MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING – LAND USE PLAN
May 16, 2005 – 4:00 PM
J. NEWTON COHEN, SR. ROOM, ADMINISTRATION BUILDING

Present: Frank Tadlock, Chairman
Arnold Chamberlain, Vice-Chairman
Steve Blount, Member
Chad Mitchell, Member
Jim Sides, Member

Tim Russell, County Manager, Rita Foil, Clerk to the Board, John Holshouser, County Attorney and Leslie Heidrick, Finance Director were also present.

Chairman Tadlock convened the meeting at 4:00 pm.

Chairman Tadlock said there was no set agenda for the Land Use Planning (LUP) Workshop and he explained that the Board would hear from each Commissioner concerning opinions for the land use process. Chairman Tadlock suggested that the Board receive more input in order to learn about the process and he said the Board might want to bring in experts at a later date. Chairman Tadlock said the Board might also want to receive information from contiguous counties to see what they are doing regarding land use.

Commissioner Blount shared the following questions:

- Why are we, the Board, and the citizens so afraid of LUP?
- What can result from LUP that is so worrisome to us?
- Who is it we serve, all citizens or those who voted for us?
- How do we know what our citizens want?
- What was wrong with the land use process that the county had begun?
- Once the Board completes the planning process, are we willing to impose any controls at all?

Commissioner Blount said he had a suggestion to present later during the workshop.

Commissioner Mitchell said that before the Board begins the land use process, it must understand what was flawed with the previous process. Commissioner Mitchell said he spoke to no one who thought the process was going well and that he had only heard complaints, which included to scrap the entire process or to slow down.

Commissioner Mitchell shared the following thoughts for the LUP:

- The planning process must be citizen-based.
- The Board needs to say in general what it is looking for, such as, including all or part of the county, zoning, sewer lines, etc and allow the citizens to provide input as to their goals for the county.

Commissioner Mitchell finished by saying if the Board were to turn LUP over to any group of people and three (3) Board members were not willing to vote their support, more time would be wasted.

Commissioner Chamberlain described the flaws with the past process as too fast, intellectual, complicated, emotional, urban and expensive. Commissioner Chamberlain said the Board had hired the Urban Institute (UI) for a rural county and this was the first plan UI had prepared for any county. Commissioner Chamberlain said he would go on record again as saying he liked Jeff Michael, who had done his job well. Commissioner Chamberlain said the process with UI was over and it was time to move on.

Commissioner Chamberlain said the Board would continue with the process and that he would work closely with Commissioner Blount even though they might not agree completely on the end results. Commissioner Chamberlain described himself as a “property rights guy” but said he believed that Rowan County would fill its schools and never have enough money if it did not take action regarding land use. Commissioner Chamberlain said he was unsure as to what action the Board should take but he said one step might be reviewing the subdivision ordinance.

Commissioner Sides said his vote is for the people of Rowan County and not for the Board members or the UI. Commissioner Sides the citizens he had heard from were not happy with the process or who was running the plan. Commissioner Sides said he was personally not happy with Jeff Michael and the “lady” because of their involvement in the Landtrust. Commissioner Sides said he believed LUP is more restrictive zoning. Commissioner Sides said he wanted to err on the side of the individual taxpayers. Commissioner Sides said the plan must be a citizen-based plan and he had heard from citizens that the previous process was too technical. Commissioner Sides said he is not opposed to

zoning but said he was afraid of a LUP because of a hidden agenda he felt was there for very restrictive zoning.

Commissioner Sides referred to the Board's February 7th meeting and said he had been told at that time that the County had paid $42,000 thus far for the project. Commissioner Sides said he could not recall that any work on the project had taken place after this date and it disturbed him that the County now had a bill for $103,000. Commissioner Sides said it made no sense to him that the County had paid $102,000 of a $149,000 contract. Commissioner Sides said he was not in favor of starting a new project and hiring anyone until we know what we want and what we expect to receive from the process. Commissioner Sides stressed that a LUP needs to be in layman terms.

Chairman Tadlock pointed out the variety of viewpoints on the land use process and he said he would like for the Board to determine how to move forward. Chairman Tadlock said it was essential for the Board to provide Planning Staff with direction.

Chairman Tadlock said he agreed with the several points made by other Commissioners including that the Board perhaps moved too quickly and confused the citizens. Chairman Tadlock felt the Board should also review the subdivisions outside of the municipalities pertaining to fire protection. Chairman Tadlock said better the ISO ratings for an area result in substantial savings to property owners regarding homeowners insurance. Chairman Tadlock said the water supply is limited in certain areas and he felt the Board should consider those areas that do not have a water supply readily available.

Chairman Tadlock said there were "good people" appointed to serve on the Land Use Advisory Committee; however, he expressed disappointment that with approximately 20 members only 8-12 attended the meetings.

Chairman Tadlock said it was understood that the Commissioners would allow the citizens to have the input in the plan but he felt it was essential for the Board to provide input on what it hoped to achieve with LUP. Chairman Tadlock encouraged the Board to allow a variety of people express themselves on the process.

Chairman Tadlock said the total bill for UI exceeded what he had hoped it would be and that it had been well substantiated why the process had been stopped in order to "call the next play." Chairman Tadlock felt it important to bring in experts to find out what other counties are doing in order to assist the Commissioners with Rowan County's LUP. Chairman Tadlock said if it takes financial assistance to obtain committed people to do the job for Rowan County, it would be money well spent. Chairman Tadlock said the Planning Department had invested many hours in the process and that he would like to see consideration given to lightening the load for the department.

Commissioner Chamberlain suggested that the Board does not mention the past regarding UI and the funds that had been spent. Commissioner Chamberlain set perhaps Commissioner Blount set the stage for the discussion with the questions he had posed. Commissioner Chamberlain asked Planning Manager Ed Muire if the Board had received any data from UI? Mr. Muire responded no. Commissioner Chamberlain said he would like to have the data, which would hopefully assist the Board in the process.

Commissioner Blount provided a brief background of previous retreat discussions and Planning Staff input that took place over a two (2) year period. Commissioner Blount explained the impartial process of how the Commissioners and a Steering Committee had selected the UI for the LUP. Commissioner Blount said the presentation from the UI mirrored the work they had been asked to do, right up to the time the contract was terminated. Commissioner Blount said there was a great deal of information available to the Board from the UI including goals and the vision established. Commissioner Blount said he hoped the Board could modify the information to this point and proceed with the process. Commissioner Blount emphasized that the Board should avoid making the same mistakes for the next phase.

Commissioner Blount discussed the limited exposure of individual commissioners to the citizens. Commissioner Blount reviewed the number of votes and percentages of voters that several Commissioners received during the election. Commissioner Blount said the votes do not necessarily reflect the opinions of all of Rowan County voters. Commissioner Blount said there is no way of knowing what all the people want unless the Board were willing to invest in scientific surveys. Commissioner Blount recalled that scientific survey was done approximately ten (10) years ago in the Strategic Planning Process. The UI developed the questions by working with a Steering Committee and local leaders and those questions were presented and approved by the Commissioners.

Commissioner Blount said, “It’s wrong for us to think that we know what 135,000 people in Rowan County want to do, unless we get them involved, survey them and find out in the best way we possibly can, what it is they want us to do.” Commissioner Blount finished by saying when the results come back and the Board doesn’t like the results, “We can’t throw the results out.” Commissioner Blount said the results came back saying the protection of farmland was an important issue and that it should be done without spending tax money.

Commissioner Sides responded to figures discussed by Commissioner Blount and he said the numbers presented to the Board referred to less than 3% of the population polled by UI, while he had polled 53% of the population. Commissioner Blount interjected that Commissioner Sides had polled 53% of the voters and not 53% of the population. Commissioner Sides continued saying he felt Commissioner Blount was putting more credence to the figures from the UI than to the political figures. Commissioner Sides stressed that in two (2) years

“the whole political climate could change” and he said a new board could change what decisions had been made. Commissioner Sides said, “We need more than just a consensus. If we don’t all agree on this, we’ve got no guarantee it’s going to work.”

Commissioner Blount continued to discuss the voting process.

Commissioner Chamberlain cautioned against putting a lot of faith in a polling process. Commissioner Chamberlain asked what the Board hoped to accomplish with land use planning and he asked Commissioner Blount if he wanted Rowan County to grow and be larger than it is? Commissioner Blount responded yes and said he was unsure growth could be avoided.

Commissioner Chamberlain emphasized that he is a “property rights kind of guy” but he said “things are happening” and the Board would need to implement more restrictive zoning in certain areas of the county “when the time comes.” Commissioner Chamberlain said he did not want more zoning but he said he did want to address aesthetics when it comes to subdivisions.

Commissioner Blount mentioned that information is available online regarding land use planning in other counties and he highlighted some of the information he had read online. Commissioner Blount shared his thoughts as follows:

- The hope that the land use plan would be helpful in directing growth and not stopping it.
- By directing growth, he felt the county would reduce the cost of infrastructure.
- A land use plan would help the Board make good decisions that would reduce the tax burden in the long run.

Commissioner Blount encouraged the Board to read online information for other counties including, Bladen, Iredell, Cabarrus and Polk. Commissioner Blount said most counties realize they do not have the staff to develop a land use plan and therefore they use an outside group.

Chairman Tadlock mentioned the subdivision moratorium in Cabarrus County and he asked if Cabarrus County could have planned and eliminated the need for the moratorium. Commissioner Blount said his conversations with folks in Cabarrus County revealed that they wished they had had the “leisure” to develop a land use plan but they had not taken the opportunity. Commissioner Blount said Cabarrus County is hoping to reduce the density in its more rural areas in an effort to control growth. Commissioner Blount said that limited growth from Cabarrus and Iredell counties could result in the increased growth spilling into Rowan County.

Commissioner Chamberlain described Cabarrus and Iredell counties as being different from Rowan County but he agreed with Commissioner Blount that a decade down the road, Rowan County could be experiencing the same growth

problems. Commissioner Chamberlain felt Rowan County was not ready for a comprehensive land use plan and he preferred to develop a land use plan on a regional/area basis, starting with western Rowan and going south. Commissioner Chamberlain said he envisioned the process would produce a countywide plan and he would like to see the Board give staff direction to begin reviewing western Rowan. Commissioner Chamberlain said "infrastructure" is the key word and the Board would decide where water/sewer would go. Commissioner Chamberlain asked the Board how it felt about area planning as opposed to a comprehensive land use plan.

Commissioner Mitchell said "it all comes down to control and how much control this Board wants to grab." Commissioner Mitchell said the Board would be telling people what they could and could not do with their land. Commissioner Mitchell said there are fundamental public interests that need to be protected and he asked to what extent the Board was willing to go to protect those interests. Commissioner Mitchell asked if the Board could afford to keep up with infrastructure and what level of control did the Board want to exert to protect these interests? Commissioner Mitchell said he was unaware that the discussion had taken place pertaining to what the Board wanted to protect and to what extent the Board would go to provide that protection? Commissioner Mitchell said the Board would be "taking a citizen's choice out of their hands" and he emphasized that the Board had better know it was "the right thing to do" before taking such control. Commissioner Mitchell said it is wrong to tell someone what they can do with their property and the Board should understand how far it is willing to go to protect these interests or the county "would end up with a mess."

Commissioner Sides said he is not opposed to zoning or control but said it bothered him regarding the fundamental rights of people. Commissioner Sides discussed land ownership and those who he felt actually control the land. Commissioner Sides said it scared him that the county had provided the citizens with little information as to what a land use plan entails. Commissioner Sides stressed that the Board should be concerned with the fundamental rights for people and he said the key is to provide the citizens with information.

Commissioner Blount said he felt the people wanted zoning and he questioned the population density that citizens want. Commissioner Blount said in thirty years Rowan County could be part of Charlotte and he said it is up to the current Board to control the natural progression.

Chairman Tadlock asked for clarification about the land use plan and asked if it is a book for zoning or is it a guide?

Commissioner Blount said the county already has a Zoning and a Subdivision Ordinance in place. Commissioner Blount said it was his opinion that you start with a vision and a timeframe of what you want your county to be. Commissioner Blount continued by saying you must review and select alternatives for making

the vision happen. Commissioner Blount said the recommendations are the final part of the plan to make the vision take place.

Chairman Tadlock referred back to his question and asked if the land use plan was a guide, an aide or would it be mandatory book for zoning?

Commissioner Blount responded that a land use plan would not be mandatory and he pointed out that any decision made by the current Board could be changed by a future Board. Commissioner Blount stressed that the land use plan was a vision of where the county would like to go and he expressed hope that the plan would have a level of consensus that would allow it to survive the political changes on the Board. Commissioner Blount said if a compromise could be reached concerning land use planning, the Board should move ahead and not wait ten (10) years. Commissioner Blount referred back to Chairman Tadlock's question and said, "You're not writing anything in stone. You're writing a vision of what you want your community to look like. You're creating a document with words in it to tell you how to get there. You're creating a map so that you can look at it very easily and say, yes, this makes sense." Commissioner Blount said the written document and the map would assist the Board and staff in making future decisions regarding zoning issues, infrastructure expansion and even assist with decisions as to where schools should be located.

Chairman Tadlock said the guide would not be 100% mandatory and would always be at the discretion of the Board for implementation.

Chairman Tadlock asked Commissioner Mitchell his opinion based on the information just discussed by Commissioner Blount. Commissioner Mitchell said that if the document recommends water/sewer being placed in a certain location and the work is done, it couldn't be changed. Commissioner Mitchell referred to zoning and asked if the document would be upheld or will exception become the rule? Commissioner Mitchell said if restrictions are approved that are not widely accepted, "exception would become the rule and we have wasted our time."

Commissioner Chamberlain agreed with Commissioner Mitchell and said he appreciated his comments. Commissioner Chamberlain agreed that the Board must have a vision and a mission and he talked about the importance of a plan.

Commissioner Sides said he considered a land use plan as zoning, is more restrictive and a waste of time, effort, money and paper.

Commissioner Blount distributed a handout and noted that the workshop was the first of several. Commissioner Blount said it sounded like the Board "wanted to do something." Commissioner Blount discussed the handout, Growing Greener, prepared by Randall Arendt. Commissioner Blount said the handout was actually a development plan and Mr. Arendt's philosophy was that development could not be stopped. Commissioner Blount said Mr. Arendt's plan is called a conservation

development and the document explains in detail how the conservation development works. Commissioner Blount felt the plan accomplishes one of the goals of Rowan County in preserving some of the land - fields and trees - as development takes place. Commissioner Blount asked that at the appropriate time, that the Board allow staff to study the handout and make a recommendation to the Board as to whether the plan would be beneficial to Rowan County.

Commissioner Chamberlain referred to Commissioner Blount's handout and said that a portion of the plan is appealing. Commissioner Chamberlain suggested that the Board read the information but said he felt it was premature for the Board to ask staff to review and report back on the information.

Commissioner Blount said the option does not take away property rights but asks that it be developed in a manner that would protect the land. Commissioner Blount said staff was looking to the Board for direction.

Chairman Tadlock noted the time and thanked those in attendance. Chairman Tadlock informed the citizens that they would have an opportunity to comment later during the Public Comment Period of the regular Board meeting and he also encouraged them to submit their comments in writing.

Chairman Tadlock asked the Board how it wished to continue in the land use planning process?

Commissioner Sides felt the Board should discuss the issue after the budget sessions were over.

Commissioner Chamberlain said he was open for any meeting date and he said he would like to see the Board discuss the Subdivision Ordinance.

Chairman Tadlock felt it was vital to provide staff with direction and said he would like for the Board to hold additional workshops in order to hear from experts such as from the Institute of Government and also from the citizens.

Commissioner Blount said it would be good for the Board members to advise who/what they would like to do or hear from.

In response to a query from Chairman Tadlock, Commissioner Blount referred back to his initial questions and said: "What is it we're willing to do in the end?" Commissioner Blount felt it important that the Board decide how far it is willing to go.

Commissioner Chamberlain said he did not feel the Board was at the point where experts were necessary. Commissioner Chamberlain said he would like for the Board to instruct staff and he wanted to start in western Rowan. Commissioner

Chamberlain asked Ed Muire, Planning Manager, if there was someone locally who could be hired to assist staff in drawing an area plan? Mr. Muire responded yes. Commissioner Chamberlain said the Board should interview and discuss the issue with staff in order to determine if staff had the necessary help to develop the plan. Commissioner Chamberlain felt that if the current Board was willing to develop a plan, the current Board should allow enough time to finish and vote on the plan.

Commissioner Blount asked staff if there were any recommendation as to the next step for the Board.

Environmental Services Director, Kathryn Jolly, said staff would need a unified agenda from the Board and that the Board would need to define and set its goals.

In response to the questions that had been presented from Commissioner Chamberlain, Commissioner Blount said he did not mind staff coming back with suggestions but he said he would argue against an area plan versus a comprehensive plan and perhaps a less comprehensive plan than was attempted.

Commissioner Chamberlain said a less comprehensive plan might be possible.

Commissioner Blount said area plans do not prevent “bad things” from happening in other areas of the county and Commissioner Chamberlain responded that Rowan County had not reached the point of counties such as Mecklenburg, Cabarrus and Iredell.

Commissioner Blount said he does not to miss the opportunity to receive staff’s opinion and that it needs to be an open discussion.

Commissioner Chamberlain said the Board needed to avoid the perception that Board members were pushing the plan.

Mr. Muire said the discussion basically centered on “What do we really want to accomplish?” Mr. Muire said each Board member has a different opinion as to what is right for Rowan County. Mr. Muire said he had recently met with County Manager Tim Russell and the “Mayors Group” at the Chamber of Commerce and the fundamental issue seems to be balancing the property rights versus an increase in the tax rate. Mr. Muire said, “The real point that got missed in all of this, is we’re talking about the tracts that are out there now that are undeveloped – we’re not really talking about us – the people that live on property now.” Mr. Muire said, “We’re talking about the changes that are going to occur in the next twenty years.” Mr. Muire said his observation is that the developers make their decisions based on what the current rules are. Mr. Muire asked the Board not to be swayed in that it is not telling people what they can’t do with their property but

what they can do with their property “and enhance the neighborhood and increase the tax base.” Mr. Muire said he saw no problem with an area plan and he agreed that western Rowan is a large area. Mr. Muire said a countywide plan may or may not be doable. Mr. Muire expressed appreciation for the positive aspects of the Board’s discussion. Mr. Muire added that he would be out of town on June 6 and said he would appreciate the opportunity to be involved at another meeting.

Commissioner Chamberlain agreed that Mr. Muire should be involved.

Commissioner Blount said it would be good hold another work session and to also invite Rich Ducker from the Institute of Government. Commissioner Blount mentioned that if Randall Arendt wouldn’t charge a fee, it would be also be good to hear from him.

Mr. Muire noted that the work session might be subject to the availability of staff from the Institute of Government. Mr. Muire also added that Mr. Ducker would provide a lawyer’s viewpoint and it might be hard to “pin him down on an answer.”

Commissioner Blount moved to preliminarily plan the meeting to 4:00 pm on June 20th subject to staff being able to arrange the right people to be available to attend. Commissioner Chamberlain seconded the motion for the purpose of discussion.

Commissioner Chamberlain asked staff if additional time would be needed or if staff could be prepared by June 20th? Mr. Muire responded that staff would be available on the 20th or at a later date determined by the Board.

Upon being put to a vote, the motion passed 4-1 with Commissioner Sides voting against the motion.

Chairman Tadlock adjourned the work session at 5:55 pm.

Respectfully Submitted,

Rita K. Foil, CMC
Clerk to the Board