

April 1, 2008

The Union County Planning Board met in regular session on Tuesday, April 1, 2008, at 7:00 p.m. in the Union County Board of Commissioner's Board Room, located on the First Floor of the Union County Government Center, 500 North Main Street, Monroe, NC, 28112, with Chairman Robert Allen presiding.

PRESENT: Russell Cox, Robert Allen, Albert Starnes, Everette Medlin, Richard Simpson, Christa Boggs, Don Kerr, Dan Wooten, Charles Greene

ABSENT: William McGuirt, Andy Williams

ALSO PRESENT: Roger Horton, and Pam Rivers

ITEM NUMBER ONE

Call to Order

Chairman Allen called the meeting to order at 7:00 p.m.
Charles Greene was made a voting member.

ITEM NUMBER TWO

Additions and/or Deletions to the Agenda

There were no additions or deletions to the agenda.

ITEM NUMBER THREE AND FOUR

Approval of the Agenda

Approval of the March 4, 2008 minutes.

Motion was made by Everette Medlin and seconded by Richard Simpson to approve the agenda and the approval of the March 4, 2008 minutes.

ITEM NUMBER FIVE

Text Amendment Section 362 Definitions, Section 367 (b) Mitigation, and 369 (h) Scope of Determination; Reservation of Capacity, Adequate Public Facilities Ordinance, Edwards Construction, Inc. **(Tabled from 3-4-08 Meeting)**

TEXT AMENDMENTS: UNION COUNTY LAND USE ORDINANCE

RECITALS

- Pursuant to Union County's Adequate Public Facilities Ordinance, found in Sections 360 through 373 of the Union County Land Use Ordinance, the provision of Voluntary Mitigation Payments ("VMPs") as a means of obtaining final plat approval for a major subdivision when adequate public facilities are not available must be made prior to the issuance of the final plat approval.

- The requirement that VMPs be made prior to the issuance of final plat approval disproportionately impacts the financial resources of small developers and has led to a practice whereby many small developers are filing submissions for final plat approval in multiple increments. This practice, which involves filing multiple copies of all documents associated with a final plat approval submission, has placed an increased administrative burden on the Union County Planning Department.

For these and other reasons, the following amendments are proposed.

PROPOSED AMENDMENTS

1. AMEND Section 362, Definitions, by modifying the definition of Voluntary Mitigation Payment as shown below:

Voluntary Mitigation Payment or VMP: A Mitigation measure in which the Applicant agrees to contribute money to the County to defray the per-unit impacts of school facilities.

2. AMEND subsection (b) of Section 367, Mitigation, as shown below:

(b) Except as stated in this Section, any ~~Any~~ Mitigation, including any monetary contribution, land donation or construction of Public Facilities, shall be paid or completed prior to the issuance of any affected final plat or major site plan approval within the subject development.

3. ADD a new subsection (b1) to Section 367 to read as follows:

(b1) For developments of thirty (30) or fewer lots, when Mitigation consists of Voluntary Mitigation Payments, final plat approval may be granted prior to the provision of VMPs subject to the following conditions:

(1) The total amount of VMPs required for final plat approval, as determined pursuant to subsection (e) of this Section, shall be fixed with respect to the entire development on the date that final plat approval is granted and may not thereafter be reduced.

(2) Prior to the issuance of a building permit for each lot identified in the final plat, VMPs must be paid on a pro-rata basis, determined by dividing the total amount of VMPs owed by the total number of lots. (For example, in a development of 20 lots, if the total amount of VMPs owed is \$100,000, a payment of \$5,000 must be paid before a building permit will be issued for each lot.)

(3) Any subdivision plat for which final approval is granted pursuant to this subsection must include the following notices:

Final approval of this subdivision plat is contingent upon proof of full payment to Union County of Voluntary Mitigation Payments in the amount of \$[insert total VMP dollar amount] in accordance with Union County's Adequate Public Facilities Ordinance.

Issuance of a building permit for each lot identified in this subdivision plat is contingent upon proof of payment to Union County of a pro-rata share of the total Voluntary Mitigation Payment amount of \$[insert total dollar amount] owed for this development, or \$ [insert total dollar amount divided by total number of lots] per lot.

(4) The County may require a Consent Agreement prior to issuance of final plat approval whereby the Applicant commits to payment of VMPs.

4. AMEND the first sentence of subsection (h) of Section 369, Scope of Determination; Reservation of Capacity, as shown below:

- (h) Except for small developments for which final plat approval has been granted pursuant to subsection (b1) of Section 367, if ~~if~~ Planned Capacity is added to the Capital Improvements Program after a major development permit is approved, the applicant may request a new determination of Available Capacity under Section 371 as an amendment to the final plat.

5. This Amendment shall become effective upon adoption.

Approved following public hearing this the ____ day of _____, 2008.

Lee Jenson Zoning Administrator came up to speak to the board and went over the proposed Text Amendments.

Robert Allen Chairman asked if anyone had signed up to speak to the board.

Russell Tanner a local builder said he was in support of the APFO fee being paid at C O.

Steve Nash a local builder said he wanted to see it paid at C O. He was not in support of the 30 lot limit that was being proposed and said there should be more discussion on this issue before making a decision.

Steve Pace of Pace Development that he did not understand the logic of the 30 lots and how the attorney and Land Use Consultant came up with that decision. He also stated that the attorney should have been here to explain this.

Mike McGee a small developer said he has never had a development under 30 lots. He said it needs to be fair to everyone.

Russell Cox asked if the board could vote on these amendments separately. He wanted to keep the 30 lot issue separate until we get more information from the consultant and the attorney.

Don Kerr made a motion that all developers be treated the same regardless of how many lots and to pay the APFO fee at C O. Motion died for a lack of a second.

Motion was made by Everette Medlin and seconded by Russell Cox to break this into two sections and vote on the original intent and collect fee at C O or building permit and then discuss the 30 lot issue.

Motion was made by Russell Cox to collect fees at building permit because Mr. Black said this would be easier. Motion died for a lack of a second.

Motion was made by Albert Starnes and seconded by Don Kerr to collect the APFO fees at C O. The vote was 8 to 1.

Motion was made by Everette Medlin and seconded by Don Kerr to not have any # of lots required to the amendment and that Item (h) would be eliminated and will still pay the fee at C O. The vote was unanimous.

ITEM NUMBER SIX

Planning Staff Report (Work in Progress)

There was no report at this time.

ITEM NUMBER SEVEN

Brief Comments

Christa Boggs	No Comment
Russell Cox	No Comment
Albert Starnes	This was his last night on board.
Robert Allen	No Comment
Richard Simpson	No Comment
Everette Medlin	He was glad everybody worked together.
Dan Wooten	No Comment
Charles Greene	No Comment
Don Kerr	No Comment

ITEM NUMBER EIGHT

Adjournment

The meeting adjourned at 8:35 p.m.