

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, JANUARY 4, 2021**

The Lincoln County Board of County Commissioners met on January 4, 2021, at the James W. Warren Citizens Center Auditorium, 115 West Main Street, Lincoln, at 4:00 PM

Commissioners Present:

Carral Mitchem, Chairman  
Milton Sigmon, Vice-Chairman  
Anita McCall  
Bud Cesena  
Cathy Davis

Others Present:

Kelly G. Atkins, County Manager  
Josh Grant, Programs Manager  
Amy S. Atkins, Clerk to the Board

Members Present:

Jamie Houser, Chairman  
Doug Tallent, Vice-Chair  
Robert Shugarman, Secretary  
Jenni Boyles  
Keith Gaskill  
Jeff Pariano

Staff Present:

Andrew Bryant, Director  
Randy Hawkins, Zoning Administrator  
Amy Brown, Clerk to Planning Board

Andrew Bryant gave a Powerpoint presentation concerning Chapter 160D.

# Agenda

- Background
  - **Quasi-judicial Decisions**
  - Conditional Use Permit → Special Use Permits
  - Statements of Consistency
  - Vested Rights
  - Minor Modifications Definition(s)
  - Historic Preservation Commission
  - NCGS References
  - Conflicts of Interest
  - Timeline
- 

## Background

- First major recodification since 1905
  - Initiated by the NC Bar Association in 2013
    - Support from American Planning Association ( NC Chapter)
  - Several visits to the House and Senate floor
  - 5 years on consensus changes
  - Not intended to execute policy changes
  - Focused on accommodating case law, clarifying municipal and county authority. Divining when differences are intended to exist.
  - Many changes will just live in statutes and don't appear in local ordinance
-

# Quasi-judicial Decisions

- Planning Board (Advisory Board) may act as a preliminary forum for review.
  - Not an evidentiary hearing
- No part of the forum nor a formal recommendation may be used as a basis for the deciding board.
- Options
  - Decision making body
    - Planning Board
    - Board of Adjustment
    - Board of County Commissioners

---

**UPON MOTION** by Commissioner Cesena, the Board voted 3 – 2 (FOR: Mitchem, Cesena, Sigmon; AGAINST: Davis, McCall) that the Board of Commissioners continue to hear Quasi-Judicial cases.

## Conditional Use Permit → Special Use Permits

- Purpose = Clarify distinction between QJ and Legislative processes
  - Elimination of Parallel Conditional Use Rezoning (PCUR)
    - Historic PCUR cases affected
  - All references in Use Table
  - Extension of validity from one year to two years
-

# Statements of Consistency

- Simplify statements
    - Delete requirement to use 1 of 3 predefined statements
    - Replace with brief description of how action is or is not consistent
  - Simplify Land Use Plan Map amendment
    - If inconsistent zoning amendment is adopted
  - Motions
    - Can approve zoning amendment and plan statement in one motion
- 

# Vested Rights

- Sets Defaults based on Approval / Development Type
- No separate notice requirements

Approval Type	Vesting Period
Building Permit	6 months for first inspection
Development Approval	1 year
Site Specific Vesting Plan	2-5 years
Multi-Phase Development	7 years
Development Agreement	Defined by terms
Common Law Vested Rights	

---

# Minor Modifications Definition(s)

- Defined by ordinance
- Parameters for amount of change
- No change in permitted uses or density
- Major modifications still go back through original approval process

# Historic Preservation Commission

- Mostly change in references
- *Decision* to change name from Historic Properties Commission to Historic Preservation Commission to align with statutory language
- *Decision* appeals of Historic Preservation Commission decision to go straight to superior court rather than Board of Adjustment.

## NCGS References

- Throughout document
- Missed reference changes may be administratively changed

## Conflicts of Interest

- Actual Conflicts v. Appearance of Conflicts
- Definition expanded to more closely mirror QJ proceedings
- *Direct, substantial financial interest, or close familial, business or association relationship.*
- Close familial relationship: spouse, parent, child, brother, sister, grandparent or grandchild (including step, half and in-law relationships)
- Yearly written acknowledgement

# Timeline

- Workshop: January 2021
- Public Hearing: March 2021
- Effective Date: April 1, 2021

**Adjourn:** UPON MOTION by Commissioner McCall, the Board voted unanimously to adjourn.

---

Amy S. Atkins, Clerk  
Board of Commissioners

---

Carrol Mitchem, Chairman  
Board of Commissioners