

**COLUMBUS COUNTY BOARD OF COMMISSIONERS
WORKSHOP for SUBDIVISION ORDINANCE**

January 25 2010

6:00 P.M.

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, for the purpose of conducting a workshop with the Columbus County Planning Board on the proposed Subdivision Ordinance.

COMMISSIONERS PRESENT:

P. Edwin Russ **Chairman**
Giles E. Byrd, **Vice Chairman**
Amon E. McKenzie
James E. Prevatte
Lynwood Norris
Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
Mike Stephens, **County Attorney**
June B. Hall, **Clerk to Board**

APPOINTEE ABSENT:

Bobbie Faircloth, **Finance Officer**

COMMISSIONER ABSENT:

Ricky Bullard

PLANNING BOARD MEMBERS PRESENT:

District I	Franklin Thurman	District II	Haywood Corbett
District III	Virgil Nichols	District IV	Glen Evans
District V	Al Leonard, Chairman	District VI	Barry Gelezinsky
District VII	Johnny Edge, Vice Chairman		
Soil and Water Conservation	James Sarvis		

WORKSHOP CALLED to ORDER:

At 6:00 P.M., Chairman P. Edwin Russ called the January 25, 2010 Subdivision Ordinance Workshop to order.

READING of WORKSHOP PROCEDURES:

Chairman P. Edwin Russ stated the following:

1. First, the workshop meeting is to inform the Board and permit discussion - no final action is taken; **and**
2. Second, the procedures are less formal that at a regular meeting, but such meetings are part of the decision-making process, deliberations are going on, and therefore, they constitute "official meetings".

PRESENTATION by AL LEONARD:

After the introduction of Chairman Al Leonard was made by Jim Dossett, Columbus County Planning Director, Mr. Leonard stated the following as to why the Planning Board is proposing what we are proposing:

1. There are four (4) good reasons for the proposed Columbus County Subdivision Ordinance, and they are as follows:
 - A. We want to give you a tool to help solve your problems;
 - B. It will protect the public;
 - C. It will aid in the need to play catchup; **and**
 - D. We want to stop the mugging.
2. **First Reason: Tool to Help Solve Problems:**
Will be a tool to help with the conditions of the roads and lots within subdivisions;
Second Reason - It will Protect the Public:
A purchaser will know exactly what he/she is purchasing;
Third Reason - Play Catch-up:

-In the original resolution from the Board of Commissioners that set up a Planning Board, ask the Planning Board to come back to you and report on the status of subdivision regulations; **and**

-Over eighty-five (85%) percent of the surrounding counties do have subdivision ordinances.

Fourth Reason - Stop Mugging:

-Subdivision plans are being recorded every day without any regulations being on the books; **and**

-The developers are being honest and stating they are in a haste to get these plans recorded before these regulations are in place.

PRESENTATION by JIM DOSSETT:

Jim Dossett, County Planner, stated the following:

1. Since my employment with Columbus County, I have received numerous telephone calls relative to the condition of roads in housing developments and property access issues;
2. We, as a Planning Board, looked at the surrounding counties that do have a Subdivision Ordinance in place, and created this document that would benefit Columbus County the most;
3. Essentially, this ordinance is in three (3) parts, as follows:
 - A. What is a subdivision?;
 - B. What is the process?; **and**
 - C. Improvements;
4. The State law determines what is and what is not a subdivision;
5. The State law states that we cannot regulate the following three (3) things:
 - A. If there is a zero (0) net increase in the property;
 - B. If you chop off ten (10) acres or more, and there are no roads involved (no ingress or egress easements involved), that is exempt; **and**
 - C. If you are splitting off lots, or splitting off property for public acquisition;
6. In the ordinance that is being presented, the county offered two (2) additional exemptions in addition to what the State mandated, as follows:
 - A. If you have three (3) or less lots being cut off of a parent parcel of two (2) acres, or less, that is not a subdivision; **and**
 - B. Gift lot;
7. There are two (2) types of subdivisions being proposed here - a minor subdivision and a major subdivision;
8. As being proposed, a minor subdivision has no roads being planted, no easements being planted, there is no extension of public utilities and it is four (4) lots or less;
9. A major subdivision is anything that requires a road to be constructed, anything that requires an easement or extension of water line or sewer line, a public utility, or with five (5) or more lots;
10. We are proposing that a sketch plan be required on a major subdivision, but does not require that an engineer do it, can be done in-house by the Planning Department;
11. A sketch plan will eliminate problems from the beginning, and will take approximately two (2) hours with the developer;
12. As a part of the process, there are two (2) other things, as follows:
 - A. Variance; **and**
 - B. Appeal;
13. **Appeal Process:** the appeal should be directed to the Board of Commissioners; **and**
14. **Variance Process:** goes to the Planning Board first, and then to the Board of Commissioners in the form of a Developer's Agreement (puts it in the public view).

QUESTIONS / DISCUSSION:

1. **Vice Chairman Byrd:** The area I have a problem with is **Section 504. Gift Lots Defined**, the term one time gift which I think should be took out.

After lengthy discussion was conducted relative to this verbiage, it was the general consensus of the Board to eliminate the term one time and add verbiage to indicate family members, and if a problem arises in the future as a result of this, to revisit the ordinance to tighten up the verbiage.

2. **Commissioner Gore:** stated the following:
 - A. We have proposed development off of Highway 904, in the southern end of the

- County, of approximately five hundred (500) houses being built;
- B. If this development come to fruition, this would have a major impact on the roads, schools, public services and public facilities; **and**
- C. Is there anything built into this document that would allow this Board to initiate an impact fee that would offset this additional cost?
3. **Jim Dossett:** This is addressed in Section 108. Adequate Public Facilities and Section 208. Development Moratoria.

Discussion was conducted relative to the following:

- Having a Traffic Impact Analysis done;
 - must have a Land Use Plan in place;
 - the high cost of this study, study done by the State and paid for by the developer;
 - The Technical Review Committee (TRC) could ask for a Traffic Impact Analysis; **and**
 - If you have a Traffic Transportation Study, you can bounce off of that study;
 - The Planning Board may recommend denial of a proposed subdivision if it determines that existing public facilities are not adequate;
 - County may adopt temporary moratoria; **and**
 - The advantages of doing a sketch plan initially.
4. **Commissioner McKenzie:** stated the following:
- A. Based on the final product, you and the Planning Board have invested a vast number of hours and hard work into this document;
- B. This document is concise, easy to read and easy to interpret; **and**
- C. I would like to thank you and the Planning Board for the good work.
5. **Commissioner Prevatte:** stated the following:
- A. I would like to reiterate and say thank you and the Planning Board for a job well done; **and**
- B. Can the Board place a moratorium on the proposed developments until we can get this document approved and in place?
6. **Jim Dossett:** You can enforce a moratorium if the requirements are there and they are met, and the Board can instruct the County Planner not to stamp the plans that are being presented.
7. **Vice Chairman Byrd:** Is there anything in this document that addresses burned-out houses in subdivisions?

Jim Dossett replied stating that William S. Clark, County Manager, has met with me and requested that I spearhead this up and develop a document the Board can review and hopefully adopt.

8. **Chairman Russ:** I would like to thank Jim Dossett and the Planning Board for all their time and hard work they have invested in this document. I think the end product is most suitable for what we were looking for and need.

ADJOURNMENT:

At 7:23 P.M., Commissioner Bullard made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

APPROVED:

JUNE B. HALL, Clerk to Board

P. EDWIN RUSS, Chairman