



Stanly County Planning Board
July 24, 2023 - Meeting Minutes

Call to Order Chair Jay Eckman called the meeting to order on July 24, 2023 at 6:30 p.m. in the Gene McIntyre meeting room at 1000 N. First Street, Albemarle, North Carolina.

Stanly County Planning Board members attending David Underwood, Jay Eckman, Kevin Brickman, Joel Mauldin, TJ Smith, Michael Williams & Tim Fesperman

Absent: none

Stanly County Planning Staff Attending: Bob Remsburg, Planning Director & Bailey Emrich, Planner 2

Chair Eckman asked if there were any conflicts of interests with the items to be heard due to financial or personal relationships.

There were none

Chair Eckman asked if there were any other additions to the agenda that the board needed to consider.

There were none.

Chair Eckman asked for a motion to approve the proposed agenda.

Motion: David Underwood

Second: Michael Williams

Approved: 7-0

Chair Eckman asked for a motion to approve the minutes from June 12th, 2023 and June 16th, 2023.

Michael Williams noted that the words "Planning Board" were missing from page 5, paragraph 3.

The amendment was noted.

Motion: Michael Williams

Second: TJ Smith

Approved: 7-0

Chair Eckman shared that the first item on the agenda was SD 23-04, a request by Bonnie Droze to renew the approval of an 18 lot subdivision known as Ridgecrest Farms and located on a parcel of land on Millingport Road, Locust, NC 28097 (Tax Record #15878).

Chair Eckman invited county staff to share the details of this request.

Bob Remsburg shared the following:

In May 2020, the Planning Board approved the Preliminary Plat of a 22 lot subdivision for a 23.998 acre property located on Millingport Road west of Ridgecrest owned by Todd and Bonnie Droze. Since that time, engineering and further soil assessment has been conducted. According to Mrs. Droze, after many delays, engineering was completed in the fall of 2022. Further soil evaluation for septic systems has resulted in a reduction of the number of lots to 18. A total of 4.15 acres of open space is preserved under the revised lot plans.

Section 907.2(B) of the Stanly County Zoning Ordinance indicates that a Preliminary Plat for a major subdivision is vested for two years from the date of approval by the Planning Board. Since more than two years have passed, Mrs. Droze has submitted the revised engineering plans and proof that shows work has been proceeding on the subdivision despite no obvious improvements having been performed to the land itself. The Subdivision Ordinance, the Zoning Ordinance, NC General Statutes and case law are somewhat vague about whether ongoing engineering work or work on the ground are satisfactory to establish a vested right beyond the 2 year period indicated in the ordinance. Generally, if a developer has continued to expend funds and proceed with the development (substantial work), then the project is underway and is vested.

Because Mrs. Droze has had substantial expenditures, has proceeded in good faith based on the Planning Board's valid approval of her Preliminary Plan in May 2020, and because compliance with any ordinance changes since that approval may cause a financial or other detriment, a common law vested right may have been established. A common law vested right does not expire. In the Land Use Law book by David Owens of the NC School of Government it states "Actual construction on-site is not required to establish a substantial expenditure." p. 337.

Since Mrs. Droze has not moved beyond the engineering and soil evaluation phase and since more than 2 years have passed, she was advised by staff to reapply to the Planning Board to eliminate any confusion. Her application predates changes requiring larger lot sizes in the RA zoning district where both water and sewer are not available. This allows her to have "permit choice" on this development. Anytime an elected board amends a land-use ordinance after a development application is received, the applicant has a choice to use the old land-use ordinance language or the most current land-use language. In other words, the old minimum lot size rules (30,000 square feet for lots with public water or sewer) apply for this subdivision. These lots will be served by Stanly County Utilities for water but will rely on septic systems for wastewater.

The revised site Preliminary Plan, varies only slightly from the original plan and reduces the number of lots from 22 to 18. The plan changes are considered minor revisions and could be approved by the Planning Department staff. The Millingport Road subdivision meets all requirements of the Subdivision and Zoning Ordinances which were in effect when the application was received on July 3, 2023.

Construction Criteria points are as follows:

Public Water	30 points
Open Space	27 points
Passive Recreation	15 points
Homeowners Assoc.	10 points
<u>Storm Drainage</u>	<u>20 points</u>
Total:	102 points

This plan meets all the requirements of the ordinances, was previously approved by the Planning Board, and information has been provided showing that substantial work on the project has been proceeding.

Mr. Remsburg displayed the preliminary plan for the property along with an aerial view of the property.

Originally it was a larger tract of land but in 2018 it was divided into at least three lots. I did leave this slide from our last meeting and it is always a question, this is state statute 160D - 801 and it says that decisions of approval or denial on preliminary plats may be made only on the standards explicitly set forth in the subdivision ordinance. I can go into more of that if needed.

Mr. Remsburg asked if there were any questions.

TJ Smith “Why hasn't this already been done in those two years?”

Mr. Remsburg “Mrs. Droze is here and she can address that but I do know that the engineering plans took a lot longer than expected. Also this was during COVID and it threw things off.”

Tim Fesperman “I heard you say that this could have been approved by staff if it had been done in the two year period of time. So if staff is held to that two year period of time, what precludes this board from being held to that two year period of time?”

Mr. Remsburg “That is a very good question and I am not sure that I know the answer to that in a way. This is where reading the statutes gets confusing. I almost did not need to bring this to you at all. There was a debate in my mind whether this was necessary because of vested rights and common law vested rights. I just thought it would be easier to make it clear and make sure there was no confusion if you all looked at the plan again and approved it or whatever. But, if you deny it I am probably going to have to go back and research a little more and then make a decision or determination as a zoning administrator whether she can proceed or not based on the original plan. In other words, do her vested rights stand and of course if that gets challenged it will have to go to the Board of Adjustment. It was just clearer to me to just go ahead and let you all see it again because our ordinance does say that if it expires then we are to bring it back to the Planning Board.

Tim Fesperman “But as far as vested rights or common law, that is about as gray of an area as you can get into. There have been arguments from the School of Government that establish differences on common law so if that is the way we are going to operate do we even need the ordinance at all.”

Mr. Remsburg “I would venture that we do. There are two different types of vested rights and this gets very complicated, very quickly. You have a preliminary plan which was approved by this board that would create a particular type of vested right and that I know lasts for two years because of the way the ordinance is written. If a person has had substantial expenditures or performed substantial work then they potentially have established common law vested rights. So, which is it?”

Tim Fesperman “Define substantial.”

Mr. Remsburg “Court cases and case law tends to say that it does not require physical work on the ground and it can require engineering work or that sort of purchase of goods. Just like if you bought all the materials to build the homes and it was sitting in storage waiting to be used. Then that is potentially substantial work and substantial investment.”

Joel Mauldin “When was this originally approved?”

Mr. Remsburg “May of 2020.”

TJ Smith “So that has been over 3 years, correct?”

Mr. Remsburg “That would be correct.”

Joel Mauldin “This says that the plat was recorded in 2022.”

Mr. Remsburg “No it was not recorded, just designed. And that goes back to the question of why has it taken almost 3 years. She has been in touch with me fairly regularly saying that she was still waiting on engineering. To be honest with you I did not really realize that we had the two year rule in the ordinance. I helped write this and rewrite it but you know how complicated the ordinance is and you start to lose track of things like that. When I read it a couple of months ago, I thought we may have a problem because I knew that she had this underway and was planning on starting. I thought the cleanest thing would be to bring it back to you.

David Underwood “Bob, did you say that you had to back up the substantial expenditures?”

Mr. Remsburg “I got the engineering plans.”

David Underwood “Nothing would preclude her if it got turned down from starting over and bringing it back, correct?”

Mr. Remsburg “There would be nothing that would preclude her from coming back except at the moment the minimum lot size has changed. So she could come back with a major subdivision that has 40,000 square foot lots. Most of these lots are 30 to 40,000. They would not meet the current ordinance so that becomes a common law vested rights issue because if you reduce the number of lots that has affected her detrimentally. If that is the case then you are in violation of common law vested rights.

David Underwood “But, really the determination that we are making here is substantial expenditures because the two years have expired.”

Mr. Remsburg “No. I would venture that your decision tonight is based on the fact that this was submitted prior to the change in the ordinance and whether this means the ordinance that was in effect as of July 3, 2023. Just like it was in effect in May of 2020. If it meets those ordinance requirements just like we have talked about before, do you approve it or not? Do you offer any suggestions? Think about this more or less as vested rights may play a role somewhere in this. You can look at this as a totally new subdivision in a way that was based on the ordinance in effect.

David Underwood “But, you are bringing it back to us because it is after two years and that time is up. So, the two years really does have an effect here.”

Mr. Remsburg “Yes, in a way. But you could totally look at it as a new subdivision. It was going to be a 22 lot subdivision and we would look at a reduction in the number of lots and say it is okay. But if she went in and said she was going to do 24 lots instead then that would have to come back to you.

David Underwood “Okay, let me ask that same question in a different way. Had roadwork been done, infrastructure been put in, this would not even be here?”

Mr. Remsburg “That is probably true because then it would come to that common law vested rights thing. The ordinance does not say “2 years until the final plat is filed” or “work is commenced” it just says two years. That is the vagueness of it.”

Chair Eckman invited Bonnie Droze to speak in favor of her request.

Bonnie Droze asked what questions the board had for her.

TJ Smith “What was the hold up?”

Bonnie Droze “Engineering took until September of 2022. Once I got it I sent it out to Bob and the graders which they were six months behind and I finally got on their radar to do it so I called Bob and told him that we were getting ready to start and 2 weeks later he emails me and says don't start. So, that is why I am here. The engineering is not technically finished, it is 80 percent done. They would go months without returning phone calls or giving us plans.”

Michael Williams “So, when did you start with engineering.”

Bonnie Droze “Within a month of the meeting in May. Unfortunately me being new at this I did not have dates on the contract that they had to have the plans completed by and so at that point I had spent 20,000 dollars with them and could not back out of the contract. Once it got approved here I started working with soil scientists and once that got done is when I started with the plans.”

Kevin Brickman “When did the soil issue come up?”

Bonnie Droze “ It started happening shortly after but took a while to complete so the last lots were improved in January of 2022.”

TJ Smith “Has any grading begun?”

Bonnie Droze “No.”

Chair Eckman “Essentially what you are saying is that you were moving forward in good faith but you had your hands tied waiting on engineering. Otherwise, if that part would have been done you would be well on your way.”

Bonnie Droze “Absolutely. I am a general contractor so I am building homes and not having this ready has hurt me financially alot with me having to make the monthly payments and also not being able to put the houses on the lots.”

Michael Williams “This was during the height of covid also.”

Bonnie Droze “Yes, it was terrible. They have apologized about it all but the cost of what the development would be in 2020 compared to now has increased 200,000 dollars. We have cut to clear but no grading has been done.”

Kevin Brickman “Was this on open land?”

Bonnie Droze “It was open but at some point in the past nothing had been done so it just was stuff that would be cut with a bush hog.”

Bonnie Droze “If this was a new application then it would kind of be the same thing as what I am doing now.”

Chair Eckman asked if there was anyone else wishing to speak concerning the review of the preliminary subdivision plan.

Shane Almond shared the following:

There has been a lot that has changed since 2020. Just within a mile of this subdivision the last Planning Board meeting I felt like you all were strong armed into voting to approve of the Burleson Development which is 28 homes and is a stone's throw from this. In 2021 there was a 103 home development on Ridgecrest Road. Where are all of these children supposed to go? I don't hate developers but I hate what it looks like and what it becomes. It is the simple things like I went to take my trash off Saturday but Millingport was closed because of so much trash and the amount of people. Those are things that you have to think about. As the Land Use Plan says, the county must be strategic with where we put housing developments. One major concern is water redundancy which is something where if it was to happen it would be catastrophic for that end of the county. No one would have water and the Land Use Plan says that there are no plans to build another water treatment plant for another 20 years.

It seems like for Stanly County our Planning and Zoning is the biggest problem. Between the last meeting and now, nobody knows what zoning is or the ordinance. You cannot get a straight answer. If nobody knows what the ordinance is then how can they tell someone what to do. That is why we have lawyers. If this is something that you are not sure about, we have lawyers. Our county pays for them and if you do not know then let it go through the court system. These people seem like nice folks but if you are a developer then please talk to your neighbors and see what matches and what doesn't. So many of them now build and they do not care. It is all about money and could care less about the schools. I hope the people who build and vote for this are going to get your school bus license. So when you get a text at one o'clock that says come pick up your kids you can go drive the bus. With all three of these developments coming, if we cannot get the kids to school now then how are we going to get them there with all of this. It is everything, our EMT and fire departments. Thank you.

Carla Weyrick shared the following:

I am a native of Stanly County and have been following a lot of the development that is occurring here in the county quite a bit over the last two years after the 100 acres was voted in to be rezoned at City Lake Drive. I am looking at this and I have some questions from doing due diligence and calling North Carolina DEQ, Army Corps of Engineers and NCDOT. With this drawing, has DOT looked at this drawing and given permission for the entrance and exit?

Bonnie Droze “ Yes, they have.

Carla Wyrick:

Okay, because out at City Lake they did not show what they are going to do on the plat that was sent to the county for approval. There were roads that should not have happened and turn lanes that should have happened and because of that the developer had some issues. Another thing is buffers around creeks and I can't tell what they are here. Do you know what the buffers are or how far away they are?

Bonnie Droze “ No.”

Carla Wyrick:

So, in my research I discovered that Stanly County and the City of Albemarle have minimal water buffers. That is very concerning and alarming to me. In 2017 Pfeiffer University asked and paid for me to be a part of Leadership Stanly and in that time frame I grew and realized how much I love this county and why I love it. I took for granted all of the farmland that we have and the animals and grain and that was a majority of our income source for the last 30 plus years. I learned that all the food we develop in the county goes all the way up to Michigan and all the way out west. I also learned how much of our food source is supporting Mecklenburg County. Currently, we have in the western part of the county an organization that is farming and generating a majority of the food going to the non profits and feeding those that are in need. So if we do not start protecting our ponds, rivers, creeks whether they are active or inactive we have a problem with the water quality and what is occurring in our community.

I share this because the North Carolina DEQ encouraged me to call and email every single elected official in July. I did with City Council and County Commissioners and I shared with them the flooding that has occurred along City Lake Drive since 2018. There are five locations on a one mile road that is over topped with water. Nobody knows because we live in the county and we are one of those roads that nobody thinks about. Our water is turned on last, our electricity is turned on last, we are always last. There are only 10 or 15 people on the street so there is not a lot of stuff coming and going. In 2018 the land was cleared, 186 acres of land and then you have the force of mother nature and we start flooding. On 73 and City Lake Drive the daughter of Billy Mills, her car went under water. We are at the bottom of the hill and our flood maps in the county and North Carolina are dated and those boundaries are pushing further and further onto other peoples private property. When you have a pond or stream that is not being protected and all this development is occurring we will find that if these water buffers are not in place then we will not have clean water. I have been selling residential real estate in Charlotte for 24 years and I ran into water quality buffers and you think what is the big deal. You can build in a floodplain but in 1998 there was a brand new home built and it was 10 miles from the center city so it was rural country...

Chair Eckman “Ms. Wyrick, we are getting off track. Do you have anything further to share about this case?”

Ms. Wyrick “I am sharing the fact that if we do not put buffers in place then we are going to have flooding that will occur. We already have it right there at Millingport Road and Austin Road. We really need to think about how we are protecting these bodies of water and how we are going to protect the public. I am asking these things because most people do not know. I request a 50 to 100 foot buffer and to think about that around these bodies of water.”

TJ Smith “Bob, can we see the Land Use map for that area from the old map and the new one?”

Mr. Remsburg displayed the new plan and pointed out where the area was located in the old Land Use Plan Map. He stated that the properties towards the Droze property including the Fire Department and School were in a Growth Area. The Droze property on the old map, was not in a growth area. The current Land Use Plan map shows the Droze property is not in a growth area. There is no longer a growth area in the Ridgecrest area at all.

TJ Smith “So neither the old map nor the new map, that area was not in a growth area?”

Mr. Remsburg “Correct. The reasoning for this was that even outside of the growth area it met all the requirements of the ordinance at the time and she was going to install public water off of the water lines.”

David Underwood “Was that road that I saw on the map leading to one of those developments nearby there?”

Mr. Remsburg “There is Purser Drive and Mistybrook, a small subdivision with 30,000 square foot lots. Mr. Miles did some and then Ms. Droze did the ones on the south of Purser Drive. There are 7 lots she did.”

David Underwood “Do you have a price for your lots yet?”

Bonnie Droze “I will not be selling the lots, I will be building the houses on them and then selling.”

David Underwood “So you are selling the lots and homes all together, what will that total price be?”

Bonnie Droze “About 365 to 385.”

Chair Eckman asked if anyone else wished to speak.

Chair Eckman asked if any board members wished to express any suggestions for the subdivision.

Tim Fesperman “I have a dilemma here and I will just throw it out here. Bob had indicated that our job responsibility is to approve or disapprove whatever the case may be according to our Land Use ordinance. I think that is what we all try to do and in the ordinance it says two years. I mean the rule is the rule and if it holds them to what they can approve then I am struggling as to why we wouldn't honor that two year rule as well. I understand that there are circumstances but there are always circumstances. My dilemma is that being a rule person, everybody ought to know about these rules and a paper should be given out that has this stuff on it when people get these plats done to make sure that everyone is on the same page. I struggle with 2 years because it is probably too short given today's environment but I did not make the rule or vote on the rule but the rule is the rule. That is where I am lying in my observation of this.

Chair Eckman “I think we need a motion before we can discuss. I was just asking about specific design changes at the moment.”

Tim Fesperman “I apologize, I thought we were in discussion.”

Chair Eckman “If there are no design changes may I have a motion from the Board to approve or deny the preliminary subdivision plan by Bonnie Droze labeled as Ridgecrest Road located on a parcel of land on Millingport Road in Locust, North Carolina 28097 (Tax Record #15878).

Motion: TJ Smith made a motion to deny the request due to the 2 year rule.

Second: Tim Fesperman

The Board began discussion

Bonnie Droze asked the chairman if she could address the board.

Bonnie Droze “There is nothing that has changed from this since the previous board meeting. None of the rules or ordinances have changed since when I was approved in May of 2020. I don't understand why it wouldn't be approved now if I brought it in brand new and not a re-approval as it is right now then it would be approved because it meets all the guidelines. What would be the reason for turning it down?”

Chair Eckman “Bob, would the lot sizes all meet with the code?”

Mr. Remsburg “They conform with the ordinance when the application was made.”

Tim Fesperman “So, if I came in and made an application today for something, 50 years from now if I came back and said that I am going to do it then would I get to act under the rules that I made the application under?”

Bonnie Droze “Even the subdivision now meets the rules and the letter that I got in May of 2020 does not have an expiration date on it.”

Chair Eckman “The difference in that situation Tim, if you are not doing anything with it and you are just sitting on it for two years then your time limit runs out. She was moving forward with it so technically the process was underway the whole time she was working with engineering and doing those things. Am I correct?”

Mr. Remsburg “I believe there are two different ways to look at this. One is what you just suggested, which is work has been underway and even though it is expired, has it been substantial enough to continue. The other way is that it is a new application and it is the plan that meets the requirements of the ordinance as of July 3, 2023. You could look at it either way. If you do not approve it then I will probably have to look back at it as whether it is common law vested right and make a determination and it potentially goes to the Board of Adjustment and Superior Court. That is just the way that process works. But, if I do not have to make that determination, you all can do what you would like but you could look at it as a brand new plan but in the fact that you did approve it in 2020 so be it. But, you could look at it that way and ignore that two year stuff and look at it as a new subdivision.

David Underwood “Well, then I am still struggling as to why it is even here. If you could do it anyway then why did you even bring it back here.”

Mr. Remsburg “Partly, because of the ambiguity that is in the ordinance just because you all have authority and the ordinance says that once that has expired then the person needs to reapply. So, granted that takes you back but it begs the question of can you turn it down or can you not because it meets all the requirements of the ordinance and we are back to where we were a month and a half ago.”

David Underwood “Technically we would not be turning it down because it does not meet the ordinance, we would be turning it down because it does not meet the two year rule.”

Bob Remsburg “But, does that apply?”

Tim Fesperman “Aren't the new rules 40,000 square feet?”

Mr. Remsburg “Yes, but they do not apply because this was applied to before that amendment was made.”

Chair Eckman “She petitioned for this before that was in place.”

Tim Fesperman “I understand but once it is expired then it is expired.”

Mr. Remsburg “No, that would not matter because she reapplied. Again, you can think about it as a brand new application.”

Tim Fesperman “I don't think you can think of it as anything, I'm sorry.”

Chair Eckman “This is where I am guys, in good faith she has been moving forward and if it was not for engineering she would have these houses built already so it is to no fault of her own that this has expired.”

Chair Eckman “Okay, let's be clear about this. The motion was to deny it based on the two years. It got a second by Tim. So, if you vote in favor of this then you are voting for disapproval of the request. If you vote against the motion you are voting to approve the request.”

Chair Eckman asked for all those in favor of the motion to disapprove “say I”

3 in favor to disapprove the motion

Chair Eckman asked for all those in favor of the motion to approve “say I”

4 in favor to approve the motion

The motion failed.

Chair Eckman “Therefore by default the Preliminary plan is approved.”

Chair Eckman introduced the second item on the agenda, ZA 23-07 A request by county staff for a Text Amendment to section 701 of the Stanly County Zoning Ordinance to require larger square foot minimum lot sizes in areas designated in the latest Land-Use Plan as Rural Preservation Area and located in the RA - Residential Agricultural zoning district along with larger setback areas.

Chair Eckman invited county staff to share the details of the request

Bob Remsburg shared the following:

The Planning Department received a request from the County’s Administration to draft language into the Stanly County Zoning Ordinance which would increase the minimum lot size in the Rural Preservation Area to 60,000 square feet. Staff determined that the best manner to accomplish this was to amend Section 701 in the RA-Residential Agricultural Minimum Lot section to add a 60,000 square foot category with a note that indicates that the 60,000 square foot (1.38 acre) minimum lot size is only required for lots designated in the most current land-use plan as Rural Preservation Area.

Lots in the Rural Preservation Area in the RA Zoning District that are smaller than 60,000 square feet would be considered legal non-conforming lots. Any lots with less than 60,000 square feet would still be able to be built upon as long as setback requirements can be met. Any lot with less than 120,000 square feet (2.75 acres) could no longer be subdivided in areas designated as Rural Preservation Area.

All lots in minor and major subdivisions would need to be 60,000 square feet unless a Conditional District rezoning is approved, a Developer Agreement is established or a Conservation Subdivision is approved. Conditional Districts and Developer Agreements would require Board of Commissioners approval. A Conservation Subdivision could be approved by the Planning Board if it met all requirements based on the present draft of the Conservation Subdivision language.

An individual could ask for a Variance or Administrative Relief through a quasi-judicial hearing for an individual lot or minor subdivision if conditions that were particular to the lot or small group of lots (minor subdivision) are determined to be valid. A Variance or Administrative Relief could not be applied to a major subdivision.

Staff anticipates some push back from property owners in the affected areas especially if they want to divide a lot that is smaller than 2.75 acres or create a lot smaller than 60,000 square feet. This will likely result in an increase in Variance and Administrative Relief cases. One concern expressed has been that this change may increase the cost of housing. Larger lot size requirements will cause the house prices for the affected lots to increase simply due to the amount of land to be included.

We have added a possible exception for “Family Subdivision” and a definition to be added concerning this idea. When you got your packets it included language that would address family subdivisions and the idea that you could convey a parcel of land in this case to your immediate family. There are lots of ways to look at that and the only catch with a family subdivision is that in order to do that you have to have it approved specific to Stanly County through an act of local legislation. In other words the General Assembly will have to approve that Stanly County can have that law in its ordinance. That cannot happen quickly, it would have to go to Raleigh. Since the legislature is nearly done this session it probably would not be able to happen until Spring of next year. Your original packet had some of this language but consider that just for information. Investigation is still underway to determine if local legislation is needed to add this exception. This would address some of the concerns about transferring lots to children and lineal descendants.

Commissioner Lawhon has also requested that we consider recommending an increase in side setback requirements in the RA or Rural Preservation Area. Our check of other NC counties with rural areas shows a variety of side setbacks ranging from 10’ to 25’. Current setbacks are 15’. The catch with that is that there are

some areas that already have smaller lots. It gets complicated especially if a plat already shows that it is supposed to be 15 feet. So letter H at the bottom that we are suggesting 20' with an exception for lots of 40,000 square feet or less that would be able to still be 15 feet. Centralina has been contracted to help us with the Conservation District and to look at this and the 5 acre rule so the commissioners suggested increasing the minimum lot size to at least 60,000 square feet. I will say to you that it is your recommendation to the board you can change that number, we are open to whatever you as a board want to send to the commissioners.

Mr. Remsburg asked if there were any questions.

Joel Mauldin "So the 60,000, if that gets approved and goes to the commissioners then does it keep up with the 5 acre rule?"

Bob Remsburg "Right, so Centralina is under contract, but we have not met with them yet. We will be looking at what can work and of course that would come back to you as far as conservation subdivision and any other increase in future lot size."

David Underwood "But, this does not replace what we have already done, it is in addition to."

Mr. Remsburg "Correct, so the 40,000 square feet where water and sewer must be provided, it does not change any of that."

TJ Smith "What is the current 40,000 square foot rule for setbacks?"

Mr. Remsburg "It is 50 on the front, 40 on the rear and 15 on the sides. Mr. Lawhon expressed this at the county commissioner meeting to me and he said that he really wants to see side setbacks increase because it would be crazy to have homes that close together especially with larger lots. So he asked us to consider that and we are now asking you to consider that. It does not have to change or you can say 25. I don't know that I would do much more than 25 but it is up to you all. I did not check every county in the state but the ones I did see were no more than 25 feet on the sides."

TJ Smith "Are they saying that we should not change the front and rear either?"

Mr. Remsburg "That was not suggested, just the sides. If you all want to come back with larger setbacks you can. There are homes that sit at these setbacks now so they would be considered non-conforming if the setbacks do change. Reece Gibson has a subdivision at River Road and they have the lot lines on the plat. Suddenly those are no longer accurate but it is going to cause confusion with the builders and those that have things already in place."

Tim Fesperman "What problem would that be because are they not under the rules that they were in whenever they applied?"

Bob Remsburg "You may be in that common law vested rights stuff."

Jay Eckman "I think that they would be grandfathered in."

Bob Remsburg "I am not sure that I have a good answer on that but generally the Board of Commissioners have the authority and you all have the authority to recommend a change in lot size and lot line setbacks. If you have a vacant lot whether it is in a new subdivision or Joe Smith's house on Austin Road and he wants to build a house. If the County Commissioners change the side setback rule then that side setback rule is changed. There is nothing there and no building permit application has been received. So, if no substantial work has been done structurally then those setback rules would apply."

Tim Fesperman "Reece has roads and sewer and everything else."

Mr. Remsburg "But, he does not have a house built."

Tim Fesperman "But neither do these folks so if we change that would their lots be required to go to 60,000? I just want to be clear. If that stands to reason then anyone who has applied for something goes to the old rules."

Mr. Remsburg "If someone subdivided a lot in 1974, is that a subdivision and therefore the old rules would apply to that lot?"

Tim Fesperman “That is the information that I got from the question that I asked tonight. I am not saying that I agree with that but that would be my understanding.”

Mr. Remsburg “Once you change a side setback rule in a zoning district then I am thinking that is it.”

Chair Eckman “Could a start date be put in for this?”

Mr. Remsburg “You could say that any lots created after a certain date must comply. It is going to be hard to regulate because we will have to look up a deed or a plat for every home that is built.”

Tim Fesperman “What did we do when we changed it from 30 to 40. There is really no difference if you change?”

Ms. Emrich “People just had to have their plats in the office by July 10th and we would sign them and file them but after that then it had to comply with the new rule.”

David Underwood “What happened with us down in Badin? There were a bunch of lots and none of them had been sold but it fell under a certain rule.”

Ms. Emrich “His was something to do with ownership and since he owned all of the lots then they all had to meet the minimum square footage requirements.”

Mr. Remsburg “That was an odd situation because he owned all of the lots and now he has gotten around the rule because there are three LLCs so now none of the same owner owns adjoining lots. So now he could put homes there as the lots sit.”

TJ Smith “Could I recommend in the future that when we make these decisions that we have an attorney present because this is two months in a row that we have run into this.”

Tim Fesperman “TJ, I don't disagree but I really think that the ordinances need to be specific. If we have a timeline that we were going to cancel someone's subdivision and forgo all the money that they spent and as I say I am in a dilemma because I am a rules guy. The rules should say you should have started with infrastructure included but not limited to sidewalks, streets, waterlines, sewer lines, storm drainage, etc. and any other not mentioned above physical, notifiable, quantifiable improvements that are a percentage of the value of the property. Then there would be no question. 2 years is too quick given today's environment but if you want to take the legal out of it then we need to be specific with our ordinances and then there is no question. I think that is what gives me the heartburn but one way to start is get to this 60,000 and the 20 foot setback and establish these areas and if the goal is to grow and maintain a specific type of growth then what better way to do it? There is no better way because there is no legal way around that.”

Chair Eckman stated there would be a 5 minute break.

Chair Eckman called the meeting back to order and asked Lee Allen to come forward.

Lee Allen shared the following:

I am a broker at Remax and have been here for about 25 years. Thank you for all you do. I have been on your side. My job is not to tell you if I am for or against. I love Stanly County for what it allows me to do. I thought it would be really wise for you guys to see some of this context as well just to see what the market looks like. I am going to start at 50,000 square feet and drop all the way down to Stanly County. So I just came off as President of a realtor association that has 22,500 subscribers with 26 counties so it is a big area so I get all of this data. Home sales are down 22 percent year over year primarily because of interest rates. Inventory is down 17 percent year over year. The region's median priced home is \$487,755 and the lady building homes at Millingport is building them on 100,000 dollars less than the median, where do you think people are going to move? They are trading a commute for affordability, that we see. Investors are coming in and scooping up stuff wherever they can because they see what is going on. A two bedroom one bath in rent is 975 dollars in Stanly County right now. I am working with a school teacher and she is looking in Ansonville and Montgomery County because she cannot afford Stanly County and she teaches in Albemarle. The median dollar per square

foot across 16 counties is about 216 dollars. 178 dollars for a 1200 square foot home is 320,000 dollars. I had a conversation with someone at breakfast this morning that said her daughter would love to move here from New York but even moving from there to here, she is making six figures there and she says she would not make the same here to afford the housing.

I did do some research about land because I thought that was important to know. Active land for sale right now in Stanly County as of 6:00 PM there are only 3 properties that are a quarter acre or less, there are 9 properties that are a quarter of an acre to half an acre, there are 23 properties a half an acre to 1 acre and they average \$74,000 per acre. 66 lots are 1 acre or more, the median is 8 acres at about \$27,500 per acre. If you get to the 50 acres or more then it drops to \$11,000 to \$16,000 per acre. So the law of diminishing returns does kick in as we say they can do 30,000 square foot lots and a guy has 8 acres and wants to do that then his net is higher. If you say it is going to be 60,000 square foot lots then it is going to get reduced. It is also going to directly impact what he can sell that for. I think you guys have to look at why we do this. If you are looking to help with affordability I can talk about that. Young people do not want to have 3 acres or 5 acres, they want .3. If you don't build it, then fine, they won't come. 113 people move to this area every day. 99,720 moved to North Carolina last year. They are coming, it is just whether or not we are allowing it.

Waxhaw is the number one growing town in North Carolina right now. I personally think we should encourage all the density that we can and we should incentivize density. What I mean is water and sewer because I believe that water and sewer dictate where the growth should occur. 24 to 28 percent of the cost of a home is in permits and fees and the other 23 to 28 percent is in the cost of the land. So I do think we need to be strategic. I own a lot of land and would it be fun to go build all of this? Yes. But, I also have to be smart about where the growth needs to happen. I do think one of our challenges is that we have to realize that we are one of the top five states. Anything you do affects the cost and the price that someone can get for land. It wasn't that long ago that we could sit here and say that there was no way someone was going to spend 1500 dollars a month for an apartment in an old hotel in Albemarle but they do now. I am happy to answer any questions.

Tim Fesperman “I am speaking from a micro term here on what happened in Locust because it not only doubled but tripled in the last couple of years. We heard the same stuff concerning cluster developments and where it is best to put development where water and sewer are and have a lot of open space. There is a market for those smaller lots but what we found is there are folks that are willing to sacrifice that commute. We are finding that people who want to sacrifice that also won't agree with you. We found that larger developments are more costly. Infrastructure costs all the same for governments. The school load is less for the government and the lots and divisions we are building may be down 17 percent but they sure are not in Locust because they are building them as fast as they can. The fact of the matter is that when the pressure is on to follow the money. What did DENR just do, they lessened the sewer load to half which made everyone have magically a lot more space. So I don't know that you can follow the logic as well as you can follow the money. If we are talking about a preservation area, if we want to preserve a certain area to keep it as agricultural as possible then that should be able to happen. I don't think it is pushing people out, it is limiting areas for preservation and recognizing your areas for density. The cities are the places where it makes sense to have a higher density and higher density is what should be considered. In the same breath you have to consider areas that you do not want that.”

Joel Mauldin “What gives us the right to choose what areas those are and at least not compensate someone that you are taking that money away from? So you have 100 acres in one part and 100 acres in another part but one side is worth more than the other because you feel like that is the right area to do it.”

Tim Fesperman “I don't think it is a right to do. I think it is a right that goes with the Land Use Plan. I don't think we did that and I don't even know what all the preservation areas are.”

Joel Mauldin “That is what I am saying. We put areas in these preservation areas and it is taking 50 cents off the dollar of someone who is here. So what kind of break are you going to give these people? It makes a difference on what someone's land is worth and if it can be developed or not. This guy is still paying the same

taxes you are and then if he is in the watershed he is still limited and paying taxes and does not get any kind of break. We are not looking at it right.”

Tim Fesperman “I don't know how you look at it other than you mentioned the common point of taxes. Valuation of land in a preservation area certainly needs to be part of the equation or re-evaluation.”

Lee Allen “Mr. Mauldin had a really great point which is show me lots with water and sewer and show me lots without. There is a night and day difference. Just in between New London, 7 or 8 lots just came online and there is water and no sewer but the soil has already been done on 1 acre and they are running \$54,900 and I will tell you that they went online last night and 3 are sold today.”

David Underwood “And that is the whole point we want to push people to that and point them in the right direction.”

Tim Fesperman “If water and sewer is not on that land then certainly that should be indicated.”

Lee Allen “It is okay to realize you are not going to have first time home buyers build in the country, they won't. They will have to live in the city because you made the cost unaffordable.”

Chair Eckman “In trying to preserve that area and you have talked about the law of unintended consequences. We think we are doing something right and kick ourselves later down the road. At some point do we start devaluing that land to where outside investment groups come in and start buying up all that land and use their money, laws and power to change the laws in Raleigh and now we pushed it in a direction we did not want it to go in the first place. Now we have people in California owning thousands of acres and trying to push Raleigh the same way and doing things in the rural preservation area that we did not want done.

Lee Allen “You guys have the position to realize that there are so many different moving parts and it can really have some unintended consequences you just don't mean to. We are doing a little social engineering per say and saying we want people here but not here. My only thing is that if you own land you should be able to do pretty much what you want to do as long as you are not damaging me in the process and that is private property rights.”

Tim Fesperman “To your point, where do you think the money came from to push DENR and the legislature to reduce the amount of sewer that they say comes from a house.”

Lee Allen “I was at that meeting. The calculations were all wrong. Those calculations were based on the 1980s standard where your toilet used 4.6 gallons and now you are using 1.8 and that is where those calculations did come from. Real Estate Building and Industry Coalition, those are pretty big lobbyists and they are a pretty loud voice in Raleigh to have some of those conversations.”

Chair Eckman “I don't want to make decisions that expedite that. We think we are doing the right thing and we are pushing it even faster that way out of our control.”

Tim Fesperman “What is that break even point? That young people cannot build in the country? Where is the break even with the cities that are going to water and sewer which you said are about 26 percent to the cost of a well and septic tank?”

Lee Allen “I have never done the math on that. But my thought has always been because my heart beat is for someone who is a school teacher or fireman in Stanly County bringing home \$85,000 a year as a gross combined income and where are they going to live? That is hard. They could do \$400,000 but they would not have anything. The last thing is that, you guys know this but whenever you pass on a fee to a developer you know the developer does not pay for that, the buyer pays for that.”

Travis Morehead shared the following:

I am pretty disappointed in the conversation tonight from start to finish. A little background on me, I grew up in Stanly County and moved back here and decided to build a home here. I was a certified Land Use Planner in the town of Garner and Cary. I worked for a private company that did planning across the state and I represented clients. I am disappointed about several different things. One, the conversation about 60,000 square foot lots, I don't know how many were here in December and November when we brought forth the Land Use Plan decisions that a group of citizens came up with. It passed this board unanimously and nobody spoke against it. They recommended 5 acre lots for the rural areas of Stanly County. Passed the Commissioners unanimously and nobody spoke in opposition. Now we are talking about going to an acre and a half lot which in really suburban densities we are talking about 30,000 square foot lots already happening. When is Stanly County going to figure out what Stanly County wants to be? I heard Lee say and I understand the position of I want a landowner to do what he wants with his property. Well, that is fine and good until you stack those homes in there and it increases the traffic on roads and schools and all of the other impacts that come along with that.

I will quote some statistics. 732,000 acres from 2001 to 2016 is what North Carolina lost or compromised in agricultural land. That is 5 and a half acres every hour for 15 years. American Farmland Trust projected that we are going to lose 1.1 million acres of farmland between now and 2040 due to growth efforts that are just like this. Which is spreading these large suburban lots out and not spreading the density. The key focus of the Land Use Plan was to push those developments towards the municipalities and around themes so you did not have people out in the middle of farm country dropping a 20 lot subdivision. No offense to the lady and gentlemen who had the subdivision, I did not speak against it but that subdivision design is atrocious. It provides no connectivity. If that is what we are going to be then we are going to be the next Western Union or the next Cabarrus and we are just going on down the line. We need to figure out who we are going to be and be that. It is not just do whatever you want to. That is what everyone else did and that is why you have Western Union dipping a toe in Lake Tillery and drawing 20 million gallons a day. It is aggravating to see the same mistakes be made over and over again. This board has an authority to make a recommendation to the commissioners to do whatever they want to do from a growth perspective.

The commissioners can take it or leave it. I think we need to be aggressive in making sure that Stanly County gets the best and gets what we need and keeps the rural character that a lot of us have grown up with. It is not something that we want to give away. I am not against growth. Put growth in Albemarle or Locust or Oakboro where there is water and sewer but dropping them out in the middle of farmland like Millingport is not what we want to do. The top three industries in North Carolina are Agriculture which made over 100 million dollars this year, the next is military and the last is tourism. Development is not there, that is not what generates wealth or economic development. We need jobs and jobs will bring those homes here. We are doing the flip flop, we are being someone else's bedroom so they can go off to Charlotte or Concord or wherever. I think we need to go back because we were just here a couple of months ago shaking hands and singing kumbaya and now we have this 60,000 square foot lot that should be 217,000 square feet because that is what we said in the Land Use Plan. It is disappointing to see staff take this position and however we got here is not where we started and I am disappointed to see it.

Carla Wyrick shared the following:

As you know I am a realtor from Stanly County and have been working in Mecklenburg County for the last 24 years. I don't disagree with what Lee said about what people are looking for and what they want with this younger generation but I can tell you that working in the Charlotte market and I have covered North and South Carolina an hour outside the center city Charlotte area. I am a residential appraiser as well. The younger buyers are going to Charlotte, they are going to higher density like downtown Albemarle or Locust, where there are business centers like Waverly or Birkdale. But, I can tell you that Waxhaw did not become the wealthiest community in the Southeast all by itself. The Allen Tate company is a sister company to Builder Services Incorporated. We started the development out there many years ago. It was John Wieland homes and they were building them at the low end 25 years ago starting at \$350,000 and all brick homes. I am there with Travis

about preserving the rural areas because it is essential and important. But, if you choose to go the route where we have smaller lots then we need to have more buffers in the back behind the homes.

These homes that are now in Weddington or Wesley Chapel that were 350 are now 1.5 million. They were not all on top of each other, they were about an acre. The people that live out there really want 3 acres or more. Today that is what they are looking for. Years ago I sold 5 acres in Oakboro for 100,000 dollars and that home when it is built will be a \$700,000 home. People that live in Charlotte do not have anywhere else to go. The younger ones do not want yard maintenance. They want .15 or .10. Those that are getting ready to have families don't want to raise their kids there. They do not want to be on top of each other. I can promise you that in Mecklenburg county the average price is in the 400s but you can come to Stanly County and build a home for 500-600 and have some acreage. That is what the buyer wants. I have worked with all demographics, that is what I do. Right now individuals who are coming back to me are the empty nesters that are 60 and older who want to come back here and live in a 55 plus neighborhood with a lot of amenities. There is a demand so I am there with Travis. If we really want to define who we are we need to slow this growth down because if not these developers will come in and they will start setting the rules and taking away clean water buffers and the privacy of other neighbors.

Ms. Wyrick showed a plat map of buffers.

Let me also tell you what is happening with these big builders. Currently, last week I had a consultant asking what was going on in Stanly County and showed me what they wanted to build. As I was looking into the rental properties in a brand new subdivision there are single family homes being purchased by large builders with no covenants or restrictions and they are renting the homes out by the room. 800 dollars a room. If we continue to do that we are going to mess ourselves up here in the county. Lee is right, the cost of living is extremely high. You come here and you are staying in a mill home for 900 dollars but now they are going by bedroom for 800. You have a tough job ahead of you but I have been a part of smart development. I was part of bringing Pfeiffer here. I am all for what we do here and I just want to be careful until we have a water and sewer system in place and we have staff on the county and city level that can handle the stormwater and erosion. The DOT last week told me that in Locust one of the builders did not implement the buffers on the ponds and he got fined 100,000 dollars. We don't have the staff to even implement those rules that you guys are planning. We have got to slow down.

Chair Eckman “This goes back to my question though for all of you, at what point, with the 5 acre lots, the people who want the smaller stuff in Charlotte and then they come here and want 5 acres in this area. So, with these larger lot sizes, does that not create larger sprawl out in these areas? Because, you have people now who have the money to come in and buy 5 to 10 acres and take over a whole farm and spread out there. Now as opposed to having houses tighter packed you have 20 homes in there. They say we can just buy big lots and build more homes so does that not create more sprawl out in those areas?”

Travis Morehead “My response to that is very simple. The county's job should not be to grow subdivisions. The county's job is to push those subdivisions through your policies to places that have water and sewer. That is the first stepping stone. People will buy bigger lots and spend more money and they are going to have more money. It will not be that density. The density will be around the municipalities. So I do not see that as a conflict at all, I see that as exactly what it was designed to do.”

Chair Eckman “I am trying to understand so that we are able to make a smart decision, if those lots are 5 acres or less does it not encourage investment groups to come in and buy them? If we are trying to keep it farmland?”

Carla Wyrick “Investment groups are going after cheap land.”

Chair Eckman “But if we are making larger lots then it is making land cheaper.”

Carla Wyrick “Investor groups are not buying those lots. Homeowners are buying those lots. You have small investors that have slowed down alot.”

Chair Eckman “I know this but the policies we are making now are going to have an effect in 5 years.”

Carla Wyrick “I do not see investors buying this type of acreage at all.”

Chair Eckman “So you have a farmer who is retired and nobody wants to buy his property. No one wanted to buy it so he had two options. He either sold it off in parcels or there was the option of leasing it to the solar farm which kept it in one parcel. Those were his choices.”

Travis Morehead “Are you creating the ordinance around one situation? Farmers do not own all the land, they lease it. In fact they lease much more than they own. I think we are prepping for the wrong thing. I think we are prepping for the what ifs and not the fact that growth is going to come here so be as defensive as you can by having larger lots in those Rural Preservation Areas, shove the density towards those municipalities and develop ordinances so that youre ready for it and they will help protect those areas.”

Chair Eckman “That's the point but I am saying that we do not want to make policies that accelerate that.”

Travis Morehead “Personally, I don't think they would.”

Carla Weyrick “There are 100 acres in Oakboro that I have been working with the owners for two years. There were certain things we had to work through but we have taken strategic paths for the land to create value and get rid of what could not and we approached private property owners next door and sold some and parceled it off. Some of it actually went into Three River Land Trust so that owner and I took some strategic steps. You have what Travis does with Three Rivers but there is also Carolina Thread Trail which is something that he started here in Albemarle along Old Salisbury. Now we have something up at Pfeiffer that is being developed and this week on Tuesday I will be meeting with some people about how we are going to expand it there and we are doing this through relationships. If you took Carolina Thread Trail and crossed over 52 and went up to City Lake Drive and then to the community college, I have had three property owners who have asked and wanted to buy some of the 86 acres and the college also wants to. Then we come together as a collaborative and conserve land so it would not be easy to develop. We work together as a community to create a path where you can work to build your trails. There are so many people in Charlotte who leave and come to the bike paths and let's take some of our abandoned railways in the county to create bike paths. That is the tourism part that you create and with that path you will have nice homes and communities that will want to be close to those. As you do develop as a county there is a big map for Stanly County and Carolina Thread Trails so let's keep that in mind. So we can negotiate with developers and include those as a part of our growth plan.”

Tim Fesperman “What would you do tonight? Because that is what we are faced with. I agree with your vision and Mr. Morehead, I agree.”

Carla Weyrick “I would keep things as large as they could possibly be because right now we are not ready. Until we have water and sewer fees available for the houses that are coming. When a subdivision gets approved and they apply for their permits DOT says you have to have all the approvals for all the other entities and then they come back to DOT and are told that they need to buy a bond so they know it will get done. So why don't we put these developers on a bond if they are going to expand our water and sewer system? BDR developers owned Badin Meadows but now they want to sell it because of utilities but want to sell it without the roads being improved but DOT will not let them do that. We need to stop these developers from coming in and taking advantage of what we have here.”

Tim Fesperman “A bond is up front. It is in place to secure a promise to build. I won't argue that point but I just want to know what you would do tonight because that is what we are faced with.”

Travis Morehead “I would recommend that you say no to this and if you have a recommendation going before the board that it goes to meet the Land Use Plans objectives which this board and the Commissioners passed unanimously. Do not take an intermediate step, go that way and if you decide to dial it back and you want to hire a consultant because there are things that we missed when we did our due diligence then you have that opportunity. I would try to protect Stanly County as much as you can by going to the largest lots you can. Protect those Rural Preservation Areas and guide that growth towards the municipalities with water and sewer.”

Chair Eckman “You just said to say no but that would keep it as it is opposed to those larger lots.”

David Underwood “I think the 5 acres is still going to show up because of the Land Use Plan.”

Travis Morehead “To me, it is a weak stop. If you are going to do a text amendment then why not do the text amendment for the whole thing? Why not do the 5 acres?”

David Underwood “That was my question and their answer was it was best to put it all in when Centralina comes.”

Lee Allen “I will say that I kept hearing the concern about what if we do these larger lots and the land gets depressed, does that encourage developers to come along and scoop it up and then strong arm development? That is not the way that developers work. They literally back into the calculations and it is all about yield. They want to see if they can go from an R20 to an R6 because that allows them to do the density and they only want to do that if they have water and sewer. I think that is okay and there is nothing wrong with that. I agree very much with Travis about wanting to protect Stanly County. My problem is as a realtor I want to protect Stanly County land owners too. That means do no harm and that is really hard. I don't think you are hurting yourselves by going larger because to me that does less harm because you can always come back and go smaller but if you go smaller first you just can't call that back. So builders build when the market demands, they don't just go build stuff magically. They build what someone will move into. 84 percent of all mortgages held today are 4 percent APR or less. People are not moving. I know multiple young couples who are living in NODA and South End who go “I have 2.75 with a split level and there is no way that I am going to move, I will just figure out how to remodel and make it work”. That is one of the challenges that you are going to see with naturally recurring housing. Very much to echo the Thread Trail which I am a big supporter of. The story is that in Charlotte all of these folks got out 25 years ago and said, no, I do not want those people in my backyard. They all built fences and got mad and about 6 months after they started putting gates up because they realized what they had access to. If you do that, then people will come. I think we should do everything we can to preserve that and I get the position you all have about navigating that. I do not think you will have a problem if you go larger now.

TJ Smith “Did I hear we could go up to 5 acres?”

Chair Eckman “We can suggest it.”

Shane Almond “What did the folks in Stanly County ask for when you did the Land Use Plan? They wanted rural preservation. I and all my neighbors are okay with taking a little less for our land because we know that it is going to be preserved. I make my living by farming and 5 years ago I could buy land. Now, I can't and it is not because of other farmers, it is because of developers. Where is there a development in Stanly County that they are coming to build homes on 5 acres? It is not going to happen unless they cram them in. For me, you can raise it to more than 60,000. Go ahead and make it strong now and you can always go back later. If someone wants something less than 5 acres then make it first or second generation. People in this county wanted this and if you all are here to serve the people of Stanly County then that is what you should do. We have a primary and we have a secondary, it said 51 percent of the county is in Agriculture or rural which means 49 percent is in residential. Those homes are there so out of the 51 percent, that is what you are trying to save. You can pull up the map and see. Do what the people of Stanly County want and not certain people.”

Chair Eckman asked for a motion to recommend to the county commissioners approval or denial of ZA 23-07, a text amendment to section 701 of the Stanly County Zoning Ordinance to increase minimum lot size in the RA zoning district that are also in the Rural Preservation Area and the side setback in the RA zoning district.

TJ Smith “If we make a motion and discuss, during that motion can we decide if we want it higher?”

Chair Eckman “You can make a motion for whatever you want.”

Motion : TJ Smith made a motion to make the minimum lot size in the RA zoning district that are also in the Rural Preservation Area to 5 acres because of the Land Use Plan recommendation.

Second: Tim Fesperman

Chair Eckman asked if there was any discussion.

David Underwood “I want to make sure that I am right Bob, we can do what we just did? I don’t want to get us in trouble.”

Mr. Rensburg “You can, I would just like a clarification on if that includes the 25 foot setback or not.”

TJ Smith “We have a motion and a second, can we discuss the setbacks? What is the recommendation?”

Chair Eckman “I don't have a problem with it.”

Mr. Rensburg “You all are exactly right. On a 5 acre lot no one is going to build that close to the edge anyways. It would be a weird situation if someone wanted to build that close to the line on a five acre lot. There may be a weird situation but that is what a variance is for.”

David Underwood “Does this apply to a garage?”

Bob Rensburg “No, because that is 10 feet.”

David Underwood “Could we change that?”

Bob Rensburg “Yes, you can but probably not now but at another meeting.”

TJ Smith “Did I hear 25 earlier at a minimum?”

Bob Rensburg “Everything I saw in rural areas was between 10 and 25 feet, I did not see anything larger than that.”

David Underwood “How big was the lot?”

Mr. Rensburg “30,000 to 3 acres.”

TJ Smith “Chairman I recommend 25 feet side setbacks. I have heard the rear being an issue on 40 feet. Is there a recommendation for Bob?”

Mr. Rensburg “While I understand the buffer issue I am not sure that we need to go there yet. We need to research.”

TJ Smith “Does the Land Use Plan have any recommendation on that?”

Mr. Remsburg “No. It did not address setbacks.”

TJ Smith “Mr. Chairman, the 5 acres or 217,800 square foot is what I recommend and also the 25 feet side setbacks. I think in our handbook there is an upper for our developments already so that is my motion.”

TJ Smith withdrew his motion to state the recommendation of 5 acres or 217,800 square feet in the RA zoning districts that are also in the Rural Preservation area and to also make the side setbacks 25 feet.”
Tim Fesperman agreed with the motion and kept his second.

Chair Eckman asked for a vote.

Approve: 7

Deny: 0

Approved: 7-0

Chair Eckman stated the County Commissioners will likely hear this request at their next meeting.

Chair Eckman asked if there was any other business to discuss.
There was none.

Chair Eckman asked for a motion to dismiss.

Motion: David Underwood

Second: Tim Fesperman

Approved: 7-0

Time Adjourned: 8:45 PM

Chairman, Jay Eckman

Clerk, Bailey Emrich