

**PINEHURST VILLAGE COUNCIL
AGENDA FOR REGULAR MEETING OF June 27, 2006
395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
1:00 P.M.**

1. Call to Order.
2. Presentation.
3. Approval of Consent Agenda.

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held unless requested by a member of the Village Council.

- A. Approval of Draft Minutes:
 - Work Sessions of May 9 and 23, 2006
 - Special Work Session of May 9, 2006
 - Regular Meeting of May 23, 2006
 - Closed Sessions of May 9 a.m. and p.m. and May 23, 2006
- B. Public Safety Reports:
 - Police Department
 - Fire Department
- C. Scheduling of Regular Meeting for Tuesday, July 25, 2006 at 1:00 p.m.

End of Consent Agenda.

4. Budget Amendments Report to Council.
5. Recess Regular Meeting and Enter Into Public Hearing.
6. Public Hearing #1: Architecture - Official Text Amendment to sections 2.2, 10.2.2.2, 10.2.6.3, and Appendix B.
7. Public Hearing #2: Landscaping - Official Text Amendment to sections 2.2, 10.2.6.5, Appendix A, and Appendix B.
8. Public Hearing # 3: Well field - Official Text Amendment to section 10.2.10.2 (4) (i), (ii), (iii), (iv), (v), (vi), (vii) and (5) (i).
9. Public Hearing #4: Mobile Home Parks -Official Text Amendment to Section 3.6 Nonconformities and Section 2.2 Definitions.
10. Adjourn Public Hearing and Re-Enter Regular Meeting.
11. Other Business.
12. Comments from Attendees.
13. Adjournment.

**MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
JUNE 27, 2006**

**ASSEMBLY HALL – VILLAGE HALL
395 MAGNOLIA ROAD
PINEHURST, N. C.**

1:00 P.M.

The Village Council of the Village of Pinehurst held a Regular Meeting on Tuesday, June 27, 2006, at 1:00 p.m. in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina with the following in attendance:

The Honorable Steven J. Smith, Mayor
The Honorable George E. Hillier, Mayor Pro-Tem
The Honorable Virginia F. Fallon
The Honorable Douglas A. Lapins
The Honorable Lorraine A. Tweed
Mr. Andrew M. Wilkison, Village Manager
Ms. Linda S. Brown, Village Clerk
And approximately 35 persons in the audience.

1. CALL TO ORDER.

Mayor Steven J. Smith called the meeting to order.

2. PRESENTATION.

Councilmember Fallon presented a framed Resolution and a paperweight bearing the emblem of the Pinehurst Centennial to Mr. Richard J. ("Dick") Kuehl honoring his service as vice-chairman of the Pinehurst Community Watch Board. (Copy of Resolution #06-10 is in the 2006 Resolution Book.)

3. APPROVAL OF CONSENT AGENDA.

All items listed below were considered routine or had been discussed at length in previous meetings and were enacted by one motion. No separate discussion was held except on request by a member of the Village Council.

- A. Approval of Minutes of:
 - Work Sessions of May 9 and 23, 2006
 - Special Work Session of May 9, 2006
 - Regular Meeting of May 23, 2006
 - Closed Sessions of May 9 a.m. and p.m. and May 23, 2006
- B. Public Safety Reports- Police and Fire Departments.
- C. Scheduling of Regular Meeting for Tuesday, July 25, 2006 at 1:00 p.m.

End of Consent Agenda.

Councilmember Hillier moved to approve all the items listed and considered routine on the Consent Agenda. The motion was seconded by Councilmember Fallon and the Consent Agenda was unanimously approved.

4. BUDGET AMENDMENTS REPORT TO COUNCIL.

Councilmember Tweed moved to receive the Budget Amendments Report to Council for the period May 15, 2006 to June 15, 2006. The motion was seconded by Councilmember Lapins and carried unanimously.

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5. RECESS REGULAR MEETING AND ENTER INTO PUBLIC HEARINGS.

Councilmember Fallon moved to recess the Regular Meeting and enter into a Public Hearing on Planning and Zoning and Other Matters. The motion was seconded by Councilmember Hillier and carried unanimously.

6. PUBLIC HEARING #1: Architecture - Official Text Amendment to sections 2.2, 10.2.2.2, 10.2.6.3, and Appendix B.

Comments:

Andrea Correll, Director of Planning and Inspections: These amendments will add provisions to new construction of single family residences in the R-10, R-15, and R-20 zoning districts. All new single family development in these zoning districts must meet the architectural standards set forth. The amendment to Section 10.2.2.2 will add to the table of dimensional requirements to accommodate new height regulations proposed in Section 10.2.6.3. The amendment to Section 2.2 will add definitions and terms to supplement the new construction provisions. The amendment to Appendix B will add requirements for site plan submittals in the R-10, R-15, and R-20 zoning districts.

Doug Middaugh, Pinhurst resident, read a prepared statement and requested that the statement and two accompanying photographs be distributed to Council after the meeting. (See document #1 which is hereby incorporated by reference and made a part of these minutes.)

Steve Harris, President of the Moore County Homebuilders Association who lives in Carthage, read a prepared statement and distributed a copy to the Council. (See document #2 which is hereby incorporated by reference and made a part of these minutes.)

Randy Pate, a professional home designer who lives in Pinhurst, stated that the proposed changes leave a lot of room for interpretation and also leave a lot of questions. He mentioned a difficulty with shutter placement and the 28 foot height requirement. He suggested taking a closer look at the requirements and comparing them to already-built samples. He volunteered to provide some examples to staff.

Tom Campbell, a Pinhurst resident who currently serves on the Planning and Zoning Board, applauded the inclusion of the 13 elements listed as choices. He suggested a review of the proposal by a group of local architects.

John Hoffman, a Pinhurst resident, stated that he favors adoption of the architectural standards. He applauded the completed work which included lots of compromise.

Randy Pate began listing specific examples from the proposed changes and explaining how it would present a problem.

Mayor Smith asked Mr. Pate if he would be willing to meet with Andrea Correll and her staff to give more input. **Mr. Pate** replied that he would.

Mayor Smith asked Steve Harris if the document he had just delivered means that neither he nor the Homebuilders will give any input into rewriting the architectural section. **Mr. Harris** replied that neither he nor the Homebuilders will help.

Councilmember Tweed asked Mr. Pate if he had a suggestion concerning the 28 foot height limitation since he had stated his opposition to it. **Mr. Pate** replied that he had an idea but it was difficult to explain- basically just look at the surrounding neighborhood and design accordingly.

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Mickey D. Bernard, a Pinhurst resident, noted that he is a builder, a licensed contractor and realtor and has built 105 houses in the #6 area. He stated that he strives to design well and feels these changes will take away the rights of the owners, designers and builders. This limits creativity and he want to go on record as totally against it.

7. **PUBLIC HEARING #2: Landscaping - Official Text Amendment to sections 2.2, 10.2.6.5, Appendix A, and Appendix B.**

Comments:

Andrea Correll, Director of Planning and Inspections: These amendments will add provisions to new construction of single family residences. All new single family development in these zoning districts must meet the landscaping standards set forth.

Doug Middaugh, Pinhurst resident, read a prepared statement and requested that the statement and two accompanying photographs be distributed to Council after the meeting. (See document #3 which is hereby incorporated by reference and made a part of these minutes.)

Steve Harris, President of the Moore County Homebuilders Association who lives in Carthage, read a prepared statement and distributed a copy to the Council. (See document #4 which is hereby incorporated by reference and made a part of these minutes.)

Mayor Smith asked Steve Harris if the one point in the letter that the Homebuilders are against is changed, would the association support the changes totally. **Steve Harris** replied that they would.

8. **PUBLIC HEARING #3: Well field - Official Text Amendment to section 10.2.10.2 (4) (i), (ii), (iii), (iv), (v), (vi), (vii) and (5) (i).**

Comments:

Andrea Correll, Director of Planning and Inspections: These amendments will amend the provisions to the well field development regulations. They are proposed to make the PDO consistent with Moore County's ordinances. It should be noted that Moore County inspects the installation of irrigation wells for the Village of Pinhurst.

Doug Middaugh, Pinhurst resident, read a prepared statement and requested that the statement and two accompanying photographs be distributed to Council after the meeting. (See document #5 which is hereby incorporated by reference and made a part of these minutes.)

Marcus Jones, Moore County Public Works Director, stated that Moore County appreciates Pinhurst's efforts to maintain wells, but Moore County Public Utilities needs the authority to take actions up to and including abandonment of the well. (Moore County Interim Manager David Cotton had written a letter to Village of Pinhurst Manager Andy Wilkison detailing these proposed changes to these PDO sections. See document #6 which is hereby incorporated by reference and made a part of these minutes.)

Mayor Smith stated that Council will need more input on this issue before making any decision on it. We do support this attempt to protect our water source.

9. **PUBLIC HEARINGS #4: Mobile Home Parks -Official Text Amendment to Section 3.6 Nonconformities and Section 2.2 Definitions.**

Comments:

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Andrea Correll, Director of Planning and Inspections: This proposed added text will define Mobile Home Parks and establish regulations for bringing nonconforming Mobile Home Parks into a conforming use.

Doug Middaugh, Pinchurst resident, read a prepared statement and requested that the statement and two accompanying photographs be distributed to Council after the meeting. (See document #7 which is hereby incorporated by reference and made a part of these minutes.)

Mayor Smith noted that this issue had been discussed in today's Work Session. The PDO does not provide for mobile home parks. There are two mobile home parks in Pinchurst, but they are illegal uses since no zoning allows them. These parks predate the present PDO and the previous PDO and are "grandfathered." There is a problem with that designation. In other instances of illegal things being "grandfathered" (such as billboards) the process is that when they are destroyed, they are not allowed to be rebuilt. This is not a problem with billboards, but it certainly is for a mobile home. I would not want to tell a person whose mobile home was just destroyed by a tornado that he may not rebuild or replace it.

We will revisit this issue, but we don't want to open the door for other nonconforming uses to thus be allowed.

10. ADJOURN PUBLIC HEARING AND RE-ENTER REGULAR MEETING.

There being no further discussion, Councilmember Lapins moved to adjourn the Public Hearing and re-enter the Regular Meeting. Councilmember Fallon seconded the motion and it carried unanimously.

11. OTHER BUSINESS.

There was none.

12. COMMENTS FROM ATTENDEES.


Randy Pate asked what happens now. **Mayor Smith** replied that Council will meet with Andrea and her staff. Rewrites will be done, then another Public Hearing will be held. Landscape seems to be okay, but architecture needs a rewrite.

Bonnie Underwood stated her concern that if her home were destroyed would she have to meet these requirements to rebuild. **Mayor Smith** replied that if the home is more than 50% destroyed builders must meet the requirements currently in place.

13. ADJOURNMENT.

Councilmember Hillier moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Fallon and carried unanimously. The Regular Meeting adjourned at 1:51 p.m.

Respectfully Submitted,



Linda S. Brown, CMC
Village Clerk

Public Hearing #1 (Architecture) Comments: - Submitted by Doug Middaugh

I first believe that the R-30 zoning classification should be included with the R-10, R-15 and R-20 districts the architecture standards are limited to. The primary reason for this is that the front and rear setback distances for both R-20 & R-30 are the same, for non course/lake abutting lots, and as such, any visual issue may be viewed at the same distance within both classifications. There is no logic to correcting an issue on an R-20 lot and allowing the same issue to occur on an R-30 lot.

In this regard, I acknowledge the Village position that the majority of the remaining R-30 undeveloped lots are in gated communities having separate standards which are typically tighter or higher. As such, this makes the possibility of a defective occurring unlikely as current PDO language is clear that the higher standard prevails. Unfortunately, this is apparently not uniformly administered within the three communities as evidenced by the attached photos. Photo #1 shows a home currently under construction in #7 having a front entryway that will undoubtedly set a new high for an entryway in Pinehurst. It is obviously situations of this type that have caused proposed future entryways to be limited in height. Unfortunately, by excluding the R-30 classification from the proposed standards, this situation will be allowed to continue which makes little common sense.

My next comment is specific (10.2.6.3.2 (a)(1)) to the proposed twenty-eight (28) foot limitation for new construction when there is an adjacent single story home on either side of the proposed new construction. The proposed limit does not take into account the topography of the lot, which given the severity of a front – rear lot slope, may make in effect the lot un-buildable which should not be the objective of the proposed language. Considerable time and effort was spent in developing the current PDO 35 foot height limitation for residential construction and as such, I see no need to further restrict ones ability to build on a lot.

In addition, it should be remembered that the proposed 28 foot limitation, in no manner, takes into account that an existing single story home may very well be on either side of the proposed construction that far exceeds twenty-eight feet in height for the simple reason that the existing home was built under the prior criteria when only the front height was measured. There are numerous examples when new construction, in effect, does need to approach the 35 foot height limit to appear in harmony with construction on either side of it.

I think it also reasonable to consider that construction to the immediate rear of the new construction may in fact exceed being a single story thereby having just a visual impact of adjacent homes to it which were only considered in the 28 foot limitation.

My next comment pertains to the proposed entranceway limitation of ten (10) foot six (6) inches above the finished first floor (10.2.6.3.2 (a) (3)). Photo #2 shows a just completed, architect designed, home on Lake Pinehurst having an entranceway in symmetry with other roof lines. I believe that the very fact that the architect took this into account should not be prevented in the future as this home is in an R-20 district. I believe the Community Appearance Committee is empowered to address matters of this nature thereby negating the need for an arbitrary entranceway limit that would certainly limit the creativity of future construction.

My final comment on the proposed standards is by far the most impacting as it speaks to the very real fact that the proposed standards, if adopted as written, have the direct effect of making many, many homes in Pinehurst "Nonconforming Structures" as defined by the PDO Section 3.6.3. The implication of this would be considerable as probably the owners of most homes currently for sale in Pinehurst should disclose this fact prior to sale but would be unaware and thus not do so. Further, with the specific 50 percent criteria stated in 3.6.3 (c) a current or new home owner may be placed in a situation where his residence could not be re-built. The only obvious answer to this situation is to add specific language in 3.6.3 which would clearly speak to existing residences being "grandfathered" and by also raising the current 50% criteria to a point substantially higher, say 90%. It should be remembered that the current language in 3.6.3 (c) of "...replacement cost at time of destruction..." and consideration of today's building costs cause the current 50% point to be easily reached.

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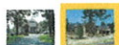
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Moore County Home Builders Association, Inc.

Building with Pride in Moore County

1295-B Old US Hwy #1 South
Southern Pines, North Carolina 28387
Phone: 910-695-1464 • Fax: 910-695-0656

June 27 2006

Mayor and the Council:

On behalf of the MCHBA, I thank you for allowing me to address this issue today.

As you know, we have entered into many conversations over the last several months on Architectural Standards in the Village of Pinehurst. The Home Builders Association has always supported good design as it relates to the Village and its surrounding communities, but as I have said before, finds it very difficult to legislate and codify.

We are of the opinion that you, as a municipality, do not have the authority to impose this type of restriction on the residents of the Village.

We further believe that North Carolina Law does not provide the necessary authority for municipal governments to create such ordinances. Architectural standards do nothing to protect public health or safety.

- Submitted by Steve Harris

Public Hearing #2 (Landscaping) Comments: - Submitted by Doug Middaugh

My first comment is specific to the 10.2.6.5 (a) exception note. To begin, "...yards around the dwelling..." is undefined and should be clarified by saying as example "On R-210 lots, only a tree survey for an area defined by the minimum set back distances wrt the proposed home location is required". I think it also appropriate that the second sentence of the exception note "... The purpose..." should stand alone following the exception as the intention is not to clear cut any lot not just the R-210 lots.

My next comment is specific to errors in the proposed "Landscaping Point System" table. Specifically, in "Preserve Existing" it is inappropriate to show a point value for "Native/Xeriscape Shrubs" as shown as I believe it highly unlikely that one will be found with a 3" to 10" DBH. Shrubs and plants should be in a separate table to clarify this matter. The same situation exists for shrubs & plants under "New Planting".

My next comment is specific to 10.2.6.5 (c). Point requirements appear to have been established on a base of 25 for an R-5 lot then incremented 5 points additionally per higher zoning classification. Unfortunately, this method in no manner takes into account the significant square footage changes in lot sizes as it relates to visual impact. As example, an R-30 lot may be at a minimum six times larger than an R-5 lot yet only twice the landscaping is required. If anything, this causes the R-5 lot to appear over landscaped while the R-30 lot is viewed as under landscaped. If anything, this should be viewed as a penalty to the smaller lot. I believe this inequity in the proposed point system should be addressed.

My next comment is specific to 10.2.6.5 (d). It is assumed that the 40% of foundation plants required to be seven gallon in size would be uniformly spaced around the foundation. Unfortunately, this is not stated thereby allowing the plants to be grouped in one area thus defeating the intent of the language. It is suggested that language be added requiring the 40% to be balanced wrt the total installed thus ensuring that the intent of the requirement is achieved.

My last comment is probably the most important as I wish to point out how the intent of the proposed requirements are easily circumvented to the point that only one Understory tree plus foundation plantings would be required to satisfy the requirements. As example, for an R-10 lot, 35 points are required as well as 35 foundation plants. There is absolutely no language in the proposed requirements to say that the point value of the foundation plants is not counted in the total requirements. As such, 35 Yaupon Hollies around the foundation plus one Dogwood added satisfy the requirements. It is obvious that further consideration of this matter by the P&Z Committee is required.



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Building with Pride in Moore County

1295-B Old US Hwy #1 South

Southern Pines, North Carolina 28387

Phone: 910-695-1464 • Fax: 910-695-0656

June 27, 2006

Mayor and the Council:

On behalf of the MCHBA, again I thank you for allowing me to address this issue.

As a Home Builders Association, we support the landscape changes and new point system. We agree that preserving native trees only enhances most properties.

We object to the inclusion of non specimen trees in the required survey. This is an unnecessary cost to the lot owner. We want all specimen mature trees surveyed and saved if possible, such as pines, dogwoods, hollies and magnolias.

We look forward to continuing to safeguard the unique ambiance that is part of the beauty of Pinehurst.

-Submitted by Steve Harris

Public Hearing #3 (Well field) comments: - Submitted by Don M. Delaugh

My first comment is specific to 10.2.10.2 (b) (4) (i). I recognize the value in having a set back from any suspected contaminant plume, however, the proposed language and process for obtaining a permit is not user friendly in that the County determinates the boundaries of any plume. To correct this situation, I think it entirely reasonable that the County provide to the P&Z Department up-to-date scaled maps of any plume which would allow any perspective well owner to determine in advance if his/her property met the necessary 2000 foot set back. This would allow any potential well owner to determine in advance if his/her site qualified and save considerable effort that is lost under current procedure.

My last comment is specific to 10.2.10.2 (b) (4) (v). The proposed criteria, by its wording, cause a situation that is virtually impossible to comply with. The wording of "...all potential sources..." and "...but not limited to..." cause a condition that simply can not be complied with. This was confirmed in a P&Z meeting when it was stated, in response to question, that a well owner could not contour the land around a wellhead to prevent groundwater from coming in contact. If well owners are denied the right to make mediation efforts why are we going through the motions of this process when any permit application could be denied?



~~STEVEN D. WYATT~~
~~County Manager~~

~~JOYCE MCGHEE~~
~~Personnel Director~~

DAVID B. COTTON
Assistant County Manager
INTERIM

County of Moore

CAROL T. THOMAS
Clerk to the Board

June 15th, 2006

Mr. Andy Wilkison, Village Manager
Village of Pinehurst
395 Magnolia Road
Pinehurst, North Carolina 28374

Dear Mr. Wilkison:

The County of Moore recommends the attached revisions to your Pinehurst Development Ordinance in reference to Chapter 10, Section 10.2.10 Well Field Development Regulations. We believe these revisions will provide additional recourse to procedural violations necessary for the Pinehurst Well Field Protection Ordinance to remain an effective, working document to protect water quantity and quality in the Middendorf Aquifer. The County of Moore appreciates the opportunity to provide these recommendations for your consideration.

Please contact me at (910) 947-6363, if you have questions or if I may be of further assistance.

Best regards,

David B. Cotton, Interim County Manager

cc: Marcus Jones, Director of Public Works

Attachment

Andrea -

Rec'd

6-20-06

Don't know if you
need them to enter
them into record -

Section 10.2.10 Well Field Protection

10.2.10.1 Purpose and Scope; Well Field Map Established

The main source of safe drinking water for the Village is the Pinchurst Well Field that consists of municipal wells that tap the Middendorf Aquifer that lies beneath the Village. The Middendorf Aquifer is the only available aquifer in the area to supply safe drinking water for the Village. The Pinchurst Well Field is shown on a map on file in the Department of Planning and Inspection and that may be redrawn from time to time by the addition of new municipal wells. The Pinchurst Well Field is established by drawing a circle with a 2,000-foot radius from the center point of each municipal well as now or hereafter established and including any area created as an enclave within the exterior boundaries of such circles. The Pinchurst Well Field map as now or hereafter drawn is hereby adopted and made a part of this Ordinance.

Lots and parcels that are shown on the Well Field Map as being partially within and partially outside the designated well field area may be permitted to construct an irrigation well as a special exception within the part of the lot or parcel within the well field protection area provided that the Zoning Board of Adjustment finds based on factual evidence presented, that no reasonable alternative exists for the construction of an irrigation well on the portion of the lot or parcel that lies outside of the well field area. In approving the construction of an irrigation well within the well field area, the Zoning Board of Adjustment may place such reasonable conditions and safeguards as the Board may deem appropriate to protect the public health, safety and general welfare.

10.2.10.2 Well Field Development Regulations

Within the Pinchurst Well Field the following regulations shall apply, and no development permit shall be issued without the permits and approvals required herein having been obtained:

(a) Public Utility Wells

Public utility wells owned and/or operated by the public utility are exempt from this Section;

(b) Irrigation Wells

- (1) Irrigation wells for the purpose of this Ordinance are defined as wells constructed for irrigation only and not for human consumption;
- (2) All irrigation wells require a development permit issued to the property owner or well driller. The development permit must be issued before well drilling operations may commence. To receive a development permit, the well must be drilled by a drilling contractor licensed by the State of North Carolina and must be constructed to meet or exceed State Specifications;
- (3) No development permits for irrigation wells will be issued for new irrigation wells within the boundaries of The Pinchurst Well Field as now or hereafter fixed except as provided for in 10.2.10.1 above;
- (4) Irrigation wells outside the Pinchurst Well Field shall meet the set back requirements listed below:
 - (i) Two thousand (2,000) feet from a suspected contaminant plume;
 - (ii) Twenty-five (25) feet from a sewer line;
 - (iii) Twenty-five (25) feet from a building foundation;

(iv) Fifty (50) feet from an above ground chemical or petroleum tank, above ground or under ground storage tank, or other similar known source of potential pollution;

(v) Ten (10) feet from external property lines and ~~fifty (50)~~ feet from the full pond of any adjoining lake.

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(vi) Fifty (50) feet from all potential sources of ground water contamination including, but not limited to golf courses, electric utility right of way, septic tanks and fields, and surface water.

(vii) Fifty (50) feet from all other wells.

(viii) Wells shall not be located in a front yard.

In addition, irrigation wells shall be screened in accordance with Section 10.2.6.5. ~~and shall not be located in a front yard.~~

(5) Irrigation well permits will be issued for requests outside of The Pinchurst Well Field according to following procedures:

The Permit and Approval Process will be a four-part procedure:

(i) The permit will be issued by the Village to the ~~driller or builder~~ and faxed to Moore County Public Utilities (MCPU) the same day the permit is issued, and the permit will be valid for six (6) months;

Deleted: owner

Deleted: Utility

(ii) The driller must notify the MCPU by phone of desired commencement date for the well. A MCPU Inspector will meet driller on location for site inspection and approval to commence drilling (Inspection 1); Failure to request Inspection 1 will result in actions up to and including fines and permanent abandonment of the well.

(iii) The driller will notify MCPU to inspect well when the driller reaches "Total Depth" and will provide a MCPU Inspector, an accurate Driller's Log and Well Record along with a Well Construction Plan. At that time, the Inspector will make a decision to determine if the well and proposed Construction Plan are in compliance with the Irrigation Well Ordinance (Inspection 2); Failure to request Inspection 2 will result in actions up to and including fines and permanent abandonment of the well.

The Well Construction Plan will show the depth of the well, size of the casing, position of the screen or screens, top of the gravel pack and the depth of grouting. The Inspector may require additional grouting to the top of the gravel pack. Grouting will be pumped not poured;

(iv) If the Well and Construction Plan are in compliance, the Inspector may give the Driller approval on site, to proceed with Construction of the Well and upon return to the MCPU office the Inspector will fax the approved permit (marked approved) back to the Village of Pinchurst Planning and Inspections Department. The Inspector will also fax or forward the Driller's Log and Well Record to the Pinchurst Planning and Inspections Department.

If the Well Construction Plan and accurate Driller's Log are not in compliance with the Ordinance, the Inspector will advise the Drilling Contractor on the required steps to become compliant and will withhold approval for well construction to proceed until the Drilling Contractor has satisfied the requirements. Failure to provide an accurate well construction plan and driller's log will result in actions up to and including fines and permanent abandonment of the well.

(c) Potable Wells

- (1) Potable wells for the purposes of this ordinance are defined as private drinking water wells;
- (2) Permits for new potable wells will be issued only if no public water supply is available for the location within 300 feet;
- (3) Permit requirements will be the same as for irrigation wells outside the Pinehurst Well Field;
- (4) The permit will require that all potable wells will be drilled by a drilling contractor licensed by the State of North Carolina and the permit will further require that the well will be constructed to meet or exceed minimum State Specifications.

(d) Injection Wells

- (1) Injection wells for the purposes of this ordinance are defined as wells drilled to circulate groundwater through ground coupled heating and air conditioning units;
- (2) An injection well may be drilled only if groundwater is the only fluid to be circulated through the system. No chemicals may be added to the circulation system;
- (3) The permitting process will be the same as for irrigation wells outside the Pinehurst Well Field;
- (4) The Ordinance requires that all injection wells will be drilled by a drilling contractor licensed by the State of North Carolina and the permit will further require that the well be constructed to meet or exceed minimum State Specifications.

(e) Septic Tanks

- (1) Septic systems for the purposes of this ordinance are defined as private wastewater disposal systems for private home use;
- (2) Permits for new Septic Systems may be issued only if no public sewerage system is available for the location within 300 feet;
- (3) A permit will be issued in these cases with the requirement that when the public sewer system is available within 300 feet of the location, the septic system will be properly abandoned and pumped out and the owner will be required to connect to the public sewer system within a period of one year at the owner's expense.

(f) Under Ground Storage Tanks

- (1) Permits for new Under Ground Storage Tanks containing home heating oil, gasoline, pesticides or other hazardous materials will not be issued for properties within the boundaries of the Pinehurst Well Field;
- (2) Permits for new Under Ground Storage Tanks containing butane and propane gas will be issued as long as they meet permitting requirements of this Ordinance.

(g) Above Ground Storage Tanks

- (1) Permits for new Above Ground Storage Tanks containing hazardous materials will be issued only if the Above Ground Storage Tank is equipped with a containment structure capable of containing the total capacity of the tank in order to prevent leaks from spilling on to the ground.

(h) Fertilizer/Pesticide Mixing and Storage Areas and Animal Waste Piles

- (1) Fertilizer and pesticide mixing and storage areas and animal waste piles must be equipped with a containment structure capable of containing the total capacity of the product being handled to prevent leaching and leaks from infiltrating the ground;
- (2) The containment structures mentioned above as they apply to storage of material must have a ground barrier and a cover or cap to prevent leaching into the soil.

Public Hearing #4 (Mobile Home) comments: - Submitted by Doag Middaugh

My first comment relates to the fact that the current mobile home parks are long established sites that pre-date current zoning which traditionally would afford them a "grandfather" status. I visited and researched the Linden Road Park and found that it covers a little over six (6) acres on two LRK's with 16 existing homes. Further, the property abuts a portion of Aberdeen that is apparently zoned for mobile homes as numerous homes are present. As such, the area with its remote location wrt the remainder of Pinehurst is more a part of Aberdeen which has seen it proper to allow mobile homes in that area.

My next comment is specific to 3.6.6 (1) (b). The proposed language is nothing short of Draconian as it would prevent a home owner from repairing his home, by replacement, should this become necessary. The language is further inconsistent with portions of PDO Section 3.6 which very clearly give the home owner the right of maintenance.

My next comment is specific to 3.6.6 (1) (c). It is simply without reason that the Village of Pinehurst would propose to deny a homeowner the right to re-occupy his residence should he/she be absent for greater than 90 days. It is obvious that no thought was given to the very real fact that a property might be owned by a deployed member of the armed forces. I would certainly hope that the Village of Pinehurst would not, in effect, force the eviction of someone returning from Iraq or any other site after spending time to defend this country. In short, this proposed clause must be deleted.

My last comment on this topic is nothing more than I believe existing language in PDO Section 3.6 quite adequately addresses mobile homes and there is absolutely no valid reason to single out and impose hardships on a small group of individuals living in the ETJ.