

**HENDERSON COUNTY
PLANNING BOARD MINUTES
May 17, 2005**

The Henderson County Planning Board met on May 17, 2005 for its regular meeting at 7:00 p.m. in the Board Room of the Land Development Building, 101 East Allen Street, Hendersonville, NC. Board members present were Tedd Pearce, Chairman; Mike Cooper, Vice-Chairman; Tommy Laughter, Jonathan Parce, Renee Kumor, Gary Griffin, and Mark Williams. Others present included Karen C. Smith, Planning Director; Lori Sand, Project Manager; Kathleen Scanlan, Secretary; Chuck McGrady, Commissioner and Liaison to the Planning Board; and C. Russell Burrell, County Attorney.

Approval of Minutes. Chairman Tedd Pearce presided over the meeting and called the meeting to order. Mr. Pearce asked for the approval of the April 19, 2005 regular meeting minutes. Ms. Kumor made a motion to approve the minutes and Tommy Laughter seconded the motion. All members voted in favor.

Adjustment of Agenda. Chairman Pearce stated that Commissioner McGrady has an item he would like to share with the Board members so therefore Chairman Pearce added this to the agenda under Item 12. There were no other adjustments to the agenda.

Staff Reports. Ms. Smith informed the Board members that the Board of Commissioners had a hearing on May 9, 2005 regarding the US 25 North Study Zoning and decided to lift the Interim Development Ordinance (Moratorium). She added that they also took action to rezone the parcels that were not in conflict. The majority of the area has been rezoned as per the Planning Board's recommendations. There were approximately 55-60 parcels that were not rezoned that night, but the Board of Commissioners plans to set a date to review those parcels to decide how they want to proceed. Chairman Pearce asked, "How many property owners are affected?" Ms. Smith said that there are much less than the 55 property owners. Ms. Kumor said, "Would that not be contract zoning?" Mr. Burrell said that the Commissioners are going to hear whatever evidence there is and make the best decision. It will not be an agreement; they will make a decision as to what is best for the County. Ms. Smith handed out a document titled "*A Resolution to Establish a Process for Amending the Henderson County Comprehensive Plan*" that was adopted by the Commissioners on March 23, 2005. Ms. Kumor asked Ms. Smith explain the reason behind this resolution. Ms. Smith said that there will be some times that there will be some technical changes that need to be made to the CCP (typos, changes in data, updates, etc.) that might need to happen before the regular five-year review process that is built-in to the CCP. There are also bound to be instances where the community, Board of Commissioners, or the Planning Board finds that the CCP needs to be changed due to the changing circumstances and they do not want to wait for that five-year review process and this will be a way to go about handling that.

Chairman Pearce said that reviews of subdivisions would be conducted informally unless the applicant or anyone qualified to participate in the proceeding requests that such review be conducted as a formal quasi-judicial proceeding.

OLD BUSINESS:

Request to Amend Special Use Permit # SP-93-13 - Regarding the Definition of Townhouse as Described in Special Use Permit # SP-93-13, as Amended - Carriage Park Associates, LLC, Applicant. Mr. Jonathan Parce asked to be recused as he has a family member who is involved in a lawsuit against Carriage Park. All members voted in favor of his recusal. Mr. Card stated that Dale Hamlin, Manager of Carriage Park Associates, LLC, submitted a letter on March 7, 2005 with a Special Use Permit application on April 8, 2005, to the Henderson County Planning Department requesting to amend Special Use Permit # SP-93-13 (as amended) by changing the definition of a "townhouse."

Mr. Card said that the current definition of a townhouse (townhome) is found in Condition 1(h) of Exhibit A of the original order granting Special Use Permit # SP-93-13 reads: *A residential structure containing multiple dwelling units, with party walls, with each unit having its own deeded lot often with shared common areas.* The definition of single-family detached dwelling as stated in Condition 1 (f) of Exhibit A of the original order granting Special Use Permit # SP-93-13 is: *"A one unit structure typically where the owner takes fee simple title to both home and lot."* Mr. Card said that in the March Planning Board meeting a 30-foot right-of-way was proposed for Sections 21 and 22, which did not comply with the 45 foot right-of-way for single-family, detached dwellings under Special Use Permit # SP-93-13. According to the definitions found in the Special Use Permit, "A townhome may be served by a neighborhood drive, which requires a 30-foot right-of-way." He said a neighborhood drive is defined as a paved access typically serving by direct access, townhouse, condominiums or apartments. He stated that also according to the definitions found in the Special Use Permit, a residential street which has a 45-foot right-of-way might serve single-family detached dwellings. In the Special Use Permit residential streets are defined as: *"a road typically serving by direct access, single-family detached units, having a minimum 45 foot right-of-way."* Mr. Card said that as a result of the Planning Board's discussion during review of Sections 21 and 22 and to allow a 30-foot right-of-way for all of the proposed dwelling units in Sections 21 and 22 and for future phases and possibly previously approved phases of development in Carriage, Mr. Hamlin and Carriage Park Associates, LLC, would like the definition for a townhouse (townhome) to be as follows: *"A residential structure which may contain multiple dwelling units, with each unit having its own deeded lot, often with shared common areas."* Mr. Card stated that on April 20, 2005, the Henderson County Board of Commissioners referred the proposed amendment to Special Use Permit # SP-93-13 (as amended) to the Planning Board for a recommendation. He said that the Board of Commissioners must hold a quasi-judicial public hearing prior to taking action on the proposed amendment.

Mr. Card stated that staff has provided some comments as follows:
The amended definition would allow some single-family detached dwellings to be considered townhouses and therefore sections of Carriage Park with single-family townhomes could use the neighborhood drive road standard rather than the residential street standard. Mr. Card stated that Staff feels that the effects of the proposed amendment to the definition of a townhouse (townhome) for Special Use Permit # SP-93-13 appear to be minimal. Townhouses are an allowable use in the Planned Unit

Development and would allow detached townhomes as defined by Carriage Park to be accessed by a 30-foot right-of-way.

Ms. Kumor said that when we change the definition for the Special Use Permit for Carriage Park, does that in any way change the definition for other planned unit developments to follow the same definition, or will it be a stand-alone definition applied only for Carriage Park? Ms. Smith said it is a stand-alone definition for Carriage Park through this amendment and Staff has been looking at *Subdivision Ordinance* for an amendment regarding this issue and for the Land Development Code.

Ms. Virginia Burke, resident of Carriage Park requested that this be held as a quasi-judicial hearing. Ms. Smith stated that since the Board is not reviewing a development parcel and only making a recommendation at this point, a quasi-judicial hearing is not needed.

Dale Hamlin, General Manager for Carriage Park, said that if we can take a townhouse and use it as a single-family without an attached wall, it would give us the ability to tailor the look of the community. He said that there is steep ground in that location and the ability to split apart a townhouse, would give us the opportunity to use the townhouse in a better format, but still have the neighborhood in a neat manner. Mr. Hamlin wanted to thank Staff as this Special Use Permit # 93-13 has been difficult through the years to work with. He especially thanked Matt Card for his work on this amendment.

Chairman Pearce stated that this amendment does not apply to any existing or previously approved plans, but does apply to the entire subdivision and anything that has already been approved will not be affected.

Ms. Virginia Burke, resident of Carriage Park, Lot 18, of Governor's Point said that she spoke at the February 15, 2005 meeting about the lack of a buffer between her property and Section 21. Chairman Pearce interrupted Ms. Burke and reminded her that the Board is only addressing the amendment itself. If there are specific subdivision issues or violations of a subdivision issue, that is another issue. The Board is only addressing this particular resolution that has been brought to us, so instead of speaking to an individual property, we need to speak regarding the resolution. Ms. Burke continued by stated that her concern was in the minutes of the February 15, 2005 meeting that this buffer was to be negotiated. Ms. Smith said that she had spoke to Ms. Burke a few weeks ago and mentioned that she should register her complaint with Staff and then follow up with Mr. Bob Grasso, engineer for Carriage Park Associates, LLC. She said that if Carriage Park does not satisfy the requirement that the Planning Board had imposed on that particular Section, that it might have to come before the Board again at some point. Ms. Burke said that she had a very successful meeting with Mr. Grasso this afternoon regarding the lack of a privacy buffer between development parcels. She stated that Mr. Grasso agreed that by April 30, 2006, they would plant a vegetation to create a buffer as required in the special use permit. Ms. Burke requested that she would like to have something in writing by both the developer and to have this reflected in the minutes of the meeting. Chairman Pearce asked that she receive something in writing from the developer and not the engineer. Ms. Smith said that Staff would attach this matter to the Order at next month's Planning Board meeting.

Mr. Gerald Liedl, resident and member of the Architectural Review Committee for Carriage Park, said that in the Zoning Ordinance one of the primary issues regarding the PUD is to permit flexibility in building, the site mixtures of housing types and land. Making the change to what the townhouse definition is, in our view, is consistent with the overall purpose of that part of the zoning.

Mike Cooper made a motion to send a favorable recommendation to the Board of Commissioners regarding an amendment to Special Use Permit # SP-93-13 with regards to a definition change as recommended by Carriage Park Associates, LLC concerning the definition of a townhome as follows: *“A residential structure which may contain multiple dwelling units, with each unit having its own deeded lot, often with shared common areas.”* Tommy Laughter seconded the motion. All members voted in favor.

Draft Henderson County Flood Damage Prevention Ordinance Presented to the Board of Commissioners at the May 2, 2005 Public Hearing – Planning Staff. Jonathan Parce returned to the meeting at this point. Mr. Burrell noted that any action the Board would take tonight, such as the Board considering to reconsider its prior action on the ordinance, would require a motion to be made by someone who was in favor of the previous motion. Chairman Pearce said that the previous meeting Staff presented a draft of the Flood Damage Prevention Ordinance. He mentioned that the Board of Commissioners needed an answer back from the Planning Board in a short timeframe, so the Planning Board complied and sent a recommendation. He said that since then, the Board of Commissioners has decided to take more input. He has been talking with some of the Board members as well as other citizens who have concerns and suggested that the Planning Board meet at a later date to look at some other alternatives and open public input on the matter. He further stated that he would like to continue this matter as soon as possible rather than at tonight’s meeting, so the Board can give more time and attention to the concerns. Mike Cooper suggested that there should be a vote to rescind it. After some discussion, Chairman Pearce said that he feels that the Board needs some time to think about this, gather some material and try to make recommendations if the Board chooses to rescind the previous motion or chooses to send additional comments to the Board of Commissioners. The Planning Board could acknowledge the fact that the Planning Board did not have a full board [when the previous action was taken] and since there has been more time, it would like to have more input. Mark Williams stated that he feels it would be appropriate, being that everyone recognizes that there needs to be more discussion on the matter, so he supported not leaving the existing recommendation out there as it is, but to have a vote to rescind the motion of the last meeting. Jonathan Parce said that would be all right with him as long the Planning Board could have the opportunity to meet prior to the Board of Commissioners next meeting on this matter. Chairman Pearce stated that he prefers to wait to the next Planning Board meeting so that the members could address everything. Tommy Laughter made a motion to rescind the original motion. Jonathan Parce seconded the motion. Mr. Burrell stated that all members can vote on this motion. Mr. Parce said that if the Planning Board votes to rescind, it means there will be no recommendation at that point, but we could have a recommendation if we meet before the Commissioners meeting. Board members scheduled a meeting for Thursday, June 2, 2005, at 5:00 p.m. Mike Cooper, Mark Williams, Tommy Laughter, Gary Griffin, and Jonathan Parce voted in favor of the motion. Tedd Pearce and Renee Kumor opposed the motion. The motion carried 5 to 2.

Chairman Pearce said that the Board will continue this item after any public input has been heard tonight to June 2, 2005.

Chairman Pearce opened public input on this matter.

Jeff Young. Mr. Young stated that he has forwarded comments to the Commissioners regarding the Flood Damage Prevention Ordinance, but said he will repeat some of the comments he made to them because he feels there has not been significant change in the draft ordinance and he feels his comments are valid. Mr. Young stated that he feels this Ordinance was based on County maps, which are more than twenty years old and a lot has changed over the years. He feels that they are inaccurate, due to development in the last twenty-five years. He said all of the maps that are published for Henderson County, lack a lot of detailed information and that FEMA has delineated and designated a floodplain, but they do not associate any elevations with it. He said that his concern with this aspect of the draft Ordinance is how can any entity enforce the Ordinance where two people looking at the same map can't delineate the same floodplain. Mr. Young said that there are a lot of interpretations because the data is not on the maps. He added that there are new flood maps currently on the way and for this reason he stated that it is his recommendation and suggestion to the Board of Commissioners and the Planning Board that when you are formulating a recommendation that you take into account that the maps are insufficient for enforcing any floodplain. Mr. Young said he did not oppose a floodplain ordinance for the County, but opposed sending an ordinance forth without the maps to actually enforce and implement it. He also feels that this ordinance is extremely restrictive compared to surrounding municipalities. He felt that it had hard language that allows no development except for agricultural and recreational uses. He realizes that the intent is to protect public health and safety, but what is the practicality of it when the same goals can be achieved with a much different ordinance that doesn't restrict industrial, residential and commercial developments. He said that whatever a developer does in the floodplain, he would need to demonstrate to the County and FEMA that there will be no adverse impact on the flood elevation. He said he feels there would be no danger in this County with adding language to allow other uses in the floodplain because it is still subject to no-rise certification and that there will be no landowner that would be that adversely impacted. There would be no rise in base flood elevation because we would be meeting FEMA standards and would have to document it. Chairman Pearce asked whether our County is the only one with old maps? Mr. Young said it is because Henderson County does not participate in the floodplain program.

Larry Rogers. Mr. Rogers speaking on behalf of seventy businesses and property owners in town said that he as well as these entities are concerned with the recommendation to not develop in the 500-year floodplain. He said that the businesses and farmers feel that the draft ordinance is too strict compared to the adjacent municipalities and counties. He feels that the businesses and the farmers want a flood ordinance but would prefer to have development in the floodplain. He said that the definition of a 100-year floodplain means that there is a one percent chance of a flood in a year of that magnitude. He said that if you allow no developing and can't make a living farming, what is next as not everything can be recreational. He reiterated that the ordinance is just too restrictive. Ms. Kumor said that at the last Planning Board meeting, Mr. Hyder stated that there is a one percent chance that a property owner's house will catch fire in thirty years. There is a twenty-six percent chance that there will be a flood in a 100-year floodplain and in a fifty-year period

the chances increase to thirty-nine percent. Mr. Rogers said that if you are talking about the figures that were presented in the slide, you are talking about apples and oranges. He said that when you are talking about fire, they included all homes in the County, but when you refer to flooding, you are talking about just the homes in the flood zone and that is why he is referring to it as apples and oranges. Ms. Kumor said that we are talking about a house, wherever it happens to be. There was some further dialog between Ms. Kumor and Mr. Rogers.

Fred Pittillo. Mr. Pittillo, a farmer in Henderson County, said that the damage does not start in the floodplain, it comes from the run-off that goes into the floodplain. He said you need to go up stream to fix some of the damage. He said as a farmer, he is willing to work with the County, but is confused on some issues. He feels it should be clearly identified the distinction between the floodway and the floodplain. He said the farmers are concerned because a large percentage live and work in the floodplain. He said that the County does not need to make a hasty decision, because it will affect the farmers the most.

NEW BUSINESS:

Sunset Ridge (File # 2005-M15) - Revised Combined Master Plan and Development Plan Review for Phase II and Phase III – (18 Lots in Phase II, 19 Lots in Phase III) - Located off Turnpike Road - Jon Laughter of Laughter, Austin & Associates, Agent for Dan Ducote Enterprises, Inc., Owner. Mr. Card stated that Jon Laughter, on behalf of Dan Ducote Enterprises Inc., owner, submitted a Revised Combined Master Plan and Development Plan for the sections of Sunset Ridge shown as Phase II and Phase III on the attached Plan. The original Combined Master Plan and Development Plan was approved on December 18, 2001 by the Planning Board and consisted of what is shown as Phase I and Phase II on the attached plan. The Plan was later revised to eliminate a second entrance and add a cul-de-sac which was approved at the June 18, 2002, Planning Board meeting. Phase I was completed and a Final Plat was approved by the Planning Department in June of 2002. Phase II was never completed and a Final Plat was not recorded before the two-year Development Plan approval period expired (HCSO § 170-16C(4)). Mr. Card said that the Applicant is asking for re-approval of the Phase II Development Plan with no new changes to the Plan and approve a new section to the subdivision shown as Phase III on the attached plan.

Mr. Card said that the property is located off of Turnpike Road in the Mills River Township (outside of the Town of Mills River). According to the Revised Combined Master Plan and Development Plan, Phase II consists of 18 lots on 11.6 acres of land. Phase III is proposed to have 19 lots on 12.4 acres of land. Mr. Card stated that the developers propose the access for Phase III off of North Sunset Ridge Drive between lots 42 and 43 and through a 68-foot Duke Energy Company easement. Mr. Parce questioned the 68-foot Duke Energy Company easement and stated that he would address this issue to Mr. Laughter as to what type of easement it is. Mr. Card said the public water (City of Hendersonville) and private sewer will serve the subdivision. The property is located in the Open Use zoning district and is not located in a water supply watershed district. A perennial stream is located within Phase III.

Mr. Card said that the attached Combined Master Plan and Development Plan are labeled as Phase III but the plan is for both Phase III and Phase II.

Mr. Card said that Staff has reviewed the submitted Revised Combined Master Plan and Development Plan for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the comments that follow. He said regarding the revised Master Plan, it appears that all the requirements have been met. Regarding the Development Plan, here are the following comments:

1. **Water and Sewer.** The applicant has proposed public water (City of Hendersonville) and public sewer. According to the HCSO, the applicant must provide evidence that the water supply and sewer system plans have been approved by the appropriate agency. All public or private (community) water supply and sewerage systems shall be installed and shall meet the requirements of the Henderson County Health Department or other government authorities having jurisdiction thereof. The development plan may be approved contingent on final approval from such agencies; however, the final plat shall not be approved until all such final approvals have been obtained. Any subdivision served by a public water system shall meet the respective county or municipality's minimum requirements for fire hydrants installation (HSCO 170-20).
2. **Stream Setbacks.** A minimum thirty-foot setback for buildings or other structures is required along all perennial streams. The thirty-foot setback must be noted on the final plat (HCSO 170-37, A).
3. **Public Roads.** The applicant has proposed public roads. Roads are to be designated as public and labeled accordingly on the Final Plat. The roads shall be constructed in accordance with NCDOT standards.
4. **Other Final Plat Requirements.** The Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
5. **Soil Erosion and Sedimentation Control.** The Developer should submit notice from NC DENR that a soil erosion and sedimentation control plan has been received or provide documentation that no plan is required prior to beginning construction.

Mr. Card said that Staff has found that the proposed Combined Master Plan and Development Plan appears to meet the technical standards of the Henderson County Subdivision Ordinance. Staff recommends approval of the Combined Master Plan and Development Plan subject to the above listed-comments being addressed and the developer addressing any other issues raised by the Planning Board.

Mr. Jon Laughter, agent for the owner, said that, regarding the question Mr. Parce asked about the easement, he felt it was not a legal question. Mr. Parce asked if the developer would be coming between lots 42 and 43 and then crosses over the Duke Power easement? Mr. Jon Laughter, agent for the owner said that is correct. Chairman Pearce asked Staff whether there was sufficient document regarding the easement and will not be

a problem? Ms. Smith said that Staff has had conversations with Duke Power in the past, but do not have a problem with rights-of-way.

Chairman Pearce made a motion that the Planning Board find and conclude that the Combined Master Plan and Development Plan comply with the provisions of the Subdivision Ordinance except for those matters addressed in the Technical and Procedural Comments section of the Staff memo that need to be addressed; and further move that the Combined Master Plan and Development Plan be approved subject to the following conditions: the applicant satisfies any conditions that result from the comments listed above. Mike Cooper seconded the motion and all members voted in favor.

Ridgeview at Sweetwater Hills (File # 2005-M16) - Combined Master Plan and Development Plan Review – (55 Lots) – Located off North Rugby Road – William Lapsley of William Lapsley & Associates P.A., Agent for Barry Hines, Owner. Mr. Card said that William Lapsley, with William G. Lapsley and Associates P.A., submitted the Combined Master Plan and Development Plan for a major subdivision named Ridgeview at Sweetwater Hills. Ridgeview at Sweetwater Hills is a proposed 55-lot subdivision located off of North Rugby Road directly across from the Sweetwater Hills subdivision.

He said that the subdivision would be built on 64.86 acres of a larger 169-acre tract of land currently owned by Mr. Barry Hines. The entrance for Ridgeview at Sweetwater Hills will be aligned directly across from the entrance to the Sweetwater Hills Subdivision. Mr. Card said that the Applicant, William Lapsley, has proposed to build turning lanes on North Rugby Road which will access both Ridgeview at Sweetwater Hills and Sweetwater Hills. Mr. Card said that the Applicant has proposed private local residential roads to serve the subdivision.

The Applicant has proposed 3.63 acres of open space, which will be a river park, along the portion of the property that is located adjacent to the French Broad River and is labeled as the 100-year flood elevation on the attached plans. Lots 55 and 50 will be accessed from North Rugby Road. Public water (City of Hendersonville) and individual septic systems are proposed. The property is located in an R-30 zoning district which requires a minimum lot size of 30,000 square feet. It is also located in a WS-IV Water Supply Watershed district which requires a 30-foot vegetative buffer along all perennial streams.

Mr. Card said that it appears that part of lots 11, 12, 13, 14, 15, 20 and 27 are located in the 100-year floodplain as shown on the attached Development Plan in the agenda packet. Henderson County does not currently have a Flood Damage Prevention Ordinance but is working on adopting one.

Mr. Card said that Staff has reviewed the submitted Combined Master Plan and Development Plan for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the comments that follow. He said that the Master Plan appears that all requirements have been met. Regarding the Development Plan, these are the following comments:

1. **Private Roads.** Because private roads are proposed, the final plat must contain a note stating: *The private roads indicated on this final plat may not meet the*

requirements of the North Carolina Department of Transportation for acceptance into the state road system. (HCSO 170-21B and Appendix 7)

2. **Other Final Plat Requirements.** The Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
3. **Farmland Preservation District.** The Final Plat should include a notation that the property is within ½ mile of land in a Farmland Preservation District. (HCSO 170-35 and Appendix 7)
4. **Water Supply.** The Applicant has proposed public water (City of Hendersonville). According to the HCSO, the applicant must provide evidence that the water supply plans have been approved by the appropriate agency. The development plan may be approved contingent on final approval from such agency; however, the final plat shall not be approved until all such final approvals have been obtained. Any subdivision served by a public water system shall meet the respective county or municipality's minimum requirements for fire hydrant installation (HSCO 170-20).
5. **Project Summary.** The Applicant should show on revised plans that the parks open space item in the project summary should show 3.63 acres and not 0 acres because 3.63 acres has been designated as a River Park on the plans. The Applicant should also clarify in the project summary that the front zoning setback shown is from the property line not from the centerline of the road as stated in the Henderson County Zoning Ordinance (§200-14). On a 45-foot right-of-way this works out to the same as the 60-foot setback from the centerline of the road this is the standard in the Zoning Ordinance. The Applicant has proposed public water; the project summary should also state public water system and not community water.
6. **Private Road Standards.** The Applicant has proposed that the entrance road (Ridgeview Hill Drive) be a one-way road that meets the 12-foot wide travel way standards and 50-foot right-of-way collector road standards in the HCSO. The remaining portion of Ridgeview Hill Drive also meets the collector road standards with 18-foot wide pavement and 6-foot shoulders, but the proposed right-of-way of 45 feet is not sufficient where the collector road standards need to be met from the entrance of Ridgeview at Sweetwater Hills to Benhurst Place. According to § 170-21C(1)(a) of the HCSO, a private residential collector road provides direct or indirect access from the entrance of the subdivision inward to 25 or more proposed residential lots and/or dwelling units and is designed to be the main travel path for such residential access. In calculating residential density, dwelling units having driveway access on the subject road and dwelling units on side roads which feed the subject residential collector road shall be counted. The terminus or "last block" of a residential collector road ending in a dead end may be designed to the standards of a local residential subdivision road as long as such "last block" serves fewer than 25 units. The section of Ridgeview Hill Drive between the entrance and Benhurst Place should have a 50-foot right-of-way because it will serve more than 25 lots and would meet collector road standards.

7. **Road Names.** Henderson County Property Addressing submitted a comment recommending that a portion of Ridgeview Hill Drive from lots 42-54 be named N. Ridgeview Hill Drive.
8. **Stream Setbacks.** A minimum thirty-foot setback for buildings or other structures is required along all perennial streams. The thirty-foot setback must be noted on the final plat (HCSO 170-37, A). According to §192-15 of the Water Supply Watershed Ordinance, a minimum thirty-foot vegetative buffer is also required along all perennial streams.

Mr. Card said that Staff would like the Applicant to address how development will be handled on lots containing area in the 100-year floodplain, particularly on lots 14 and 15.

Mr. Card said that Staff has found that the proposed Combined Master Plan and Development Plan for Ridgeview at Sweetwater Hills appears to meet the technical standards of the Henderson County Subdivision Ordinance. Staff recommends approval of the Combined Master Plan and Development Plan subject to the above listed-comments being addressed and the developer addressing any other issues raised by the Planning Board.

Mr. Lapsley said that he had no concerns with any of the comments except the floodplain issue. Mr. Lapsley wanted to discuss the issue of the lots being in or out of the floodplain. He showed a flood *firm* map for the area of the development, and stated that this is not uncommon with regard to the maps, but the data base for the maps that have been prepared are inaccurate. He stated that this particular map is in the scale of 1 to 1,000 (1 foot equals 1,000 feet). Mr. Lapsley explained that the GIS maps and the flood maps do not seem to be in agreement and explained the lots which Mr. Card referred to that seem to be in the 100-year floodplain (Lots 14 and 15). He said based on superimposing the two maps, none of the lots appear to be in the floodplain and would not be subject to the Ordinance. He explained that on the flood map there is a number and in this particular section, the TVA, when they did this study in 1981, did the actual calculations and in the booklet they would call this a detailed study area. Mr. Lapsley showed a flood map and a number circled, and said that based on TVA's calculations, that is the proposed 100-year floodplain. He said that when TVA did the study and the calculations and came up with the elevation, they did not have a two-foot contour map, they had the USGS quad sheets, which have twenty-foot contour intervals and they have a map at one foot to a thousand feet. Mr. Lapsley said that someone would have made a guess as to where that line is between two contour lines that are supposedly twenty feet apart. He said that the USGS would tell us that the inaccuracy there could be five to ten feet either way of the contour lines. He reiterated that they are not done with a great deal of accuracy. Mr. Lapsley said that what we find when an engineer comes along with a detailed map, we put two lines on the map, one is the line that is shown as shaded and in this instance this property is along the edge and crosses the ditch and goes off of the paper. The second one is the 2064 elevation and that is the elevation that was shown on the Development Plan, which is the 100-year elevation, not the 100-year floodplain. He said that what is found is that there is a fringe in here, and if the elevation is correct, it will flood, but from a regulatory standpoint, it is not in the floodplain and that is where the inaccuracy is located. Mr. Lapsley said that if this subdivision is approved as shown, and is put in the County's GSI system, it would show that none of these lots are in the floodplain. Mr. Lapsley said that having known this,

the developer has dedicated an open area that we know is going to flood. Mr. Lapsley stated that the only lot he feels that could flood would be Lot 15 as the others have enough high ground to be built above that elevation, so therefore, he feels that this does not need to be addressed. Chairman Pearce said that at this point in time, the County does not have any jurisdiction over whether he is in or out of the floodplain and feels that subject to the other items, the subdivision meets the County's Subdivision Ordinance.

Ms. Smith asked whether Mr. Hines left himself a right-of-way on the back portion of the property, behind the park? Mr. Lapsley said yes. Mr. Lapsley also mentioned that he received today before the meeting from NCDOT regarding the proposed turn lane, NCDOT is requiring the first 100 feet of the entrance must be at 5%. He said that it can not be done, but if NCDOT stands fast with that position of 5%, the proposed entrance will need to be moved to the curve area so that they might seek a variance from the original proposed entrance and meet their requirements. He added that he wanted to point this out to the Board and have it addressed in the motion. Mr. Lapsley said the other issue is that there is another parcel, approximately seven acres and is under contract which is proposed as six lots that would access this subdivision and will become part of this subdivision. Mr. Lapsley asked whether the developer should resubmit for these six lots or does the Board have the authority to allow as stand-alone? Ms. Smith said that if the Board gives approval on what they have presented, they could proceed with the development as shown and then come back with a revised Master Plan. Chairman Pearce said that the Board has the authority to let Staff go ahead with this addition administratively. Ms. Kumor asked whether the roads would be connected? Mr. Lapsley showed on a map that they would be connected. Ms. Smith stated that it should come back as a revised Master Plan for the entire development. Chairman Pearce said that the Board can accept what is before us and if they want to make changes to the Master and Development Plan they could bring them to the Board or could delegate the authority to Staff, on the entrance and additional lots issue, to be approved administratively, unless Staff feels uncomfortable with what is presented. Ms. Kumor stated that she has no problems with this, but would like the minutes to reflect that this has been done, because the Board does not want to appear as a Board to just summarily hand off decisions to our Staff and not see the ramifications. Chairman Pearce stated that there are a lot of things that Staff approves that the Board does not see and Staff always has the right to bring back anything to the Planning Board, if they feel uncomfortable with something that has been brought to them.

Chairman Pearce made a motion that the Planning Board find and conclude that the Combined Master Plan Development Plan complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Technical and Procedural Comments section of the Staff memo that need to be addressed; and I further move that the Combined Master Plan and Development Plan be approved subject to the following conditions: the applicant satisfies any conditions that result from the comments listed above and specifically note that if there are some questions about lots being in the floodplain or not, that the Board does not have the authority on the decision at the present time and is not part of the Subdivision Ordinance at this time nor does the County have an Ordinance that would affect those lots. Also, the Board will give Staff authority to approve any Revised Master and Development Plan changes specifically as they relate to the movement of the entrance (location of the entrance) reasonably adjacent to the seven acre parcel and also to the additional six lots that maybe developed on the seven-acre parcel in

the immediate future and to add it to this Master Plan. He further added that he would direct Staff that whenever this is approved, that it be brought to the Board and be notified as such, that the changes have been made to the Subdivision. Mark Williams seconded the motion. All members voted in favor. Mr. Griffin asked where the 500-year floodplain would follow regarding this subdivision? Mr. Lapsley discussed this with Board members and mentioned that the same situation and inaccuracy would apply to the 500-year as he explained with the 100-year floodplain. Ms. Smith said that according to Natalie Berry, who is a floodplain administrator, it is a standard practice on digital maps to use a 250-foot buffer to account for what Mr. Lapsley was talking about. She said the scale of the maps, when they digitized the line, that there is some inaccuracy. She added that Staff is hoping that the new maps will take care of some of the problems.

The Homestead at Mills River, Phase II (File # 2005-M17) - Development Plan Review – (46 Lots) – Located off Whittaker Lane – Terry Baker of Associated Land Surveyors, Agent for The Homestead at Mills River, LLC. Owner. Mr. Card said that Terry Baker with Associated Land Surveyors and agent for The Homestead at Mills River, LLC, submitted the Phase II Development Plan for The Homestead at Mills River. The Phase II Development Plan consists of two sheets and the Project Engineer's Construction Plans. The Phase II project site surrounds Phase I-A, as shown on the attached plans, which was approved on May 8, 2004. Access for Phase II will come from Mills River Way through Phase I. Mr. Card said that the Applicant has proposed a total of 46 lots on 72.44 acres of land for Phase II. Approximately 6,703 feet of private road is proposed and according to the road cross-sections on the Phase II Development Plan, all the roads will be 19 feet wide, paved and have valley gutter. A total of 1.9 acres of common area is proposed along the western side of Mills River Way. The Applicant has proposed individual septic and individual wells.

The development is located in an Open Use zoning district, which does not regulate residential uses of land. The property is also located in a WS-II Water Supply Watershed district, which requires a minimum lot size of 40,000 square feet and a minimum thirty-foot vegetative buffer along all perennial streams.

The Master Plan and Phase II Development Plan has changed since the original Master Plan and Phase I Development Plan approval by the Planning Board on October 22, 2003. Mr. Card said that the Revised Master Plan showing the changes within Phase II was submitted to the Planning Department on April 18, 2005 and is included with this memorandum.

Mr. Card said that Staff has reviewed the submitted Revised Master Plan and Phase II Development Plan for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the comments that follow. Please note that conditions of approval from prior plan reviews have been incorporated into this memo:

Mr. Card said that it appears that the Revised Master Plan has met all of the requirements. Regarding the Development Plan these are the following comments:

1. **Stream Setbacks.** A minimum thirty-foot setback for buildings or other structures is required along all perennial streams. The thirty-foot setback must be noted on the final plat (HCSO 170-37, A). According to § 192-15 of the Water Supply Watershed

- Ordinance, a minimum thirty-foot vegetative buffer is also required along all perennial streams.
2. **Private Roads.** Because private roads are proposed, the final plat must contain a note stating: *The private roads indicated on this final plat may not meet the requirements of the North Carolina Department of Transportation for acceptance into the state road system.* (HCSO 170-21B and Appendix 7)
 3. **Other Final Plat Requirements.** In addition to the items noted above, the Final Plat(s) for Phase I must meet the requirements of Appendix 7 of the Subdivision Ordinance.
 4. **Project Phases.** According to Section 170-16, B, 2 of the HCSO, "Upon approval of the master plan and development plan of the first section of the subdivision by the Planning Board, if successive sections are submitted for review and each substantially conforms to the master plan and where no new lots are created, all technical requirements and development standards have been met, the Subdivision Administrator may approve the development plans for successive sections administratively. Under such review, the action deadlines in Subsection 170 – 16 C below for the Planning Board shall be the same for the Subdivision Administrator who may, for good reason, refer any section to the Planning Board for review after giving due notice to the applicant." As noted above, the Planning Board previously decided to require that development plans for future phases of The Homestead at Mills River, (with the exception of Phase I-A) be reviewed by the Planning Board.
 5. **Compliance with other provisions.** All proposed subdivisions of land, including those defined in HCSO 170-12, shall comply, where applicable, with the requirements of the Zoning Ordinance and the Water Supply Watershed Protection Ordinance (WSWSPO) (HCSO 170-7). The Homestead at Mills River is located in a WS-II Water Supply Watershed. According to the WSWSPO section 192-13 (C): In order to maintain predominantly undeveloped land use intensity, single-family residential uses shall be allowed at a maximum of one dwelling unit per 40,000 square feet of lot size, except in approved cluster developments. All other residential and nonresidential development shall be allowed a maximum of 12% built-upon area. Projects must, to the maximum extent practicable, minimize built-upon surface area, direct stormwater away from surface waters and incorporate best management practices to minimize water quality impacts.
 6. **Erosion Control Plans for Individual Lots.** Per the Applicant's previous written request to the Planning Board, all persons building homes in The Homestead at Mills River subdivision shall submit for approval by the developer or homeowners association an engineered soil erosion control plan prior to construction. Prior to final plat approval for Phase II, the developer should provide to the Planning Department the wording of a covenant regarding erosion control plans for individual lots.
 7. **Soil Erosion and Sedimentation Control.** The Developer should submit notice from NC DENR that a soil erosion and sedimentation control plan has been received prior to beginning construction (HCSO 170-19).

8. **Existing Right-of-Way.** The applicant has previously agreed to close the right of way access from Hall Road and Old Homeplace Road when the proposed subdivision roads in the Homestead project are complete for each corresponding phase. After the main roads are built in Phase II of The Homestead at Mills River subdivision, the current right-of-way along Hall Road into the Homestead Subdivision, which is presently being used to allow access by Mr. Hedden into Phase I-A, will no longer be allowed to be used.

Mr. Card mentioned that since the original Master Plan there have been a few changes to Phase II, regarding some road and lot changes. Chairman Pearce asked if that is different then what is before the Board members? Mr. Card said no. Mr. Card stated that Staff has found that the proposed Revised Master Plan and Phase II Development Plan appear to meet the technical standards of the Henderson County Subdivision Ordinance. Staff recommends approval of the Revised Master Plan and Phase II Development Plan subject to the above listed-comments being addressed and the developer addressing any other issues raised by the Planning Board.

Chairman Pearce asked whether there were any comments regarding the three flag lots: 93, 101 and 102? Mr. Card said he did not, but Ms. Smith said it should be added to the comments.

Terry Baker with Associated Land Surveyors, discussed briefly the reason for the three flag lots and the Board members assured him that these lots appeared to be fine and mentioned that any time flag lots are involved, they have consistently approved them as a separate comment. Mr. Baker said that they restructured the roads to do away with three stream crossings, and presently have only one stream crossing in Phase 2. He said originally they had four stream crossings. He said that because they moved most of the roads and reconfigured them, they reduced the lots by four.

Mike Cooper asked, "What is the grade on the entrance to the subdivision?" Mr. Baker said that it is 16% grade to the top.

Mr. Baker gave some input regarding the floodplain, and stated that he has worked in Henderson County for the past twenty-five years and with the firm maps in determining flood properties. He feels that the maps do not allow determining the correct information when you are in or out of the floodplain. He added that although he is in favor of the County having a flood damage prevention ordinance, he feels that the County should be cautious because the maps need to be based on solid information to be regulated by. Ms. Kumor said that the position appears from the people who are against the Ordinance, that the development should occur, but no one is concerned with the next day, when the property owner has been damaged. Ms. Kumor added that as long as an Ordinance doesn't exist, property owners could not get any protection against flooding. Mr. Baker said that he agrees that the County does need an Ordinance, and if we have the proper information to work with, as well as the proper guidelines that are in an Ordinance, we then can get the studies to be able to follow along and be part of the flood insurance program.

After some brief discussion, Mike Cooper made a motion that the Planning Board find and conclude that the Revised Master Plan and Phase II Development Plan comply with the

provisions of the Subdivision Ordinance except for those matters addressed in the Technical and Procedural Comments section of the Staff memo that need to be addressed (Comments 1 – 8); and I further move that the Revised Master Plan and Phase II Development Plan be approved subject to approving the flag lots 93, 101 and 102. Gary Griffin seconded the motion and all members voted in favor.

Chisholm Woods (File # 2005-M18) - Combined Master Plan and Development Plan Review – (19 Lots) - Located off U.S. Highway 64 (Chimney Rock Road) – Gary Davis with Davis CivilSolutions, P.A., Agent for Harvey and Gayle Huntley, Owners. Mr. Card stated that Gary Davis with Davis CivilSolutions, P.A., submitted a Combined Master Plan and Development Plan for a proposed subdivision to be named Chisholm Woods. The Applicant, Gary Davis, proposes to create 19 lots on 10.67 acres of land owned by Harvey and Gayle Huntley. The project site is located off of U.S. Hwy 64 east (Chimney Rock Road).

Mr. Card stated that a proposed public road, Chisholm Woods Trail, would serve the proposed subdivision. The entrance for Chisholm Woods Trail will be located directly across from Townsend Road on U.S. Hwy 64. Public water (City of Hendersonville) and individual septic are also proposed. The project site is located in the Open Use zoning district which does not regulate the residential use of land. The project site is located within a half mile of the Clear Creek and Blue Ridge Farmland Preservation districts. There are no perennial streams on the property.

Staff has reviewed the submitted Combined Master Plan and Development Plan for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the comments that follow.

Mr. Card said that regarding the Master Plan, there were no comments, as it appears that all the requirements have been met. Regarding the Development Plan, these are the following comments:

1. **Other Final Plat Requirements.** The Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
2. **Farmland Preservation District.** The Final Plat should include a notation that the property is within ½ mile of land in a Farmland Preservation District. (HCSO 170-35 and Appendix 7)
3. **Public Roads.** The applicant has proposed public roads. Roads are to be designated as public and labeled accordingly on the Final Plat. The roads shall be constructed in accordance with NCDOT standards.
4. **Water Supply.** The applicant has proposed public water (City of Hendersonville). According to the HCSO, the applicant must provide evidence that the water supply plans have been approved by the appropriate agency. The development plan may be approved contingent on final approval from such agency; however, the final plat shall not be approved until all such final approvals have been obtained. Any

subdivision served by a public water system shall meet the respective county or municipality's minimum requirements for fire hydrant installation (HSCO 170-20).

5. **Soil Erosion and Sedimentation Control.** The Developer should submit notice from NC DENR that a soil erosion and sedimentation control plan has been received or provide documentation that no plan is required prior to beginning construction (HSCO 170-19).

Mr. Card stated that Staff has found that the proposed Combined Master Plan and Development Plan for Chisholm Woods appears to meet the technical standards of the Henderson County Subdivision Ordinance. Staff recommends approval of the Combined Master Plan and Development Plan subject to the above listed-comments being addressed and the developer addressing any other issues raised by the Planning Board.

Ms. Kumor asked that the review agency response from Wally Hollis, Assistant Fire Marshal be explained regarding his concern about the question he had on the existing hydrant. Mr. Card showed where the fire hydrant is currently on the property and said their plans are to take the fire hydrant out and move it five feet over. Mr. Card said he didn't think that Mr. Hollis was aware of that. Mr. Card said Mr. Hollis might have thought that they were taking it out and was concerned with that.

Mr. Gary Davis, with Davis CivilSolutions, P.A. said that the issue regarding the fire hydrant, they plan on using an existing tap and move the fire hydrant nearer to it.

Mike Cooper made a motion that the Planning Board find and conclude that the Combined Master Plan and Development Plan for Chisholm Woods complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Technical and Procedural Comments section of the Staff memo that need to be addressed; and further moved that the Combined Master Plan and Development Plan be approved subject to the following conditions: the applicant satisfies any conditions that result from the comments listed above. Mark Williams seconded the motion and all members voted in favor.

Chairman Pearce briefly asked Staff to think about changing the break-off point of lots between minor and major subdivisions to come before the Board.

Rezoning Request #R-2005-02 – Three Parcels Located off NC Highway 280 (Airport Road), near the Buncombe and Henderson County Line, Adjacent to the Town of Fletcher (Currently Zoned Open Use) - Planning Staff for the Henderson County Board of Commissioners. Ms. Radcliff stated that on April 20, 2005, the Henderson County Board of Commissioners directed the Planning Staff to study three parcels (the subject area) that are currently zoned Open Use and determine what commercial zoning district could be applied that would be consistent with adjacent commercial zoning by the Town of Fletcher. Ms. Radcliff stated that the three parcels are located at the north end of I-26 and NC 280. The first parcel is across NC 280 and is a triangle-shaped parcel that contains the airport sign. The other two parcels are just past that on the left-hand side, located off Airport Park Road, in front of the J & S Cafeteria. Mr. Jonathan Parce mentioned that those properties are currently undeveloped. Ms. Radcliff stated that the City of Asheville owns two of the parcels and Murphy-Wilson owns the other parcel. She stated that the County border appears to be parallel with the centerline of Airport Park Road, which is the border

between Buncombe and Henderson County. She said that the vacant parcel, which is adjacent to the subject area on the right-hand side of Airport Park Road, actually lies within Buncombe County. The Town of Fletcher borders on to the side and back of the subject area parcels. She said that the Town of Fletcher has its section zoned C-2, which is Fletcher highway commercial district. Ms. Radcliff said that the Fletcher highway commercial district is established as a district intended to regulate uses, which, because of their very nature, are recognized as having unique operational characteristics. These uses are designed primarily to meet the needs of the traveling public, not the citizens of Fletcher. The Town of Fletcher C-2 zoning district allows for any use permitted in a C-1 general business district. Adult bookstores shall be permitted subject to restrictions that no adult bookstore shall be located within 1000 feet of any residential zoning district and that no adult bookstore shall be located within 1000 feet of a school or place of worship that was in existence prior to the establishment of the bookstore and/or nightclub. She mentioned the list of permitted uses in this district. She stated that residential use is also permitted in the Town of Fletcher's C-2 district. She stated that conditional uses, subject to review by the Board of Adjustment, include planned unit developments, kennels, light fabrication, repair, and electrical assembly. Ms. Radcliff said that the Planning Director for Fletcher encourages a zoning district with uses that is compatible with Fletcher's C-2 zoning districts' list of permitted uses. Ms. Radcliff stated that the property that is adjacent to the subject area, the Airport and the surrounding area that is in Buncombe County under the City of Asheville's jurisdiction, is zoned industrial. Chairman Pearce said that obviously the Town of Fletcher has seen the County's zoning districts, and asked if they have identified what they consider to be compatible with their C-2 district? Ms. Smith said that according to a recent conversation with the Town Manager, one of the Town of Fletcher's issues with the County's C-4 district is that it allows parking lots and parking structures as a principal use. She said their ordinance does not list these uses as a primary use for property, as they assume it to be an accessory use that would be allowed. Ms. Smith said that the other issue is regarding adult establishments. She said they allow certain adult establishments in their C-2 district. The County allows a little more in its C-4 district, but the County has a long list of restrictions and standards that would need to be met.

Ms. Radcliff gave a brief comparison of the County's commercial districts and said that the primary commercial districts are C-1, C-2 and the C-4. She also indicated the setback requirements for each district. Ms. Radcliff said that regarding utilities, there is a sewer line that runs on the west side of NC 280, owned by the Buncombe County Metropolitan Sewer District and there is also a sewer line on the opposite side that runs up Airport Park Road to J & S Cafeteria and is served by the Cane Creek Water & Sewer District. She said that there is a water line that runs along NC 280 and that is maintained by the regional water authority. She said according to Cane Creek Water & Sewer District, all applications for water and sewer would come through their offices first. She said that regarding transportation, NC 280 receives a high-volume of traffic. She said that according to the NCDOT Transportation Improvement Plans, the 2004-2010 and the 2006-2012 draft Transportation Improvement Plan call for widening I-26 from the US 25 connector to NC 280 from four lanes to six lanes. She said that currently, there are no planned projects along NC 280 in the vicinity of the subject area. She said, referring to the County Comprehensive Plan, the subject area is located in the Urban Services Area, but was not identified as being in one of the CCP's priority planning areas. She said that Staff is aware of the issue. She said, however, it is likely to be included in the priority 2 planning area, the NC 191 South/Mills River East Planning Area, within the community-based planning

framework. She stated that the community plan for the area is scheduled to be completed in FY 2005-2006. The 2005 Henderson County Strategic Plan, adopted by the Board of Commissioners on February 16, 2005, provides a revised CCP implementation schedule and the Priority 2 planning area would not begin until the fiscal year 2005-2006. She said that the Urban Services Area is identified in the County Comprehensive Plan as having commercial uses at a mixture of scales, such as local, community and regional, and that all regional commercial development should be concentrated there. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community. The Urban Services Area (USA) is that area within which most urban services and urban-scale development is currently concentrated, and within which such development should generally be concentrated through the year 2020. Growth and development will be proactively managed through extensive planning. Much of the USA falls within municipal planning jurisdictions and will be managed by those jurisdictions. Ms. Radcliff stated that the CCP also states that the County's economic development activities should be pursued within the USA and development within the USA should be accessible by roads which are developed to urban standards, with capacities to accommodate increasingly complex volumes of traffic.

Ms. Radcliff said that Staff generally recommends C-4 zoning district for the subject area due to the fact that both the text and map of the CCP identify the subject area as being located in the USA and the text states that the USA will contain considerable commercial development at a mixture of scales being local, community and regional. She added that the subject area is located in close proximity to the I-26 interchange and based upon the CCP and the most recent recommendations of the US Highway 25 North Zoning Study, a regional commercial node should generally be located along major roads. The subject area is located off NC Highway 280, which has direct access to I-26 and is currently surrounded by commercial development. The Town of Fletcher has an existing highway commercial zoning district (Town of Fletcher C-2) surrounding three sides of the subject area and the County's C-4 zoning district is most compatible. The subject area has access to existing public sewer lines owned by Buncombe County Metropolitan Sewer District and the Cane Creek Water and Sewer District. Further, the subject area is also located adjacent to the Asheville Regional Airport and existing commercial development.

Ms. Radcliff mentioned that because the Board members did not receive the bulk of Staff's report prior to the meeting, she said that the Board may want to table the rezoning action until next month Planning Board meeting to make a recommendation to the Board of Commissioners. Chairman Pearce said that if this subject area had been located on US Highway 25 North, we would have recommended a C-4 zoning district. He added that the Board has not tried or attempted in other cases to match identical or recommend language changes to the Board of Commissioners so that our Ordinances exactly would match our municipalities, so therefore, he made a motion for a favorable recommendation to the Board of Commissioners that the three subject parcels be rezoned C-4 (Highway Commercial). Mike Cooper seconded the motion. All members voted in favor of the motion.

Item Added for Public Input – Commissioner McGrady. Commissioner McGrady informed the Board members that the LGCCA had a presentation from Laurie Moorhead of the NC Division of Water Quality and Diane Silver, Mud Creek Watershed Coordinator for

Henderson County Cooperative Extension Service. They have been going to the development community and suggest that there are ways to have less impact, particularly dealing with flooding, if the County would design different types of developments than what is typically desired and required under the typical zoning ordinance or land development ordinance. Mr. McGrady said that the development community apparently has responded to this positively but basically said that most of our problems aren't with what we want to design, but it is with the ordinances that make us do things sometimes that we don't want to do. He said that both of these ladies proposed to the mayors, council members, Chairman Moyer and himself, that they schedule a 45-minute workshop for each of the various jurisdictions to explain this so that when the various jurisdictions are re-writing their zoning ordinances that they think about making these things more flexible. Mr. McGrady said that after the discussion, because they were well aware that Henderson County's effort is planned near term and with the consent of all of the municipalities, the suggestion was that the County Planning Board entertain having a presentation on the subject and invite the other municipalities and their significant leaders to the presentation so everyone could listen to these ideas at the same time. Chairman Pearce asked Ms. Smith at what stage would this be helpful in the land development code? Ms. Smith said that Staff is already incorporating it and are aware of this. Chairman Pearce asked, "Would it be a good idea to have this presentation later on before you present the Land Development Code to the Board members?" Ms. Smith said that the Board could go either way but if the Board heard it now, it could endorse the direction Staff is going in. After some brief discussion, Chairman Pearce asked Staff to make arrangements for the place and time with the other municipalities and to get back with everyone on that information. Mr. McGrady suggested that the City of Hendersonville has offered their Operations Center to conduct this presentation. Chairman Pearce requested that the presentation be taped for any members who would not be able to attend.

Public Input. There was no additional public input.

Adjournment. There being no further business, Chairman Pearce made a motion for the meeting to be adjourned. All members voted in favor. The meeting adjourned at 9:22 p.m.

Tedd M. Pearce, Chairman

Kathleen Scanlan, Secretary