan-handle lot" and the reason for them in the county. She explained as Administrator, she reviews small subdivisions within the office and believes it would be prudent to also be able to approve the use of pan-handle lots within these smaller subdivisions, rather than having the applicant come before the Planning Board. The Board agreed to this.

Cathy Ruth presented new definitions added to the ordinance, and remarked that "administrative hearing" should be added. Neal Barton also let her know the

word "standards" at the top of Article 5 throughout that section of the ordinance is misspelled.

Cathy Ruth agreed to make these required changes, and bring this ordinance back at the next Planning Board meeting with additional suggested changes.

5. Other Business

Cathy Ruth explained to the Board at the next meeting on December 10, 2020, they would decide then about having a meeting on December 17, 2020 or not. She asked the four members cycling off soon if they would be willing to stay on through July, they agreed. Cathy Ruth said she would discuss with the attorney and county manager options to see if this is feasible.

Neal Barton mentioned adding a statement to plats to address control monuments on plats and whether they are tied to grid control, or in the absence of that, if they are tied to other appropriate natural monuments or landmarks. Cathy Ruth agreed she would get him a copy of state standards to present to Neal to look at.

6. Public Comments

None.

7. Adjournment

Warren Watson adjourned the meeting at 6:37 PM.

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 property 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.