

COUNTY POLICY COMMITTEE
MAY 16, 1996

MEMBERS

PRESENT: Chairman Rollin Shaw

Commissioner Johnnie Evans

Commissioner John C. Keefe

OTHERS: Commissioner Marshall Faircloth

Colonel Jim Hatten, Ft. Bragg

Cliff Strassenburg, County Manager

James Martin, Deputy County Manager

Danny Higgins, Staff Attorney

Neil Yarborough, County Attorney

Matt Rooney, Planning Department

Bob Stanger, County Engineer

George Autry, Cooperative Extension Service

John Ray, Soil Conservation Service

Marsha Fogle, Clerk

1. Approval of Minutes: March 21, 1996

MOTION: Commissioner Keefe offered a motion to approve.

SECOND: Commissioner Shaw

VOTE: UNANIMOUS

2. Consideration of Reports from the Schools & Military Sub-Committee of the Subdivision Review Committee.

Cliff Strassenburg reviewed the recommendations coming from the Schools Sub Committee as noted below:

- A. Adopt an amendment requiring a land owner/developer to reserve a site for a school for at least six months in an area that is being subdivided, based on previous designation by the school board, with compensation to the landowner. In addition, the county may further reserve the site by exercising an option to purchase, for due compensation, for a period of an additional 12 months. If the land is not acquired by the Board of Education prior to expiration of the option, the land is freed from reservation;
- B. The Board of Commissioners and School Administration should act to encourage the public disclosure of planned school site in approved comprehensive land use plans in order to permit use of the School Site Reservation Ordinance ((Item A));

Mr. Strassenburg noted the problem with designating sites in advance is that it will drive up the cost of the price of the land.

- C. The Board of Commissioners should work to coordinate the facility needs of all county agencies to take full advantage of opportunity to co-locate county service facilities with school sites when there are economic and operational benefits to the county;

Mr. Strassenburg noted we are already doing this.

- D. Adopt amendment to the Subdivision Regulations that permits the transfer of development rights from a parcel desired for a school site to another parcel of land (as an inducement to the landowners);

Mr. Strassenburg noted there should be a cap on the residual value of the land.

- E. Adopt incentives that encourage developers to dedicate land or lower purchase cost to the county while maintaining a high quality of life for the public and property owners in the development:

This goes along with Item D.

- F. Aggressively seek to fund school site acquisition, capital construction and education programs at levels that elevate the quality of education in Cumberland County

The Committee decided to invite administration from the School System, (Sara Piland, Tim Kinlaw and the Chairman of their Facilities Committee) and Mr. Jim Reitzel to attend a meeting on May 30th at 12:00 Noon to discuss the above issues.

Cliff Strassenburg, County Manager, then reviewed the recommendations from the Military Sub Committee reference the Red Cockaded Woodpecker (RCW) and noise issues:

- A. Develop maps/other data concerning the RCW locations which will be maintained at the Planning Department;
- B. Educate relevant County Staff concerning RCW issues and encourage them to look for opportunities that may benefit both their mission and that of Fort Bragg;
- C. Develop a plan for the acquisition of large tracts of undeveloped land for a regional park in areas with known RCW sites:

Mr. Strassenburg noted this could be coordinated with our County Recreation Department.

- D. Encourage the use of existing zoning and subdivision provisions, such as zero lot line that provide flexibility in the design of subdivisions and a density incentive in known RCW areas;
- E. Provide special incentives for landowners or developers to preserve wooded land areas with RCW's such as transfer of development rights;
- F. Adopt an amendment to the County Subdivision Regulations creating a special overlay planning district extending out one-half mile from the Ft. Bragg boundary for the purposed of encouraging the management of RCW habitat; (Note: Amendment has been written, Matt Rooney to have a map available at the May 30 meeting denoting affected area);

MOTION: Commissioner Keefe offered a motion that the Planning Staff put together a final package for Item F, to include the ordinance and map, for review by the Policy Committee on the 30th of May.
SECOND: Commissioner Evans
VOTE: UNANIMOUS

Mr. Strassenburg noted the following recommendations regarding accident potential and noise initiatives:

- A. The portion of the proposed County Zoning Ordinance amendments that creates the NAPZ 1 and NAPZ 2 Overlay Districts should be adopted as originally proposed because of the accident hazard potential within the zones;
- B. Residential development should not be discouraged when construction methods achieve the required noise reduction;
- C. The amount of noise reduction that is to be required in each of the NAPZ Districts should be explicitly stated within the proposed ordinance, and the developer or builder should be allowed to demonstrate or certify that the proposed construction will meet or exceed those performance standards;

Mr. Strassenburg, County Manager, noted the recommendation does not speak to what happens if the developer certifies the construction meets the performance levels, and then we find it doesn't. He suggested that perhaps certain construction techniques be developed in advance or that some sort of test be done prior to issuing a certificate of occupancy. It was suggested that Mr. Matt Rooney ask the developers to provide some construction technology that could be adopted in order to achieve accepted levels. He will bring this information back to the Policy Committee on the 30th of May in addition to the maps showing the NAPZ 1 & 2 districts. In addition, Colonel Jim Hatten from Fort Bragg, will bring in some information.

- D. A disclaimer for properties located within the NAPZ areas should be required on plats and deeds to state "As of the date of the recording of this instrument, part or all of this property lies within current Pope Air Force Base, Simmons Army Airfield and/or Fort Bragg Artillery Noise Contour Maps and is subject to noise that may be occasionally objectional."

Mr. Higgins, Staff Attorney, noted that this is information the realtors should be relaying to prospective buyers now.

- 3. Discussion: Regulation of Intensive Livestock Operations (referred by the Board of Commissioners)

BACKGROUND: The Legislative Delegation requested some feedback from the Board of Commissioners as to whether the Board wished to have any local authority over the regulation of intensive livestock operations.

Mr. John Ray and Mr. George Autry reviewed briefly the most recent regulations adopted to regulate livestock operations. Mr. John Ray, Soil Conservation Service, indicated they are the ones that review the plans and approve them.

Mr. Neil Yarborough, County Attorney, noted the two issues that are most troubling with these operations, i.e. odor and groundwater pollution. He suggested the County leave the groundwater issue to the State for regulation and control. He suggested that if we as a county want some control we should ask for repeal or modification of the exemption for intensive livestock operations in the agriculture zone. This would allow us to create a special zone within the A1 zone to allow for intensive livestock operations. At this time counties cannot zone agriculture activities. Mr. Johnnie Evans pointed out that because of the regulations on the size of a site, the setbacks, etc., there are probably few sites in this County we could designate for intensive livestock operations.

The consensus of the Committee was to ask the Planning Staff to produce a map showing the sites in this county, based on the size regulations, that could be used for intensive livestock operations. The committee will review this at their June Policy Committee meeting.

4. Report on the Ranking of Water/Sewer Projects based on Criteria adopted by the Board of County Commissioners.

Bob Stanger, County Engineer, reviewed the ranking based on the criteria adopted by the Board. He stated he thought the County could proceed with priorities 1 & 2, contingent on PWC sharing cost at 50-50%. Those top two priorities are Kelly Hills and A.B. Carter Road. The total estimated cost by the County for the Kelly Hills project is \$550,000. PWC estimates the cost to be about \$700,000. In this project, the County may recover some of its money through assessment. The A.B. Carter Road project estimated cost is \$406,500. PWC would participate 50-50 and the County would recover some of the cost through assessment of an 8-inch line.

Mr. Stanger noted there is some concern about new projects that come in for review; should they be placed in front of the ones already prioritized or just how should we handle them. The Committee noted this could be a problem. Mr. Stanger suggested the county could have two lists; one list with projects that reflect health care needs and another list that reflects requests for extensions for new development. The county could designate money for each list. No action taken by the Committee on this issue at this time.

MOTION: Commissioner Evans offered a motion we recommend proceeding with the top two priorities as noted above.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS

5. Consideration of Staggering the Terms of Hospital Board Members and the Establishment of a Criteria for selecting said members.

Commissioner Evans noted no terms will be expiring until 1997 and it was not necessary to take any action until we make reappointments.

MOTION: Commissioner Evans offered a motion to defer this item to our August meeting.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS

6. Discussion/Consideration of a Policy outlining procedures for placing items on Committee agendas. (Referred by the Board of Commissioners)

Commissioner Faircloth noted there have been some problems, particularly with the City-County Liaison Committee, in items being put on that agenda that have not come forward from either the Fayetteville City Council, the Board of Commissioners or management. He suggested that any items on a committee agenda should be referred by the governing body or management.

MOTION: Commissioner Evans offered a motion that the Committee recommend that items placed on committee agendas, to include the City-County Liaison Committee, have to be referred to the Committee by the Board of Commissioners or management.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS

7. Status: Ordinance regulating wild and exotic animals.

Danny Higgins, Staff Attorney, told the Policy Committee a meeting has been set for next week for Wild & Exotic Animal Committee to meet to discuss the ordinance.

MEETING ADJOURNED