

Clifton McNeill, Jr., Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
Town of Linden  
David Averette,  
John M. Gillis, Jr.  
Dr. Marion Gillis-Olion  
Cumberland County



Nancy Roy, AICP, Director  
Thomas J. Lloyd  
Deputy Director

Joe W. Mullinax,  
Town of Spring Lake  
Donovan McLaurin,  
Wade, Falcon & Godwin  
Frank Underwood,  
Town of Stedman

# COUNTY of CUMBERLAND

## Joint Planning Board

### MINUTES

May 4, 2004

#### Members Present

Chair Clifton McNeill  
Vice-Chair Charles Morris  
Mr. David Averette  
Dr. Marion Gillis-Olion  
Mr. Donovan McLaurin  
Mr. Joe W. Mullinax  
Mr. Frank Underwood

#### Members Absent

Mr. John Gillis

#### Others Present

Ms. Nancy Roy, Director  
Ms. Hope Barnhart  
Mr. Will A. Denning  
Ms. Dana Stoogenke  
Mr. Matthew Rooney  
Ms. Barbara Swilley  
Mr. Grainger Barrett,  
County Attorney

#### I. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was delivered by Chair McNeill, after which he led those present in the Pledge of Allegiance.

#### II. APPROVAL OF/ADJUSTMENTS TO AGENDA

The Agenda was approved by consensus.

#### III. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals.

#### IV. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

#### V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Ms. Roy explained the Board's policy regarding public hearing time limits.

#### VI. CONSENT ITEMS

##### A. APPROVAL OF THE MINUTES OF APRIL 20, 2004

A motion was made by Mr. McLaurin and seconded by Vice-Chair Morris to approve the Minutes of April 20, 2004 as written. The motion passed unanimously.

## AMENDMENT

- A. P04-40: AMENDMENTS/REVISIONS TO THE CUMBERLAND COUNTY ZONING ORDINANCE, SECTION 5.31.1, MANUFACTURED HOMES MUST BE CONSTRUCTED AFTER JULY 1, 1976, AND SECTION 10.2, DEFINITIONS OF SPECIFIC TERMS AND WORDS, "MOBILE HOME PARK," TO ALLOW FOR RELOCATION OF PRE-1976 MANUFACTURED HOMES WHEN CLOSURE OF MANUFACTURED HOME PARK IS MANDATED BY A GOVERNMENT AGENCY.

The Planning staff recommended approval of the amendment based on the following:

1. The amendment alleviates an unnecessary burden on the citizens not being allowed to move their pre-1976 manufactured homes due to no fault of their own.

No one appeared in favor of or in opposition to the amendment.

**A motion was made by Mr. Mullinax and seconded by Dr. Olion to follow the staff recommendation and approve the Amendment. The motion passed unanimously.**

## PLAT AND PLAN

- A. 04-078: S&W READY MIX CONCRETE M(P) SITE PLAN REVIEW FOR AN ALTERNATE YARD REQUIREMENT ON THE SOUTH SIDE OF WEST MANCHESTER ROAD, SOUTHEAST OF EASTERLING DRIVE, FROM SECTION 7.23, "FENCES AND WALLS," CUMBERLAND COUNTY ZONING ORDINANCE.

No one appeared in favor of or in opposition to the amendment.

**A motion was made by Mr. Mullinax and seconded by Dr. Olion to follow the staff recommendation and approve the variance request. The motion passed unanimously.**

## VII. PRESENTATION OF PROPOSED FORT BRAGG SMALL AREA PLAN—COMPREHENSIVE PLANNING SECTION

Ms. Roy explained the history of the study by stating that one year ago the Department of Commerce completed a study of the one-mile area surrounding Fort Bragg, involving seven counties. The study was presented to the Planning Board and the County Commissioners. The Commissioners didn't endorse all of the recommendations and asked that the Comprehensive Planning staff conduct a small area study and receive public input. She said that the goal is to protect Fort Bragg's mission and not unnecessarily restrict the property owners.

Mr. Will Denning introduced the staff who completed the study and explained that the purpose of the meeting was to present ideas and receive feedback from the property owners and Board. Maps were displayed showing the one-mile area and indicating the 1) military mission and operational areas; 2) military noise critical areas; 3) important areas; and 4) urban areas. Mr. Denning gave the recommendations for each area.

Mr. Denning said that six goals were included in the study:

- Protect the mission of the military
- Provide a user friendly plan
- Provide options for the landowners
- Protect future property owners regarding noise and other hazards affecting the land
- Protect endangered species and flora and fauna, including the red cockaded woodpecker
- Keep as much property as possible on the County tax records

Mr. Denning then reviewed the action plan:

- Create a military compatible district for the one-mile area
- Purchase the large tract of land west of the nature conservancy tract
- Military purchase the small tract that bisects Highway 13 near the ammo dump
- Provide a wildlife crossing on the Outer Loop to connect to the PWC watershed property to the “greenbelt” on Fort Bragg
- Restrict development within the 100-year flood area located within the district
- Promote open space subdivisions
- Include the military in the plan approval process except areas classified as urban
- Implement recommendations A, B, D, E, F, G, H and J from the Joint Land Use Study conducted in May of 2003

Mr. Grainger Barrett then explained a proposal to go before the Commissioners that would allow the County to enter into contracts with the landowners for open space easements for specified periods of time (five to 10 years). He said that the County would make easement payments to offset property taxes. He said that the contracts would allow the property to remain as it is and avoid further urban development. He said that the contracts would be voluntary and cover a minimum of five years. (Summary sheet is attached to these Minutes)

Mr. Barrett explained that the Commissioners approved the general concept but have not yet reviewed the specific documentation. He said that the proposal involves the County paying an amount comparable to 48 percent of the property taxes for five-year contracts or 96 percent for 10-year contracts. He said that the agreements will help preserve and conserve the property in the critical and important tracts only. He said that the contracts will encourage open spaces and rural settings, and the property owners will be allowed to make incidental changes (e.g. rotating crop lands, relocating out buildings, thinning trees). He added that no clear-cutting, industrial or commercial use, new homes, paving, etc. would be allowed on the contracted property.

The Board then opened the meeting for questions and comments from members of the audience.

Mr. Michael Williams appeared before the Board and said that his major concern is that many people won't understand what land is involved. He asked that a map be prepared

including the streets. He asked what benefit the County would gain by the incentives offered. He asked what the options were and the advantages to the homeowners. Mr. Williams said that the plan won't protect the property owners if a structure burns down. Mr. Barrett explained that only about 10 to 15 percent of the entire area is critical or important and includes about 25 to 30 property owners, and these are the homeowners who will qualify for the incentives. He said that the purpose will be to enhance Fort Bragg's ability to continue its mission, and that will benefit the County by having more jobs. After checking the maps, it was determined that Mr. Williams' property is not affected by the restrictions.

Ms. Annie Jenkins appeared before the Board and said that she represented the Sandhills Family Heritage Association consisting of small landowners who want to hold on to their property. She asked if there was a minimum acreage to qualify for the incentives. Mr. Barrett said that there was no minimum acreage. She asked if the contracts can be renewed after 10 years, and Mr. Barrett said that they can. Ms. Jenkins asked what would happen if the existing uses were not wanted in the area. Mr. Barrett said if the uses are already there, they would not change. She asked what the difference would be in the individual property owners protecting their property or the County's restrictions. Mr. Barrett explained that the conservation agreement would be voluntary for a period of time that the landowner chooses. He said that the contract wouldn't just protect the military, but also endangered species and forestry. Ms. Jenkins said that she was concerned about protection of the landowners who have always protected their own land. Mr. Barrett said that was the intent of the agreement—to continue to protect the land and help the landowners who are currently being good stewards of the land.

Ms. Pamela McLaughlin appeared before the Board and said the County recently rezoned her property to a commercial district. It was later determined that the land was annexed by the Town of Spring Lake, and it was zoned for commercial use at the time of initial zoning. Ms. McLaughlin said that she wanted to continue to live on the land. Mr. Mullinax, the representative from the Town of Spring Lake got Ms. McLaughlin's address and phone number and is to check on the status of her property.

Mr. Michael Lewis said that he owns land off of Lillington Highway. Ms. Roy said that he is in the urban area and will not be affected. Mr. Lewis asked if people in the critical area could only plant trees or raise woodpeckers. He said as Fort Bragg is growing, they'll be bringing in more people and have to enlarge the base. Mr. Barrett said that Fort Bragg is not planning to enlarge their space. Mr. Barrett said that the land in the critical area would be proposed for open space, therefore decreasing the value and allowing for a tax credit. He said that people can still live on land in the critical area, and possibly an easement might go to a nature conservancy, or a whole tract could be purchased by a conservancy or local government.

Mr. Stewart Lewis asked if the buffer would move farther out if Fort Bragg expands their borders. He asked why the Rockefeller property purchased by the military could be developed at a higher density than the property owners within the buffer could develop theirs. Mr. Denning said that the study didn't focus on land owned by the military, and the area he was referring to is not in the critical area. Mr. Lewis asked if land within the buffer

that has already been approved for subdivision could still be developed. He was told that development would continue because the plan has not yet been approved.

Vice-Chair Morris said that if Fort Bragg purchased additional land, the buffer would extend, but the program is completely voluntary and offers incentives, and any existing uses will continue after the plan is approved. He said that the land will not be affected unless the property owner chooses to participate in the program.

Mr. Lewis asked whether land within the buffer can be rezoned. Chair McNeill said that rezoning is based on the individual merits of the case, and that was not the issue being discussed. Mr. Lewis said that his mother needs to sell some of her farmland in order to have enough money to live. He said it would be unfair to restrict the sale of some of her property. He said if the Board of Commissioners restrict the property, and it causes it to decrease in value, then the property owners should be compensated. After checking the maps, it was determined that the Lewis property is not within the impacted area.

Is Inelle Jackson asked if a home could be built in the critical area. Mr. Denning said that they would rather no new homes were added to the area. He said that the existing homes would be allowed, but they would prefer that no new homes be added in order to protect the residents in the area from possible plane crashes.

Ms. Lorraine Williams appeared before the Board and said that she owns a home in the critical zone. She said if she has to tell future buyers that the land is in the critical area, it could decrease the property value. Chair McNeill said if the proposal is approved, disclosure will be required. He said it is only a noise disclosure and shouldn't be a surprise to potential buyers. Ms. Williams asked if it could negatively affect the property values, and Chair McNeill said it could be argued either way. He added that disclosures are common and intended to protect the buyers.

Ms. Ann Evans appeared before the Board and said that she represents the Claire Clark Trust, and the property is located in the critical and important areas. She said that the restrictions will disproportionately penalize the 25 property owners within the critical area. Ms. Evans said that the 1,250 acres on the north side of town have escalated greatly in value because of the Outer Loop, and they could as easily plummet if the restrictions are imposed. She asked that the Board not place the entire burden on the 25 homeowners.

Mr. William Elliott said he is one of the 25 landowners, and he asked for a map of the area. Ms. Stoogenke collected names of property owners who wished to have maps mailed to them.

Mr. Lennox Bramble said that he lives in the Woodbridge subdivision, and an engineer was recently in the area looking for woodpeckers. He said that she found some birds, but stated that they are no longer nesting in Woodbridge. Ms. Roy said that she didn't know of any restrictions on the subdivision and suggested that Mr. Bramble get in touch with the Fish and Wildlife Service with his questions. Mr. Bramble said that homes cannot be built in the subdivision from April through July.

Mr. Don Miller said that he owns property in the critical area and wanted to know why they couldn't clear-cut the land and replant or clear-cut and not develop. Chair McNeill said he'd have to check with the County Attorney (Mr. Barrett left the meeting prior to the question). Mr. Miller asked if homes in the critical area that burn could be replaced. Mr. Denning said that they could be replaced if they weren't nonconforming, correctly zoned to allow the structure and met the Code requirements. He asked if dirt could be removed or trees cut on land under the tax incentive plan. Chair McNeill said that the contracts states that the land must remain "substantially" the same. He said it would probably depend upon how large scale the digging or tree removal is.

Chair McNeill said that the proposal originally came from Fort Bragg so that their operations would not be impaired. He said that the buffer is used at military bases throughout the United States. He said that the buffer area is a factor when consideration is given to base closures. He said that the Board would like to maintain a harmonious relationship with Fort Bragg, but not at great expense to the landowners. He said that the critical and important areas have been reduced. He asked the residents to continue to monitor the process to help make sure it is fair to the citizens of the County.

Vice-Chair Morris asked if action was needed from the Board. Ms. Roy said that it was not.

#### VIII. FOR YOUR INFORMATION

##### A. DIRECTOR'S UPDATE

Ms. Roy reported that the Commissioners adopted the Farmland Advisory Committee proposal sent from the Planning Board, and they will appoint the members soon. She said that they want a member of the Planning Board to serve on the Committee. Chair McNeill volunteered to serve. Vice-Chair Morris asked Chair McNeill to convey information about the economics of farmland to the Committee.

Ms. Roy said that a joint meeting with the Commissioners has been scheduled for 6:00 p.m. on June 7 in the New Courthouse.

Ms. Roy said that the American Planning Association Conference in Washington, DC, recently attended by three staff members and five Board members was worthwhile, and there was so much information to digest. Chair McNeill thanked the staff for the accommodations at the Conference.

#### IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:25 p.m.

*130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631*