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## Gates County Planning & Development Services

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### Minutes of THE PLANNING BOARD Meeting 3:00 PM – November 19, 2015

Members Present:                    John Carter – Chairman  
    Billy Seiling  
    Sherwood Eason  
    Phyllis Umphlett – Hobbs – Vice Chairman  
    Ronald Taylor, Sr  
    Jonathan Jones

Members Absent:

Also Present:                         Jennifer C Baptiste, County Planner  
    Joe Greene  
    Larry Presnell

#### Call to Order

The meeting was called to order by Chairman John Carter at 3:00 p.m. in the Gates County Courthouse Courtroom. Mr. Carter asked Mr. Joe Green to offer the prayer and lead the Pledge of Allegiance. Roll call was taken and a quorum established.

#### Approval of Agenda

Mr. Carter asked for approval of the agenda. At such time, Mr. Jones requested that the agenda be accepted with the amendment to conduct the review of the Map Amendment request for Mr. David Smith prior to the approval of the minutes. The adjustment and acceptance of the agenda was seconded by Mrs. Umphlett – Hobbs. Motion passed unanimously.

#### New Business

The first item on the agenda under New Business was a review of the proposed Map Amendment submitted by Mr. David Smith. Map Amendment case # 201511 – MA – 01 Smith was presented by Ms. Baptiste. Ms. Baptiste stated the request was submitted by Mr. David Smith as property owner and represented by Ms. Brenda Jordan. The request is to amend the current zoning of A – 1 to the RMH – 1 zoning district. Ms. Baptiste explained that the property was still shown as being owned by Catharine Smith who is deceased. The applicant, David Smith, is the only living heir to Ms. Smith's estate. Ms. Baptiste further stated that an executed copy of the Death Certificate and the Will are available for review.

As the designated representative, the board addressed Ms. Jordan. Ms. Umphlett – Hobbs inquired to the purchase of the property. Ms. Jordan stated that she was not purchasing the entire eight (8) acres, but was only going to purchase approximately one (1) acre of land to place a manufactured home. Ms. Umphlett – Hobbs asked if by subdividing the land if the rest of the land would be able to be used as a Manufactured Home Park. Ms. Baptiste stated that the only way it could be a park

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was if an application was submitted and approved by the Planning Board and the Board of County Commissioners. Ms. Umphlett – Hobbs then inquired if the Board could just do one (1) acre of land. Ms. Baptiste responded that a survey would be required to establish what portion of the property was being rezoned.

Mr. Jones stated that he felt the request was in conformity with the overall area. Several members of the Board acknowledged visiting the area and agreed with Mr. Jones. Mr. Seiling made a motion to forward a recommendation of approval of the rezoning to the Board of County Commissioners. Mr. Taylor seconded the motion. Motion passed unanimously.

#### Approval of Minutes

Mr. Seiling made a motion to table the minutes until the next meeting. Motion seconded by Mrs. Umphlett – Hobbs. Motion to table the minutes passed unanimously.

#### Old Business

Mr. Carter opened the floor to Old Business. The first item on the agenda was the final approval of the proposed ARTICLE 13 – 01 Board of Adjustment. Mr. Jones opened the discussion with a question regarding Section 13 – 01.03, the election of the Chairman and Vice – Chairman to the Board. Mr. Jones questioned whether the elections should be conducted in June or July. At the completion of discussions, it was determined that the section should be amended to state that elections take place in June.

Mr. Joseph Greene, Chairman of the Board of Adjustment, stated he would like it written into the ordinance that the date and time for the Board of Adjustment be reflected in the ordinance. The Board agreed to have the date and time inserted into the ordinance.

Ms. Baptiste recapped the two (2) changes to the ordinance for the Board. First, in Section 13 – 01.03, the election of the Chairman and Vice – Chairman to the Board from July to June. The second change to be the addition of the date and time for the Board of Adjustment to the ordinance.

A motion to accept the proposed changes to Text Amendment Article 13 – 01 Board of Adjustment was made by Ms. Umphlett – Hobbs and seconded by Mr. Jones. Motion passed unanimously.

A motion to forward the proposed Text Amendment Article 13 – 01 Board of Adjustment to the Board of County Commissioners with a recommendation of approval was made by Mr. Taylor and seconded by Mr. Seiling. Motion passed unanimously.

The seconded item on the agenda was the final approval of the proposed Article 13 – 02 Planning Board. After a brief discussion, a motion to forward the proposed Text Amendment with the change of the election of the Chairman and Vice – Chairman from July to June was made by Mr. Jones and seconded by Mr. Seiling. Motion was passed unanimously.

The final item on the agenda under Old Business was the continued discussion to amend Article 7.02 Note 12 Solar Farms. The discussion started at g) Screening bullet number 2. Ms. Umphlett – Hobbs suggested that the statement be rewritten to read “ Solar Farms shall be constructed with evergreen vegetative plating strips

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whenever natural forest does not otherwise continuously obscure the perimeters from adjacent parcels or public roads.”

Mr. Seiling recommended that the vegetative planting have a distance of three (3) feet from the fence line.

The next item of discussion was regarding the removal of wiring as a result of the decommissioning of a Solar Farm. Mr. Taylor suggested that the wiring be removed by a licensed electrician. This was agreed upon by Board members with the added stipulation that the site be inspected by the Building Inspection Department prior to clearance of the site is given.

Mr. Larry Pressnell asked the Board if there was a way or who would decommission a Solar Farm due to a lack of productivity. Ms. Baptiste stated that the Energy Commission would be the ones to issue that decree. Mr. Pressnell further inquired if there was a way to restrict the number of acres of County land put into Solar Farms. Ms. Baptiste replied that there was not legal to do. There is not a legal way to restrict the number of acres going into Solar Farms without it being seem as discrimination against a land owner, company, or the use.

Mr. Carter asked about the status of getting a Bond aspect inserted into the section. Ms. Baptiste stated that she was still researching option with the Finance Director, Sandy Pittman, and was hoping to have additional information for the next meeting.

Mr. Eason requested the Board reexamine the setback between the fence line and the planting strip. Mr. Eason suggested that the distance be increased to six (6) feet. Hearing no objections, the Board increased the minimum distance between the fence line and the planting strip to six (6) feet.

Old Business concluded and closed.

#### Comments

Ms. Umphlett – Hobbs gave a brief update from Erin Eure regarding the proposed Solar Farm presentation. Ms. Baptiste added that Ms. Eure was in contact with several presenters and that one presenter was possibly able to present to the County between December 15<sup>th</sup> and the 18<sup>th</sup> or sometime in January. No firm date had been established. Further information would be given as they came available.

#### Adjournment

Mr. Seiling made a motion to adjourn the meeting; seconded by Ms. Umphlett - Hobbs. The motion passed unanimously.

Meeting closed at 4:37pm.

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John Carter, II Chair Planning Board