



Cabarrus County Government

AGENDA

Cabarrus County Planning and Zoning Commission Meeting

February 17, 2011 – 7:00 p.m.

Board of Commissioners Chamber

Cabarrus County Governmental Center

Agenda

1. Roll Call
2. Approval/Correction of January 20, 2011 Minutes
3. **New Business –Board of Adjustment Function:**

Petition CUSE2011-00001- Request from PSNC to construct a natural gas regulator station. Property located at 1741 Old Charlotte Road, Concord, NC 28027 PIN#5528-26-2852 and owned by The Stewart Family Limited Partnership.

4. **Old Business – Planning Board Function:**

Second Reading of Proposed Changes to Rules and Procedures

Pursuant to Rules and Procedures, this is the required second reading and discussion of proposed revisions to the Planning and Zoning Commission Rules and Procedures. These changes include general revisions and revisions to address Board of Adjustment functions.

Directors Report

Adjournment



Planning and Zoning Commission Minutes
February 17, 2011

Mr. Todd Berg, Chair, called the meeting to order at 7:00 p.m. Members present, in addition to the Chair were: Ms. Mary Blakeney, Ms. Brenda Cook, Mr. Eugene Divine, Mr. Larry Ensley, Mr. Danny Fesperman, Ms. Shannon Frye, Mr. Richard Price, and Mr. Barry Shoemaker. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Ms. Kassie Watts, Senior Planner, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

Roll Call

New Business - Board of Adjustment Function:

The Chair introduced Petition CUSE2011-00001 - Petitioners: PSNC, PIN#5528-26-2852 (part of). Request to construct an unmanned natural gas utility pressure regulating station (public service facility).

The Chair swore in Ms. Susie Morris, Ms. Kassie Watts, Mr. Michael Coleman, Mr. Jerry LittleJohn, Mr. Don Hallings and Mr. Brandon Aycock.

Ms. Kassie Watts, Senior Planner, addressed the Board, presenting Conditional Use Permit - Petition CUSE2011-00001, a request for a gas utility pressure regulating station. She said the applicant is PSNC Energy, and the application was filed by Mr. Michael Coleman, who is here this evening. She said Mr. Brandon Aycock, is also here this evening to answer any questions. The owner of the property is The Stewart Family Limited Partnership. The size of the subject property is approximately 1.1054 acres. She said it is the hatched area shown on the map, toward the end of Old Charlotte Road, where it dead ends, coming up onto Highway 49. She said the property has not yet been subdivided, but, they will be working towards that if the conditional use permit is approved. She said they are actually only going to be buying the 1.1054 acres of the site for the gas regulator station.

The property is currently zoned Limited Industrial (LI); the adjacent land uses are industrial and residential, and the current land use on the property is industrial. She said all of the advertising requirements have been met per the State Statutes. The application and site plan were sent out for review to the various service providers. We did not receive very many comments. We did receive some comments from the Soil and Water Conservation Department, Mr. Dennis Testerman. She said the memo was attached in full in the staff report. We also received a comment, from NCDOT, that the applicant would be required to have only one driveway. She said the applicant has modified their

site plan and complied with that requirement. She said other than that, we did not receive any additional comments.

The applicant has provided documentation compliant with Section 8-3, Petitioning for a Conditional Use. The applicant submitted a complete application, which includes the Findings of Fact sheet, along with a site plan showing the location of the facility on the property.

Ms. Watts said should the Board grant approval of the Conditional Use Permit, staff request that the following conditions become part of the approval and the case record.

- 1 Site plan review and approval will be required subsequent to Board of Adjustment approval to ensure compliance with all applicable development requirements and conditions.
- 2 Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed to the property (recorded with the subdivided property; 1.1054 acres).
- 3 Applicant shall procure any and all applicable federal, state and local permits required to the commencement of the project.
- 4 The applicant must obtain an NCDOT driveway permit prior to commencement of the project.
- 5 Expansion of project, as well as any modifications or changes to the approved site plan, must receive Board of Adjustment approval in the form of an amendment to the Conditional Use Permit.

Ms. Watts said the staff report included the application and several maps, the Leak Response Plan, submitted by PSNC Energy, and several photos of the site, that were submitted by the applicant showing the site as it is currently. Also included, was Mr. Dennis Testerman's memo, and comments from the Soil and Water Conservation. She said a hard copy of the site plan was given to each Board member tonight.

Ms. Frye said, the memo to Ms. Watts, dated February 2, 2011, from Dennis Testerman, and his referencing some unresolved problems; what is Planning Staff's comment to this memo, and based on your recommendation for approval, how is this going to be resolved? She is referring to where Mr. Testerman, recommend that the County's review of this permit request take into account any and all unresolved problems associated with previous construction activities for this natural gas pipeline. She is trying to understand; if we recommend approval for this, will that be resolved prior to the issuance of the permit? Maybe this is unrelated, but she is not sure that she understands the memo.

Ms. Watts said Mr. Koch may have to weigh in on this because it is part of a larger legal issue that is somewhat related, but unrelated.

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Mr. Koch said the Board's consideration of this application relates only to this particular piece of property, not to any others.

Ms. Frye said so, this comment is not all related to this parcel?

Mr. Koch said in his opinion, the Board's consideration of this application for a Conditional Use Permit, the Board could not make approval, conditioned upon something that may or may not happen on some other parcel. He said you just can't do that, you have to consider the factors of a conditional use with reference only to this parcel.

Ms. Frye said this gas line issue is not specific to this parcel as referenced?

Mr. Koch said that is his understanding. We have an unresolved issue. He thinks we are down to one issue now, with reference to the construction of the gas line across Frank Liske Park. He said there were some other issues out there throughout the process of it being constructed. Those have seemingly been resolved, except for one issue concerning trees. He said that is an open issue and we are dealing with that with the City of Monroe.

Ms. Watts said she asked Mr. Coleman about that, and he advised that we speak with the City of Monroe Utility Department, because the pipeline installation was their project and is owned by the City of Monroe.

Mr. Jerry LittleJohn, 2535 Quail Lake Drive, Charlotte, NC (Business address is 800 A Gaston Road, Gastonia, NC, Corporate Headquarters of PSNC Energy), addressed the Board. He said the station that we are proposing at this location serves to benefit Cabarrus County, particularly, the area in southwestern Cabarrus County, and in the Harrisburg area. He said we are the distributor of natural gas to all of the customers in that area, and this facility that we are proposing to install there, would put them in the position to better serve the growth in southwestern Cabarrus County and in Harrisburg. We think it is a great site for the station, it is at the end of a dead end road, and there is no traffic down that road. The site it is adjacent to it is an industrial site; there is a rock quarry facility behind that property, and so there really isn't anything close by. He said it is kind of a perfect site for us, and it is kind of critical at that location because of where the existing pipelines are. He said it will work to the benefit of us, in providing service to Cabarrus County, and we think it will be to the benefit to Cabarrus County.

The Chair said there were five conditions of approval that staff recommended. He asked Mr. LittleJohn if he was familiar with those, and if he was okay with all of those.

Mr. LittleJohn said yes.

Mr. Price asked Mr. LittleJohn to fill the Board in on exactly what this facility is for; what function does it provide?

Mr. LittleJohn said it will actually be a facility that transforms the pressure on the natural gas that they will receive, from a higher pressure, to a pressure that is more appropriate to

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distribute around the area. He said it will also provide metering of the gas that we receive at that point, so that the measurement is made of the gas that comes to us.

The Chair said based on the drawings, what is visible on the site, is this gas piping that comes up out of the ground, all within a chain link fence, and then there is a small metal building on the site as well.

Mr. LittleJohn said that is correct.

Ms. Watts showed a picture of what a typical station looks like. She said it comes up a few feet out of the ground and the landscaping would eventually grow up around it.

There being no further discussion, Mr. Barry Shoemaker, **MOTIONED, SECONDED** by Mr. Richard Price to **Approve** Petition CUSE2011-00001 with the five conditions recommend by staff. The vote was unanimous.

It was the consensus of the Board to allow Mr. Koch to prepare the findings to be approved at the next meeting. (See Findings attached)

Old Business – Planning Board Function:

Second Reading of the Proposed Changes to Rules and Procedures

Ms. Susie Morris, Planning and Zoning Manager, addressed the Board, stating that at the last meeting, we talked about the main amendment to the procedures, how we deal with absences; especially when it comes to Board of Adjustment functions, and also to clarify conflict of interest and how it is defined by the State Statutes.

She said there were a couple of things that Mr. Koch requested be changed so that they were more inline, legally, with what we need to be doing. She said the main changes are in the red text and that does mimic the statutes. She said this will be the second reading of the proposed changes and the Board is able to vote on it this evening.

The Chair said on the conflict of interest, is there anything that really is different than what we typically have done or is it just clarifying what we normally do?

Ms. Morris said we have been using the State Statute. She said they actually put into the State Statute, how it is defined, what constitutes the conflict of interest; that is the direct language from the statute and that is what Mr. Koch has been using.

Mr. Koch said that is because of the Quasi-Judicial nature of some of the hearings. He said the Statute is very specific about that, and it is different from conflict of interest pertaining to other types of matters.

There being no further discussion, Mr. Barry Shoemaker, **MOTIONED, SECONDED** by Mr. Larry Ensley to **APPROVE** the amendments to the Planning and Zoning Commission Rules of Procedures. The vote was unanimous.

Directors Report

Ms. Susie Morris said the January minutes are not complete at this time. We anticipate that they will be done by the next meeting. So, the granting order cannot be done until the minutes are done. We are not sure what is going to happen with that case at this point.

She said the last set of opinions came out from the Supreme Court. She said they put us off another round of opinions; so, we haven't heard anything on the APF. We also have not heard anything on our CAV (Community Assistant Visit); we are waiting to see if we are going to have to revamp our Floodplain Ordinance.

Ms. Morris said two of our Board members attended the Quasi-Judicial training in Statesville. She asked if either of them would like to share anything about the training.

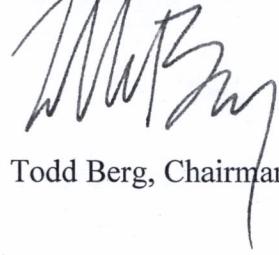
Ms. Frye said it was good and she recommends it. She said it talked about just what Mr. Koch eluded to when she asked a question about being specific to that case; what evidence is and what is fact based, and that is what we are supposed to be considering in the findings; that is the testimony, and that is the basis for those decisions. She thinks they did a good job.

She said we actually looked at a conditional use permit, an appeal of an interpretation by the zoning administrator, and a variance. We had three examples of cases which would come before this Board. It gave you exactly, she thinks, from a legal context, a good framework of what your consideration is; especially, in a Quasi-Judicial capacity as well as a Planning Commission.

There being no further discussion, Mr. Danny Fesperman, **MOTIONED, SECONDED** by Mr. Larry Ensley to **ADJOURN** the meeting. The vote was unanimous. The meeting ended at 7.22 p.m.

Planning and Zoning Commission Minutes
February 17, 2011

APPROVED BY:



Todd Berg, Chairman

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:

Susie Morris
Planning and Zoning Manager

**Conditional Use Permit Application
PSNC (Public Services of North Carolina)
Old Charlotte Road (dead end)
CUSE 2011-00001**

FINDINGS OF FACT

1. The use as proposed is not detrimental to the public health, safety or general welfare.

This is a necessary natural gas regulator infrastructure facility for the southwestern area of the County in need of additional service capacity to support the growth in that area. The applicant has designed a facility in compliance with federal, state and local regulations and has agreed to comply with the conditions imposed by all regulating authorities.

2. The use as proposed is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc.

All such facilities, most of which are not required for this unmanned gas regulator station, are located nearby.

3. The use as proposed will not violate neighborhood character nor adversely affect surrounding land uses.

The property containing the proposed use is zoned light industrial (LI) and is at the end of a dead end road. The surrounding uses are industrial and residential.

4. The use as proposed will comply with the general plans for the physical development of the County as embodied in the Zoning Ordinance or in the area development plans that have been adopted.

The use as proposed will serve the southwestern area of the County where the County contemplates growth.

FILED Mar 18, 2011 09:46 am
BOOK 09514
PAGE 0149 THRU 0151
INSTRUMENT # 06017
EXCISE TAX \$0.00
BJW

FILED
CABARRUS
COUNTY NC
LINDA F. McABEE
REGISTER
OF DEEDS

CABARRUS COUNTY
Post Office Box 707
Concord, North Carolina 28026

Application Number CUSE2011-00001

COUNTY OF CABARRUS
STATE OF NORTH CAROLINA

ORDER GRANTING A CONDITIONAL USE PERMIT

The Board of Adjustment for the County of Cabarrus, having held a public hearing on February 17, 2011, to consider application number CUSE2011-00001, submitted by PSNC Energy, a request for a conditional use permit to construct a natural gas regulator station on property located at 1741 Old Charlotte Road, Concord, NC, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

(F) Arlene K @Commerce

1. The Board makes and adopts the Findings of Fact contained in the attached Exhibit 1 labeled Findings of Fact.
2. It is the Board's CONCLUSION that the proposed use does satisfy the first General Standard listed in Section 8.3 of the Cabarrus County Zoning Ordinance ("Ordinance"); namely, that the use will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.
3. It is the Board's CONCLUSION that the proposed use does satisfy the second General Standard listed in the Ordinance; namely, that the use will maintain or enhance the value of contiguous property.
4. It is the Board's Conclusion that the proposed use does satisfy the third General Standard listed in the Ordinance; namely, the use assumes the adequacy of sewage disposal facilities, solid waste and water, police, fire and rescue, equal protection, schools, transportation systems (in and around the site) and other public facilities.
5. It is the Board's CONCLUSION that the proposed use does satisfy the fourth General Standard listed in the Ordinance; namely, the use is in compliance with the general plans for the physical developments of the County as embodied in the Ordinance or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.

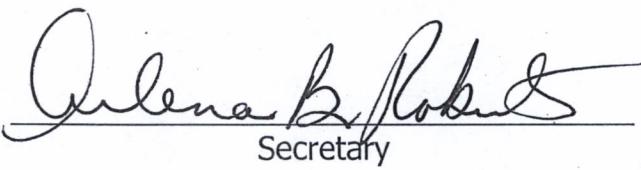
6. It is the Board's CONCLUSION that the proposed use does satisfy the specific standards listed in the Ordinance for this use.

Therefore, because the Board concludes that all of the general and specific conditions precedent to the issuance of a CONDITIONAL USE PERMIT has been satisfied, it is ORDERED that the application for the issuance of a CONDITIONAL USE PERMIT be GRANTED, subject to the conditions contained in the staff report, if any, and Finding of Fact. The applicant shall fully comply with all the applicable, specific requirements in the Ordinance and must develop the property in accordance with the site plan submitted and approved. If any of the conditions shall be held invalid, this permit shall become void and of no effect.

Ordered this 17th day of March 2011



Chairman of the Cabarrus County
Planning and Zoning Commission



Adena B. Roberts
Secretary

NOTE: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Cabarrus County within thirty (30) days after the date of this order. See Section 12-25 of the Ordinance.

Exhibit 1
FINDINGS OF FACT
APPLICATION CUSE2011-00001
Conditional Use Permit Application
PSNC (Public Services of North Carolina)
Old Charlotte Road (dead end)
CUSE 2011-00001

1. The use as proposed is not detrimental to the public health, safety or general welfare.

This is a necessary natural gas regulator infrastructure facility for the southwestern area of the County in need of additional service capacity to support the growth in that area. The applicant has designed a facility in compliance with federal, state and local regulations and has agreed to comply with the conditions imposed by all regulating authorities.

2. The use as proposed is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc.

All such facilities, most of which are not required for this unmanned gas regulator station, are located nearby.

3. The use as proposed will not violate neighborhood character nor adversely affect surrounding land uses.

The property containing the proposed use is zoned light industrial (LI) and is at the end of a dead end road. The surrounding uses are industrial and residential.

4. The use as proposed will comply with the general plans for the physical development of the County as embodied in the Zoning Ordinance or in the area development plans that have been adopted.

The use as proposed will serve the southwestern area of the County where the County contemplates growth.

PLANNING STAFF REPORT
CABARRUS COUNTY PLANNING AND ZONING COMMISSION
02/17/2011

Staff Use Only: _____
Approved: _____
Denied: _____
Tabled: _____

Conditional Use Permit: CUSE2011-00001

Applicant Information: Michael Coleman
Public Service Company of North Carolina, Inc. dba PSNC Energy
800A Gaston Road
Gastonia, NC 28056

Owner Information: The Stewart Family Limited Partnership
1741 Old Charlotte Road
Concord, NC 28027

PIN#: 5528-26-2852

Area in Acres: +/- 1.1054

Purpose of Request: To construct an unmanned natural gas utility pressure regulating station (public service facility).

Site Description: The site is approximately 1.1054 acres total. The regulator station will be confined within an area surrounded by a six-foot tall chain link fence. The fenced area will be approximately .1187 acres.

Current Land Uses: Industrial

Adjacent Land Uses: Industrial and Residential

Permitted Uses: All uses in the LI district are permitted on the subject property.

Existing Zoning: LI (Limited Industrial)

Surrounding Zoning: North: LI (Limited Industrial)
East: LI (Limited Industrial)
South: LI (Limited Industrial)
West: LI (Limited Industrial) & GI (General Industrial)

Signs Posted: 02/03/2011

Newspaper Notification: 02/02/2011

Newspaper Notification 2: 02/09/2011

Notification Letters: 02/02/2011

Exhibits

1. Conditional Use Application Form – Submitted by Applicant
2. Aerial Map – Submitted by Staff
3. Zoning Map – Submitted by Staff
4. Land Use Map – Submitted by Staff
5. Leak Response Plan – Submitted by Applicant
6. Letter from Concord – Submitted by Applicant
7. Photos – Submitted by Applicant
8. List of Adjacent Property Owners – Submitted by Staff
9. Adjacent Property Owner Letter – Submitted by Staff
10. Memo from Soil & Water Conservation – Submitted by Dennis Testerman
11. Site Plans – Submitted by Applicant

Agency Review Comments

Fire Review : *No Comment*

Engineering Review : *No Comment*

Soil-Water Conservation Review : *See attached memo.*

Erosion Review : *Review not applicable. Disturbed area does not exceed one acre.*

NCDOT Review : *Unless a hardship can be shown, only one drive will be allowed.*

Schools Review : *No Comment*

EMS Review : *No Comment*

Health Review : *No Comment*

Sheriff Review : *No Comment*

Stormwater Review - State : *Review not applicable. Disturbed area does not exceed one acre.*

Stormwater Review - Local : *Review not applicable.*

Utility Review : *No Comment*

History / Other Information

1. The applicant has provided documentation compliant with Section 8-3, Petitioning for a Conditional Use.
2. The applicant submitted a complete application with includes the "Findings of Fact" sheet along with a site plan showing the location of the facility on the property.

Conditions of Approval

Should the Board of Adjustment grant approval of the Conditional Use Permit, Staff requests the following conditions become part of the approval and case record:

1. Site Plan review and approval required subsequent to Board of Adjustment approval to ensure compliance with all applicable development requirements and conditions. (Zoning)
2. Granting Order, stating restrictions and applicable conditions of approval, shall be recorded with the deed to the property. (Planning)
3. Applicant shall procure any and all applicable federal, state and local permits prior to the commencement of the project. (Planning)
4. The applicant must obtain an NCDOT driveway permit prior to commencement of the project. (NCDOT)
5. Expansion of project, as well as modifications or changes to approved site plan must receive Board of Adjustment approval in the form of an amendment to the Conditional Use Permit. (Planning)



CABARRUS COUNTY
PO BOX 707
CONCORD, NC 28025
704-920-2159
www.cabarruscounty.us

Application Number

Date

CONDITIONAL USE APPLICATION FORM

Cabarrus County

The Conditional Use Process:

A conditional use is necessary when a proposed land use may have some consequences that may warrant review by the Board of Adjustment. This review is to insure there will be no detrimental effects to surrounding properties nor will it be contrary to the public interest.

In order to apply for a conditional use a completed application along with the application fee is required to be turned in to the Zoning Office, 30 days prior to the scheduled public hearing. In order for the Board of Adjustment to grant approval of the conditional use, the applicant must provide the requested information in the following application.

If the Board finds that all approval criteria have been met, they may impose reasonable conditions upon the granting of any conditional use to insure public health, safety, and general welfare. If the application is approved the applicant then may proceed with securing all required local and state permits necessary for the endeavor. Failure to follow conditions set in the approval process would result in a violation of the Zoning Ordinance.

If there are additional questions concerning this process, please call the Zoning Office at (704) 920-2159.

TO THE BOARD OF ADJUSTMENT:

I, HEREBY PETITION THE BOARD OF ADJUSTMENT TO GRANT THE ZONING ADMINISTRATOR THE AUTHORITY TO ISSUE A CONDITIONAL USE PERMIT FOR THE USE OF THE PROPERTY AS DESCRIBED BELOW.

Applicant's Name
Public Service Company of North Carolina
Incorporated, d/b/a PSNC Energy

Applicant's Address
800A Gaston Road
Gastonia, NC 28056

Applicant's Telephone Number
704-810-3183

Property Owner's Name
The Stewart Family Limited Partnership

Property Owner's Address
1741 Old Charlotte Road
Concord, NC 28027

Parcel Information

Existing Use of Property	Undeveloped
Proposed Use of Property	Natural Gas Regulating Station
Existing Zoning	LI - Limited Industrial
Property Location	Old Charlotte Road
Property Acreage	1.1054 Acres
Tax Map and Parcel Number (PIN)	55282628520000

Land Use of Adjacent Properties

(Provide Plat Map if Available)

NORTH	LI - Limited Industrial
SOUTH	LI - Limited Industrial
EAST	LI - Limited Industrial
WEST	LI - Limited Industrial

General Requirements

1. The Zoning Ordinance imposes the following general requirements on the use requested by the applicant. Under each requirement, the applicant should explain, with reference to the attached plans, where applicable, how the proposed use satisfies these requirements.

The Board must find that the use(s) as proposed "are not detrimental to the public health, safety or general welfare."

The proposed use of the property is for a natural gas utility pressure regulating station. Natural gas is a non-toxic energy source used by many businesses and residents in the Concord/Harrisburg area.

The Board must find that the use(s) as proposed "are appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, etc."

A location in this vicinity is necessary to enable provision of adequate, safe, and reliable natural gas service to the Concord/Harrisburg area.

The Board must find that the use(s) as proposed "will not violate neighborhood character nor adversely affect surrounding land uses."

This parcel is off the dead end of Old Charlotte Road and adjacent to one industrial establishment and surrounded by parcels zoned for LI - Limited Industrial. Existing trees and other natural growth will be maintained as much as possible and additional landscaping will be added to screen the station as much as possible.

Updated 4/15/10

The Board must find that the use(s) as proposed "will comply with the general plans for the physical development of the County or Town, as embodied in the Zoning Ordinance or in the area development plans that have been adopted."

This regulating station will improve PSNC Energy's ability to serve the substantial growth in the Cabarrus County, Concord, and Harrisburg area.

2. The Zoning Ordinance also imposes SPECIFIC REQUIREMENTS on the use(s) requested by the applicant. The applicant should be prepared to demonstrate that, if the land is used in a manner consistent with the plans, specifications, and other information presented to the Board, the proposed use(s) will comply with specific requirements concerning the following:

Nature of use (type, number of units, and/or area):

One natural gas utility pressure regulating station and associated appurtenances.

Accessory uses (if any):

None

Setback provisions:

Principle Use
Front: 50' Side: 30' Rear: 20'

Accessory Use
Front: _____ Side: _____ Rear: _____

Height provisions:

Principle Use 15' max. Accessory Use N/A

Off street parking and loading provisions: (include calculations)

N/A

Sign provisions: (include sketch drawing with dimensions)

N/A

Provisions for screening landscaping and buffering: (if required add to site plan)

Existing trees and vegetation will be maintained as a buffer around fenced regulator station site and additional landscaping will be installed in areas as shown on landscaping plan per requirements.

Provisions for vehicular circulation and access to streets: (provide NCDOT permit if necessary)

Access to site would be from Old Charlotte Road near the
northeasterly corner of the property.

Adequate and safe design for grades, paved curbs and gutters, drainage systems, and treatment or

turf to handle storm waters, prevent erosion, subdue dust:

Very little grading will be required on the property. Areas cleared and/or
graded will be protected with normal erosion control devices to prevent
environmental damage. Finished fenced station site will be graveled and
other areas will be seeded before erosion control devices are removed.
An adequate amount and safe location of play areas for children and other recreational uses.

according to the concentration of residential property:

N/A

Compliance with overlay zones including but not limited to the Thoroughfare Overlay and the

River/Stream Overlay Zones:

Site has a Class 2 creek on the southern end of property. Our use
will not disturb the 30-foot stream buffer area.

Compliance with the Flood Damage Prevention Ordinance:

Existing water source is well below elevation of site. Site will
not be in a flood zone. 100 yr. flood line is more than a 1/2 mile away.

Other requirements may be requested by the applicant or specified by the Board for protection of
the public health, safety, welfare, and convenience:

N/A

Predefined Standards

Each individual Conditional Use listed in the Zoning Ordinance may have specific standards imposed. Refer to the Conditional Use section of the Zoning Ordinance for these requirements. Each standard should be addressed in the site plan submitted along with this application.

Required Attachments/Submittals

1. Printout of names and addresses of all immediately adjacent property owner, including any directly across the street.
2. Scaled site plan containing all requested information above on legal or ledger sized paper.
Larger sized copies will be accepted if a copy for each Board Member is provided for distribution.

Certification

I hereby confirm that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are to the Zoning Department.

Signature of Applicant

Signature of Owner

Date 1-19-2011

Date 1/14/2011

STAFF USE ONLY:

Cabarrus County

Application Fee Collected

Yes

No

Posted Database

Yes

No

Site Plan Attached

Yes

No

Public Hearing Date

Notice of Public Hearing Published On

Notices to Applicant(s) and Adjoining Property Owners Mailed On

Signs Posted On

Process Record

Record of Decision:

Motion to:

Approve

Deny

Board of Adjustment Recommendation:

Approve

Deny

Action Taken by Board of Adjustment:

Date Notification of Action Mailed to Applicant(s):

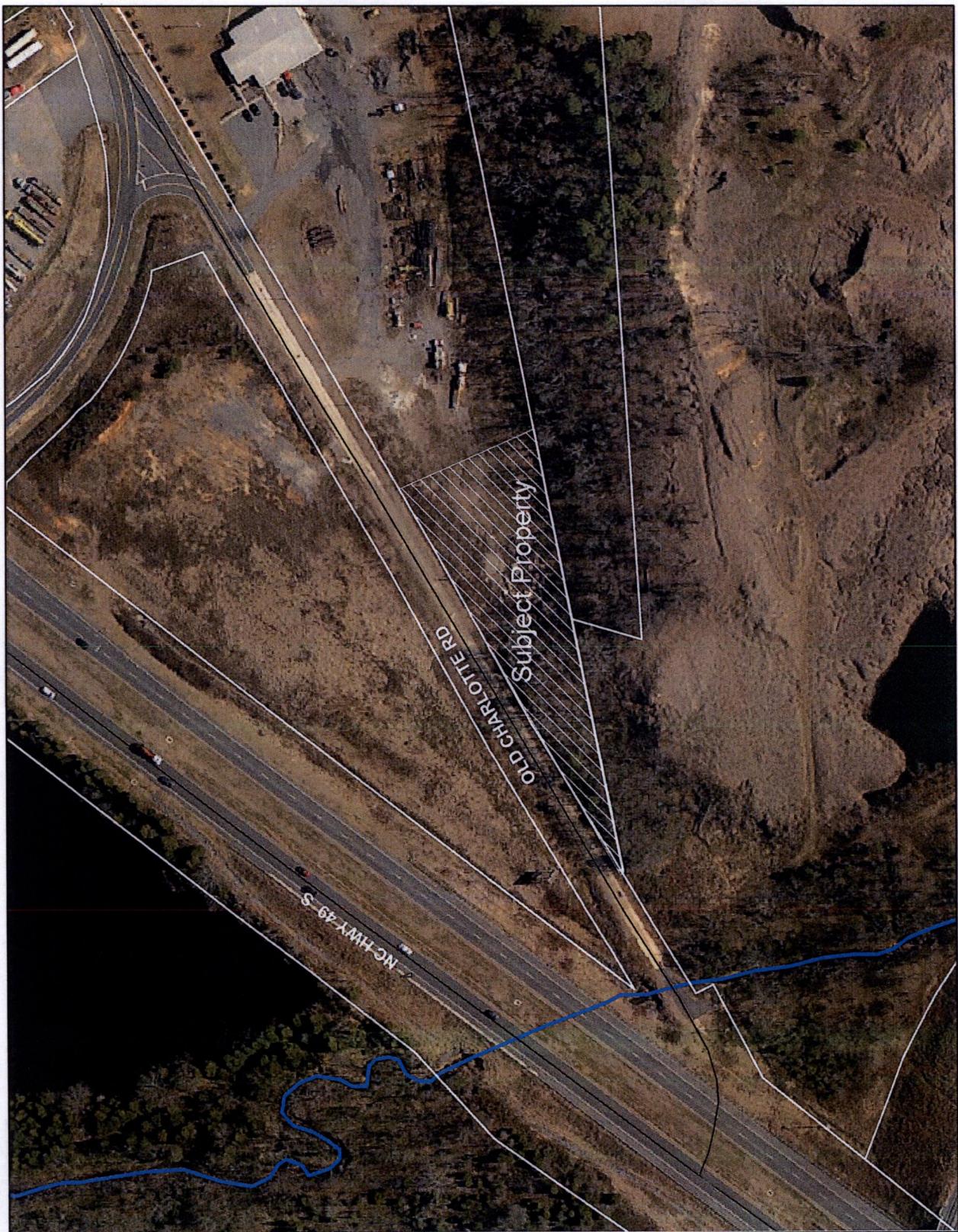
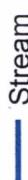
Signature of Zoning Official



Aerial Map

Applicant: PSNC Energy
Case: CUSE2011-00001
Parcel ID# 5528-26-2852
+/- 1.1054 Acres

Legend

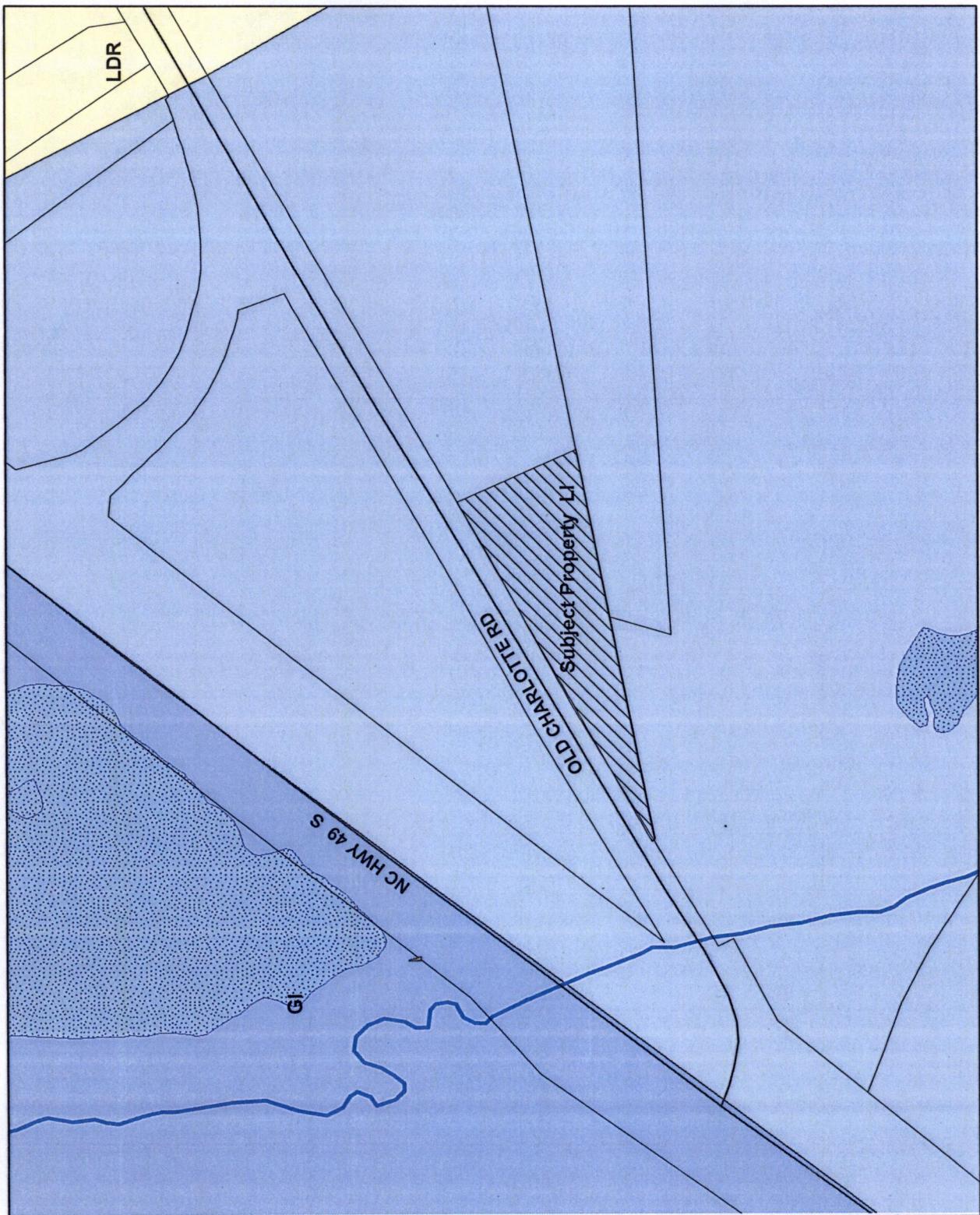
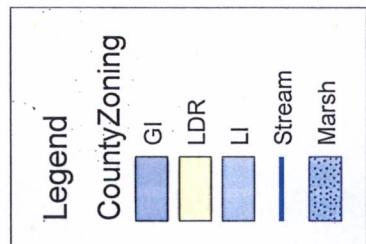


Cabarrus County shall not be held liable for any errors in these data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.

Map Prepared by Cabarrus County Planning Services. February 2011



Zoning Map
Applicant: PSNC Energy
Case: CUSE2011-0001
Zoning: LI - Limited Industrial
Parcel ID# 5528-26-2852
+/- 1.1054 Acres

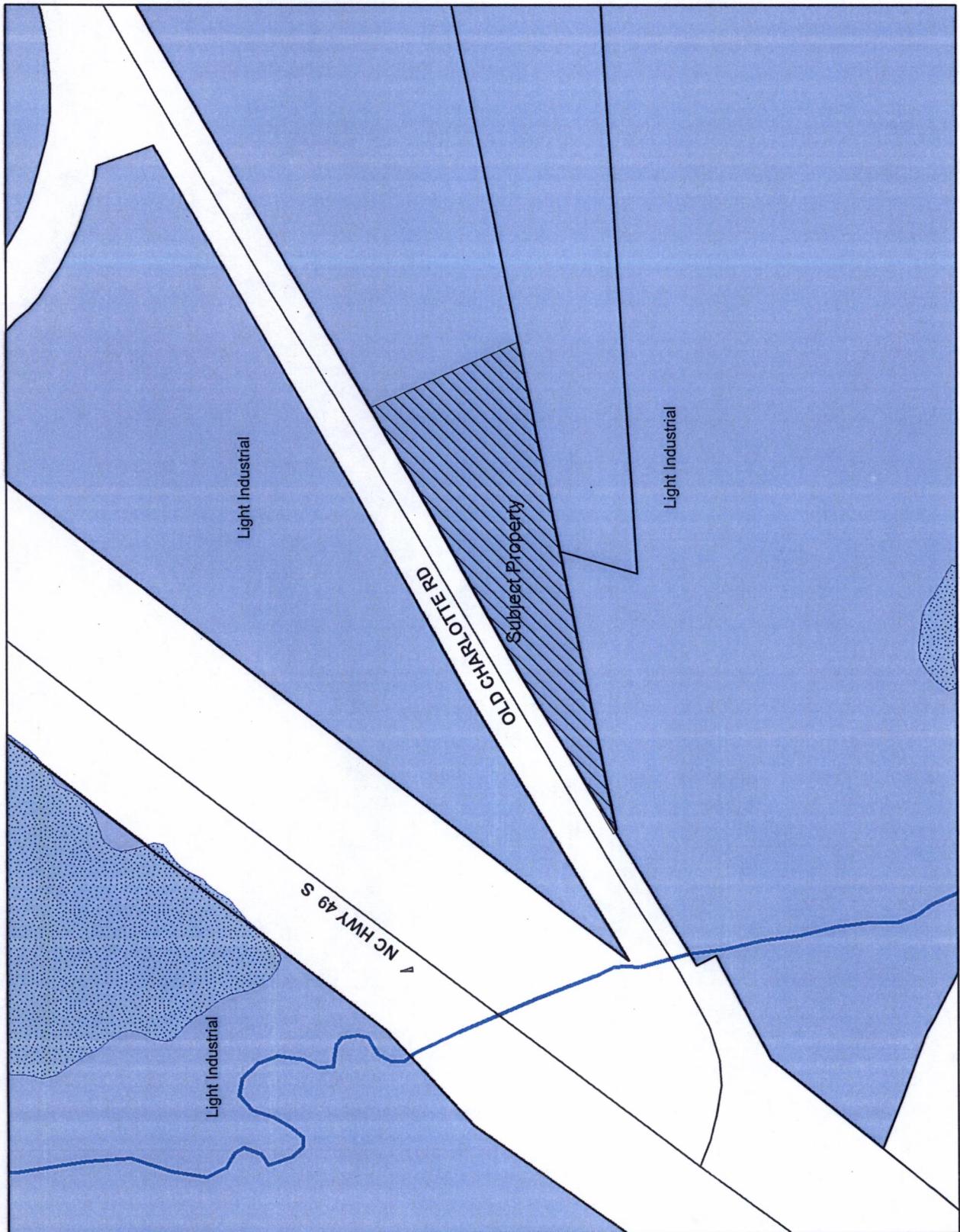
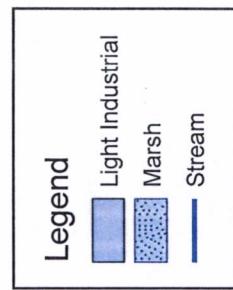


Cabarrus County shall not be held liable for any errors in these data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data.

Map Prepared by Cabarrus County Planning Services. February 2011

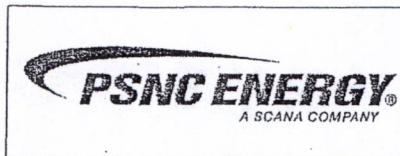


Land Use Map
Applicant: PSNC Energy
Case: CUSE2011-00001
Parcel ID# 5528-26-2852
+/- 1.1054 Acres



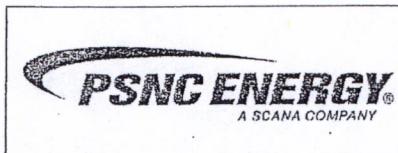
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Map Prepared by Cabarrus County Planning Services. February 2011



SUBJECT	SECTION	PAGE #
LEAK RESPONSE	EP-111	1 of 3
TITLE	DATE	
LEAK RESPONSE INVOLVING BUILDINGS	REVISED	11/30/04
	EFFECTIVE	12/15/04

1. If upon arrival on the scene, the LEPC, fire department, police department or other non-PSNC responders are involved, the PSNC responder shall establish command and coordinate with non-PSNC entities in accordance with section EP-109.
2. When using a gas detector, the PSNC responder shall turn on and prepare his/her gas detector for use *before* approaching and entering the building. If required in the manufacturer's procedures, gas detectors shall be "zeroed" before approaching the building.
3. As soon as possible, the PSNC responder shall advise occupants of the building and/or suspected leak area not to introduce sources of ignition. If a gas odor is present, the PSNC responder shall advise occupants to move from the suspected leak area.
4. If the leak was reported, the PSNC responder should establish contact with the person reporting the leak, if readily available, and determine suspected location of the leak, any recent activity which may have contributed to the leak and/or any other information pertinent to the leak call.
5. Immediately upon entering the building, the PSNC responder **shall determine** the perimeter of the leak area using a gas detector if available. If a gas detector is not available and a gaseous atmosphere is suspected to be present, the PSNC responder should assume that a leak area exists.
6. If a leak area has been determined or is assumed to exist, the PSNC responder shall:
 - a. Single Dwelling Unit
 1. Immediately advise building occupants in the leak area to evacuate and remain safely away from the leak area until further notice.
 2. Notify the customer, if available, that the gas supply will be terminated.
 3. Close the service valve to eliminate gas supply to customer's utilization piping.
 - b. Multi-Dwelling Unit
 1. If possible, immediately advise building occupants in the leak area to evacuate and remain safely away from the leak area until further notice. If assistance is required to evacuate the leak area, the PSNC responder may ask occupants to advise others to evacuate as they leave the leak area, request assistance from the building manager and/or request assistance from a non-PSNC responder such as the fire department. People assisting in the evacuation process shall be advised not to ring doorbells but to knock on doors when advising others to leave.
 2. If the building manager is readily available, the PSNC responder shall advise him/her of the action taken and that gas supply to the area of concern and/or entire building will be terminated.



SUBJECT	SECTION	PAGE #
LEAK RESPONSE	EP-111	3 of 3
TITLE	DATE	11/30/04
LEAK RESPONSE INVOLVING BUILDINGS	REVISED	12/15/04
	EFFECTIVE	

c. Meter Set and Aboveground Distribution Piping.

Inspect the meter set and riser for leaks using soapsuds, a gas detector or other approved means. If the meter set or aboveground distribution piping are found to be leaking, the PSNC responder shall repair or replace the leaking equipment and/or request assistance to do so.

d. Migration

Bar test around the perimeter of the foundation for leaks. If the bar test indicates the presence of gas below ground level, the PSNC responder shall:

1. Immediately identify the perimeter of the leak area.
2. Initiate the following leak response procedure(s) as needed:

EP-111 Leak Response Involving Buildings

EP-113 Leak Response Involving The Distribution System

EP-115 Leak Response Involving The Transmission System

3. Locate the source of the gas leak and initiate the appropriate response.

11. Upon completion of any repair on the gas utilization equipment, customer's piping and/or the distribution system, the PSNC responder shall verify the integrity of the repair with an approved leak test.
12. When an approved leak test administered by a PSNC responder indicates no leaks are present on the gas utilization equipment and/or the customer's piping, the PSNC responder should notify the customer by appropriate means and restore service.
13. If the PSNC responder determines that indications of carbon monoxide exist, the possibility of incorrectly operating gas utilization equipment shall be considered. If operation of gas utilization equipment is determined by the PSNC responder to be unsafe, the PSNC responder should consult with the customer as to what action they want to be taken. If the customer requests repair, he may repair the gas utilization equipment if qualified to do so. If the gas utilization equipment is not immediately repaired, the PSNC responder shall initiate action as required in the "Red-Tag Procedures". *Remember: Carbon monoxide is equivalent in weight to air, therefore it will not readily rise and dissipate like natural gas.*
14. The PSNC responder shall complete the work order and submit to the local Supervisor and/or his designee.



850 Warren C. Coleman Blvd., P.O. Box 308, Concord, NC 28026 - www.ci.concord.nc.us

September 14, 2009

Michael L. Coleman
PSNC Energy
800A Gaston Road
Gastonia, NC 28056

Ref.: WSD Letter Cabarrus County Property #5528 27 0015

Dear Mr. Coleman:

The City of Concord has reviewed your submittal (preliminary application) on the above-mentioned property and has determined that you will not have to go through the Final Application process and annexation is not required at this time. Any development plans need to be initiated with Cabarrus County. Your submittal showed no public water and sewer line extensions and no existing connections to the City's utility system.

The City will not extend utilities except in compliance with Section 62 of the City code, including compliance with all City regulations and ordinances governing development.

This letter is not a contract, nor does it establish any property rights in City services.

If we can be of further assistance, feel free to call with your questions.

Sincerely,
City of Concord

M. Sue Hyde

M. Sue Hyde, PE
Director of Engineering

cc: Cabarrus County Development Office
Margaret Pearson, City of Concord, Development Services

SBH/pmc

Engineering
Phone (704) 920-5425 • Fax (704) 786-4521

PROPOSED PSC STATION SITE IN DISSTILLED AREA



ALONG CREEK BANK IN SOUTHEAST SIDE

ALONG ROAD RIGHT- OF-WAY OF OLD CHARLOTTE RD.



LOOKING Southwest

PROTECTED PEANIC STATION SITE UNDISTURBED AREA



Locality: Scandia West

PROPOSED PSUE STATION SITE DISTURBED AREA



LOOKING SOUTHWEST

PROPOSED PSNC STATION ON SITE DISTURBED AREA



Looking Southeast



Cabarrus County Government

February 2, 2011

Dear Property Owner:

A Conditional Use Application has been filed in our office for the property noted on the enclosed map. The specifics of the petition are listed below.

The Cabarrus County Board of Adjustment will consider this petition at their meeting on Thursday, February 17, 2011 at 7:00 PM in the 2nd floor Commissioner's Chambers of the Cabarrus County Governmental Center, located at 65 Church Street SE, Concord, NC 28026. There will be time for public input at this meeting. If you have any comments or concerns about the Conditional Use Permit process, I encourage you to attend this meeting.

Petitioner	PSNC Energy, A SCANA Company
Petition Number	CUSE2011-00001 Conditional Use Permit
Property Location	1741 Old Charlotte Road, Concord, NC 28027
Parcel ID Number & Size	5528-26-2852 (1.1054 Acres)
Request	<u>The applicant would be allowed to construct a natural gas utility pressure regulating station on the property.</u>

If you have any questions regarding this petition, or the hearing process, please contact me at Cabarrus County Planning Services at (704) 920-2141.

Sincerely,

Kassie G. Watts, AICP
Senior Planner

Adjacent Property Owners

Arrow Disposal Properties, Inc.
P.O. Box 472
Harrisburg, NC 28075
5528-27-0015 & 5528-27-3470

Robert Hagopian
710 Georgetown Drive
Concord, NC 28027
5528-27-9214

John D. Myers
1720 Old Charlotte Road
Concord, NC 28027
5528-27-7531

Eight is Enough, LLC
4325 Motorsports Drive
Concord, NC 28027
5528-27-4691 & 5528-27-6447

Carlo Casey
860 Marshall Drive
Concord, NC 28027
5528-26-8988

Stewart Fannie M. Trust
870 Marshall Drive
Concord, NC 28027
5528-26-6782

The Morrison Highway 49, LLC
167 Church St. NC
Concord, NC 28025
5528-26-5034

Stewart Family Limited Trust
1741 Old Charlotte Road
Concord, NC 28027
5528-26-2852

From: Dennis Testerman
Sent: Wednesday, February 02, 2011 7:06 PM
To: Kassie Goodson Watts
Subject: Conditional Use Permit - Gas Regulator at intersection of Old Charlotte Road and NC Hwy 49
Attachments: ResolutionCoverMemo.pdf; Resolution Dist List.doc; Monroe Natural Gas Pipeline.docx

Kassie,

I recommend that the county's review of this permit request take into the account any and all unresolved problems associated with previous construction activities for this natural gas pipeline.

My third attachment to this email is a Cabarrus SWCD review prepared for a public hearing on the pipeline as required by the county's voluntary agriculture district program. The second comment in this review reads as follows:

Cabarrus SWCD board formally adopted a motion at their August 5, 2008 public meeting opposing this project based on environmental and soil concerns. This vote took place several months after our staff met with Monroe Director of Energy Services head, Don Mitchell, and consultant Kelly Kinnett with Heath and Associates on May 23, 2008 to discuss the potential environmental impacts associated with the proposed pipeline right-of-way.

This time last year, the Cabarrus SWCD board was dealing with the aftermath of the City of Monroe digging a trench for their gas pipeline across a conservation easement held by the state. Attached is the cover memo that the Cabarrus SWCD board sent to the attached list of recipients.

Last year, after a few initial phone calls and emails in response to the Cabarrus SWCD resolution, there was no further follow-up, and there was never any closure on the resolution.

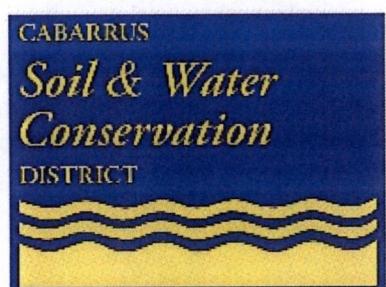
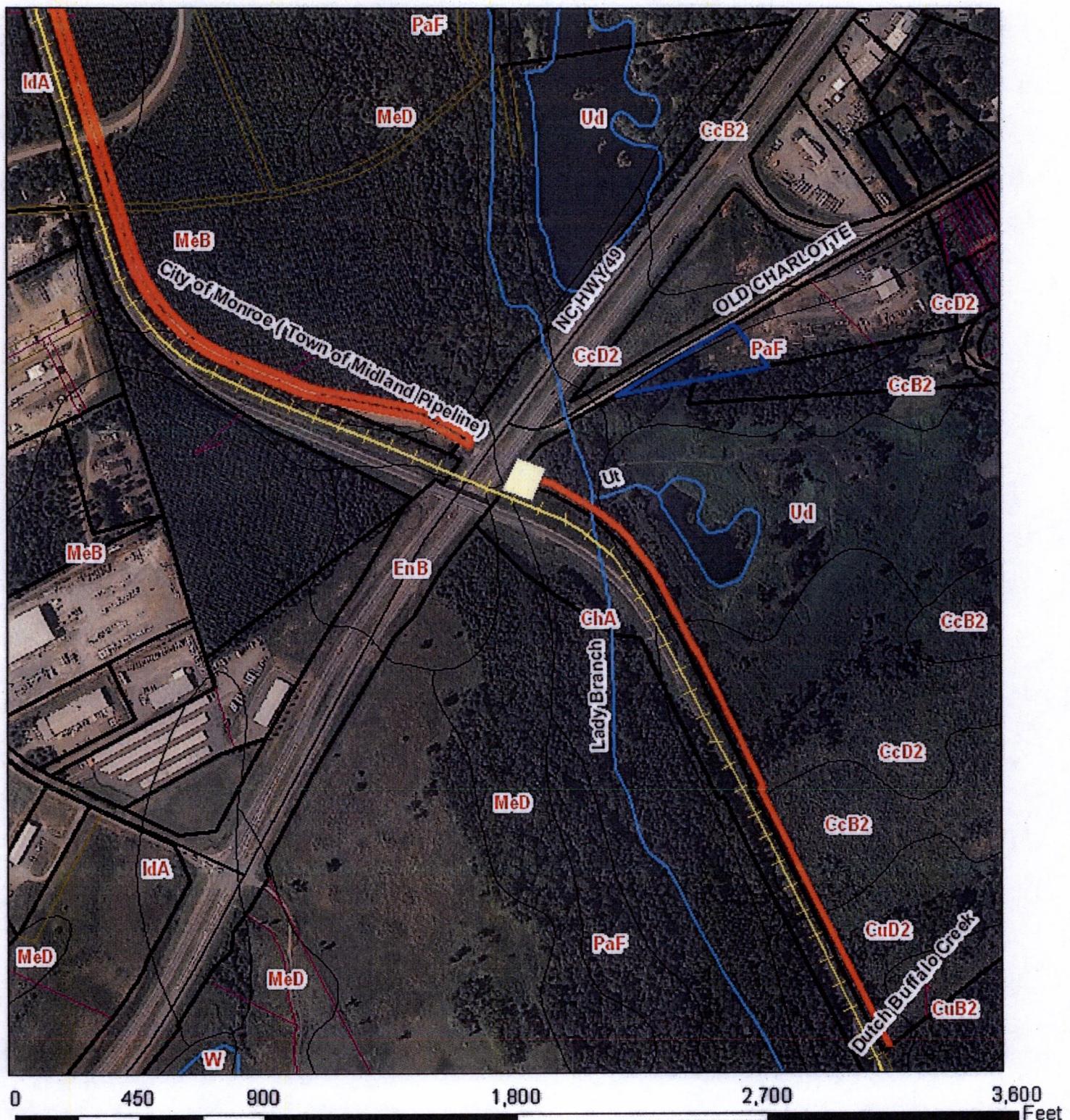
Dennis

Dennis E. Testerman, CEE
Resource Conservation Specialist
Cabarrus S&W Conservation District
715 Cabarrus Ave., West
Concord, NC 28027-6214
704-920-3303
704-795-6432 (fax)
dtesterman@cabarruscounty.us
<http://www.cabarruscounty.us/SandW/>

The accomplishments . . . are impressive, but the challenges ahead seem equally awesome. The public is more concerned about resource management than at any time since the 1930's. There are more activists involved, more organizations, more technical studies, and more "experts" on . . . conservation than ever before. To many, the challenge seems to be primarily a technical one. The history of the conservation movement suggests, however, that such is not the case. The challenge is one of moving people to constructive action.

R. Neil Sampson. For Love of the Land: A History of the National Association of Conservation Districts. 1985.

PSNC Meter and Regulator Station





Cabarrus Soil and Water Conservation District

715 Cabarrus Avenue West • Concord, North Carolina 28027

Phone: (704) 920-3300 • Fax: (704) 795-6432

Memo

To: Distribution List

From: Dennis E. Testerman, Sr. Resource Conservation Specialist

Date: December 31, 2009

Re: Environmental Impacts of Transcontinental Natural Gas Pipeline in Cabarrus County

Accompanying this memorandum is a resolution of concern officially adopted by the Cabarrus Soil and Water Conservation District board at their December meeting. This resolution was adopted following construction of a segment of the subject project within a conservation easement held by the state on the site of a pending Ecosystem Enhancement Program restoration project on a Coddle Creek tributary known locally as Indian Run.

Construction of this segment of the subject project using an open trench rather than the approved directional bore—contrary to the approved sedimentation and erosion control plan, the 401 and 404 water quality/wetland permits and the conservation easement terms—sets a precedent that deeply concerns the Cabarrus Soil and Water Conservation board and staff. Most troubling is the refusal by the construction contractor for the City of Monroe to cooperate with the Ecosystem Enhancement Program project manager during construction on November 20, 2009. We are also concerned about the potential loss of trust by landowners who grant conservation easements with the understanding that the land and natural resources will be protected by conservation easements.

We trust that this incident will be thoroughly investigated.

Yours for Life

DRAFT RESOLUTION DISTRIBUTION LIST

U.S. Government

Army Corps of Engineers—Wilmington District

Ken Jolly, Regulatory Division Chief

Steve Chapin, Biologist, Asheville Regulatory Office

U. S. Congress

Senator Richard Burr

Senator Kay Hagan

Congressman Larry Kissell

N.C. Government

Council of State

Governor Beverly Perdue

NCDACS Commissioner Steve Troxler

Dewitt Hardee, NCDA ADFP Trust Fund Program Manager

NC Attorney General Roy Cooper

N. C. General Assembly

Senator Fletcher Hartsell

Representative Jeff Barnhardt

Representative Linda Johnson

Dept. of Environment & Natural Resources

Dee Freeman, Secretary

Manley Wilder, Chief Deputy Secretary

David Knight, Asst. Sec. for Natural Resources

Robin Smith, Asst. Secretary for Environment

Melba McGee, Environmental Projects Coordinator/SEPA Coordinator

Jerry Dorsett, Working Lands Coordinator

Div. of Land Resources

Chad Broadway, Environmental Specialist

Zahid Khan, Regional Environmental Supervisor

Mell Nevils, Land Quality Section Chief

James Simons, Director and State Geologist

Div. Soil & Water Conservation

Dick Fowler, District Programs Outreach Coordinator

Pat Hooper, Director

Ralston James, Regional Coordinator

Div. Water Quality

Michael Burkhard, Environmental Specialist

Alan Johnson, Environmental Senior Specialist

Cyndi Karoly, 401 Oversight/Express Permitting Unit Supervisor

Rob Krebs, Regional Environmental Supervisor

David Matthews, Environmental Program Manager, Surface Water Protection Section

Coleen Sullins, Director

Chuck Wakild, Deputy Director

Ecosystem Enhancement Program

Robin Dolin, Project Manager

Bill Gillmore, Director

Stephanie Horton, Land Protection Supervisor

Don Teeter, Special Deputy Attorney General

Wildlife Resources Commission—Ron Linville

N. C. Dept. of Justice

Ann Matthews

N. C. Environmental Management Commission

Steven Smith, Chairman

Lois Thomas, Recording Clerk
N.C. Utilities Commission
Edward Finley, Chairman
Renne Vance, Chief Clerk
Sammy Kirby, Deputy General Counsel

Local Government

Cabarrus County Board of Commissioners—Jay White, Chairman
Cabarrus County

John Day, Manager
Aimee Hawkins, Communications & Outreach Manager
Rich Koch, Attorney
Jonathan Marshall, Commerce Director
Susie Morris, Planning & Zoning Manager

Cabarrus County Planning & Zoning Commission—Todd Berg, Chairman
Cabarrus County Watershed Improvement Commission—Darrell Furr, Chairman
City of Monroe

Bobby Kilgore, Mayor
Don Griffin, Utilities Director
Gray Styers, Attorney

Union County
Larry Openshaw, Board of Commissioners, Chairman
Ligon Bundy, Attorney

Town of Midland
John Crump, Mayor
Michael Brugner, Attorney
Todd Phillips, Attorney

Other

N.C. Assn. of County Commissioners, Anthony Allen, Assistant General Counsel
N.C. Assn. of Soil & Water Conservation Districts

William Pickett, President
Don Cox, Legislation Committee Chairman
Marvin Cavanaugh, Water Resources Committee Chairman

N.C. League of Municipalities
S. Ellis Hankins, Executive Director
Andrew L. Romanet Jr., General Counsel

University of North Carolina at Chapel Hill, Institute of Government—Richard Whisnant

Consultants

Heath and Associates—Kelly Kinnett, Senior Project Engineer

S&ME
Crystal Fox, Natural Resources Staff Professional, Charlotte office
Michael Wolfe, Natural Resources Department Manager, Charlotte office

Landowners

Chaonn Hoyle
Edward Kirgan
Dwain Mesimer
Albertine L. Smith

**Cabarrus Soil and Water Conservation District
715 Cabarrus Avenue, West
Concord, N. C. 28027-6214
(704) 920-3300**

MEMORANDUM

NAME OF PLAN: Monroe Natural Gas Pipeline **PLAN TYPE:** Governmental

JURISDICTION: County/Municipal/State

LOCATION: Monroe to Mooresville **ZONING:** Multiple

OWNER: City of Monroe/ Town of Midland/PSNC Energy

DEVELOPER: Don Mitchell, Dir. of Energy Services, City of Monroe, PO Box 69, Monroe, NC 28110; 704-282-4726

DESIGN CONSULTANT: Kelly Kinnett, Heath and Associates, Inc., 108 W. Warren St., Ste. 300, Shelby, NC 28150; 877-252-2347

ENVIRONMENTAL CONSULTANT: Crystal Fox, SM&E, Inc., 9751 Southern Pine Blvd., Charlotte, NC 28273; 704-523-4726

DATE SUBMITTED: N/A **DATE REVIEWED:** 8/19/2009

PARCEL #: Numerous **ACRES:** 210 acres in Cabarrus, Iredell and Union counties

USGS TOPO QUAD MAP: Concord SE, Enochville, Harrisburg, Kannapolis, Midland

RECEIVING WATERS: Rocky River and tributaries, including Anderson Cr., Coddle Cr., Horton Br., Mill Cr., Muddy Cr., Park Cr., and Reedy Cr.

WATERSHEDS: HU 03040105010050; 03040105010070; 03040105020010; 03040105030010; CC-1, CC-2, CC-3, CC-4, SR-1, SR-2, SR-4

PERENNIAL OR INTERMITTENT STREAMS PRESENT: Yes

SOIL TYPE(S): Altavista sandy loam (AaB), Armenia loam (Ar), Badin channery silt loam (BaB, BaD), Cecil sandy clay loam (CcB2, CcD2), Chewacla sandy loam (ChA), Coronaca clay loam (CoB, CoD), Cullen clay loam (CuB2, CuD2), Enon sandy loam (EnB, EnD), Goldston very channery silt loam (GoC), Iredell loam (IdA, IdB), Kirksey silt loam (KkB), Mecklenburg loam (MeB, MeD), Mecklenburg-Urban land complex (MkB), Misenheimer channery silt loam (MsA), Pacolet sandy loam (PaF), Poindexter loam (PoB, PoD, PoF), Sedgefield sandy loam (SfB), Tatum silt loam (TaB, TaD), Tatum silty clay loam (TbB2), Udorthents loamy (Ud), Vance sandy loam (VaB), Wehadkee loam (We)

HYDRIC SOILS: Yes

THE FOLLOWING CHECKED ITEMS ARE MISSING FROM OUR COPY OF THE PLAN—PLEASE SUBMIT:

River Stream Overlay Zone	Soil Type(s)
Start & Completion Dates	Environmental reviews
Floodplain boundaries	Location of existing structures and trees

ONSITE INSPECTION: Yes

PLAN COMMENTS:

- Pre-submittal meeting between utility representative(s) and/or designer(s) and reviewer(s) was not offered.
- Cabarrus SWCD board formally adopted a motion at their August 5, 2008 public meeting opposing this project based on environmental and soil concerns.** This vote took place several months after our staff met with Monroe Director of Energy Services head, Don Mitchell, and consultant Kelly Kinnett with Heath and Associates on May 23, 2008 to discuss the potential environmental impacts associated with the proposed pipeline right-of-way.
- Cabarrus SWCD is a sub-unit of local government governed by an elected board. This board is responsible for establishing local priorities for the conservation of natural resources and pursuing these priorities through a non-regulatory, proactive approach to conservation. Farmland preservation is one of four priorities in the Cabarrus SWCD strategic plan--along with community conservation, conservation easements/land use and education. Two of five Cabarrus SWCD board members, along with an associate board member, also serve on the Agriculture Advisory Committee appointed by the Board of Commissioners.
- Because the proposed pipeline is a public, rather than private project, potential environmental impacts were reviewed at the state and federal—not local—levels. To date, there has not been an opportunity for a formal, local environmental review of this project.
- Utility representatives failed to include/excluded an assessment of potential impacts to Cabarrus County Voluntary Agriculture Districts as part of the review process, which did include a review of known**

cultural sites. City of Monroe took a minimalist approach the environmental review process, including initially attempting to avoid the public hearing required by the Cabarrus County Voluntary Agriculture District ordinance. This hearing, ultimately held on August 4, 2009, provided the only opportunity for local input on the environmental and social impacts of this proposed project. This hearing took place after pipeline construction had been initiated.

- Mandatory water quality buffers on perennial and intermittent streams and waterbodies were not marked as required by the Unified Development/Subdivision/Zoning Ordinance and permit CESAW-CO88-N-013-0061 issued under Section 404 of the U. S. Clean Water Act (33 U.S.C. 1413) by the US Army Corps of Engineers. City of Monroe should check with Concord Development Services/Kannapolis Planning and Zoning/Cabarrus County Commerce Department—Planning.
- The proposed pipeline alignment runs through the critical area zone for the WS-II Water Supply Watershed for the county reservoir on Coddle Creek. Plans call for the pipeline to cross farms enrolled in the Voluntary Agriculture District that are also in this critical area. These farms provide water quality and other environmental benefits in addition to food and fiber. The E. D. and V. B. Mesimer farm was recognized by the SWCD as the 1997 Conservation Farm Family of the Year. This farm operates using Best Management Practices documented in an approved, voluntary conservation plan.
- Construction of pipeline will result in fragmentation of habitat and land uses. Alternative routes were not given adequate consideration, in spite of statements of intent to the contrary by the City of Monroe. No plan—or budget—has been prepared for ongoing maintenance to prevent/eradicate these nuisance species.
- One potential adverse effect of fragmentation is the introduction of exotic, invasive animal and plant species.
- The pipeline has already crossed through Frank Liske Park, which was listed in the Inventory Significant Natural Areas of Cabarrus County, North Carolina—2002. Mature trees were removed as a result.
- Unless developer has prior authorization from appropriate federal and state authorities to impact jurisdictional waters or wetlands, the proposed project will be in violation federal and/or state law. Permits for disturbance of streams and other wetlands must be requested from N. C. Division of Water Quality and U. S. Army Corps of Engineers prior to any impacts. Please submit documentation to planners and Cabarrus Soil and Water Conservation District.
- Conservation easements on open space are requested by Cabarrus Soil and Water Conservation District as part of the countywide open space initiative. (See brochure “This Land is Our Land. . . A Guide for Preserving Your Land for Generations to Come”). Cabarrus SWCD has a vested interest in a conservation easement on primary open space that was a condition of approval of the preliminary plat for Rocky Glen subdivision. This condition predicated negotiations on behalf of the City of Monroe with the developer concerning a pipeline right-of-way easement that would violate 1) county waterbody ordinance and 2) the preliminary plat approval. The primary open space is off limits--from BMP's and utilities--since higher housing densities were granted in exchange for contiguous open space.
- The proposed site drains to streams included on the federal Clean Water Act (CWA) Section 303(d) list of waters not meeting water quality standards or which have impaired uses. Further degradation of the stream by the proposed project should be prevented, especially erosion and sedimentation.
- This project is within hydrological units (HU) included in the North Carolina Ecosystem Enhancement Program's Upper Rocky River Watershed Plan area. Every effort should be made to use best management practices to prevent water quality impairment. The erosion and sedimentation control plan for this site should be followed closely once it has been submitted and approved.
- Cities of Concord and Kannapolis have received an interbasin transfer of water certificate from the NC Div. of Water Resources. As a condition of this permit, other jurisdictions receiving water from these municipalities are bound by the conditions of IBT certificate. Under this certificate, streams will be classified by a qualified professional to ensure proper application of stream buffer rules.
- Cumulative and secondary impacts associated with this proposed development are not known and should be assessed prior to final plan approval.
- The following prime farmland soils will be impacted: Altavista sandy loam (AaB), Cecil sandy clay loam (CcB2), Chewacla sandy loam (ChA), Coronaca clay loam (CoB), Cullen clay loam (CuB2), Enon sandy loam (EnB), Kirksey silt loam (KkB), Mecklenburg loam (MeB), Sedgefield sandy loam (SfB), Tatum silt loam (TaB), Tatum silty clay loam (TbB2), Vance sandy loam (VaB). Farmland Conversion Impact Rating form (AD-1006) must be filed if federal funds are involved. Redesign of plan to provide avoid more of these soils is encouraged.
- The following soils are classified as an important state farmland soil and will be removed from production: Badin channery silt loam (BaB, BaD), Cecil sandy clay loam (CcD2), Coronaca clay loam (CoD), Cullen clay

loam (CuD2), Enon sandy loam (EnD), Iredell loam (IdA, IdB), Mecklenburg loam (MeD), Poindexter loam (PoB, PoD), Tatum silt loam (TaD)

- Installation of utility will remove existing forestland from production, result in loss of environmental services from forest land cover, and accelerate the rate of loss of green infrastructure in the county.
- Underground utilities including, but not limited, communications, electricity, natural gas and/or petroleum, wastewater and water may exist on site. Verify status before disturbing site by observation and by calling the NC One Call Center, 1-800-632-4949. Unmarked graves, underground mine shafts and historic Native American sites are not uncommon in Cabarrus County. Construction crews should be vigilant for the presence of these cultural and historical sites. Construction must be halted and appropriate authorities notified when any of these sites are uncovered.
- Additional field visits by Cabarrus SWCD and/or its conservation partners may be required, including but not limited to sedimentation and erosion control plan and wetlands permit review. Cabarrus SWCD is in the process of reviewing erosion and sedimentation control plans and wetland permitting documents submitted to state and federal authorities in response to complaints from county officials, staff and residents—and even an anonymous whistleblower associated with the City of Monroe—about problems associated with the pipeline construction. These alleged problems include erosion/sedimentation, tree/vegetation destruction, stream/wetland impacts, and encroachment on farmland. Cabarrus SWCD has received complaints of—and documented in the field—inadequate erosion and sedimentation control measures on segments of the pipeline already installed. Inspections by enforcement authorities have been inadequate in light of pipeline construction activities.
- Cabarrus SWCD recommends that the professional services of N. C. State University's Natural Resources Leadership Institute be engaged in the resolution of the controversy surrounding the pipeline project that is so evident in media coverage. NRLI's mission is “to educate and support a diverse group of North Carolinians who are committed to seeking consensus on issues affecting the sustainable development of North Carolina's natural resources and the quality of our environment.” NRLI believes that people involved in environmental conflict can reach fair and efficient solutions by: 1) communicating more effectively; 2) opening the dialogue to include all stakeholders; 3) structuring problems to reflect complexity and uncertainty; and 4) negotiating to settle disagreements.

Please provide copies of approval notice and any revisions to this plan to the Cabarrus Soil and Water Conservation District.

CONTACT(S):

Cabarrus County, Commerce Department, Susie Morris, 704-920-2858
 Cabarrus County Commerce Department—Erosion Control, Thomas Smith, 704-920-2411
 Cabarrus County Commerce Department—Erosion Control, Tony Johnson, 704-920-2835
 Cabarrus County Commerce Department—Zoning, Robbie Foxx, 704-920-2138
 Cabarrus County Commerce Department—Zoning, Jay Lowe, 704-920-2140
 Cabarrus SWCD & Watershed Improvement Commission, Dennis Testerman, 704-920-3303
 City of Concord Engineering Department, Adam Dagenhart, 704-920-5425
 City of Concord Business & Neighborhood Services—Zoning, Mitch Furr, 704-920-5145
 City of Concord Environmental Services Department, Doug Miller, 704-920-5376
 City of Concord Environmental Services Department, Jeff Corley, 704-920-5372
 City of Kannapolis, Planning & Zoning Department, Tony Cline, 704-933-5999
 City of Kannapolis, Planning & Zoning Department—Ben Warren, 704-933-5999
 City of Kannapolis, Engineering Department, Steve Bissinger, 704-938-1515
 City of Kannapolis Public Works Department, Michael Rattler, 704-920-4200
 Land Trust for Central North Carolina, Jason Walser, 704-647-0302
 NC DENR Div. of Forest Resources, Robert Ward, 704-782-6371
 NCDENR-Mooresville Regional Office, Land Resources, Scott Harrell, 704-663-1699
 NCDENR Div. of Solid Waste, Mooresville Regional Office, Teresa Bradford, 704-663-1699
 NCDENR, Div. of Water Quality, Mooresville Reg. Office, Alan Johnson, 704-663-1699
 NCDENR, Div. of Water Quality, Raleigh, Cyndi Karoly, 919-733-9721
 NCDENR, Ecosystem Enhancement Program, Robin Dolin, 919-715-5836
 NCDENR, Office of Conservation, W-S Reg. Office, Jerry Dorsett, 336-771-4945
 NCDENR, Office of Conservation, Raleigh, Harry LeGrand 919-715-4984
 NCDENR, Office of Conservation, Raleigh, Linda Pearsall, 919-715-4195

Office of Conservation, Raleigh, Michael Schafale, 919-715- 8689
NCDENR, Wildlife Resources Commission-Habitat Conservation Prog., W-S Reg. Office, Ron Linville, 336-769-9453
U. S. Army Corps of Engineers, Asheville Regulatory Field Office, Steve Chapin, 828-271-7980 x224
US Fish & Wildlife Service, Asheville, Brian Cole, 828-258-3939
US Fish & Wildlife Service, Asheville, John Fridell, 828-258-3939

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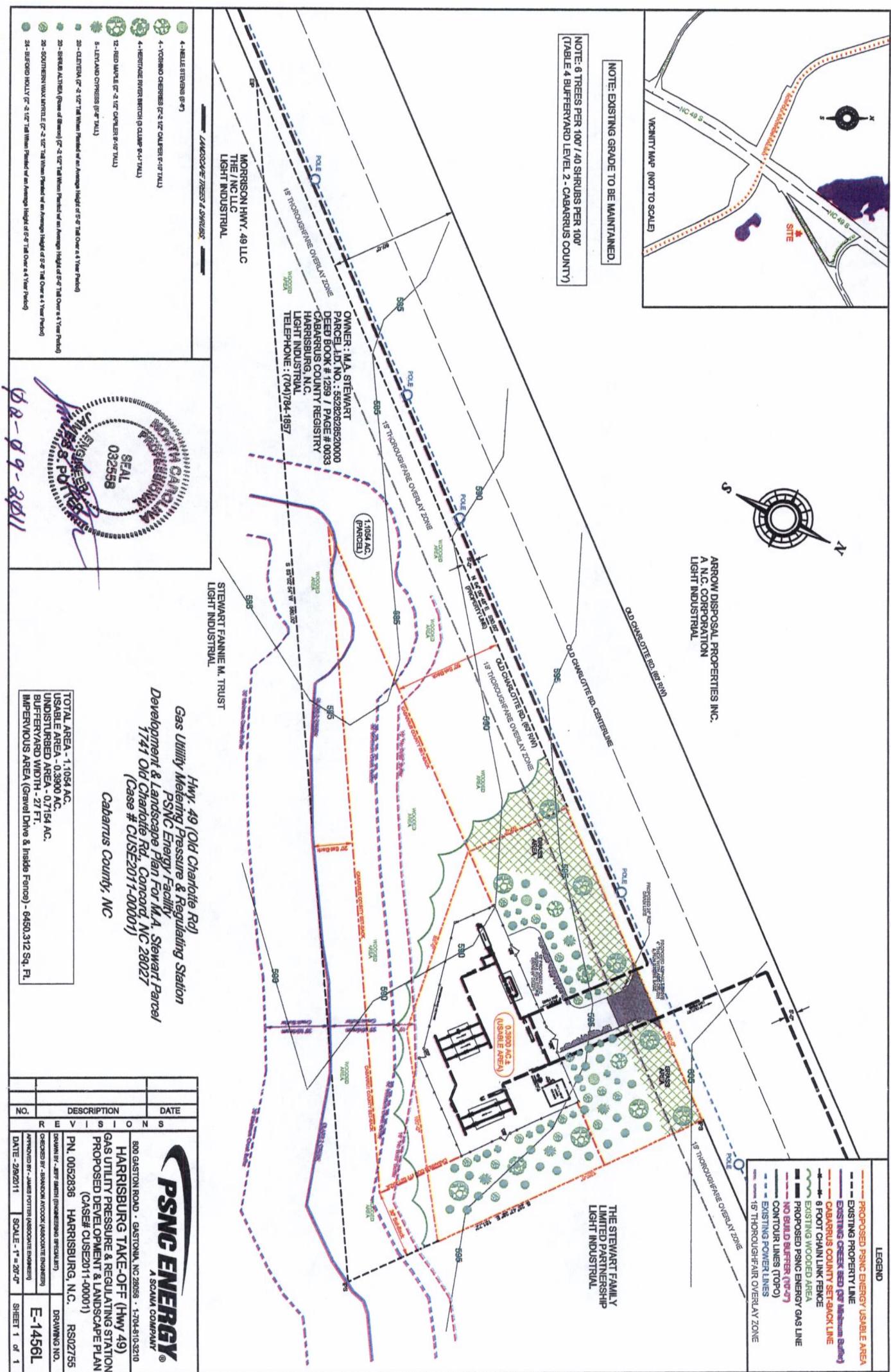
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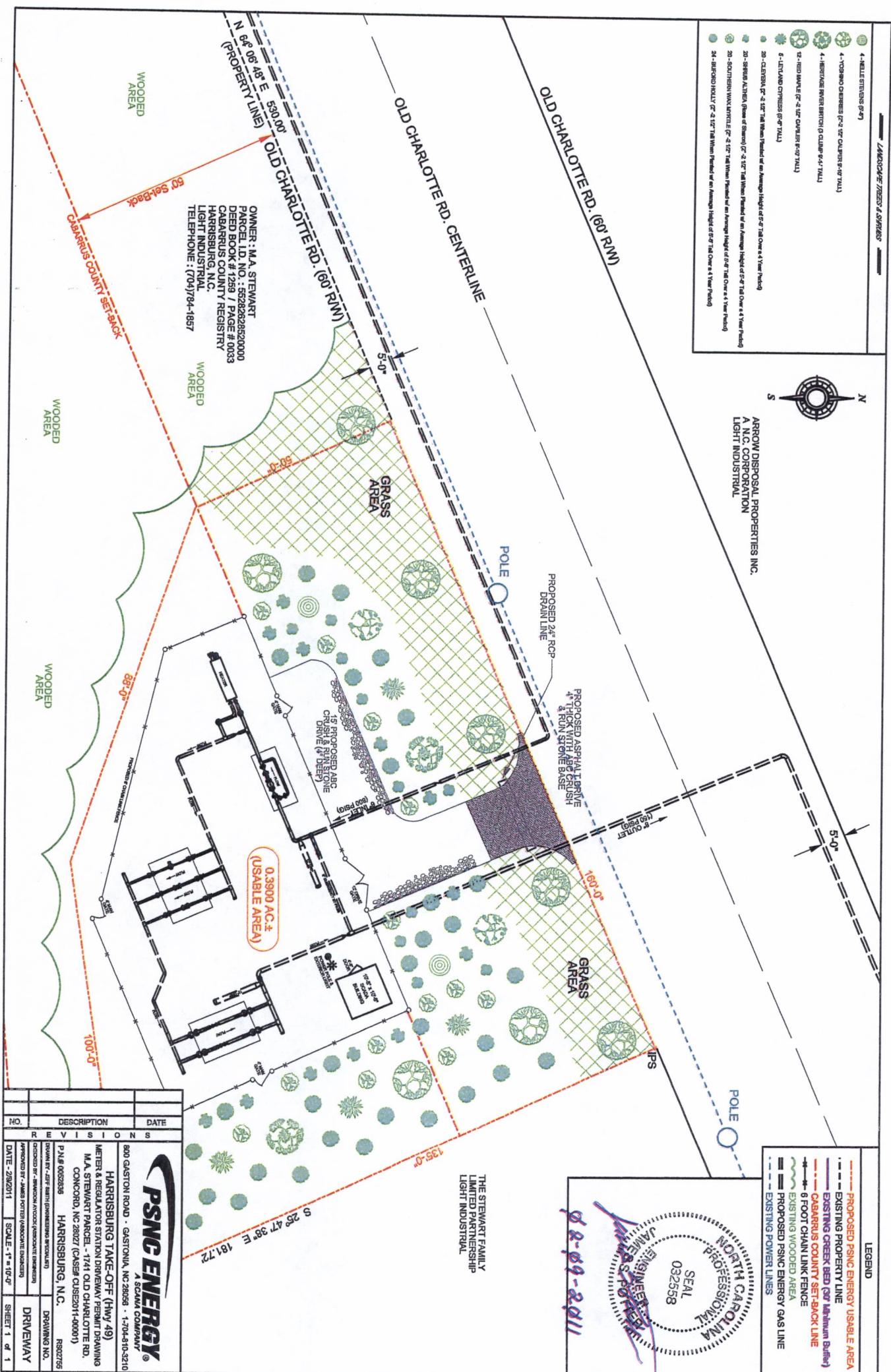
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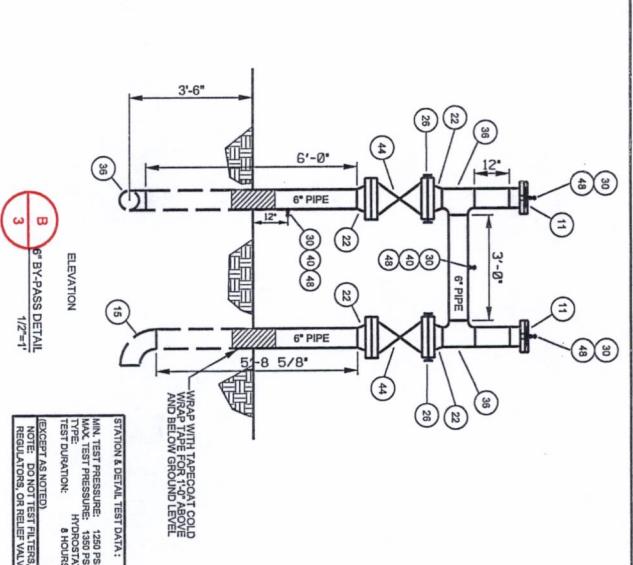
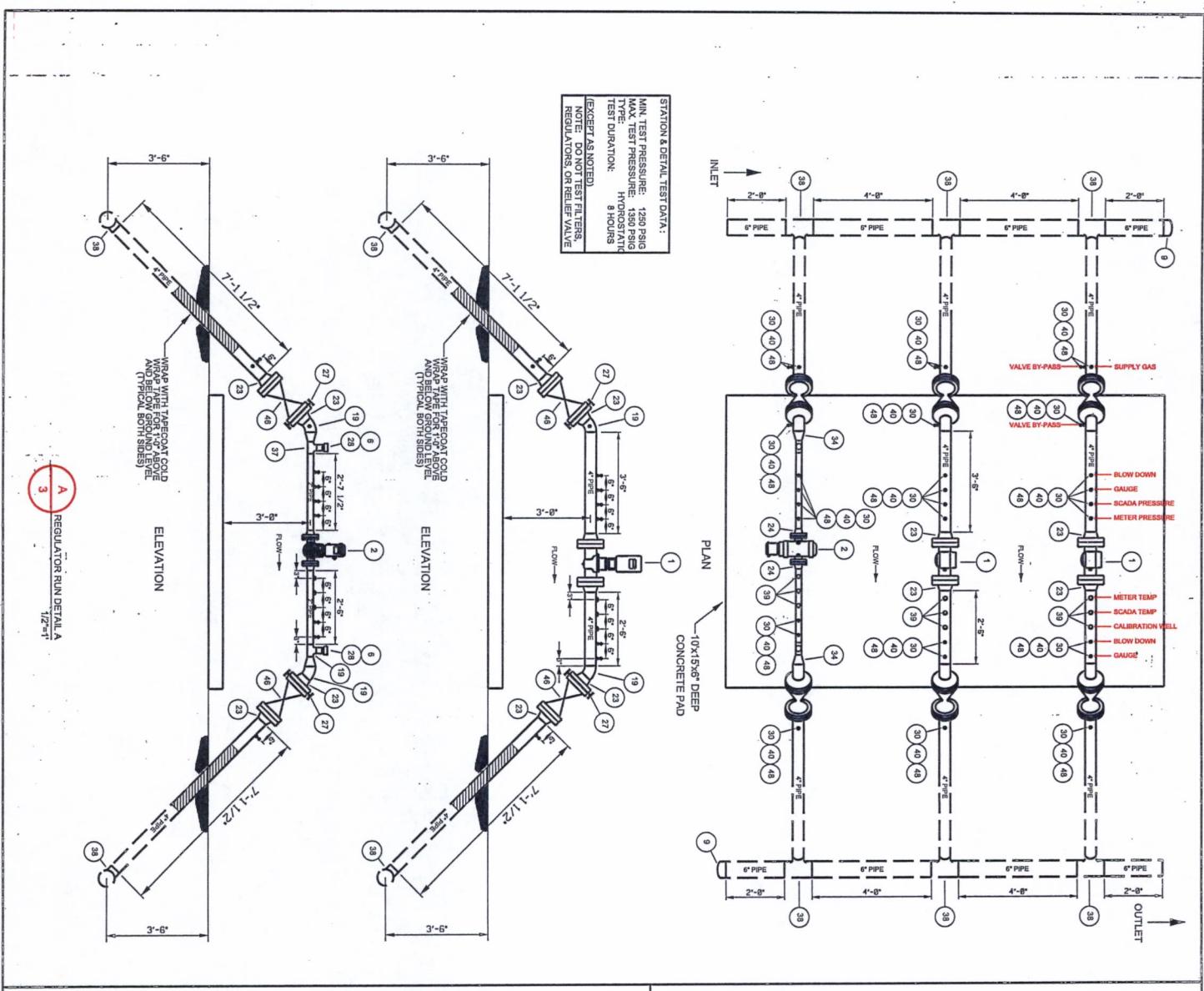
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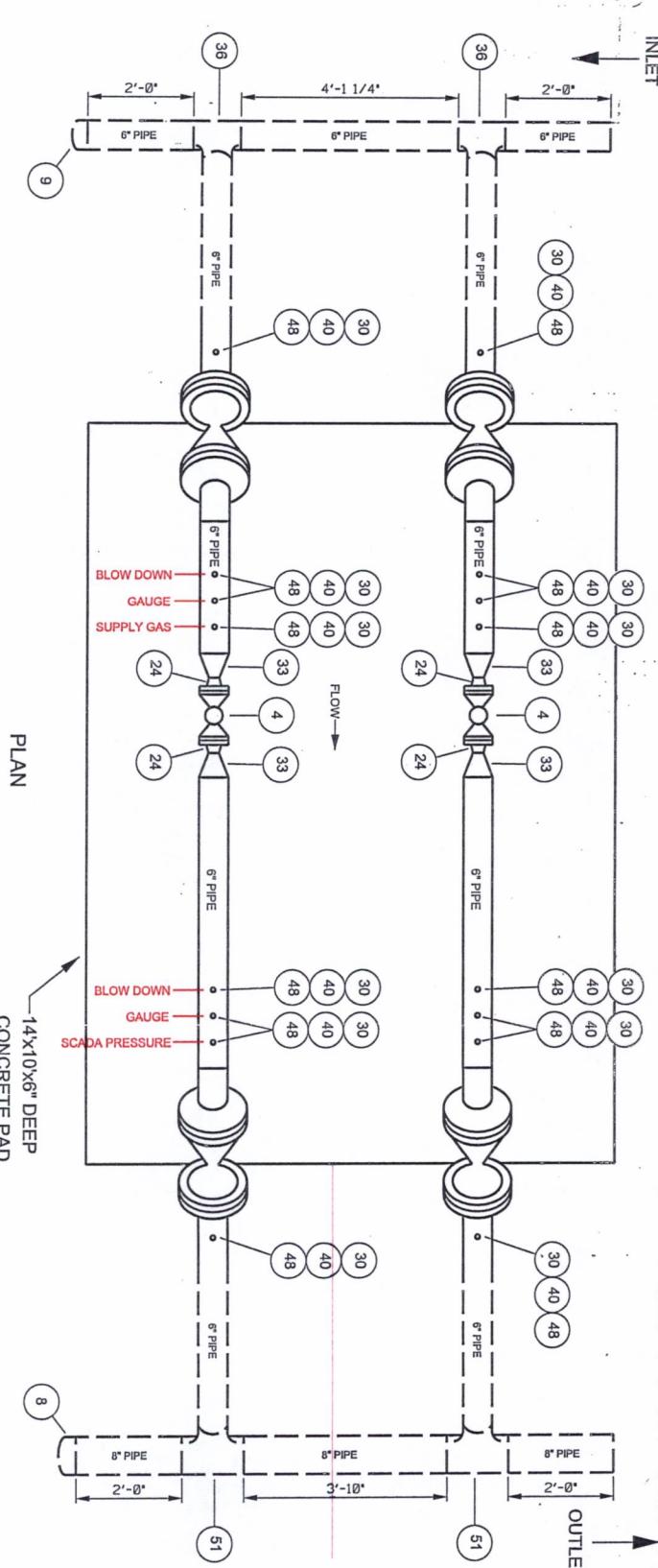
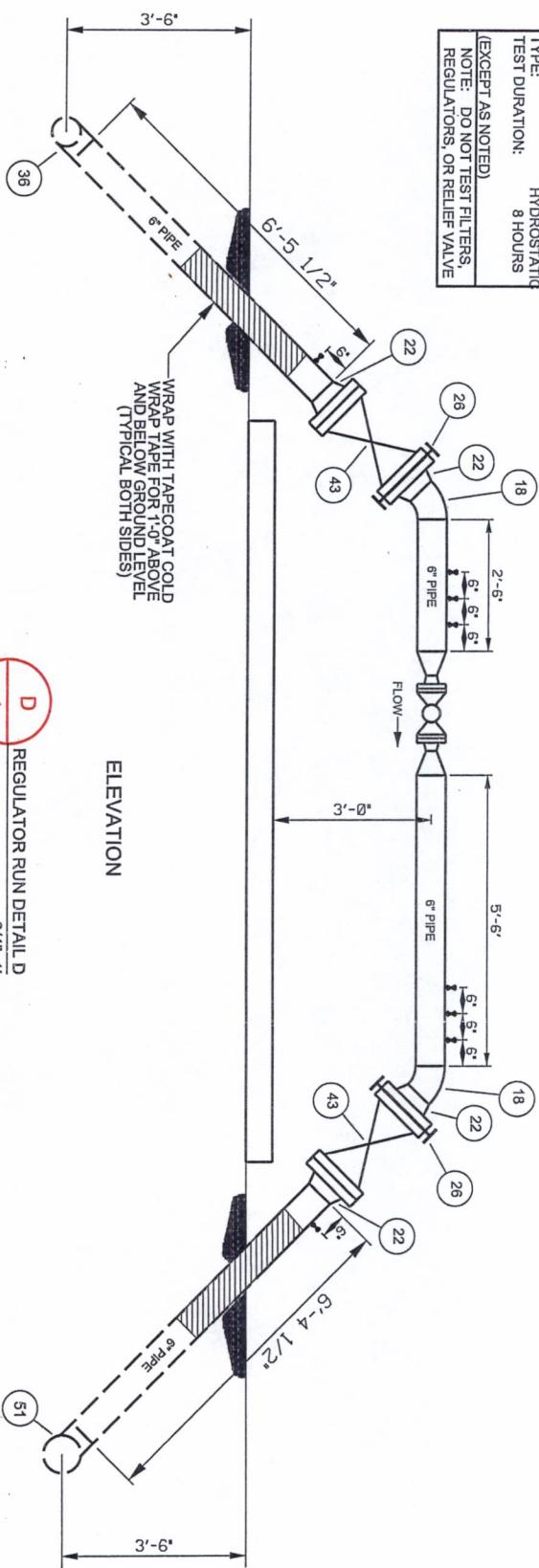






BILL OF MATERIAL				
ITEM	QUANTITY	SIZE	DESCRIPTION	MATERIAL #
1	2	4"	METER, TURBINE BENDS, AS-5 AND AS-600	—
2	2"		METER, ROTARY DREBESCH'S IMPACT AND 600	—
3	1	6"	FLAT, PECHO SERIES 30P, ANSI 600	24103
4	2	2"	REGULATOR, FISHER ST-675, DVC-107, ANSI 600	—
5	1	6"	RELIEF, FISHER 6300 ASME 190	47723
6	2	2"	CAV, FS, 3000K	1172
7	2	12"	CAB, WELD, WPS, STD	3850
8	1	6"	CAB, WELD, WPS, STD	4442
9	3	6"	CAB, WELD, WPS, STD	3719
10	1	6"	CA, WEATHER, METAL	3164
11	2	12" X 6"	CLOSURE, HUBER-YALE P-500, ANSI 600	24046
12	1	12" X 6"	ELL, WELD, RED, 60-12, WPS, STD	20905
13	1	12" X 6"	ELL, WELD, RED, 60-12, WPS, STD	20714
14	1	6"	ELL, WELD, 45-12, WPS, STD	3857
15	3	6"	ELL, WELD, 60-12, WPS, STD	3733
16	2	4"	ELL, WELD, 60-12, WPS, STD	3709
17	4	2"	ELL, WELD, 60-12, WPS, STD	3843
18	8	6"	ELL, WELD, 45-12, WPS, STD	2599
19	6	4"	ELL, WELD, 45-12, WPS, STD	2526
20	1	4"	ELL-OUTLET, TWO OUTLET	38229
21	2	6"	FLANGE, WELD, 190, RF	2826
22	18	6"	FLANGE, WELD, 190, RF	4520
23	15	4"	FLANGE, WELD, 190, RF	4575
24	6	2"	FLANGE, WELD, 190, RF	4278
25	2	6"	FLANGE, WELD, 190, RF	3232
26	6	6"	FLANGE, WELD, 190, RF	2934
27	4	4"	FLANGE, WELD, 190, RF	2723
28	2	2" X 3"	NUCLE, BULK, SH, TOE	11958
29	4	1"	PLUG, STEEL, BLK, RX-10	4160
30	59	1"	PLUG, STEEL, BLK, RX-10	4328
31	1	6" X 6"	REDUCER, WELD, CONG, WPS, STD	3717
32	2	6" X 3"	REDUCER, WELD, CONG, WPS, STD	3421
33				3709

PIPE		BILL OF MATERIAL						DATE	
QUANTITY	SIZE	DESCRIPTION		DESCRIPTION		REVISIONS		REVISIONS	
		HARRISBURG TAKE-OFF (Hwy 49)		HARRISBURG TAKE-OFF (Hwy 49)					
		METER & REGULATOR STATION		METER & REGULATOR STATION					
		PROPOSED STATION DETAILS		PROPOSED STATION DETAILS					
		NO. 0052836		HARRISBURG, N.C.		RS02755			
		DRAWN BY - J. SMITH		DRAWN BY - J. SMITH		DRAWING NO.			
		CHECKED BY - J. POTTER		CHECKED BY - J. POTTER					
		APPROVED BY - T. MANGUS		APPROVED BY - T. MANGUS					
		APPROVED DATE - 8/30/2010		APPROVED DATE - 8/30/2010		SCALE - 1/2" = 1'-0"		SCALE - 1/2" = 1'-0"	
						SHEET 3 of 7			



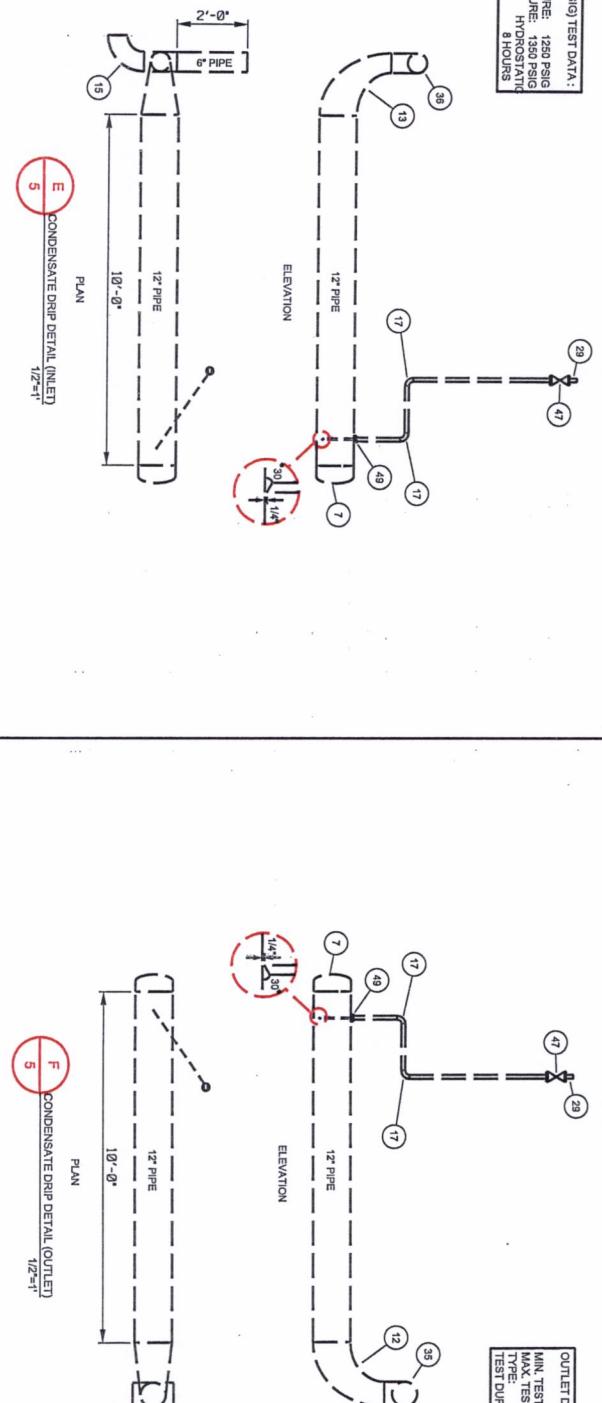
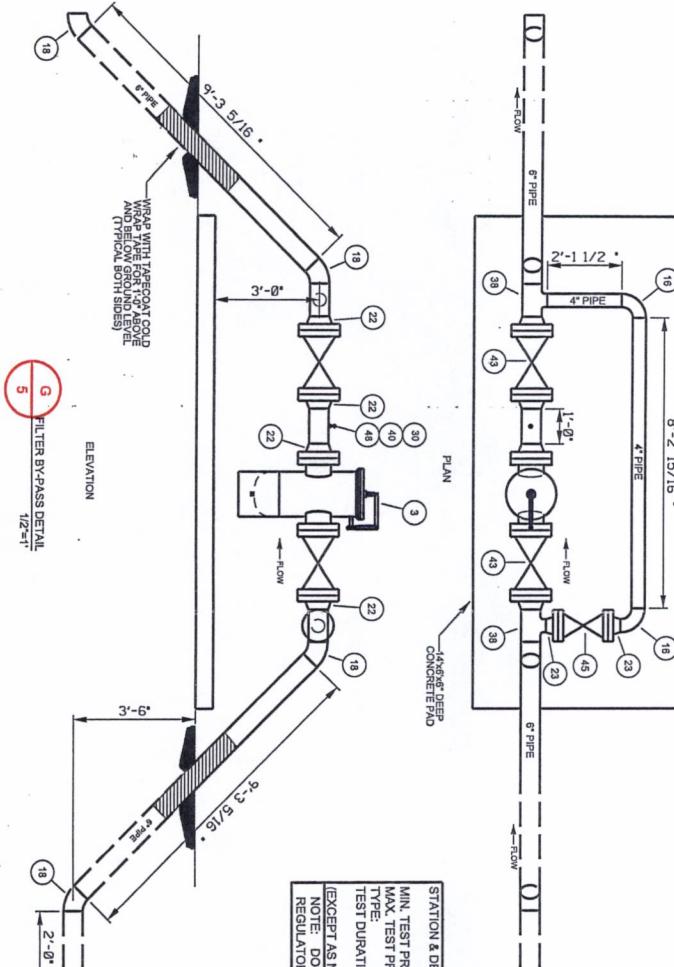
BILL OF MATERIAL					
ITEM	QUANTITY	SIZE	DESCRIPTION	OPTION	MATERIAL #
1	2	4"	METER, TUBING SENSORS, 3/8" NPT ANS 600		—
2	1	2"	METER, ROTARY PRESSURESWITCH, 1/2" NPT ANS 600		—
3	1	6"	FILTER, PECO, SERIES 90, ANS 600	24103	—
4	2	2"	REGULATOR, FISHER, 875-DVC-3437, ANSI 600	24103	—
5	1	6"	RELIEF, FISHER, 8545-A19	47123	—
6	2	2"	OPR, FB, 30004		1112
7	2	12"	CAP, WELD, WFB, STD		3150
8	1	8"	CAP, WELD, WFB, STD		4442
9	1	6"	CAP, WELD, WFB, STD		4110
10	1	6"	CAP, WEATHER, METAL		3164
11	2	6"	CLOSURE, HARBORITE, FB, 500, ANS 600	24640	—
12	1	12", 2"	ELL, WELD, RED, 60, L, WFB, STD	20965	—
13	1	12", X 6"	ELL, WELD, RED, WLR, WFB, STD	20114	—
14	1	6"	ELL, WELD, 60, L, WFB, STD	3857	—
15	8	6"	ELL, WELD, 60, L, WFB, STD	3783	—
16	2	4"	ELL, WELD, WLR, WFB, STD	3719	—
17	4	2"	ELL, WELD, 60, R, WFB, STD	3043	—
18	8	6"	ELL, WELD, 45, R, WFB, STD	2699	—
19	6	4"	ELL, WELD, 45, R, WFB, STD	2725	—
20	1	1"	ELL-OLET, TUBE, OUTLET		30020
21	2	6"	FLANGE, 1/2" NPT, 150, WFB		2650
22	18	6"	FLANGE, 1/2" NPT, 150, WFB		2650
23	18	4"	FLANGE, 1/2" NPT, 150, WFB		4719
24	6	2"	FLANGE, 1/2" NPT, 150, WFB		4719
25	2	6"	FLANGE, 1/2" NPT, 150, WFB		4722
26	6	6"	GSKT, FLANGE, 1/2" NPT, SEALING, ANS 600		23154
27	4	4"	GSKT, FLANGE, 1/2" NPT, SEALING, ANS 600		27583
28	2	2", X 3"	HEMI, BULK, 2X3, TOE		11595
29	4	1"	PLUG, BULK, 1X1, TOE		4160
30	59	1/2"	PLUG, STEEL, BLK, 1X1, TOE		4382
31	1	6", X 6"	REDUCER, WELD, CONC, WFB, STD		3717
32	2	6", X 3"	REDUCER, WELD, CONC, WFB, STD		3442
33	4	2"	REDUCER, WELD, CONC, WFB, STD		3347
34	2	4", X 2"	REDUCER, WELD, CONC, WFB, STD		3125
35	2	1"	TEEL, WELD, WFB, STD		2710
36	8	2"	TEEL, WELD, WFB, STD		2093
37	2	2"	TEE, WELD, O, WFB, STD		1785
38	6	6", X 4"	TEE, WELD, RED, WFB, STD		833
39	9	6", X 4"	THREAD-O-D-45, 3000, 6.3		19877
40	57	1/2"	THREAD-O-D-45, 3000, 6.3		2554
41	1	6"	VALVE, BALL, BACON, 875-DVC-3437, ANSI 19	47198	—
42	1	6"	VALVE, BALL, CAMERON, 90, 875-DVC-3437, ANSI 19	27148	—
43	9	6"	VALVE, BALL, BACON, 875-DVC-3437, ANSI 19	27079	—
44	2	6"	VALVE, PRV, NERD, 2240, FB, 600, ANS 600	47222	—
45	1	4"	VALVE, BALL, BACON, 875-DVC-3437, ANSI 19	26429	—
46	6	4"	VALVE, BALL, CAMERON, 875-DVC-3437, ANSI 19	30399	—
47	2	1"	VALVE, PRV, NERD, 2240, FB, 600, ANS 600	50521	—
48	69	1/2"	VALVE, NEEDLE, HTRC-140, 875-DVC-3437, ANSI 19	19554	—
49	2	1 1/2"	WELD-O-LET, 30004	14059	—
50	69	3"	FLANGE, 1/2" NPT, 150, WFB	4532	—
51	2	6" X 4"	TEEL, WELD, RED, WFB, STD	1154	—

PSNC ENERGY®
A SCANA COMPANY

REGULATOR RUN DETAIL D
3/4"=1"

INLET DRIP (800 PSIG) TEST DATA:
 MIN. TEST PRESSURE: 1250 PSIG
 MAX. TEST PRESSURE: 1350 PSIG
 TYPE: HYDROSTATIC
 TEST DURATION: 8 HOURS

OUTLET DRIP (150 PSIG) TEST DATA:
 MIN. TEST PRESSURE: 2230 PSIG
 MAX. TEST PRESSURE: 250 PSIG
 TYPE: HYDROSTATIC
 TEST DURATION: 4 HOURS



STATION & DETAIL TEST DATA:
 MIN. TEST PRESSURE: 1250 PSIG
 MAX. TEST PRESSURE: 1350 PSIG
 TYPE: HYDROSTATIC
 TEST DURATION: 8 HOURS
 (EXCEPT AS NOTED)
 NOTE: DO NOT FILTERS,
 REGULATORS, OR RELIEF VALVE

REGULATOR ITEM #
 MANUFACTURER: FISHER
 MAX. INLET PRESSURE: 800 PSIG
 MIN. INLET PRESSURE: 500 PSIG
 SET PRESSURE: 192 PSIG
 CO. 2200
 W.O. FAULT CAPACITY: 1.024200
 MANUFACTURER: FISHER
 RELIEF VALVE ITEM #
 SIZE: 1" CLASS: ANSI 150
 SET PRESSURE: 185 PSIG
 RELIEF CAPACITY @ MAX ALLOWABLE BUILD-UP: 1.024200 @ 1st ESR
 (NEEDS 6.0 PSI BURD-UP TO BE FULL OPEN)

ITEM	QUANTITY	SIZE	DESCRIPTION	DATE	MANUFACTURER
1	2	4"	METER, TURBINE, VERSAMAT, ANSI 800		—
2	1	2"	METER, NO-DYK, PRESSURE, 0-1000, ANSI 800		—
3	1	6"	FILTER, PERCO, SERIES 307, ANSI 800	24/103	—
4	2	2"	REGULATOR, FISHER, ET-657-DC-547, ANSI 800		—
5	1	6"	RELIEF, FISHER, 656, ANSI 800	4/12/5	—
6	2	6"	CAP, FB, 3000		3850
7	2	12"	CAP, WELD, WFB, STD		3850
8	1	6"	CAP, WELD, WFB, STD		4442
9	3	6"	CAP, WELD, WFB, STD		3110
10	1	6"	CAP, WEAVER, METAL		3154
11	2	6"	CLOSURE, HUBER, VYLE, FB, 500, ANSI 800		2448
12	1	12" x 6"	BLL, WELD, RED, 60 LR, WFB, STD		39846
13	1	12" x 6"	BLL, WELD, RED, 60 LR, WFB, STD		20174
14	1	8"	BLL, WELD, 60 LR, WFB, STD		5857
15	5	6"	BLL, WELD, 60 LR, WFB, STD		3783
16	2	4"	BLL, WELD, 60 LR, WFB, STD		3709
17	4	2"	FLANGE, IN, ANSI 150, RF		4228
18	8	6"	FLANGE, IN, ANSI 150, RF		2822
19	6	6"	FLANGE, IN, ANSI 150, RF		3043
20	1	1"	BLL, WELD, 48 LR, WFB, STD		2325
21	2	8"	FLANGE, IN, ANSI 150, RF		2826
22	18	6"	FLANGE, IN, ANSI 150, RF		4420
23	18	4"	FLANGE, IN, ANSI 150, RF		4378
24	6	2"	FLANGE, IN, ANSI 150, RF		4228
25	6	6"	FLANGE, IN, ANSI 150, RF		2822
26	6	6"	FLANGE, IN, ANSI 150, RF		2325
27	4	4"	GISST, FLANGE, IN, SET, SEALING, ANSI 600		2754
28	2	2" x 2"	INLET, BULK, 24, TEE		1189
29	4	1"	PLUG, STEEL, BULK, RXD		4160
30	59	12"	PLUG, STEEL, BULK, RXD		4382
31	1	8" x 6"	REDUCER, WELD, CONC, WFB, STD		3117
32	2	6" x 3"	REDUCER, WELD, CONC, WFB, STD		3411
33	4	6" x 2"	REDUCER, WELD, CONC, WFB, STD		3347
34	2	4" x 2"	REDUCER, WELD, CONC, WFB, STD		3125
35	2	8"	TEE, WELD, WFB, STD		2170
36	8	12"	TEE, WELD, WFB, STD		2098
37	2	5"	TEE, WELD, WFB, STD		1778
38	8	6" x 4"	TEE, WELD, RED, WFB, STD		635
39	9	3/4"	THREAD-ON-LET, 3000, 5-3		19177
40	57	12"	THREAD-ON-LET, 3000, 8-3		2344
41	1	8"	VALVE, BALL, BACON, 4-PIN, 1/2" ANSI 800		4726
42	1	6"	VALVE, BALL, BACON, 4-PIN, 1/2" ANSI 800		2748
43	9	6"	VALVE, BALL, BACON, 6-PIN, 1/2" ANSI 800		23709
44	2	6"	VALVE, PLUG, NORD, 2280, 1/2" ANSI 800		41722
45	1	4"	VALVE, BALL, BACON, 4-PIN, 1/2" ANSI 800		2449
46	6	4"	VALVE, BALL, CAMERON, 4-PIN, 1/2" ANSI 800		3039
47	2	1"	VALVE, PLUG, NORDSTROM, 2224		5028
48	59	12"	VALVE, NEEDLE, HUBER, VYLE, METTFP, 1/2" ANSI 800		13854
49	2	1 1/2"	WELD-ON-LET, 3000		14029
50	2	3"	FLANGE, IN, ANSI 150, RF		4322
51	2	8" x 6"	TEE, WELD, RED, WFB, STD		1134

PSNC ENERGY
 A SCANA COMPANY

HARRISBURG TAKE-OFF (Hwy 49)
 METER & REGULATOR STATION
 PROPOSED STATION DETAILS

P.N. 0052838 HARRISBURG, N.C.

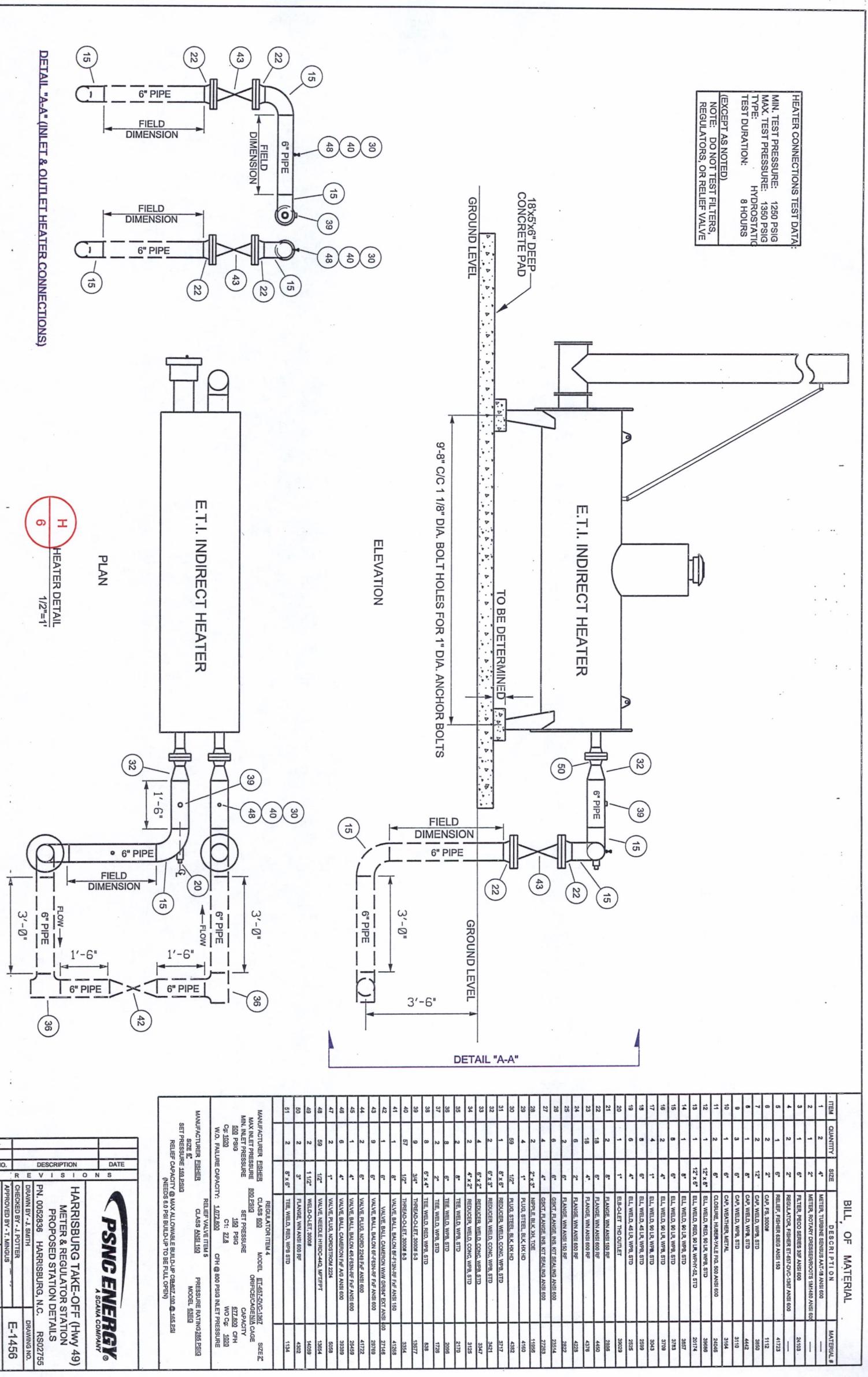
RS02735

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 DRAWING NO: E-1456

APPROVED BY: T. MINGUS

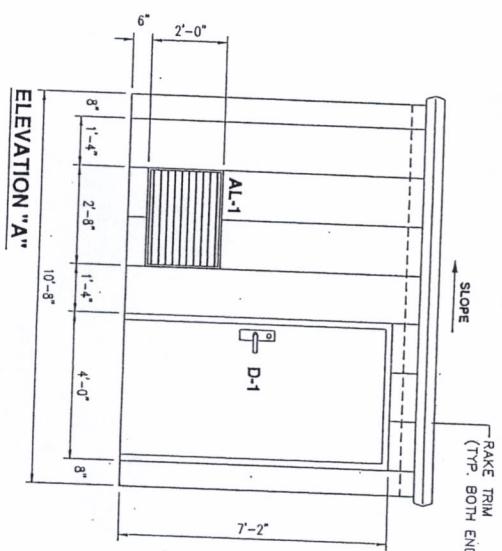
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SHEET 5 of 7



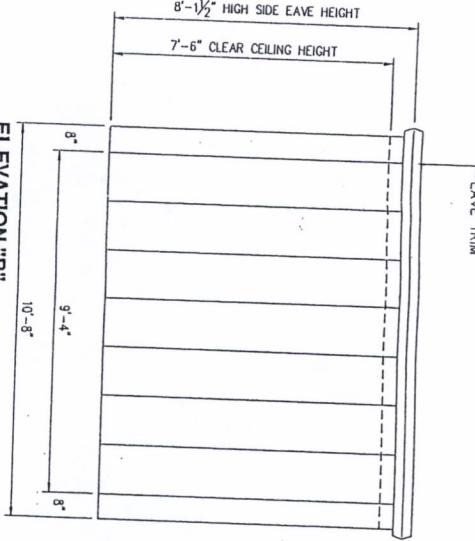
BUILDING FINISH

WALLS: ADVISE
TRIM: ADVISE
ROOF: GALVALUME

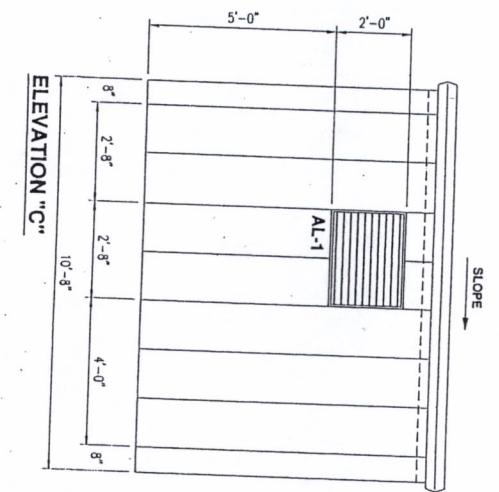


ELEVATION "A"

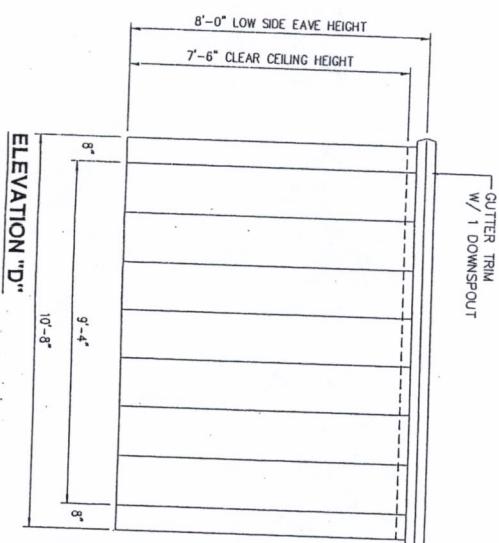
LEGEND:
D-1 - (1) 3'-8" X 7'-0" - WALK DOOR - RHSD - ADVISE COLOR
AL-1 - (2) 2'-8" X 2'-0" ADJUSTABLE LOUVER



ELEVATION "B"



ELEVATION "C"



ELEVATION "D"

REF: PSNC - HARRISBURG T.O.
STATION
PO#: 10-138
DESTINATION: HARRISBURG, NC

JOB DESCRIPTION

METAL
BUILDINGERECTORS INC.
ELEANOR, WV

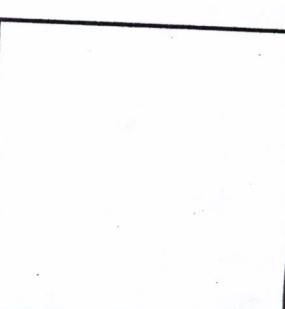
SHEET TITLE

ELEVATIONS

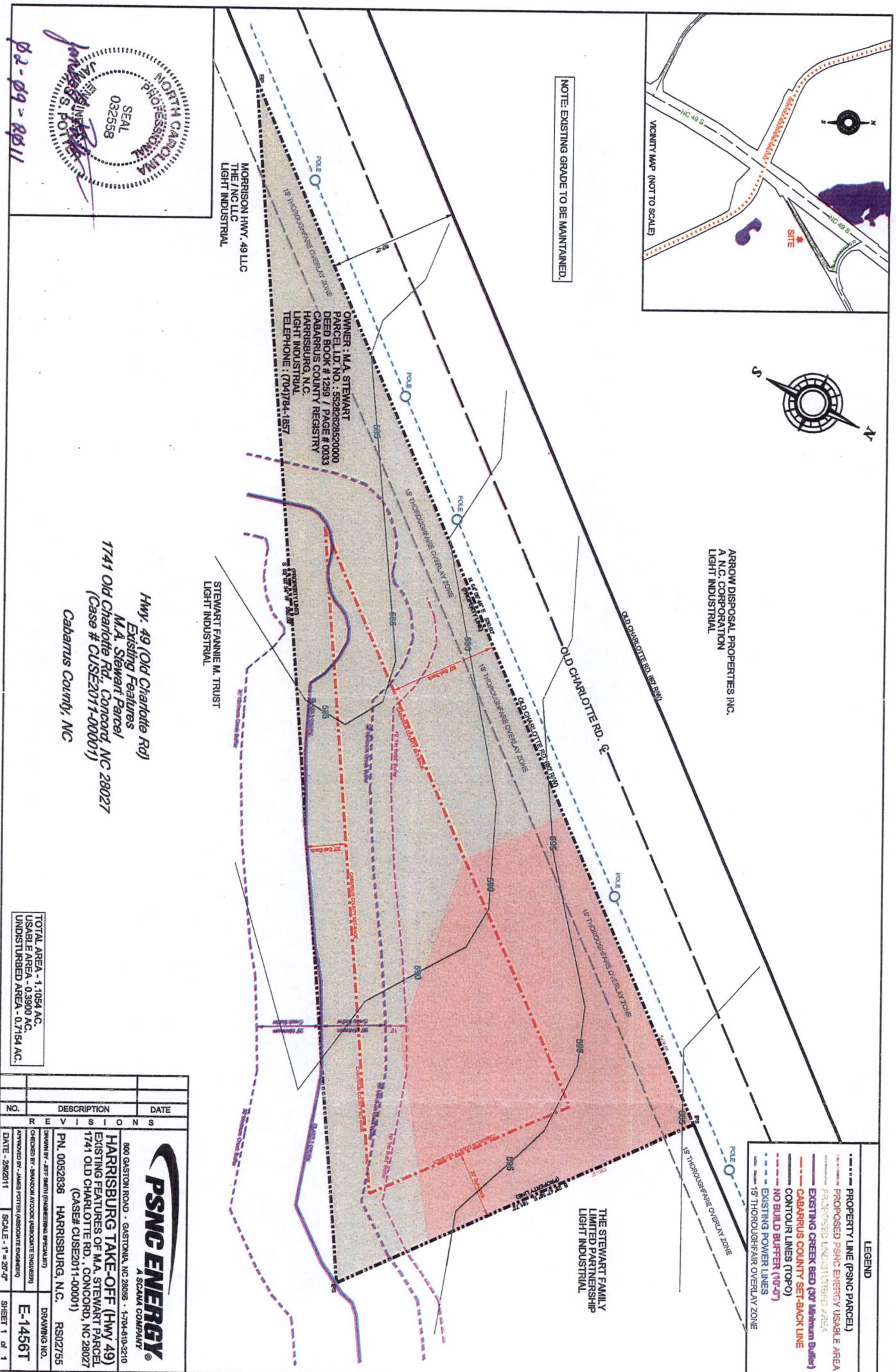


PARKLINE, INC.
P O Box 65 Winfield, WV 25213
phone: (304) 586-2113

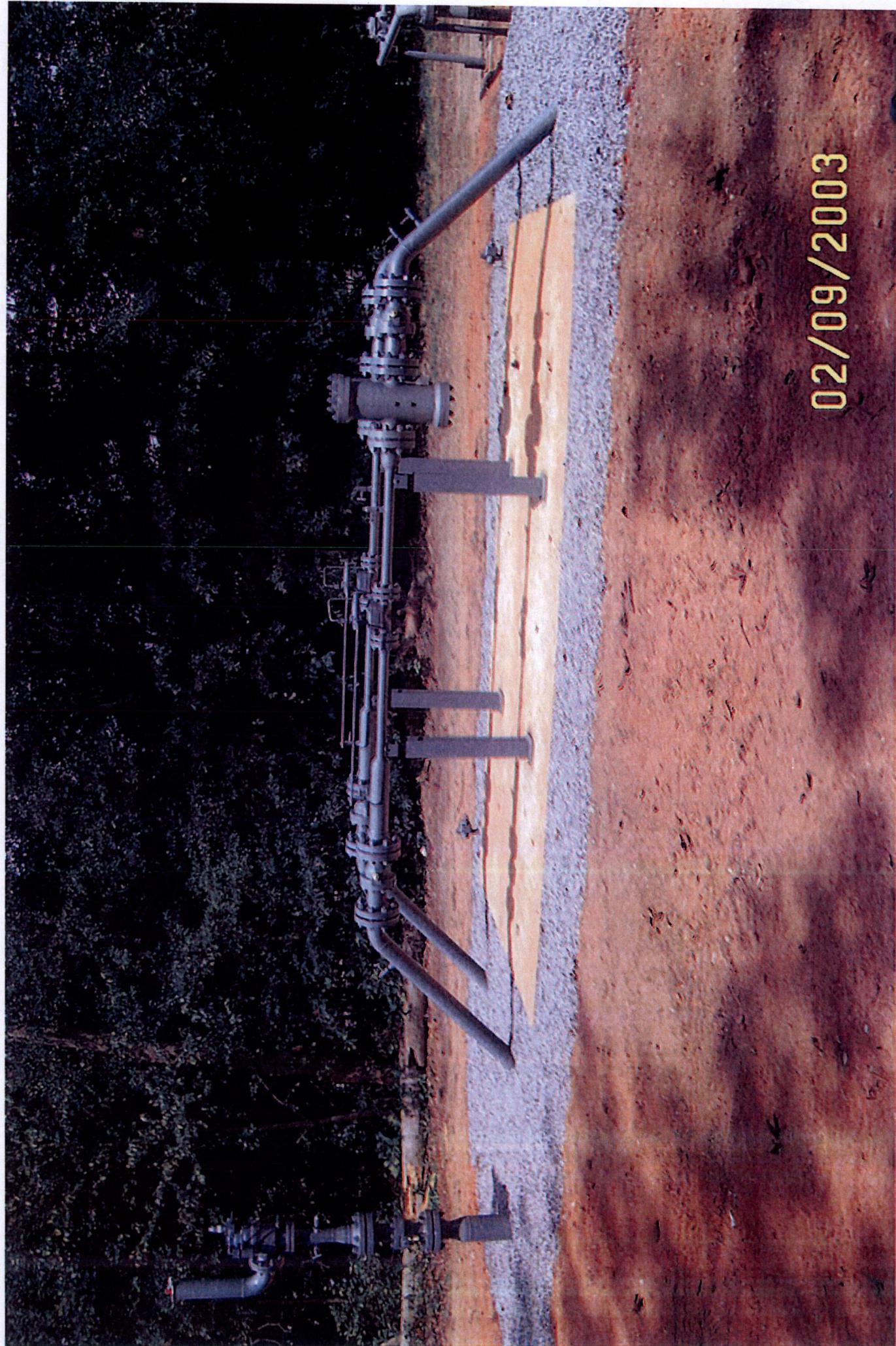
REVISIONS BY



20100785 -4







02/09/2003

PLANNING AND ZONING COMMISSION RULES AND PROCEDURES

ORGANIZATIONAL MEETING

On the date and at the time of the first regular meeting in September of each year, the newly appointed members shall take and subscribe the oath of office as the first order of business. As the second order of business, the Commission shall elect a Chair and a Vice Chair from among the regular members. The Director of Planning and Zoning shall preside during the election process for Chair. As the third order of business, the Commission shall elect a member from among the regular members to serve as Chair in the absence of both the Chair and Vice Chair.

A simple majority of those present shall be necessary to elect the Chair, Vice Chair and the member to serve as Chair in the absence of both the Chair and Vice Chair. The term of office for the Chair, the Vice Chair and the member serving in their absence shall each be for one year and until a successor is elected.

DUTIES OF CHAIR AND VICE CHAIR

The Chair shall preside in an orderly fashion at all meetings, which includes conducting all scheduled business and public hearings, deciding all points of order and procedure, appointing all standing and ad hoc committees, administering oaths to witnesses, and soliciting public comments at each meeting. The Chair may take part in deliberations and vote on all issues.

Additionally, the Chair is expected to present Planning and Zoning Commission recommendations to the Cabarrus County Board of Commissioners that are not presented by County Planning and Zoning staff. Such presentations are to reflect the vote of the Board and the character of the decision-making process that was used by the Board. The Chair may, with the voting approval of the other members, appoint a parliamentarian.

The Vice Chair shall preside in the absence of the Chair and may serve as parliamentarian.

DUTIES AND RESPONSIBILITIES OF MEMBERSHIP

Members shall be appointed by the Board of County Commissioners according to law.

Regular members may be removed by the Board of County Commissioners for good cause, including but not limited to, failure to attend at least two-thirds of the regularly scheduled monthly meetings of the calendar year. Alternate members may be removed for good cause, including but not limited to, repeated failure to attend or

participate in meetings when requested to do so in accordance with regularly established procedures.

If a regular planning and zoning member moves his/her residence outside of the area in which he or she represents or an alternate moves his/her residence outside of Cabarrus County, such shall constitute a resignation from the Commission, effective upon the date a replacement is appointed by the Board of County Commissioners.

Planning and Zoning Commission members shall be adequately prepared to act on a particular case in front of them at the meeting. This involves reading the meeting packet in advance, carefully listening to evidence and testimony and reports presented at the meetings, and carefully deliberating the issues.

Members are encouraged to review issues with the knowledgeable Planning, Zoning and Building Inspection Department personnel. Members are encouraged to visit all sites under review in advance. Members are permitted to discuss the merits or flaws of a legislative matter with any potentially related party prior to the hearing or meeting in which the pertinent information is to be presented. However, members shall not discuss with each other or with any other person the merits of any case in which the decision is quasi-judicial in nature, prior to hearing the evidence in that case. A member shall not intentionally attend an outside meeting (i.e., a non-Cabarrus County Planning and Zoning Commission meeting) to discuss scheduled agenda items unless all other members have been invited, or it is disclosed to the Chair or the Director of Planning and Zoning, and Building Inspection.

LIMITS TO TERMS OF SERVICE

Except in extraordinary circumstances or where otherwise restricted by legislative authority creating or authorizing the creation of County boards, committees, commissions, or councils, it shall be the policy of the Board of Commissioners of Cabarrus County that terms of membership on County boards, committees, commissions and councils shall be staggered and that regular members shall not serve more than six consecutive years. Time served as an alternate member prior to the appointment as a regular member does not count as a part of the six consecutive years of service. The preferred length of terms is three years, with terms staggered such that appointments are made each year. With three-year terms, an individual would normally serve a maximum of two terms. An individual whose initial appointment was to fill an unexpired term shall be eligible to serve the number of full-length terms other members are eligible to serve unless prior to the time for reappointment that individual has already served six consecutive years.

PRESIDING OFFICER WHEN CHAIR IS RECUSED OR EXCUSED

The Chair shall preside at meetings of the Commission unless he or she is recused or excused from considering a particular matter, in which case the Vice Chair shall

preside over that matter. The Chair shall resume presiding as soon as action on the matter is concluded.

ACTION BY THE COMMISSION

The Commission shall proceed by motion. Any member may make a motion.

SECOND REQUIRED

A motion shall require a second.

ONE MOTION AT A TIME

A member may make only one motion at a time.

SUBSTANTIVE MOTIONS

A substantive motion is out of order while another substantive motion is pending.

ADOPTION BY MAJORITY VOTE

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.

VOTING BY WRITTEN BALLOT

The Commission may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the Commission shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the Clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

DEBATE

The Chair shall state the motion and then open the floor to debate on it. The Chair shall preside over the debate according to the following general principles:

- (a) The introducer (the member who makes the motion) is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- (c) To the extent possible, the debate shall alternate between opponents and proponents of the measure.

PROCEDURAL MOTIONS

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption.

In order of priority (if applicable), the procedural motions are:

- (1) **To Adjourn.** The motion may be made only at the conclusion of action of a pending substantive matter; it cannot interrupt deliberation of a pending matter.
- (2) **To Recess to a Time and Place Certain.** The motion shall state the time and place when the meeting shall reconvene and no further notice need be given of a recessed session of a properly called meeting.
- (3) **To Take a Brief Recess.** This motion is in order at any time. The Chair may call a brief recess without a motion or vote.
- (4) **Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.
- (5) **To Suspend the Rules.** The motion requires for adoption a vote equal to two-thirds of the actual membership of the Commission. The Commission may not suspend provisions of the rules that State law imposes on the Commission.
- (6) **To Divide a Complex Motion and Consider it by Paragraph.** This motion is debatable.
- (7) **To Defer Consideration.** A substantive motion the consideration of which is deferred expires after one hundred (100) days have elapsed following the day of deferral unless a motion to revive consideration is adopted. This motion is similar to, but differs from, a motion to lay on the table.
- (8) **Call of the Previous Question.** The motion is not in order until there has been at least twenty (20) minutes of debate, and every member has had opportunity to speak once.
- (9) **To Postpone to a Certain Time or Day.** This motion is appropriate prior to consideration of a matter when more information is necessary or more time is needed. It differs from a recess after consideration has begun and differs from a motion to defer consideration.

(10) **To Refer to a Committee.** Sixty (60) days or more after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Commission, whether or not the committee has reported the matter to the Commission.

(11) **To Amend.** An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the amended motion has the same effect as rejection of the original motion.

A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(12) **To Revive Consideration.** The motion is in order at any time within one hundred (100) days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires after one hundred (100) days have elapsed following the deferral unless a motion to revive consideration is adopted.

(13) **To Reconsider.** The motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken, including any continuation of that meeting through a recess to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting. In the event of a motion for reconsideration and the meeting at which the evidence is heard is recessed to a time and place certain, the Commission shall be reconvened by the same members who heard the evidence at the previous meeting.

(14) **To Rescind or Repeal.** The motion is not in order if rescission or repeal of an action is forbidden by law.

WITHDRAWAL OF MOTION

A motion may be withdrawn by the introducer at any time before a vote.

DUTY TO VOTE

Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interests or official conduct. In all other cases, a failure to vote by a member who is physically present in the Commission chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

If, prior to a meeting, a member knows or believes that there may be a conflict of interest, bias, or prejudice, the member shall inform the Chair or the Director who shall arrange for an alternate member to attend the meeting in the member's place for the particular issue or for the entire meeting. By timely informing the Chair or the Director of a potential conflict prior to a meeting so that an alternate member can be present, a member may recuse (excused because of conflict of interest, bias or prejudice) himself or herself without a majority vote of the Commission.

During a meeting, if a member knows or believes that there may be a conflict of interest, bias, or prejudice, a declaration of that possible conflict shall be made and the Commission shall determine whether such in fact exists. Any person in attendance may also issue a challenge of the existence of same. Should this occur, the Commission shall immediately review the allegations by conducting a hearing with sworn testimony and competent evidence. The Commission shall then make a final determination by majority vote as to the existence of a conflict of interest, bias, or prejudice.

A member may be excused from voting on a particular issue by a majority vote if there is a conflict of interest, bias, or prejudice. The member shall state the issue and refrain from any and all deliberations. A member may be allowed by majority vote of the other Commission members to withdraw from the remainder of a meeting for any good and sufficient reason. In any matter in which a member is excused or recused and an applicant believes it/he/she is prejudiced and requests that the matter be recessed to another date and time, that matter upon majority vote may be recessed and the excused or recused member shall be replaced by an alternate member for that meeting.

FINALITY OF ACTIONS

Unless otherwise stated in the Cabarrus County Zoning Ordinance or according to law, all actions of the Planning and Zoning Commission become final with the approval of the minutes in which the meeting was held or through the issuance of a zoning permit obtained in good faith and reliance on a Commission action.

QUORUM

Five members of the Commission shall constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

MEETINGS

Regular business meetings of the Cabarrus County Planning and Zoning Commission shall be held on the third Thursday of each month at 7:00 p.m. in the Commissioners Room of the Cabarrus County Governmental Center. In the event that this date falls on a holiday, the meeting is to be scheduled on the second Thursday of that month. On rare occasions, there may be a need to hold additional meetings. When this occurs, the meeting will be scheduled by the Chair and termed (1) an emergency meeting if an unexpected circumstance has arisen which requires immediate consideration by the Commission, (2) a special meeting, or (3) a continued meeting.

All meetings shall be conducted upon prior public notice in accordance with the requirements of the Open Meetings Law pursuant to N.C.G.S. §143-318.12 and in accordance with the notice and advertising requirements of the Zoning Ordinance.

By a majority vote of the Commission, the Commission may move into closed executive session to discuss any proper purpose defined by N.C.G.S §143-318-11, including but not limited to, litigation, industrial/business location or expansion, specific personnel matters, state and/or federally required confidential information, and investigations. Before entering into closed executive session, the general nature of the business to be discussed must be stated. The Commission may not discuss matters in closed executive session which were not of the nature announced to the public prior to moving into the closed executive session. An executive session shall include only Planning and Zoning Commission members, the Commission secretary, the Commission attorney, the Director of Planning, Zoning, and Building Inspection, and anyone specifically invited by the Commission who is necessary or appropriate to the conduct of the business of the closed executive session.

PUBLIC HEARINGS

The Chair may apply special rules (subject to a majority vote of the Commission) appropriate to the proper conduct of a public hearing. The Commission must provide a reasonable amount of time for a petitioner to provide all the evidence or information required by the Ordinance to approve an application. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the petition or application; (c) providing for the selection of delegates from groups of persons supporting or opposing the petition or application when the number of persons wishing to attend the hearing exceeds the capacity of the forum (so long as arrangements are made for those excluded from the forum to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the Open Meetings Law applicable to Commission meetings shall also apply to public hearings at which a majority of the Commission is present. A public hearing for which any notices required by the Open Meetings Law or other provision of law have been given may be continued to a time

and place certain without further advertisement. The requirements of the Rule concerning Recessed Meetings shall be followed in continuing a hearing at which a majority of the Commission is present.

At the time appointed for the hearing, the Chair or other presiding officer shall call the meeting to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

QUORUM AT PUBLIC HEARINGS

A quorum of the Commission shall be required at all public hearings required by State law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular Commission meeting without further advertisement.

MINUTES

Full and accurate minutes of Commission proceedings shall be kept and shall be open to inspection by the public, except as otherwise provided in this Rule. The results of each vote shall be recorded in the minutes, and on the request of any member of the Commission, the "aye's" and "no's" upon any question shall be specifically taken.

Full and accurate minutes shall be kept of all actions taken during closed executive sessions. Minutes and other records of a closed executive session may be withheld from public inspection as provided by State law.

REFERENCE TO ROBERT'S RULES OF ORDER

To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the Commission shall refer to Robert's Rules of Order, Revised, to answer unresolved parliamentary questions.

AMENDMENTS

These Rules and Procedures may be amended at any time by an affirmative vote of at least seven of the members. Any amendments shall be presented in writing at a regular or special meeting before the meeting in which the vote is taken.

REFUNDS

It is the policy of the Commerce Department and the Planning and Zoning Commission that refunds of fees paid for Planning and Zoning Commission and Board Adjustment matters shall not be given if these matters have been properly noticed and properly processed by staff.

Appeal of this policy shall be heard by the Planning and Zoning Commission. The aggrieved party may also then appeal to the Board of County Commissioners.

PLANNING AND ZONING BOARD ACTING AS THE BOARD OF ADJUSTMENT

The Planning and Zoning Board, acting as the Board of Adjustment, shall follow the same rules and procedures established above as well as the following.

SUPERMAJORITY AND ALTERNATE MEMBERS

Pursuant to N.C.G.S. §153A-345, the Board of Adjustment, by a vote of four-fifths of its members, may reverse any order, requirement, decision, or determination of an administrative officer charged with enforcing an ordinance adopted pursuant to the Ordinance, or may decide in favor of the applicant a matter upon which the Board is required to pass under the Ordinance, or may grant a variance from the provisions of the Ordinance.

Vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the board" for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.

Alternate members shall be used to fill vacancies in the following manner:

1. Absent member positions shall be filled first
2. Positions of members disqualified from voting on a quasi-judicial matter shall be filled next
3. Vacant positions shall be filled last

The required supermajority vote shall be calculated based on the number of positions filled using this method of substitution.

CONFLICT OF INTEREST

Pursuant to N.C.G.S. §153A-345, a member of the Board or any other body exercising the functions of a board of adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate the affected person's constitutional right to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If

an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

