



Rowan County Planning and Development Department

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MEMORANDUM

TO: Chairman Edds and Commissioners
FROM: Ed Muire, Planning Director
RE: **STA 03-16**
DATE: October 28, 2016

BACKGROUND: STA 03-16 Text

Discussions regarding the creation and transfer of lots not intended for residential or commercial use that were still regulated under the definition of “subdivision” prompted the Staff proposal for “utility lots” in the subdivision ordinance. As noted in the attached ordinance amendments, the idea of a utility lot existed in the ordinance, but was never clearly defined until this Staff generated text amendment.

As typical with other text amendment proposals, the text recommended for deletion appears as ~~strike through~~ and new text appears as ***bold italics***. Staff Commentary in the sidebar of the text amendment packet should provide adequate insight into the rationale for the change.

PLANNING BOARD RECOMMENDATION

Originally included for consideration with the ZTA 02-16 text at its September 26 meeting, the Planning Board opted to have continued discussion and a second courtesy hearing on the STA 03-16 text at its October 24 meeting. The additional review was prompted by uncertainties and concern about creation of tracts under the proposed “utility lot” provision by Alcoa and how this may impact adjoining property owners.

In response to Planning Board concerns, Staff prepared the accompanying maps (ALCOA 1 thru 5) and descriptions of “Utility Lot Impacts” (included herein) for review at its 10-24-16 meeting that depict areas where Alcoa had proposed to create lots that didn’t comply with the County’s subdivision ordinance due to frontage, dimensions, size, etc. However, due to scheduled conveyances between Alcoa and Cube Hydro, Alcoa presented plats for each of these scenarios and obtained administrative approval as exceptions to the County’s subdivision ordinance based on combination with an adjacent parcel or being in excess of ten (10) acres. Combinations of property and tracts in excess of 10 acres are generally exempt from subdivision regulations due to North Carolina General Statute provisions. Attachment 1 is an excerpt from the County’s subdivision ordinance that defines a subdivision of property and also, what is exempt from regulation.

The maps are included for reference and may offer some insight into the concerns of the Planning Board and their subsequent recommendation to eliminate references in the utility lot definition of “*common areas, open spaces and other similar environmental areas.*” Likewise, their Statement of Consistency recommending approval of the modified STA 03-16 text states:

The STA 03-16 text amendments as modified are consistent with the East and West Land Use Plans based on their respect of private property rights as it relates to the creation of common areas, open spaces and environmental areas adjacent to residential areas.

UTILITY LOT IMPACTS

The lot depictions in each of the scenarios below have been “mapped” by Staff and are intended as visual representations only. The purple shaded areas represent the extent of the Special Flood Hazard Area (SFHA), i.e. 100-year floodplain.

- § **ALCOA 1** – The proposed division of .347 acres (shown in red) includes the Little Crane Creek Access area. The “lot” was created from Tax Parcel 615-006 owned by Alcoa Power Generating Inc. (APGI) which consists of 39.7 acres and was combined with the High Rock Lake property identified as Tax Parcel 600-0360000001 is also owned by APGI.
- § **ALCOA 2** – The proposed division of 1.313 acres (shown in red) includes the Cedar Creek Access area. The “lot” was created from Tax Parcel 515-001 owned by APGI which consists of 255.93 acres and was combined with the Tuckertown Reservoir property identified as Tax Parcel 506-0050000001 also owned by APGI.
- § **ALCOA 3** – The proposed division of two tracts (both shown in red) include the Royals Creek Access area. The .327 acre lot was created from Tax Parcel 534-0060000001 which consists of 679.98 acres and the .829 acre tract was created from Tax Parcel 534-0060000002 consisting of 36 acres. Both of these tracts were combined with the Tuckertown Reservoir property identified as Tax Parcel 506-0050000001 owned by APGI.
- § **ALCOA 4**- The proposed division of two tracts (both shown in red) include the Flat Creek Fishing area. The .131 acre and .491 acre lots were created from Tax Parcel 531-0050000001 consisting of 874.1 acres. Both of these tracts were combined with the Tuckertown Reservoir property identified as Tax Parcel 506-0050000001 owned by APGI.
- § **ALCOA 5** – The proposed division of the 10.4 acre tract (shown in red) is a portion of Tax Parcel 503-007 which consists of 141.3 acres. This area is encumbered by the Shoreline Management Plan as part of APGI’s Federal Energy Regulatory Commission (FERC) license. Creation of this tract will allow for conveyance to Cube Hydro and eliminate future and current owners to permitting by APGI; rather one entity, Cube Hydro, will be responsible for pier and dock permitting.

Sec. 22-6. - "Subdivision" Defined.

For the purpose of this chapter, "Subdivision" means all division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one (1) or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this chapter.

- (a) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of Rowan County as shown in this chapter.
- (b) The division of land into parcels greater than ten (10) acres where no street or private or public street right-of-way dedication is involved.
- (c) The public acquisition by purchase of strips of land for the widening or opening of streets.
- (d) The division of a tract in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of Rowan County as shown in this chapter.
- (e) The division of a tract into plots or lots used as a cemetery.
- (f) Land divided by a will or the courts for the purpose of dividing up a deceased persons property.