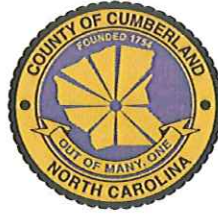


**Members:**  
Vickie Mullins, Chairman  
George Lott, Vice-Chair  
George Turner  
Alfonso Ferguson Sr.  
Winton McHenry



**Alternates:**  
Robert E Davis  
Nathan Galbreath  
Stacy Michael Long  
Alberta Ortiz  
Gregory Parks

## ***CUMBERLAND COUNTY BOARD OF ADJUSTMENT***

130 Gillespie Street  
Fayetteville North Carolina 28301  
(910) 678-7602

MINUTES  
June 21, 2018  
7:00 PM

### **Members Present**

George Lott  
George Turner  
Alfonso Ferguson Sr.  
Winton McHenry  
Gregory Parks

### **Absent Members**

Vickie Mullins

### **Staff/Others Present**

Hope Ward Page  
Patricia Speicher  
Dena Smith  
Robert Hasty, Jr. (Assistant  
County Attorney)

Chairman Lott called the meeting to order at 7:00 p.m. in Public Hearing Room #3 of the Historic Courthouse.

#### 1. INVOCATION

Chairman Lott

#### PLEDGE OF ALLEGIANCE

Recited by all.

Chairman Lott stated the procedural matters are to turn off all cell phones and other electronic devices, other than the camera, are fine and if asked to speak at the podium to please speak clearly into the microphone as the meeting is being recorded. Although there are no set time limits for any speaker addressing the board, the board asks speakers to not repeat what has been previously stated. If there is no new evidence to offer please make the board aware of your agreement with the previous speakers. If any board member wishes to speak or ask any questions please ask to be recognized by the Chairman before speaking.

#### 2. ROLL CALL

Mrs. Page called the roll and stated a quorum was present. For the audience Mrs. Page introduced non-voting alternate members Mr. Robert Davis, Mr. Stacy Long and Mr. Robert Hasty, Assistant County Attorney.

#### 3. SWEAR IN STAFF

Chair Lott swore in staff.

#### 4. ADJUSTMENTS TO THE AGENDA

There were none from staff.

#### 5. APPROVAL OF THE MAY 17, 2018 MINUTES

**CHAIR LOTT:** The motion has been made, motion of a second has been made, all those in favor of approval?

**Mr. Ferguson made a motion to approve the minutes from the May 17, 2018 meeting, seconded by Mr. Turner. The motion passed unanimously.**

	IN FAVOR
LOTT	YES
FERGUSON	YES
MCHENRY	YES
TURNER	YES
PARKS	YES

6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)

There were none.

7. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

8. POLICY STATEMENT REGARDING APPEAL PROCESS

Mrs. Page read the policy statement.

9. PUBLIC HEARING(S)

**P18-04-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A RECREATION VEHICLE PARK AND/OR CAMPGROUND IN AN A1 AGRICULTURAL DISTRICT ON 11.81+/- ACRES, LOCATED AT 1965 JOHN MCMILLAN ROAD, SUBMITTED BY SHANE TAYLOR (OWNER) AND STEPHEN M. CAIN (AGENT).

Chair Lott read the case heading for Case No. P18-04-C.

Mrs. Page reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. Mrs. Page asked if the section of the zoning ordinance Section 921 recreation vehicle park or campground which are referencing on pages 101 - 103. The application submitted by the owner is complete and the owner has agreed to all the ordinance related conditions that were included in your packet. Staff asked when making a motion if you could make the motion subject to the findings of facts located behind the special use tab in your binder.

MR. TURNER: You said there is no sewer in there?

MRS. PAGE: No sir there is not.

CHAIR LOTT: Is it served by County water?

MRS. PAGE: It's a well. The applicant is here if you need to make that clear.

CHAIR LOTT: Shane Taylor?

MR. TAYLOR: Yes sir.

CHAIR LOTT: If you would approach the podium give us your name and address for the record please.

MR. TAYLOR: My name is Shane Taylor. We live at Paradise Acres, 1965 John McMillan Rd.

CHAIR LOTT: Okay.

MRS. PAGE: Excuse me sir, if you could, will you swear him in?

CHAIR LOTT: Swear him in?

MRS. PAGE: Yes sir.

CHAIR LOTT: Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

MR. TAYLOR: Yes sir.

CHAIR LOTT: Thank you. Mr. Taylor, do you have anything to say before we ask you any questions?

MR. TAYLOR: Yes sir. We've been at Paradise Acres, we bought the property back in 1985 and what we have there is we hold private parties, company/corporate events, weddings, family reunions and we also do the catering out there, we also cater off site also but the way the economy has hit everybody, it has hit us very hard so the last 17 years, since 9/11, its really hurt the corporate part of our business so now what I'm aiming to do is start back on the back property and just start out with four, six, eight camp spots and let's see how this thing goes. I've talked to the camping world. They said there is a big demand for overnight parking because we are only 3 miles from the camping world. He said he can get me a lot of business during the week. I'm just looking for extra income just to keep things going out there at Paradise Acres.

CHAIR LOTT: Questions by board?

MR. TURNER: How will you accommodate the sewer?

MR. TAYLOR: The sewer is septic tanks and I've already talked to Fred, I think his name is Hall, not for sure that's his last name, but I've already talked to him. He's down here at the inspectors. He actually came out and looked at the property. He's going to come out, I've got to pull a permit, it's like four hundred dollars for a permit but he said then we can grade it and kind of see what size septic tank we need to how many campers that you need. It might take one septic tank for two or three campers, it just depends on the soil. And the property that we're going to put that on we've been using for parking for thirty years. So it's solid ground, it drains well, we've not had no problems whatsoever out there. But we are going to put septic tanks in, power, water and everything.

MR. TURNER: So based on what they tell you to do, you'll be putting in one septic tank in for every two or three campers, something like that?

MR. TAYLOR: Exactly. Whatever he tells me I can do, that's what we going to go by. We've got several septic tanks on the property, I do have that mobile home on the property, we have two ponds on the property plus we have playground equipment, basketball, volleyball and all that. Later on down the road, I'm talking about ten years down the road, it might be a great place to be a destination for a campground, right now it's going to be more of an overnight, weekend stay, stuff like that. I know with the pipeline coming in through Fayetteville or Cumberland County, there's a big demand, even for nurses that travel. I want to make a nice campground. I'm going to have pads poured down, with ABC stone, rolled out and packed out. I'm going to start out small. The guy that surveyed this for me, he couldn't be here tonight, Steven King, he drew it up at the max. This is way down the road that we could do. I'm going to start out with four, six, as the money comes in and build it up but I'm going to continue doing my other business also that's why I'm starting back there in the back around the barn area and moving it out toward the parking lot.

MR. TURNER: Don't quit doing the barbeque, we all need that.

MR. TAYLOR: That's in my blood; I'm not going to stop that. I just need something to get some money rolling in; I need cash flow coming in to keep things going to be honest with you.

MR. TURNER: So you intend to build six spaces maybe?

MR. TAYLOR: Yes sir that would be ideal if I can six done and I want to see how it fills up and see it works.



MR. TURNER: Okay.

MR. TAYLOR: I'm not changing and going all out, I don't have the money and the funds to do that.

MR. TURNER: Okay. That's all I have.

CHAIR LOTT: Any other board member?

MR. PARKS: All I can say is the Taylor family always does everything first class whatever they do.

MR. TAYLOR: Thank you sir. Appreciate that.

MR. FERGUSON: Case facts.

CHAIR LOTT: The use will not materially endanger the public health or safety of located according to the plan submitted and recommended.

MRS. PAGE: Excuse me Chair, if you were done with Mr. Taylor, would you want to close the public hearing and precede with the hearing?

CHAIR LOTT: I'm sorry. Yes. Thank you. I made all these same mistakes last month.

MR. TURNER: Based on what you started we'll make a motion to approve. Is that what you were doing?

CHAIR LOTT: Yes sir. The use will not materially endanger the public health or safety of located according to the plan submitted and recommended.

MR. TURNER: It certainly wouldn't. It's very rural.

CHAIR LOTT: Plans are in order and would be approved by the County Health Department. The use meets all required conditions and specifications. Case facts.

MR. TURNER: Based on the plan he submitted here and they followed this plan, it would do that.

MR. FERGUSON: Did you say they agreed to everything that was needed?

MRS. PAGE: Yes sir they did agree to all the ordinance related conditions that were included in the packet.

CHAIR LOTT: The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity.

MR. TURNER: I think the statement that he made to the potential for incoming labor or labor force to the area which will substantiate the use of a park in this vicinity, he owns the adjoining properties.

CHAIR LOTT: Yes he does. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan. That motion has been made is there a second?

**Mr. Turner made a motion to approve Case P18-04-C consideration of a special use permit to allow a recreation vehicle park and/or campground in an A1 Agricultural District, subject to the finding of facts and ordinance related conditions, Mr. Ferguson seconded. The motion passed unanimously.**

	<b>IN FAVOR</b>
TURNER	YES
FERGUSON	YES
MCHENRY	YES
LOTT	YES
PARKS	YES

CHAIR LOTT: Thank you Mr. Taylor.

MR. PARKS: There's a big demand for that around here. They're having to go up towards Dunn to stay, there's nothing around here.

MR. TURNER: Just a few months ago we approved the one in Dunn.

MR. PARKS: Is that a KOA up there? KOA type?

MR. TURNER: Yeah.

CHAIR LOTT: The next case is a Water Supply Watershed.

10. WATER SUPPLY WATERSHED

**WS18-01:** HIGH DENSITY REVIEW OF THE GRAYS CREEK VOLUNTEER FIRE DEPARTMENT FOR UP TO 35% IMPERVIOUS LAND AREA UNDER THE TERMS OF THE COUNTY WATER SUPPLY WATERSHED MANAGEMENT AND PROTECTION ORDINANCE, SECTION 31A-60; HIGH DENSITY DEVELOPMENTS; ZONING: A1; TOTAL ACREAGE: 4.01 +/-; LOCATED AT 6975 FIRE DEPARTMENT ROAD (SR 2255); OWNERS: GRAYS CREEK VOLUNTEER DEPARTMENT.

MR. BARNILL: There was a typo in the acreage it was incorrect in the packet it was not 2.16 it is 4.01.

CHAIR LOTT: Please repeat?

MR. BARNHILL: There was a typo in the acreage it is not 2.16 it is 4.01.

**Mr. Barnhill reviewed the zoning, sketch map, and land use of the area surrounding subject property. He briefly reviewed board packet material.**

MS. SPEICHER: If I could address the Board just to clarify this is not a variance, it is not a request for rezoning, we apologize for our slide, it is a watershed case.

MR. TURNER: We don't get many of those, is there anything you should tell us that we don't know?

MS. SPEICHER: Jeff is our watershed person and he will answer your questions.

**Mr. Barnhill continued his presentation of the case.**

MR. BARNHILL: The watershed ordinance states that no more than 70% of the site can be covered with impervious surface material. Impervious surface materials are anything that doesn't allow water to get through like concrete, asphalt, buildings. The developer must use these designs to contain and control his runoff on site by basins or in this case infiltration trenches will be used. The goal is to not have pollutants getting off the site basically containing all pollutants on site, so it doesn't make it to streams where they pull drinking water. The infiltration trenches themselves – there are six on this sight, various widths and depths and they will be used instead of a pond. They will be used to filter the water on site.

MR. TURNER: Tell me again what they are.

MR. BARNHILL: Infiltration trenches.

MR. TURNER: Okay.

MR. PARKS: Let me ask you, is this Fire Department proposing to put a Fire Department here and that's the reason?

MR. BARNHILL: They have an existing one already across the street.

MR. PARKS: Okay. They're trying to go across the street and build a new volunteer fire department?



MR. BARNHILL: Yes sir. Right.

CHAIR LOTT: And you're making them?

MR. BARNHILL: They are in a watershed area so these are steps they have to take.

MR. PARKS: I understand.

MR. BARNHILL: This is a location map of the watershed itself, the watershed that we are dealing with now is the Bladen Bluff watershed which actually is in Bladen County but the ten mile protection area extends upstream from the intake line which they pull water for Smithfield hog plant, so anything ten miles upstream from that would fall under the protected area and that you see there, the blue hatch pattern coming up from the County line down there, that is where it is coming up extending into Cumberland County from Bladen County. The other two are up off of Ramsey Street, you got the PO Harper water intake plant, and you've got the Granville Lake water where PWC pulls water as well so ten miles upstream from them as well falls under protective area. Like I said the infiltration trenches themselves basically consist of a foot or so of pea gravel on top, with 57 stone below that, wrapped in filter fabric and below that would be clean sand to filter the water as it drains thru. I would also like to read you some approvals we had with this case. The storm water control structure system must meet the standards of the watershed ordinance; plans have been reviewed by the County Engineers office and were approved on May 31<sup>st</sup>, 2018. Cost estimate for the storm water system must be a sufficient amount to complete the project. County Engineer's office verified the sufficiency of the amount proposed in a letter dated May 31<sup>st</sup>, 2018. Legal documents for the ownership and maintenance of the storm water control system must meet the standards of the watershed ordinance. Legal documents have been found to be legally sufficient by the County Attorney's office on May 29<sup>th</sup>, 2018. The project must meet the standards of the Zoning and Subdivision ordinance. The Planning and Inspection staff has reviewed the project and listed the conditions of approval on the conditions sheet dated May 24<sup>th</sup>, 2018, Case No. 18-023, a copy of which is in the case file. The Operational Maintenance plan must be satisfactory and comply with at least the minimum standards and intent of the ordinance. The Watershed Review Officer for the Planning and Inspection staff and the County Engineer has reviewed and conditionally approved this plan on June 1<sup>st</sup>, 2018. The project must have an approved soil erosion and sedimentation control plan. The North Carolina Department of Environmental Quality Division has approved the soil erosion and sedimentation control plan on April 4<sup>th</sup>, 2018. In addition to any other requirements provided by the Water Supply Watershed ordinance the Board may designate additional conditions and requirements on the proposal to assure the use will be harmonious with the area in which the project is to be located and with the spirit of the ordinance. I would be happy to answer any questions.

CHAIR LOTT: I really think that in lieu of what you've told us, and all the conditions that they've agreed to, and the plans been approved, that they meet all our conditions set forth. I'm open for a motion.

MR. TURNER: I make a motion we approve. Do we need to do findings of fact with that?

MS. SPEICHER: No.

MR. TURNER: Just approve.

CHAIR LOTT: Motion made and seconded, all in favor say, Aye. Thank you Board Members.

**Mr. Turner made a motion to approve case WS18-01 High Density Review of the Grays Creek Volunteer Fire Department, Mr. Ferguson seconded. The motion passed unanimously.**

	<b>IN FAVOR</b>
LOTT	YES
FERGUSON	YES
MCHENRY	YES
TURNER	YES
PARKS	YES

MR. PARKS: So why was this even brought to us, why was this watershed thing even brought to us?

MR. HASTY: Because it's in the ordinance.

MR. PARKS: Okay.

#### 11. DISCUSSION/UPDATES

- DELEGATION OF WATERSHED AUTHORITY

MS. SPEICHER: Under discussion, the staff is begging this for just in the essence of saving taxpayer time, money, county resources, to delegate to the Planning Director, the authority for the watershed review approval. It's on the very back page of your copy of this packet. We put the ordinance. And the very last paragraph is the section in the ordinance adopted by the County Commissioners that authorizes you to delegate it to the Planning Director. And the reason for that, is you saw tonight all you're doing is saying yes, everything was approved, everything was done, I mean it's all done at staff level anyway, to search out and make sure we have a complete application, a complete packet, and all the necessary approvals and we have those before we can bring it to you. So it's just an extreme waste of time for the property owner, in this case the fire department and a lot of paper.

CHAIR LOTT: So would it be proper for me to ask for a motion to that effect?

MS. SPEICHER: Yes.

MR. PARKS: Let me ask a question, it's not going to affect the motion but why hasn't this been done before? Why haven't you come to this Board, if we're the person that made the decision and say hey . . .

MS. SPEICHER: The watershed ordinance was adopted in '94 Jeff?

MR. BARNHILL: '93.

MS. SPEICHER: '93 by Cumberland County. It was mandated from the EPA to the State to local government.

MR. PARKS: Right.

MS. SPEICHER: And at that time or since that time we've had less than ten, High Density Watershed's. It's very rare that we're here but we did ask previous Boards. Sometimes when Boards are given a power it's hard to get that Board to give it up and we've had previous Board's that we've had to go through some process and we've asked.

MR. TURNER: Any egos here?

MR. PARKS: No I don't think so. Also, when I was reading part of the thing at home before I came tonight I saw a figure of \$35,000 for something. What was that?

MS. SPEICHER: The developer has to post a bond as a guarantee that the storm water structure for the watershed will be constructed as designed and proposed by the engineer. In the County we hold that bond and then Jeff releases it in increments over time up to a year.



CHAIR LOTT: He gets is back pretty quick, I think.

MR. PARKS: And that's what I'm thinking. You've got a Volunteer Fire Department out there trying to do the best they can. You know what I mean. Give me a break.

MS. SPEICHER: But the last one I believe we had was Progress Energy site in Wade. We went through same thing trying to get the Board to you know because we have to make sure we have the documentation attached to the application or like the legal documents, we process that through the County Attorney's office. And we have to have all the approvals before we can even bring it here by ordinance. In the event, of course in the event that a rule wasn't going to be followed or they were going to apply for a variance it would be here. In in the case of a variance, regardless of what this Board rules, then we have to take it to the State, to Raleigh, to process a variance. So the watershed ordinance it mimics the storm water ordinance but it's only designated for certain areas of the County. We have written the legislatures, we've told them it's all redundant, the entire county is subject to phase II storm water, why do we continue to do this? So until the laws change, we will.

MR. PARKS: Can I make a motion that we give the staffers in the county the authority and power to handle the watershed situation in the future?

CHAIR LOTT: So made, second on that?

MR. FERGUSON: Second.

MS. SPEICHER: Thank you. Thank you so much.

CHAIR LOTT: Thank you staff.

**Mr. Parks made a motion to approve the Watershed authority to staff level. Mr. Ferguson seconded and the vote was unanimous. The motion passed unanimously.**

	<b>IN FAVOR</b>
LOTT	YES
FERGUSON	YES
MCHENRY	YES
TURNER	YES
PARKS	YES

MRS. PAGE: I do have one thing under discussion, an update; the Board of Adjustment did not receive a case by the June deadline so there will be no meeting in July. I don't know if Mr. Hasty has anything?


MR. HASTY: I don't have anything.


CHAIR LOTT: Have a happy 4<sup>th</sup>.

12. ADJOURNMENT

**Mr. Ferguson made a motion to adjourn, seconded by Mr. Parks. The motion passed unanimously. Meeting adjourned at 7:30pm.**

	<b>IN FAVOR</b>
LOTT	YES
FERGUSON	YES
MCHENRY	YES
TURNER	YES
PARKS	YES

  
Dena L Smith, Clerk to the Board

  
George Lott, Chairman