

COUNTY POLICY COMMITTEE MEETING
THURSDAY, MAY 30, 1996
12:00 NOON

PRESENT: Commissioner Rollin Shaw
Commissioner Johnnie Evans
Commissioner John Keefe

STAFF: Cliff Strassenburg, County Manager
James Martin, Deputy County Manager
Neil Yarborough, County Attorney
Matt Rooney, Planning

OTHERS: Col. Jim Hatten
Tim Kinlaw, Cumberland County Schools
Sara Piland, Cumberland County Schools
Jeff Reitzel

1. Approval of Minutes: May 16, 1996

MOTION: Commissioner Evans offered a motion to approve the May 16, 1996 minutes.
SECOND: Commissioner Shaw
VOTE: UNANIMOUS

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

A. School Sub Committee Report:

Mr. Tim Kinlaw reviewed the Summary of Recommendations from the Subdivision Review Committee School Sub-Committee Report.

Summary of Recommendations

1. Adopt an amendment to the County Subdivision Regulations to read as follows:

Section 3.2 - School Sites. Where a tract of land that has been designated as a potential school site and shown in an approved comprehensive land use plan lies wholly or partially within an area proposed to be subdivided, the Planning Board, acting in accordance with the School Board's recommendation and as a condition to preliminary plat review, may require the land owner/developer to reserve the site for potential acquisition by county for a period of six (6) months without compensation to the property owner. 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 Board of Education has not acquired the site prior to expiration of the option, the subdivider may treat the land as freed from reservation.

2. The Board of County Commissioners and school administration should act to encourage the public disclosure of planned school sites in approved comprehensive land use plans in order to permit use of the School Site Reservation Ordinance.
3. The Board of County Commissioners should work to coordinate the facility needs of all county agencies to take full advantage of opportunities to co-locate county service facilities with school sites when economic and operational considerations indicate benefits to county government.
4. Adopt an amendment to the County 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).
5. 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.
6. Aggressively seek to fund school site acquisition, capital construction and education programs at levels that elevate the quality of education in Cumberland County.

Mr. Reitzel noted the subdivision ordinance as it is currently written is ineffective.

County Attorney Neil Yarborough noted that the designation of properties for new schools now may drive the purchase price up. Will the designation of schools sites in this plan end up costing the County more in the long run?

Mr. Kinlaw stated they have identified sites for the next ten years. They have determined where existing utilities are or will be located with PWC, DOT and others. They have determined the sites where they want to locate high schools and middle schools. He is not totally in favor of the first section of this recommendation. His main problem is money. Some land owners are willing to go three or four years to purchase sites. They need a base fund for capital outlay to purchase school sites.

Commissioner Shaw asked what some of the bigger counties are doing that have land use plans in which they site school locations.

Mr. Kinlaw advised some of the larger counties have set up reserve funds to purchase school sites, so that when sites are designated, they have the funds available to reserve them.

County Manager Cliff Strassenburg advised that Orange County has special legislation to assess impact fees for schools.

Mr. Reitzel noted the problem is money. The Committee was trying to come up with a method to allow the School System to obtain sites. The idea is that property owners of potential sites know there may be more than one site available.

No one will know which one will be picked. The amendment gives some reservation mechanism for the school board to obtain a site. The ordinance says the property must be purchased within thirty days.

Commissioner Evans noted there should be some compensation to the landowner if after the six month reservation period, the School Bond still wants the property.

Mr. Kinlaw noted that after the six month option expires, there then must be negotiations with the landowner to purchase the property.

Mr. Yarborough suggested there be a mechanism to allow for the purchase of land when it is in development and the owner is eager to sell.

Mr. Strassenburg noted transfer of development rights would need to be an option as well.

Commissioner Evans stated he feels the proposed amendment is as good as it can get and they will have to negotiate the rest.

Commissioner Shaw stated growth can be projected in the County. Impact fees will make funds available for the acquisition of sites. It makes sense to have the people who are purchasing the sites to help pay for the schools. Cumberland County doesn't have a school tax and a lot of other counties do.

Commissioner Evans noted an impact fee would be fair if it was used in the area that the school was needed. He suggested a fee similar to a fire district tax. He noted the land costs are insignificant when you are talking about building a new school. The land cost is nothing compared to the overall costs.

Mr. Kinlaw stated if three or four sites could be acquired, it would take care of the needs for the next three to four years.

Commissioner Shaw asked if this item could be tabled for further discussion at the next meeting. She feels the recommendation is an improvement to the current ordinance, but additional discussion is needed.

It was the consensus of the Committee to cancel the June 20th Policy Committee meeting and to meet again on Tuesday, July 9th at 11:00 AM. Mr. Kinlaw, Ms. Piland and Mr. Reitzel were asked to attend that meeting and again discuss this Sub Committee recommendation.

B. Military Sub Committee Report:

Matt Rooney and Col. Jim Hatten reviewed the Summary of Recommendations from the Subdivision Review Committee Military Sub-Committee Report.

Summary of Recommendations

1. Recommendations regarding Red Cockaded Woodpecker initiatives:

- A. Develop maps and other planning data concerning Red Cockaded Woodpecker (RCW) locations which will be maintained at the County Planning Department.
- B. Educate relevant Cumberland 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 regional park in areas with known RCW sites.
- D. Encourage the use of existing zones and subdivision ordinance 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 areas with RCWs such as transfer of development rights.
- F. Adopt the following amendment to the County Subdivision Regulations creating a special overlay planning district extending out one-half mile from the Fort Bragg boundary for the purpose of encouraging the management of RWC habitat:

Section 1.9.1 - Fort Bragg Special Interest Area. Because of the location of know habitat and forage areas of the Red Cockaded Woodpecker on the Fort Bragg Reservation, and on privately owned land in close proximity to the Fort Bragg Reservation, Fort Bragg has a special interest in the development that occurs on these privately owned lands. The map entitled Fort Bragg Special Interest Area is hereby adopted as part of this ordinance. Development subject to review under this ordinance and located in the Fort Bragg Special Interest Area shall be submitted by the Cumberland County Planning Department to the Fort Bragg Real Property Planning Division in addition to the other agencies involved in the subdivision review process. Fort Bragg will then assist the property owner in identifying areas where trees should be maintained. While the owner is not obligated, the intent is to encourage development in accordance with Section 3.24 of this ordinance (zero lot line) which allows the onsite transfer of density and provides a density bonus.

Col. Hatten reviewed the recommendations regarding the Red Cockaded Woodpecker initiatives. A map of the special interest areas was distributed. He noted section 1.9.1 concerning Fort Bragg Special Interest Areas would need to be adopted by Spring Lake, as a large portion of the area is in Spring Lake. A transfer of density could be given to land owners who save areas for these birds.

Mr. Strassenburg noted additional work would need to be done on item E of the Recommendations regarding Red Cockaded Woodpecker initiatives. The Planning Department would draw up these regulations.

MOTION: Commissioner Evans offered a motion to approve the recommendations regarding the Red Cockaded Woodpecker initiatives as proposed by the Subdivision Review Committee Military Sub-Committee and to recommend these initiatives to the full board.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS

2. 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.
- 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 the 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."

Col. Hatten reviewed these recommendations. A map of the Simmons and Pope AFB accident and noise zones indicating the areas affected were distributed. He noted the committee is working on an ordinance to help builders reduce noise in building construction.

Matt Rooney stated the Subcommittee received information from the Home Builders Association and HUD concerning the reduction of noise in the building process. Several of these recommendations are already a part of the County building code. The question about measuring noise levels was also discussed. However, the monitoring of noise and the costs involved became an issue. The decision was made that certification could be obtained from builders that the noise reduction requirements would be met. The idea was that with the existing building standards, permits could be granted based on the builders certification that the requirements would be met. He noted that under item B, standards should be developed and published.

MOTION: Commissioner Keefe offered a motion to accept the recommendations regarding accident potential and noise initiatives as recommended by the Subdivision Review Committee Military Sub-Committee.

SECOND: Commissioner Evans

VOTE: UNANIMOUS

Meeting adjourned.