



*Vance County Planning & Development
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TO: Vance County Citizens Advisory Committee (CAC)
FROM: Ken Krulik, Assistant Director/Senior Planner
SUBJECT: Minutes of the March 2, 2006 CAC meeting
DATE: March 10, 2006

In Attendance

Committee Members: Reverend J.H, Daniels-Committee Chair, Connie Kenney-Committee Vice Chair, Helen Williams, Thomas Shaw III, Vincent Jefferson, Rusty McMahon, John Abbott, John Foster, Alan Rowland

County Staff: Robert Farnum, Ken Krulik (meeting facilitator)

Others Present: Marc Woodlief, Matthew Milliken (Daily Dispatch), members of the public

- ◆ Chairman Daniels called the meeting to order and then led the Committee in prayer to the start the meeting. He requested the assembled members review the minutes of the February 16, 2006 meeting, noting that a new Committee member, Alan Rowland, was present. Introductions would be addressed upon concluding review of the minutes.
- ◆ Upon review of the minutes, Chairman Daniels asked if there were any changes to be made. There were none from the members, he entertained a motion to approve:
 - A. **Motion** was made by John Foster to approve the minutes of the February 16, 2006 meeting. **Second** was made by Thomas Shaw
 - B. All members voted to approve the February 16, 2006 minutes.
- ◆ Chairman Daniels then stated he wanted to share with the Committee a letter from Wallace Cawthorne. He read the letter which stated that a due to health reasons, double knee replacement surgery, Wallace Cawthorne would be in recovery for up to 6 weeks, as such he finds it necessary to resign from the Advisory Committee effective immediately.
- ◆ Chairman Daniels accepted the letter, requesting it be formally entered into the records, then announced that a new replacement member was present.
- ◆ Ken Krulik introduced Alan Rowland, a local surveyor who works for the state Department of Transportation, but does part-time surveying work in the County, as well as neighboring counties. Ken Krulik added that Alan Rowland is a long time local resident and his appointment has the full support of the County Commissioners, the County Manager had contacted the Commissioners and their support was unanimous.
- ◆ Alan Rowland then introduced himself to the Committee.
- ◆ Chairman Daniels then moved the next agenda item, Old Business, to be presented by planning staff with the first issue to address as the charge of the Committee.

- ◆ Ken Krulik responded that the minutes of the Commissioners meeting when the Committee was appointed, stated to “charge them with the responsibility of reviewing the draft ordinance and to formulate recommendations based on the draft to the Commissioners.” He continued that recommendations would be made to the Commissioners directly; the Commissioners could then refer them to the Planning Board.
- ◆ Rusty McMahon asked if this charge was “echoed” by the Commissioners within the last two weeks of the Advisory Committee’s last meeting.
- ◆ Ken Krulik responded that he confirmed the Commissioner’s charge as well as the process for the Committee making recommendations to the Commissioners; this was done within the last two weeks of the Advisory Committee’s last meeting.
- ◆ Chairman Daniels re-stated that the charge of the Advisory Committee is to review the draft ordinance and make recommendations directly to the Commissioners.
- ◆ Ken Krulik continued that it was discussed at the last meeting as to whether the Committee’s recommendations would be made Chair or by planning staff.
- ◆ Chairman Daniels responded they would address that issue later, then the moved to the draft bylaws as reviewed by the Committee at the last meeting.
- ◆ Ken Krulik stated had revised the draft bylaws from the past meeting, based on recommendations from the Committee; he then distributed the revised draft bylaws to the members for review and consideration.
- ◆ Chairman Daniels at this time also announced to the audience that copies of the draft ordinance and draft map were available at the back of the meeting room if they wanted a copy to review during he meeting’s progress.
- ◆ Ken Krulik then explained to the Committee that changes to the draft bylaws were noted as additions (in bold and underlined) or as deletions (with a text strike through).
- ◆ Chairman Daniels then requested the Committee review the draft bylaws.
- ◆ Rusty McMahon asked if on page Two Section V, the word Board referred to the Advisory Committee.
- ◆ Ken Krulik responded yes (“All plans, reports, and recommendations of the Citizens Advisory Committee must be approved by at least a majority of the members of the ~~Board~~ **Committee**.”). He noted the same correction would apply to page Three Section VI (Board will be corrected to reflect **Committee**).
- ◆ John Foster asked on page Three Section VIII, where it states “To the maximum extent feasible...” he commented that if the Committee is meeting every week, then providing the agenda and materials no less than seven days prior would prove challenging.
- ◆ Ken Krulik explained that this also refers to including minutes with the agenda and that his workload is very full, by stating “to the maximum extent feasible,” it gives him some latitude if he does not get the material in the mail to the Committee in time.
- ◆ Chairman Daniels recommended changing the provision to read “not less than five days prior” to which Ken Krulik agreed and would make the change to read “To the maximum extent feasible the agenda **and minutes** shall be mailed not less than five days.”
- ◆ Rusty McMahon referred to page Three Item D, if the Committee can entertain questions in writing (“Any item which any member of the public has requested to be considered, in writing, which falls within the powers and duties of the Citizens Advisory Committee.”).
- ◆ Ken Krulik responded yes, the Committee can entertain these requests so long as they are pertaining to the draft zoning ordinance.

- ◆ Chairman Daniels then reviewed the changes as noted with the members.
- ◆ Rusty McMahon then asked if it was appropriate to discuss the Committee’s purview in seeking legal advice and expert advice from outside sources in the course of their work. He added if this is to be allowed of this Committee, where to write it in the draft bylaws.
- ◆ Chairman Daniels stated that Section II-A under Powers and Duties of the draft bylaws may address this question and be an appropriate place to address this issue.
- ◆ Rusty McMahon commented that on page Four Section IX the draft bylaws reads “When it is deemed advisable, a committee may seek technical assistance or professional advice from individuals who are not members of the committee, provided that any expenditure of funds for such consultation (if required) shall be in accordance with the County’s Annual Budget and Policies.” He asked if there is a budget for this Committee.
- ◆ Ken Krulik answered that there is no Committee budget, this Section deals with formation of Sub-Committees if needed. He continued that the members can conduct interviews of Commissioners and experts, as well as conduct individual research in order to reference information pertinent to the draft zoning ordinance and draft zoning map. He added this does not provide for bringing in outside individuals to do presentations.
- ◆ Chairman Daniels recommended that a text provision regarding this issue be included under Section II of the draft bylaws, the Committee had general discussion on this matter.
- ◆ Rusty McMahon asked if the Committee were able to interview Commissioners and field experts individually and report back to the Committee or if they were able to have them come to the Committee meetings to be asked questions from the Committee as a group.
- ◆ Ken Krulik responded that if there was information the Committee members were seeking of specific individuals, they can do so and report back to the Committee.
- ◆ Rusty McMahon stated that if there were questions the Committee had, they should get them in writing to the individuals. The responses could be reported back to the Committee or have that individual available to the Committee.
- ◆ Vincent Jefferson stated that based on what was being suggested, the Commissioners will have varying opinions, one Commissioner can’t answer for another as they have different preferences. He continued that the Commissioners, as a Board, have given this draft document the Committee to review (Board has not yet approved the draft document).
- ◆ Rusty McMahon responded he can’t effectively review a draft document unless he knows the context for which it was written (its background and why it was created). He added that the questions the Commissioners need to be asked are simple ones: “what goals and objectives do you have for zoning, why do you want it, why do you think it’s good of the county?” He further added that the intent of these questions is not in an adversarial.
- ◆ Vincent Jefferson asked of Ken Krulik, with these points in mind, and that the Planning Department worked closely with the County Commissioners and County Manager, have the Commissioners reviewed the draft zoning ordinance and draft map?
- ◆ Ken Krulik responded that yes, the Commissioners have reviewed the draft documents.
- ◆ Vincent Jefferson responded if that’s the case, the Commissioners are, to some degree, at least in agreement on the development of the draft ordinance and draft map.
- ◆ Chairman Daniels responded this may not be the case, the draft documents are not approved and no public hearings have been held. He added the Commissioners have seen the draft documents, as this Committee has, and may have their own opinions.

- ◆ Chairman Daniels further added that Ken Krulik had conducted a PowerPoint presentation in Kittrell on the history of the project (how the process got started) and some background on zoning. He asked if the members had seen this presentation, four of the Committee said that they had seen this, or similar presentations by Ken Krulik. He asked if the Committee would be interested in seeing the presentation, they agreed.
- ◆ Chairman Daniels brought the discussion back to the draft bylaws language, recommending adding to Section II Powers and Duties, as Item D: Interview/solicit technical assistance and background from professionals upon request by the Committee.”
- ◆ With the changes identified by the Committee to the draft bylaws, Chairman Daniels entertained a motion to adopt the draft bylaws with the changes noted.
 - A. **Motion** was made by John Foster to approve the draft bylaws and adopt them with the changes noted. **Second** was made by Rusty McMahon
 - B. All members voted to approve, the bylaws of the Citizens Advisory committee were adopted.
- ◆ Chairman Daniels stated the bylaws were adopted and requested of Ken Krulik to provide a “clean copy” for the next meeting.
- ◆ Before proceeding further Ken Krulik requested that if the Committee meetings were to be weekly, the next date (March 9th) would conflict with a meeting already scheduled for the same location. He asked of the Committee what would be their preference for the next meeting, the Committee agreed to address this at the end of tonight’s meeting as the amount of work to done for the next meeting may require additional time.
- ◆ Chairman Daniels then moved the next agenda items which include review of Sections I, II, and II, of the draft zoning ordinance, starting with page 8.
- ◆ Rusty McMahon first asked if there would be a time limit on the meeting.
- ◆ With some general discussion, the Committee came to a consensus of keeping a two hour time limit on the meetings, if they needed to adjust starting time or the length they would do so accordingly. Chairman Daniels continued with the draft ordinance review.
- ◆ Vincent Jefferson noted grammatical corrections to make on pages four and five, these included adding indentations of Items A though J under Section 2.2 of the Table of Contents. This it allows for uniformity in the text of the Table of Contents, he continued that same correction applied to page six Section 4.13 and page seven Section 7.7.
- ◆ Ken Krulik noted the revisions commenting that not only does the Committee’s review include potential revisions, but also grammatical corrections as necessary.
- ◆ Chairman Daniels continued suggesting that the Committee go around the table and if any members have suggested changes to raise them for consideration and discussion. He started with Section 1.1 on page eight.
- ◆ Chairman Daniels recommended under the last bullet of Section 1.1 to add the following at the end: “in order to maintain the rural and agricultural nature of the County.” He read the completed recommendation as follows: “To conserve, protect, and encourage the wise and prudent use of Vance County’s natural and cultural resources **in order to maintain the rural and agricultural nature of the County.**”
- ◆ Alan Rowland recommended the potential revision be clarified for “specific areas of the County,” since the entire County is not agricultural and there will potentially other zoning categories in use for entire County. The entire County will not be agricultural and rural.

- ◆ Ken Krulik noted the potential revision to read: “To conserve, protect, and encourage the wise and prudent use of Vance County’s natural and cultural resources **in order to maintain the rural and agricultural nature of specific areas of the County.**”
- ◆ The Committee had general discussion on the proposed text revision. It was determined that potential recommendations would be compiled and discussed by the Committee, then on as a group before making presenting recommended revisions on the draft ordinance.
- ◆ Rusty McMahon asked Ken Krulik to explain to the Committee, how the zoning categories and color designations on the draft zoning map were determined.
- ◆ Ken Krulik explained that when initially zoning an area (that has no zoning), the current use of the land is the main determining factor. If there are houses, it would be classified as residential, commercial uses as a commercial zone, industrial uses as an industrial zone, and so on. He added that the intensity and type of those uses then further determine the class of the zoning category (for example if there are clusters of houses on half acre lots, then that area would most likely be a residential zoning category with half acre lots). He continued that agricultural areas, they would be designated as agricultural zoning.
- ◆ Ken Krulik further explained that since Vance County is predominantly agricultural, and with his own field work, office mapping resources and work with the Planning Board (several are farmers), the majority of the county was determined as potentially agricultural residential (A-R, owners can farm or do some residential development).
- ◆ Ken Krulik explained the cooler designations for the other potential zoning categories: R-30 (residential three-quarter acre lots), R-20 (residential half acre lots), R-10 (residential quarter acre lots), RMHC (residential manufactured home communities) OS (open space), IM (industrial mining), LI (light industrial), C-1 (general commercial, and H-C (highway commercial).
- ◆ Rusty McMahon commented that there appear to be areas identified as R-30 without public water while some A-R areas do have public water; it seems it should be reversed.
- ◆ Ken Krulik responded that is true and as this is a draft map the proposed categories and designations could change. In his work he explained that if there were clusters of house and the tax record indicated three quarter acre lot sizes it was determined they would have a proposed R-30 category. And those areas with farms, base don his research would be potentially defined as A-R (agricultural). This work was also coordinated with the Planning Board in making these proposed determinations of zoned areas.
- ◆ Rusty McMahon stated his concern for the County includes fiscal stability. He noted, for example, if an area is zoned light industrial and a developer offers to buy the land, the property owner could stand to make more money if the land were R-30 or agricultural than as light industrial. He further noted a case in Oregon where their state Supreme Court ruled in favor of property owners by the County compensating land owners for any loss in the property value. He would not want to this happen in Vance County.
- ◆ Chairman Daniels responded that this may be an issue that the Committee could raise as a question for consideration by the Commissioners, he asked Ken Krulik to make note of this for future reference and discussion.
- ◆ Thomas Shaw noted that this map the Committee is reviewing is a draft and there could be potential changes made to it as well.
- ◆ Ken Krulik stated that is correct and the map is just as a much a draft document as the draft ordinance itself. He added that the work of this Committee will help planning staff to better identify potential zoned areas in the County.
- ◆ John Foster asked why a one acre minimum was used for the A-R zone.

- ◆ Ken Krulik responded it was the result of work from the Planning Board, public input, work sessions with the Commissioners, and his own research. It was initially proposed for agricultural areas to have a two acre minimum (rural/agricultural character). It was then modified to reflect state minimum requirements for a septic system/repair area of 30,000 SF. Finally the Planning Board recommended a one-acre minimum which was in the draft document presented to the Commissioners.
- ◆ Ken Krulik added that this could change again before the draft document is considered for final review; he also stated that the Committee can re-evaluate this provision. He further added that it is possible to reduce lot sizes in residential zones if they have public water and/or sewer (such as the R-30, A-R and O-S proposed zones).
- ◆ Chairman Daniels stated that the Committee can come back to this issue for review and consideration and moved to the next section, he added that additional public meetings may result in further changes to the proposed designated zones on the draft map as well.
- ◆ Rusty McMahan commented that it was his understanding the final draft of the ordinance and draft map were presented to the Commissioners on February 6.
- ◆ Ken Krulik explained that the completed draft ordinance and draft map were presented at the February 6 Commissioner meeting, but it doesn't reflect a final document/map as they have not yet been approved or adopted. Work of this Committee, from public information meetings, and Planning Board, could result in revising these draft documents. At that time a final draft ordinance and draft map would be presented (reflective of revisions) for the public hearing process prior to consideration for adoption by the Commissioners.
- ◆ Rusty McMahan stated this draft document and draft map has already changed in the last 30 days, and will potentially change again in the future. His concern is that these arbitrary and capricious changes have raised concerns with several Committee members and if these changes will occur "at the drop of hat," it raises concerns for him as well.
- ◆ Chairman Daniels then brought the discussion back to Section 1, asking if copies will be made available of these draft maps to those who request as copy. Ken Krulik responded yes, he will make them available on request.
- ◆ Rusty McMahan asked if the definition of Bona Fide Farms, page nine Section 1.5 will change. He understands that it is based on the USDA's definition of a farm.
- ◆ Ken Krulik responded that it is possible this definition will change; it had gone through several changes with the Planning Board before being proposed in the draft ordinance.
- ◆ Rusty McMahan commented that the variety of farms sizes and the income they produce may not always meet the criteria of this proposed definition. He added there are farms on smaller tracts of land (less than 10 acres) that produce a significant income.
- ◆ Ken Krulik agreed and stated they could recommend a revised definition accordingly.
- ◆ Vincent Jefferson commented that the definition of a Bona Fide Farm in the definitions section (Section 13) does not match the definition under Section 1.5. He recommended that both match, once an acceptable definition of Bona Fide farm is determined.
- ◆ Ken Krulik noted this and agreed it would be addressed as a recommended revision.
- ◆ Vincent Jefferson also inquired on the use of an "annual income" in the definition.
- ◆ Ken Krulik responded that in his research there are areas in the state (and nationwide) that will either use the USDA annual income provision, or not. He added that it was the determination of the Planning Board to use the USDA definition; this Committee can recommend revising the definition to not use the annual income provision.

- ◆ The Committee had general discussion on this issues, considering using an **average** annual income (if there were crop failures for a particular farm over a period of time), or consider using what the County Tax Office defines for a farm for tax purposes.
- ◆ Chairman Daniels noted there appeared to be some compromise, he recommend the definition reading as “sells as least one thousand dollars **or** with a land area of 10 acres.”
- ◆ Rusty McMahon commented that it should also read if that amount of income is sold under normal circumstances.
- ◆ Alan Rowland commented that this then means anyone with more than 10 acres could be classified as a farm, but when the owner starts to divide lots out of the farm to build homes it then becomes a subdivision.
- ◆ Rusty McMahon asked what parts of this draft zoning ordinance would a bona farm be exempt from as a farmer may want to still put a house on his or her property for family.
- ◆ Ken Krulik answered that what is established as the definition of bona farm in this draft ordinance would exempt a farm that meets that criteria from the draft zoning ordinance.
- ◆ Vincent Jefferson raised a question on the bona fide farm definition, as relates to: “This Ordinance does not impose nor exercise any controls over croplands, timberlands, pasturelands, orchards, or **idle** or other farmlands.” He asked for clarification of idle.
- ◆ Several Committee members responded, and Ken Krulik concurred, that idle refers to land that is currently not cultivated or that is fallow (currently unplanted for crops).
- ◆ Vincent Jefferson commented he understands the term, but would be prefer to use terminology that is more easily understood for the average person. Ken Krulik responded he could make an appropriate revision to address this issue.
- ◆ The Committee asked about instances where a farmer operates a welding shop or automotive repair on their farm as a means of additional income or to repair their own farm equipment. How would the draft zoning affect those property owners?
- ◆ Ken Krulik answered that within the draft zoning ordinance on page 21 the following is written: “This table of permitted uses is not intended to limit or prevent certain operations that are a normal secondary extension (part) of existing development and uses.” He continued that if a farmer were operating this type of business, as part of their farm, prior to zoning being adopted then the business can continue.
- ◆ Alan Rowland commented that if zoning is adopted, then a new use, such as a machine or welding shop, or automotive repair shop could not be added in the A-R zone if those uses are not allowed in that zone. Ken Krulik responded that is correct, he added that existing uses would be grandfathered (non-conforming); they could be replaced but not expanded.
- ◆ Rusty McMahon commented on how would this affect public health safety and welfare, it appears the County may be going beyond what the state allows through developing a zoning if it prevents a property owner from operating a business where the use does not pose a danger to the public health safety and welfare.
- ◆ Chairman Daniels brought the discussion back to defining a bona fide farm, but stated the Committee can look at the issue raised by Rusty McMahon in a later meeting.
- ◆ The Committee discussed using what the County Tax Office defines as a farm for tax purposes (same criteria/definition). “If the tax office calls it a farm, it’s a farm.” It was further discussed as to how an application is made to the Tax Office to identify a farm.
- ◆ Ken Krulik responded he would research this with the County Tax Office and get back to the Committee at their next meeting with the information he gathers.

- ◆ Chairman Daniels asked of the Committee if it would be preferable to have the bona farm definition be consistent with what tax office defines as a farm for paying taxes.
- ◆ Vincent Jefferson many residents have mini-farms, as such the definition may need to be justified with the agricultural service as to what identifies a farm for the purpose of being listed as a farm in the County Tax Office.
- ◆ Rusty McMahon, Chairman Daniels, and Vincent Jefferson all commented to recommend, for now, having the bona fide farm definition matching the criteria (definition) with the County Tax Office. The Committee can re-visit this definition at a later time as well as research this question with the local agricultural service.
- ◆ Connie Kenney recommended that the provision under Section 1.5, for better clarity, written in a more appropriate fashion (appears to be one long sentence, rather than an appropriate paragraph). Ken Krulik responded he would revise this section accordingly.
- ◆ Chairman Daniels asked a question on page Nine Section 1.8 for vested rights. At the bottom of the page it reads that “A right, which has been vested, shall remain vested for a period of two years.” His asked in regards top phased development plans if there were limitations on how long it would take to have them completed.
- ◆ Ken Krulik answered there can be time limits on completion of phased projects.
- ◆ Chairman Daniels then asked if a developer would lose their vested rights if the project were to take longer than the stated two years in the draft ordinance.
- ◆ Ken Krulik responded that if the phased project is approved, it is the entire project as a whole that is approved and thus the whole project is under the vested rights provision.
- ◆ Chairman Daniels asked if it would be necessary to revise the last sentence of Section 1.8 to address “for the period of time necessary for the completion of a phased development project.” In writing this it would make a more clear definition for the Section.
- ◆ Alan Rowland commented there needs to be a time limit on the phased projects.
- ◆ Chairman Daniels, with agreement from the Committee, recommend Section 1.8 to include: “A right, which has been vested, shall remain vested for a period of two years, **or for the period of time to complete the project as specified in the phased development plan.**”
- ◆ Rusty McMahon asked if zoning supersedes subdivision covenants, Section 1.6 reads “where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open space than is imposed or required by other ordinance, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.” He asked if this could be researched.
- ◆ Ken Krulik answered he would do so to provide a more clear (easily read) provision.
- ◆ Rusty McMahon asked if Section 1.7-Severability is standard in zoning ordinances. Ken Krulik responded yes, although the wording/text provision varies from area to area.
- ◆ Rusty McMahon commented that this Section states means that if one section is incorrect or invalid it does not affect the entire ordinance. Ken Krulik answered that is correct.
- ◆ Chairman Daniels had a question under Section 1.8 Vested Rights, third bullet point: “To the extent that the affected landowner receives compensation for all costs, expenses, and losses incurred. He asked if the word “compensation is sufficient. The Committee discussed revising the text to read “appraised fair market value,” the members agreed.
- ◆ With no further discussion, Chairman Daniels moved to Section2 page 10 asking for comments and recommendations from the Committee.

- ◆ Rusty McMahon commented that Section 2.1 reads “No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered except in conformity with the regulations herein specified for the zone in which it is located, except as hereinafter provided in this Ordinance.” This may limit one to even “turn a shovel in the soil without permission or a permit.” It may or may not be the case, but consideration should be made to modifying this provision as this document may change in the future.
- ◆ Vincent Jefferson commented that this is a living document, subject to change when needed. He further asked if a person needs a permit to erect a non-electric farm building (in reference to the text that reads “no building or part thereof shall be erected”).
- ◆ Ken Krulik and the Committee responded that a farm building would not need a planning (development) permit, but if electric service were to be utilized in this instance an inspection would be required to meet compliance with state building codes.
- ◆ Rusty McMahon inquired if it were possible to amend the provision as it refers to “altering land.” Ken Krulik answered that he could work on revising this text accordingly for Section 2.1
- ◆ Vincent Jefferson recommended rewording the provision to read “No land use shall hereafter be altered except in conformity with the regulations herein specified for the zone in which it is located...” Ken Krulik agreed to work on the appropriate rewording.
- ◆ Chairman Daniels moved the meeting forward to address Section 2.2 Enforcement; he asked that in the case of zoning enforcement that when appropriate the County attorney would be consulted (as in the case of zoning violations-procedural due process).
- ◆ Ken Krulik answered yes; this would be the method of procedure and will be added appropriately to the provision. The Committee also recommended modifications to include the wording “alleged” violations and to add that notice violations will be sent mailed using certified return receipt letter. Ken Krulik agreed and would address the recommendations accordingly.
- ◆ Chairman Daniels moved to page 11, Alan Rowland had a comment on Section C for site Plan Requirements that the section be reworded to include copies of submitted site plans be drawn to scale. Ken Krulik stated he would make the recommended modification to read “...applications for a Zoning Permit shall include two (2) copies of a site plan **drawn to scale** which shall be of an appropriate size for review of the proposed project.”
- ◆ John Foster added submitted site plan should also be compatible with what is required by the City of Henderson. Ken Krulik responded he would further research what the City requires to compare with what is proposed for the County to work on their compatibility.
- ◆ John Foster commented on the fees as identified under Section C item 15: (PROPOSED-NOT YET APPROVED Application fees: Residential \$50.00, all others \$75.00).”
- ◆ Ken Krulik responded that in developing the draft ordinance, it was requested to include fees for zoning permits. This refers to PROPOSED-NOT YET APPROVED fees as an example (subject to change at the time of consideration for adoption of the draft ordinance). He continued that this example is based on the current Planning Permit fees already in use by the Planning department (residential: \$45, commercial: \$65). He further added that this is not an additional fee, if the draft ordinance is adopted, the Planning Permit will become a Zoning Permit (name change only, not a new permit).
- ◆ Rusty McMahon asked if there would be any other permits or fees tied to planning and zoning. Ken Krulik responded his department is restructuring the current fee schedule, there may be additional fees but it is not definitive at this time. He added that one new fee relates to providing computer generated maps, the fees only recover cost of materials.

- ◆ Ken Krulik further added that he and his department are working to keep the fees, whether current or potential new fees, as minimally invasive as possible.
- ◆ Vincent Jefferson noted that under Section C item 12 for site plan requirements, he recommends re-wording item 12 to read “additional information may be necessary.” He further added that items 1-13 would apply to a submitted site plan and items 14 to 16 should be amended to be notes (not as part of a submitted site plan).
- ◆ John Foster recommended that under item 16, the zoning permit should have the same length of being valid as what is currently used for building permits.
- ◆ Ken Krulik responded, for both Vincent Jefferson’s and John Foster’s recommendations that he would make address the recommended revisions to these provisions.
- ◆ Chairman Daniels then moved the discussion to page 13 for comments.
- ◆ Alan Rowland noted under Section H, item two for final written notice he recommended adding a time limit as it is stated on page 14 item two (keep them consistent). The Committee also recommended using the provision that notice will be sent by certified mail, Ken Krulik noted he would make these revisions.
- ◆ Chairman Daniels noted that under Section F page 13 regarding complaints, he asked who has standing to make a legal complaint.
- ◆ Ken Krulik answered that his department receives anonymous complaints on issues of dumping, littering, abandoned /junk vehicles and dilapidate buildings, as well as complaints where the sources are known.
- ◆ Helen Williams commented if there are County resources (staff) to research and investigate if the complaint is valid; Ken Krulik stated this is correct.
- ◆ Ken Krulik added that his department investigates the complaints as appropriate, if they received complaints for a particular property and there was no validity to the complaint they would defer their time and resources to those complaints that warrant investigation rather than a simple neighbor dispute.
- ◆ The Committee had general discussion on what would constitute a valid complaint, it was recommended for consideration that a written complaint with two parties (making the complaints) having been identified and signing the written complaint.
- ◆ Vincent Jefferson commented that Section F requires some rewording to make it more readable, and to remove the wording “Notwithstanding the forgoing...” He also added there were some under Section E there would need to be some grammatical modifications to improve the clarity. He continued with Section H item Two to modify the last sentence to read “advise that the Administrator’s decision/order may be appealed...”
- ◆ Ken Krulik agreed to address the modifications as noted.
- ◆ Connie Kenny also commented that several sections need to have the sentence structure revised to avoid long (and unclear) run-on sentences, Ken Krulik agree to revise.
- ◆ Chairman Daniels noted a revision to Section J to read “The Zoning Administrator, **in consultation with....**” Ken Krulik noted the recommendation.
- ◆ Rusty McMahon questioned at what point a permit would be canceled.
- ◆ Ken Krulik responded that if a person’s development is in violation of zoning and has not made an effort to remedy deficiencies, then a permit can be canceled. He added that it is not an arbitrary decision nor would be for something as minor as a “brick being out of place,” unless there were an issue of posing a hazard to life, health, welfare and safety.

- ◆ Chairman Daniels recommended including a provision that states a reasonable amount of time for person in violation to comply with the ordinance.
- ◆ Alan Rowland commented that this is already address when a notice of violation is mailed then the violation is noted, as well as what it would take to remedy and period of time to comply. If that is not met, then the permit is revoked.
- ◆ John Foster also added that under item Two for Section I; it should include the text **“duly cited.”** Ken Krulik noted this recommendation for inclusion.
- ◆ Vincent Jefferson also noted under Item Two Section I to revise the text for Section 2.2.H and not Subsection H. Ken Krulik noted this as well.
- ◆ Alan Rowland recommended that there needs to a time period also noted in the same section for an appeal, Ken Krulik responded he would address this as well.
- ◆ Chairman Daniels noted that the meeting has reached the two hour mark and stated that the next meeting should be inclusive of review of tonight’s work and then focus on Section 3 of the draft ordinance. He added that the next meeting’s agenda would include the short presentation on the background of zoning by Ken Krulik.
- ◆ Ken Krulik reminded the Committee that next week’s meeting would conflict with an established meeting of another group and asked if the Committee would change their next meeting to the following week.
- ◆ The Committee agreed to hold its next Advisory Committee meeting on March 16th; the agenda would also include looking at the Tale of Permitted Uses. The Committee also agreed to meet at 6:00 PM rather than 5:30 PM.
- ◆ Chairman Daniels asked of Ken Krulik if he makes a presentation to the Commissioner at their March 13th meeting to include that the Committee would like an extension on the time allotted to complete their work. Ken Krulik agreed to handle this accordingly.
- ◆ With no further business the meeting was adjourned.