

**COLUMBUS COUNTY BOARD OF COMMISSIONERS
SPECIAL CALLED MEETING WITH PLANNING BOARD
Wednesday, August 25, 2021
6:00 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and time at the Dempsey B. Herring Courthouse Annex, 112 West Smith Street, Whiteville, North Carolina 28472, for the purpose of conducting a Special Called Meeting with the Planning Board.

COMMISSIONERS PRESENT:

Ricky Bullard, **Chairman**
Jerome McMillian, **Vice Chairman**
Chris Smith
Giles E. Byrd
Lavern Coleman
Brent Watts

COMMISSIONERS ABSENT (EXCUSED):

Charles T. McDowell

APPOINTEES PRESENT:

Boyd Worley, **Board Attorney**
Jay Leatherman, **Interim Finance Officer**

APPOINTEE ABSENT (EXCUSED):

Amanda B. Prince, **Staff Attorney/Deputy Clerk to Board**

PLANNING DEPARTMENT PRESENT:

Samantha Alsup, **Director**

PLANNING BOARD MEMBERS PRESENT:

Linda Jablonowski, Chairwoman
Rodney Singletary
Jonathan Cox
Frank Galloway
Jason Worley
Daryl Hardwick

Agenda Items #1, #2 and #3:**MEETING CALLED to ORDER, INVOCATION and PLEDGE of ALLEGIANCE:**

At 6:00 P.M., Chairman Ricky Bullard called the August 25, 2021 Special Called Meeting to order. The invocation was delivered by Commissioner Chris Smith. Everyone in attendance stood and pledged Allegiance to the Flag of the United States of America which was led by Planning Board Chairwoman Linda Jablonowski.

Chairman Bullard: I would like to introduce Mr. Rick Flowe from N-Focus Planning, Inc who will be assisting us.

Rick Flowe: I think one of the things we need to do early on is identify the most critical issues you're facing as elected officials, so that we can focus on them tonight.

Chairman Bullard: Thank you, I'm going to let Mr. Madden state some of our concerns.

Eddie Madden: The Board of Commissioners met with the staff and provided some guidance on what their most pressing issues were. The immediate concerns of the subdivision ordinance are the subdivision lot size, the minimum lot size, the process of approval for multi-family, particularly in rural/residential areas, and as it relates to the moratorium.

Rick Flowe: That's consistent with what myself and Mrs. Alsup have discussed and I apologize I was unable to attend the last meeting, as I had a prior engagement. I'm going to try to address all of those topics tonight. To begin addressing your subdivision concerns, generally speaking, residential development largely drives most of the activity in a community. Most of your non-residential activity will follow residential. Housing, land and lot availability will create projects. Your current subdivision ordinance is pretty basic. What stands out to me is figuring out what is the right size for a "Use by Right" district. If the lots are too large, there will be push back because people will say they only want to develop "this much not that much" and if the lots are too small, what you run into are serious concerns about on-site septic waste disposal. I was studying your water system maps and you have fairly broad water coverage. The onsite septic is really the biggest concern. There's not an ideal lot size for a particular strategy in putting standards in place for new subdivisions. There's more of a criterion for setting lot sizes around the performance of your soils. The concerns I heard in the room at the June 21st, 2021 meeting were concerns about septic and septic at certain densities and things of that nature. So the question we need to ask is, how does your onsite waste disposal function at that level? Are we or are we not going to have requirements for onsite repair fields? Some things to consider is if a septic system crosses over another person's property, can we keep a record of that. What if the line goes down the shoulder of a road? Then we should make sure they have an encroachment agreement with DOT. Now if you take all these things into consideration, you can determine a reasonable minimum lot size that's not as volatile as what I've seen here in your community.

Eddie Madden: I remember at the last meeting you made the comment that our standard lot size is more typical of what you would find in an urban setting.

Rick Flowe: Very much so. Lot sizes for urban setting are sized to be highly dependent on public or privately operated waste water system. Your current lot sizes are operating with those super dependent densities without sewer. A balance of property rights between the people seeking approval for a development on their property and the people that it affects is the most critical thing that this body has to come to terms with. I think you're playing with fire with those higher densities because it's not a matter of if but when you start to have more and more failures of waste water systems.

Eddie Madden: So, to that point, the Board heard what you said at the public hearing. At the last meeting Mr. Wes MacLeod from the COG presented something similar. The consensus at the time, and I believe Samantha has drafted a text amendment to coincide with it, was to increase the minimum lot size for properties that do not have existing water and sewer to 1 acre, where now it is a much smaller lot size.

Rick Flowe: That's a pretty safe level in most regards to be able to function. Another danger of going to a higher density is that it is very expensive to retrofit sewer in the future of a subdivision that was graded without regard for sewer. A 30,000 square foot lot size where there is water available is pretty ample for waste water and leaves you a decent size lot, but you may need some other standards in there, like separation between the houses. They don't have to be exorbitant but they need to be practical. I feel like what Samantha put before you, and I've looked at it, is on solid footing. I don't believe it will break any developers' backs and I know you're trying to also be sensitive to the development community. You want them to succeed when they do a project.

Commissioner Smith: Septic systems are sized based on the number of rooms in a home. So let's say you have a four-person family in one of those homes, then they choose to sell it to someone who has six kids, you're going to have surface sewer and environmental problems.

Rick Flowe: You're absolutely right and most people only do the bare minimum that is required by the state when putting down septic systems, so any additional occupancy and you could run into problems. Short of a soil study to show performance at maximum loading, I would not consider variance requests to reduce lot sizes because someone is trying to get more density.

Chairman Bullard: With a septic repair area, is one area under those conditions, a big enough lot? And this is without gutters on the house because chances are there won't be gutters on these mobile homes.

Rick Flowe: Considering those inputs, the sizes of the houses, the sizes of the lots, maximum rainfall and the soil variations you have, if this decision were up to me I would set the lot sizes closer to 50,000 square feet which is a little over 1.1 acres.

Eddie Madden: At the last meeting, the Board discussed acreage and the consensus was 1-acre minimum lot sizes.

Rick Flowe: In a lot of the ordinances I write for rural areas, un-sewered, I use 50,000 square feet as the smallest lot you can do in a cluster development. A cluster development is where you take the density of a project and you bring it into one area. My recommendation to you would be no less than an acre.

Samantha Alsup: I'm thinking about the cost for someone who wants to buy a lot and build a house on it. We need to invite growth and have available affordable housing. I just wonder about the impact of setting our minimum lot size at 1 acre or 50,000 square feet or even up to 2.5 acres, what kind of impact that will have on housing costs.

Rick Flowe: You will have an impact on housing costs if that is your standard across the board. In an area as large as your county, you may have areas where you do want to target some higher densities where there is carrying capacity of the site. There may be some limitations that you can put into that particular situation. If you want more density you have to offset or mitigate your other concerns.

Samantha Alsup: Right now, we allow 15,000 square foot lot sizes for water and sewer, 25,000 square foot lot sizes for water no sewer. However, for our 30,000 square foot lot sizes we don't have any regulations to prohibit density, so someone could build 3 houses on a 1-acre lot. So we would need to have a density regulation built in. A lot size with no water, no sewer is 50,000 square feet but it's 20,000 square feet per dwelling, so then when you develop an acre you can only put two dwellings on an acre.

Rick Flowe: That's exactly how I write my development standards, I have a stated density maximum. Don't let your lot size be substitution for your density limitations. Right now you have lot sizes but you don't have any density limitations. So once you decide on what your numbers should be, you need to do the math and make sure they actually work so not only does the community win, but the people who are investing in your community too.

Chairman Bullard: I think we're looking for growth in a positive way here in the county. If something were to be built beside my home, I would want it to be something that would add value, not detract. Some growth you just don't want and one of our main objectives is to ensure good, positive growth for the County.

Commissioner Smith: I think one thing that we should consider when issuing a permit is whether or not an area floods.

Rick Flowe: The standard of approach that I normally take on that is I limit new lot lines from going all the way back into floodplains.

Agenda Item # 4: PRESENTATION of PROPOSED TEXT AMENDMENTS:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE COLUMBUS COUNTY SUBDIVISION
ORDINANCE, ARTICLE IV, SECTION 404.2(a) ALSO, KNOWN AS
CHAPTER 10, PART 3, ARTICLE 4, SECTION 4, B. 1) OF THE CODE OF
ORDINANCES, TO INCREASE THE MINIMUM LOT SIZE FROM 30,000
SQUARE FEET TO 43,560 SQUARE FEET, OR 1 ACRE, FOR NEW
LOTS THAT NO PUBLIC WATER OR PUBLIC SEWER

WHEREAS the Board of Commissioners wishes to amend the Columbus County Subdivision Ordinance and the Code of Ordinances to protect the presence of sensitive natural areas such as floodplains, wetlands, and other natural and cultural assets from development which would damage these resources or diminish their integrity; and,

WHEREAS the Board of Commissioners also wishes to amend the Columbus County Subdivision Ordinance and the Code of Ordinances to protect land areas that are devoted to agriculture and characterized by low-density residential development and, as such, preservation of the rural character of these lands, as well as the protection of valuable farmlands, and environmental and cultural resources, is deemed to be in the best interest of the County and its citizens; and,

WHEREAS the Columbus County Board of Commissioners, in a separate motion, has considered the following amendment and determined that the amendment is consistent with the Comprehensive Land Use Plan and reasonable; and

THEREFORE, **Article IV, Section 404.2(a) of the Columbus County Subdivision Ordinance** is hereby amended to increase the minimum lot size of new lots that have no public water or public sewer, from 30,000 square feet to 43,560 square feet, or 1 acre.

AND THEREFORE, **Article 4, Section 4, B. 1), of the Columbus County Code of Ordinances** is hereby amended to increase the minimum lot size of new lots that have no public water or public sewer, from 30,000 square feet to 43,560 square feet, or 1 acre.

This amendment shall become effective upon adoption. Adopted this _____ day of _____, 2021.

Ricky Bullard, Chairman
Columbus County Board of Commissioners

Approved as to Form:

Boyd Worley, Columbus County Attorney

Attest:

Amanda B. Prince, Deputy Clerk to the Board

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE LAND USE REGULATION
ORDINANCE OF COLUMBUS COUNTY, NC, ARTICLE IV, SECTION 1;
ALSO KNOWN AS CHAPTER 10, PART 2, ARTICLE 8, SECTION 2 OF
THE CODE OF ORDINANCES TO ADD SUBDIVISIONS WITH MORE
THAN 10 LOTS TO THE LIST OF REGULATED USES REQUIRING A
SPECIAL USE PERMIT

WHEREAS the Board of Commissioners wishes to amend the Land Use Regulation Ordinance of the County and the Code of Ordinances to provide that prior to subdivision approval, subdivisions where more than 10 lots are created, are a type of land use that necessitates special use permit approval based on specified standards to insure that this type of land use, while essential and beneficial to the county, will be appropriate and not entirely incompatible with other uses in the area proposed for development. Those standards include that the use is in harmony with other land uses in the area and that the property values of adjacent properties are not substantially reduced; and,

WHEREAS the Board of Commissioners further determines that adjacent landowners should be given notice of this type of land use and an opportunity to be heard by presenting evidence at a quasi-judicial hearing; and,

WHEREAS the Board of Commissioners, in a separate motion, reviewed the Comprehensive Land Use Plan and determined that the amendment is consistent with the plan and reasonable; and,

THEREFORE, **Article IV, Section 1, of the Land Use Regulation Ordinance** is hereby amended to add the following to Section 1, as follows:

"Subdivisions where more than 10 lots are created."

AND THEREFORE, **Article 8, Section 2, of the Code of Ordinances, Chapter 10, Part 2**, is hereby amended to add the following:

"Subdivisions where more than 10 lots are created."

This amendment shall become effective upon adoption. Adopted this _____ day of _____, 2021.

Ricky Bullard, Chairman
Columbus County Board of Commissioners

Approved as to Form:

Boyd Worley, Columbus County Attorney

Attest:

Amanda B. Prince, Deputy Clerk to the Board

ORDINANCE NO.

AN ORDINANCE TO AMEND THE LAND USE REGULATION
ORDINANCE OF COLUMBUS COUNTY, NC, ARTICLE IV, SECTION 2;
ALSO KNOWN AS CHAPTER 10, PART 2, ARTICLE 9, SECTION 2 OF
THE CODE OF ORDINANCES ADDING MULTI-FAMILY HOUSING
TO THE LIST OF REGULATED USES REQUIRING A
SPECIAL USE PERMIT

WHEREAS the Board of Commissioners wishes to amend the Land Use Regulation Ordinance of the County and the Code of Ordinances to provide that development of multi-family housing units, are a type of land use that necessitates special use permit approval based on specified standards to insure that this type of land use, while it may be essential and beneficial to the county, will be appropriate and not entirely incompatible with other uses in the area proposed for development. Those standards include that the use is in harmony with other land uses in the area and that the property values of adjacent properties will not be substantially reduced; and,

WHEREAS the Board of Commissioners further determines that adjacent landowners should be given notice of this type of land use and an opportunity to be heard by presenting evidence, if they desire, at a quasi- judicial hearing; and,

WHEREAS the Board of Commissioners, in a separate motion, reviewed the Comprehensive Land Use Plan and determined that the amendment is consistent with the plan and reasonable; and,

THEREFORE, **Article IV, Section 1, of the Land Use Regulation Ordinance** is hereby amended to add the following to Section 1, as follows:

"Multi-family Dwelling Units"

AND THEREFORE, **Article 8, Section 2, of the Code of Ordinances, Chapter 10, Part 2**, is hereby amended to add the following:

"Multi-family Dwelling Units"

This amendment shall become effective upon adoption. Adopted this _____ day of _____, 2021.

Ricky Bullard, Chairman
Columbus County Board of Commissioners

Approved as to Form:

Boyd Worley, Columbus County Attorney

Attest:

Amanda B. Prince, Deputy Clerk to the Board

Samantha Alsup: I have drawn up drafts of three text amendments.

Commissioner Byrd: One of my concerns is for the individual who has a plot of land and they put a starter home on their property until they can afford to build one. Now they have 1 plot with two homes that doesn't fit into changes we're talking about making now. We have a lot of examples of this all over the county. What happens to someone like that? Would they be grandfathered in?

Rick Flowe: What you're describing is a lot of record. If an individual purchases a lot today with the current size standards in place and those standards change in the future, that person can still build on or develop their lot. For multi-family lots I generally recommend they be described as 3 or more. There are some issues within 160D that make it difficult to separate duplexes from multi-family, so I generally don't recommend you try to separate those.

Commissioner Coleman: We've been talking a lot about sewer, but what about water? A developer may want to develop multiple homes on a property but not know how much water is available below the surface.

Rick Flowe: So the developer would either have to dig wells at their own risk, not knowing what's available unless they do testing, or bring in public water at their own cost.

Eddie Madden: I've been contacted by a number of attorneys and surveyors who want to know if this is going to be a long-term scenario or is the Board planning to move forward with this expeditiously? I believe that as time moves on we are going to see more interest. We've already had a number of people to call and express interest in doing development in the county. I wouldn't want there to be a moratorium in place to discourage that interest. What I would suggest, is that if there is any portion of this that is ready and can be adopted, the Board give it some consideration.

Chairman Bullard: I think we are in consensus about the minimum lot size but we may need to review an updated ordinance on multi-family housing.

Commissioner Smith: I believe changing the lot size to one acre will improve the subdivisions tremendously. The investors may not like it because they won't make as much money with fewer lots.

Samantha Alsup: We certainly want to have development that is controlled and discourage it in areas where we don't need that type of growth, but I do think down the road, encouraging growth and inviting growth where it is appropriate, whether that be with county-wide zoning or decreasing lot sizes, is important and we need to have those discussions.

Rick Flowe: You can separate manufactured homes from conventional homes, but it will take more than what you're doing now.

Commissioner Watts: Do subdivisions have to have paved roads and sidewalks?

Samantha Alsup: Not necessarily sidewalks, but you do have to have paved roads for a major subdivision.

Commissioner Watts: So if a developer has 20 or 30 lots, they would have to put in paved roads?

Commissioner Smith: I spoke with a Robeson County Commissioner and he said their rule was if there's five or more mobile homes you have to have paved streets. Is that correct Ms. Samantha?

Samantha Alsup: If you have a major subdivision you have to have public roads and they do have to be, I believe, paved.

Boyd Worley: Mr. Chairman, if we could have Mr. Flowe capstone for us what his pros and cons are to each of the proposed text amendments, that may be beneficial to the Board.

Agenda Item #5: **DISCUSSION of PROPOSED TEXT AMENDMENTS, SUBDIVISION, and MORATORIUM:**

Rick Flowe: I think the amendment dealing with square footage is a very good decision. The second meaning to establish a special use permit process for major subdivisions of ten lots or more is also a very good amendment. I think both are in good shape right now. The third one on multi-family, I think is a good idea but I think we need to add some fundamental standards to go with it.

Agenda Item #5: **COMMENTS:**

No comments were made.

Agenda Item #6: **ADJOURNMENT:**

At 7:30 P.M., Commissioner Smith made a motion to adjourn, seconded by Commissioner Byrd. The motion unanimously passed. These minutes were typed by LaToya Williams.

AMANDA B. PRINCE, Staff Attorney/Deputy Clerk

RICKY BULLARD, Chairman

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