

**HENDERSON COUNTY
PLANNING BOARD MINUTES
April 19, 2005**

The Henderson County Planning Board met on April 19, 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; Tommy Laughter, Jonathan Parce, Renee Kumor, Gary Griffin, and Stacy Rhodes. Others present included Karen C. Smith, Planning Director; Matt Card, Planner; Natalie Berry, Zoning Administrator, Kathleen Scanlan, Secretary; C. Russell Burrell, (Acting) County Attorney and Chuck McGrady, Commissioner and liaison to the Henderson County Planning Board. Planning Board members Paul Patterson, Mark Williams and Mike Cooper were absent.

Approval of Minutes. Chairman Tedd Pearce presided over the meeting and called the meeting to order. Mr. Pearce asked for the approval of the March 15, 2005 regular meeting minutes and March 29, 2005 special called meeting minutes. Renee Kumor made a motion to approve both set of minutes and Gary Griffin seconded the motion. All members voted in favor.

Adjustment of Agenda. There were no adjustments to the agenda.

Staff Reports. Ms. Smith informed the Board members that the Board of Commissioners has scheduled a public hearing on the US Highway 25 North Zoning Study Area recommendations for Monday, May 9, 2005, at West Henderson High School for 6:00 p.m. She stated that at that same meeting, the Board is expected to reconsider and, possibly, re-adopt the Interim Development Ordinance.

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.

NEW BUSINESS:

Tall Timbers (File # 05-M10) – Combined Master Plan and Development Plan Review – (20 Lots) - Located Directly Off U.S. Highway 64 – Steven Waggoner, Agent for Jeff Donaldson, Kenneth Burgess and Calvin Ruby, Owners. Stacy Rhodes recused himself because of his business partnership with Steve Waggoner. Mr. Card said Steven Waggoner, surveyor for property owners Jeff Donaldson, Kenneth Burgess and Calvin Ruby, submitted plans for a major subdivision titled Tall Timbers. Tall Timbers is a proposed 20-lot major subdivision located directly off of U.S. Highway 64 in the Clear Creek Township. The project site consists of two parcels which total 13.5 acres of land. The proposed use for Tall Timbers is single-family residential. There are currently a few structures on the property; Jeff Donaldson has stated that all the existing structures except one will be removed.

Mr. Card said that the Applicant has proposed public water (City of Hendersonville) and private septic to serve the subdivision. Private paved roads are also proposed. A limited local road is proposed which abuts lots 3, 4 and 5 called Mattie Lane. There will be 14-foot of pavement and a 30-foot right-of-way. The property is located in an Open Use zoning

district which does not regulate the residential use of land. A Farmland Preservation District is located within a half mile of the proposed subdivision.

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 regarding the Master Plan, it appears that all requirements have been satisfied. Regarding the Development Plan, approval of the subdivision would be contingent on 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.** In addition to the items noted above, 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 (HCSO 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 (HCSO 170-19).

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. Chairman Pearce said that regarding the fire safety, he referred to the comment made by the Assistant Fire Marshal, Wally Hollis, who said that another hydrant in the rear of the subdivision would bring them into compliance with the accepted standard of one fire hydrant per 1,000 feet. Mr. Card said that this is preferred but not required. He said presently a fire hydrant is shown located in the front of the subdivision but if they go with the recommendation by Mr. Hollis, it would give them about 1,000 feet of spacing. Chairman Pearce clarified that this is only an accepted standard but not required. Mr. Card said yes.

Mr. Donaldson, who was present, had no further comments and said that they may consider the placement of the fire hydrant.

Chairman Pearce made a motion that the Combined Master Plan and 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 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 mentioned (Comments 1 – 5). Tommy Laughter seconded the motion and all members voted in favor.

Summerset at Bear Wallow Mountain (File # 05-M12) – Combined Master Plan and Development Plan Review – (99 Total Lots) - Located on Bearwallow Mountain Road – Andy Otten, Agent for Westside Land and Timber Co., Inc., Owner. (Stacy Rhodes was no longer recused from the meeting). Mr. Card said that Andy Otten with Melrose Design Group, PA, and agent for Westside Land and Timber Co., Inc., submitted a Combined Master Plan and Development Plan application for a major subdivision to be named Summerset at Bear Wallow Mountain. Summerset at Bear Wallow Mountain is a proposed 99-lot subdivision located on Bearwallow Mountain Road in northeast Henderson County. The proposed subdivision will be developed on two parcels totaling 288 acres. The subdivision is divided by Bearwallow Mountain Road with 41 lots in the parcel to the north of Bearwallow Mountain Road and 58 lots in the parcel to the south. A small portion of this project, including most of Snow Ridge Drive and part of 14 lots, is located in Buncombe County. The Combined Master Plan and Development Plan application for Summerset at Bear Wallow Mountain has been submitted to the Buncombe County Planning Department and will be reviewed on May 2, 2005, by Buncombe County. Mr. Card said that according to the Combined Master Plan and Development Plan the Applicant has proposed approximately 43 acres of common space with a clubhouse which will be shared among the residents of Summerset at Bear Wallow Mountain.

Mr. Card stated that the Applicant has proposed private paved roads to serve the subdivision. The main entrances for both portions of the subdivision will come from Bearwallow Mountain Road and are proposed to be gated. According to the Combined Master Plan and Development Plan, all but one road uses an alternate turn-around, which is an NCDOT approved turnaround, provided to the Applicant by Mark Gibbs, an NCDOT Engineer.

Mr. Card said that the subdivision would be served by individual wells and individual septic systems. Mr. Card stated that on the property there is a blue line stream which might be good for fire protection or a dry hydrant.

The project site is located in the Open Use zoning district which does not regulate the residential use of land. The property is adjacent to the Fruitland Farmland Preservation District and according to the North Carolina National Heritage Program's January 2002 inventory and the publication, *Natural Areas of Henderson County: A Preliminary Inventory of the Natural Areas of Henderson County, North Carolina*, the Bear Wallow and Bat Cave Natural Heritage Inventory Sites are located in a close proximity to the project site.

Mr. Card said that South Summerset Drive is longer than 2,500 feet in length and according to Section 170-21H in the Henderson County Subdivision Ordinance, all dead end roads should not exceed 2,500 feet in length. The Planning Board may require the installation of a partial turnaround along any road that exceeds 1,500 feet in length.

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.

Mr. Card said that regarding the Master Plan, It appears that all requirements have been satisfied. Regarding the Development Plan, he offered the following comments:

1. **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)
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 170-37A).
3. **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)
4. **Other Final Plat Requirements.** In addition to the items noted above, the Final Plat(s) for 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 (HCSO 170-19).
6. **Fire Suppression.** According to the Henderson County Subdivision Ordinance (170-20C), for any major subdivision without a fire suppression rated water system, that either has or is adjacent to an adequate permanent surface water supply, the applicant may be required to install a dry fire hydrant system, the type and location of which is to be determined by the County Fire Marshal. A road to the water source providing permanent all-weather access to the water source that is adequate for fire-fighting equipment shall be required, if applicable.
7. **Stream Crossings.** Roy Davis with NCDENR, Division of Water Quality, submitted a comment that 404 and 401 permits are required for all stream crossings proposed in the project.

Chairman Pearce asked if there was an opinion on setting up a pond for water supply regarding fire suppression/protection? Mr. Card said that he had talked with Wally Hollis of the Fire Marshal's office and he felt it necessary to have a pond or lake with a dry hydrant with all weather access because there is limited surface water supply.

Ms. Kumor asked whether the road is being gated in the entrance portion? Mr. Card said not Bearwallow Mountain Road, but the entrances on the sides of Bearwallow Mountain Road, one going to the north and one going to the south. Mr. Griffin asked in what direction would they bring the people - Fletcher, Edneyville or the Gerton side? Mr. Card said that Mr. Otten could answer that question.

Mr. Card mentioned that Chief Jay Allen of the Gerton Fire and Rescue Department has submitted a few comments regarding fire protection for Summerset at Bear Wallow Mountain.

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. Andy Otten with Melrose Design Group, PA, noted the area on a map that will be retained as open space, which is approximately 45 acres of a 288-acre parcel, (greater than 15%). He said that the owner wants to maintain these 45 acres as open space because he is concerned with maintaining the rural character of the property. Mr. Otten stated that they have taken extreme care in designing the road system; to minimize the stream crossings as well as minimizing the linear footage that traverses steeper grades. The owner was adamant regarding the density being less than what he could have had. Chairman Pearce asked, "What is the flow on the stream there?" Mr. Otten said that he did not know. Chairman Pearce said that considering the water retention and fire suppression facilities (dry hydrant and a road leading to the facility), he doesn't know how the Board could approve this subdivision without these requirements. Mr. Otten noted the areas of classified trout waters, so that is one of the reasons why they have been approaching this matter with care to minimize the crossings. He added that they were also concerned with ponding up classified trout waters, noting that although we needed to weigh the State would be involved. Chairman Pearce asked whether there were enough springs to create a pond without interfering with the trout waters? Mr. Rhodes said that you can build a pond without having to dam the streams as you can divert the water from the streams. He added that there is a cooling tower system that could be operated. After some further discussion, Ms. Smith reminded the Board members on the dry hydrant issue, if it is required, it would be determined by the Fire Marshal's Office and working with the applicants on the State requirements. Mr. Otten asked whether this is a requirement of the Ordinance? Ms. Smith said that if the subdivision does not have a fire suppression rated water system or is not adjacent to adequate surface water, it is required. Ms. Smith asked Rocky Hyder, Fire Marshal for Henderson County, to explain the term, "adequate surface water supply." Mr. Hyder said that what his department is looking for is a storage capacity of at least 100,000 gallons at maximum drought level. He said that when you figure in the lowest stream flow for the last fifty years, you need to have 100,000-gallon impoundment and this would contribute to fire suppression water supply. Ms. Kumor asked whether Gerton covers that area? Mr. Hyder said yes. Mr. Hyder said the reason why they left this as an option - dry hydrant and/or all weather access - is if they have a dry hydrant nearby, then it is not necessarily required. Mr. Otten asked whether Mr. Hyder was talking about a tank fill-up point as opposed to a distribution point? Mr. Hyder said tank fill-up - a dry hydrant system instead of a pond is preferred in this case.

Chairman Pearce made a motion that the Planning Board find and conclude that the Combined Master Plan and 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 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 (Comments 1 – 7) and specifically on Comment 6, that instead of *may be required*, that it *be required* to install a dry fire hydrant system. Gary Griffin seconded the motion. All members voted in favor. Ms. Smith wanted to clarify that the Planning Board is specifically approving all alternate cul-de-sac designs in this subdivision. Chairman Pearce made a motion that the Planning Board is specifically approving all alternate cul-de-sac designs for Summerset at Bear Wallow Mountain. Gary Griffin seconded the motion. All members voted in favor.

Highland View (File # 05-M13) – Combined Master Plan and Development Plan Review – (14 Lots) – Located off Lands End Road – Mike Williams, Agent for Highland Ventures, LLC, Owner. Mr. Card said that Mike Williams, agent for Highland Ventures, LLC, submitted a Combined Master Plan and Development Plan for a subdivision titled Highland View. Highland View is a proposed 14 lot major subdivision located off Lands End Road, which is located off of South Rugby Road in the Hendersonville Township. The project area is on a total of 18 acres of land. According to the Combined Master Plan and Development Plan, local residential roads will serve the proposed subdivision. These roads are proposed to be private gravel roads. Adjacent to lot 13 is an oak tree where the Applicant has proposed to fork the road around the existing tree. The road will be built to local residential road standards with a width of 16 feet on both sides of this tree.

Mr. Card said that the Applicant has proposed individual septic and wells and the proposed subdivision is located in an R-40 Zoning District, which requires a minimum lot size of 40,000 square feet. It is also located in a WS-IV water supply watershed district, which requires a minimum lot size of 20,000 square feet. A perennial stream flows through the northeast corner of the property to the French Broad River. Mr. Card added that with that perennial stream, they would need a 30-foot vegetative buffer. The property is located within approximately 500 feet of the French Broad River. The French Broad Farmland Preservation District is located within a half mile of the proposed subdivision.

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.

Regarding the Master Plan, it appears that all requirements have been satisfied.

Mr. Card said that regarding the Development Plan, the following comments are contingent on approval for the subdivision:

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) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
4. **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)
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 (HCSO 170-19).

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. Mike Williams, agent for Highland Ventures, LLC was present for comments. Ms. Kumor asked whether the Board can require improvement of the existing 16-foot gravel road and what is the nearest water supply? Mr. Williams said that there is a fire hydrant at the end of Lands End Road, across the road from South Rugby, as that is where the waterlines end. Mr. Williams said that there is a road maintenance agreement that has existed since the 60's there and the subdivision covenants also will have a road maintenance agreement. After some brief discussion, the Board determined there were no additional requirements needed for the roads.

Renee Kumor made a motion that the Planning Board find and conclude that the Combined Master Plan and 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 further moved that the Combined Master Plan and Development Plan be approved subject to the Comments listed (1 – 5). Tommy Laughter seconded the motion and all members voted in favor.

Request for a Conditional Use Permit (#CU-05-04) – To Operate a Customary Incidental Home Occupation in an R-15 Zoning District Located off Howard Gap Road at 44 Cedar Creek Drive – Akram Khan, Applicant. Mr. Gary Griffin recused himself from discussion of both Conditional Use Permits as he also serves on the Zoning Board of Adjustment. All Board members were in favor of his recusal.

Ms. Berry, Zoning Administrator for Henderson County, said that pursuant to Section 200-69.C5 of the *Henderson County Zoning Ordinance*, the Zoning Board of Adjustment can

ask the Planning Board for their recommendation on any conditional use permit applications. She said that the Zoning Board is looking for recommendations for both conditional use permit applications to be presented at tonight's meeting.

Ms. Berry reviewed her *Zoning Official Report*. She stated that the request is from Akram Khan and that he is wishing to have a conditional use permit to operate a customary incidental home occupation at his residence at 44 Cedar Creek Drive. She stated that the parcel is zoned R-15. Ms. Berry said that the customary incidental home occupation definition includes but is not limited to dressmaking, cooking, baking, music instruction, the practice of such professions as insurance, medicine, artistry, architecture and accounting as some of the types of permitted uses as accessory uses in a residence. She said that in a customary incidental home occupation, the owner is not allowed to use over 25% of the total floor space for that occupation. She stated that the petitioner intends to use the property as an accessory use to his home and intends to operate the business with the assistance of Rebecca Grooms. She said that if granted a State license, they would be approved to care for no more than 8 children ranging from the ages of 2 years to 5 years old. The total square footage of living area in the structure is 2,108, so therefore, they would not be allowed to use more than 527 square feet of floor area. She also mentioned that the petitioner will provide a 7.5 square-foot sign not to exceed 5 feet in height including the pole, to identify the business at the residence.

Ms. Berry reviewed the memorandum from Autumn Radcliff, Planner, and said that the applicant submitted plans and photos showing the location of the proposed child care operation and that Ms. Radcliff offered the following comments and recommendations:

The definition for a customary incidental home occupation states, "*any use conducted entirely within a dwelling.*" Ms. Radcliff's memorandum said that she understands that the State requires an outdoor play area/yard, which is not noted on the plan, but the Zoning Board of Adjustment previously allowed a daycare as a customary incidental home occupation with an outdoor play yard because the State required it. She stated that Ms. Radcliff recommended that due to the size of the parcel, proximity of adjacent homes, and the indication that up to eight children could be cared for at any given time, the designated play area/yard should be fenced or screened for the safety of the children.

Ms. Berry stated that Ms. Radcliff said that the application did not indicate the hours of operation and therefore recommend that the Board verify if the child-care operation will offer night or weekend care and that the hours of operation be specified in the Conditional Use Permit.

Ms. Berry said that the applicant is proposing a 2½ X 3-foot sign to be placed on the property advertising the child-care operation. Ms. Radcliff recommended that the Board consider if it can require evidence that the State requires a sign as a condition of approval of the operation. She also recommends that the Board ask the applicant to note the location of the sign, whether it will be out of the right-of-way, double-faced, if there will be any direct or indirect lighting and that the location and design standards of the sign be specified in the Conditional Use Permit.

Ms. Berry said that Ms. Radcliff also recommends that the Board consider asking if the applicant has verified that the subdivision covenants allows for a child-care operation.

Ms. Berry noted the overall view of the site plan for the childcare center location and also a drawing of the proposed sign and its dimensions. Ms. Berry also noted photos that were taken of the interior of the house that the applicant plans on using for the day care.

Chairman Pearce asked Ms. Berry whether she has any recommendation on this permit request? Ms. Smith said that typically the Zoning Administrator does not give recommendations to the Board of Adjustment, she just presents the facts of the case.

Chairman Pearce asked the applicant, Mr. Khan, what his plans were for the play area? Mr. Khan said that he would provide fencing around the play area. Chairman Pearce asked what the proposed hours of operation would be? Mr. Khan said that they would be 7:30 a.m. to 5:30 p.m., Monday through Friday. Chairman Pearce asked Board members whether 7:00 a.m. to 6:00 p.m. would be more suitable? Chairman Pearce asked Mr. Khan whether he plans on having a sign or has a need to have a sign? Ms. Kumor asked what the subdivision covenants say about signage? Chairman Pearce asked Mr. Khan whether the subdivision he lives in has a restrictive covenants? Mr. Khan said he did not know. Ms. Kumor said that the Planning Board is only giving a recommendation back to the Board of Adjustment and that this could be a condition of the Planning Board that it will need to be reviewed. Ms. Smith said that she does not know whether the State requires a sign and added that the State has requirements that the applicant would have to meet. Board members asked whether they could comment with regard to the license of the childcare center? Ms. Smith said that the Board of Adjustment could require that the applicant show evidence of that license prior to operation. Ms. Kumor asked whether the Planning Board could make a recommendation also, or is that out of our jurisdiction? Mr. Burrell said that this Board could make that as a recommendation, but they will need any licensing before they can go forward with this operation.

Chairman Pearce made a motion to recommend approval of the Conditional Use Permit # CU-05-04 to the Zoning Board of Adjustment subject to the following:

- (1) Verification that subdivision covenants allow a day care center to operate
- (2) That the applicant provide a fenced-in area adequate for the children to play outdoors and safe enough to keep them out of traffic and other people's property
- (3) That the hours of operation would be Monday – Friday from 7:00 a.m. – 6:00 p.m.
- (4) Unless it is required by the State, that no sign or sign lighting or anything of that nature advertising the business be erected on the property
- (5) That the applicant demonstrates approval of all State licensing requirements before beginning operation.

Renee Kumor seconded the motion. All members voted in favor, Gary Griffin was recused from the motion.

Request for a Conditional Use Permit (#CU-05-05) - To Construct a Shopping Center Consisting of One Building in a C-4 Zoning District Located on Spartanburg Highway – Jim Roberts, Applicant. Ms. Berry stated that this conditional use permit application is for a shopping center to be located at 1890 Spartanburg Highway. There is an existing building on-site. Ms. Berry said that the applicant wants to construct two new buildings on the site and to make a shopping center out of the site, where there will be eight tenants. She said

that the parcel contains 1.9 acres and is zoned C-4. She stated that the dimensional requirements in a C-4 District include a front setback of 75 feet from a major street. Side and rear yard setbacks are same as any contiguous zoning, which is R-10, and they are 10 feet from adjoining property boundaries. Ms. Berry said that off-street parking requirements state that shopping centers are required to have 1 parking space per each 300 square feet of gross floor area and she added that the applicant meets this requirement. She mentioned that the N. C. Accessibility Code requires 3 handicap parking spaces with one of those spaces being denoted as a van-accessible space and she said that the applicant also meets this requirement. She stated that off-street loading and unloading standards require one off-street loading and unloading space for each 10,000 square feet of gross floor area for retail use. She said that the applicant has designated one for each of the three buildings and meets this requirement.

Ms. Berry said that she also included an explanation of a "building" and has buildings could be connected by a covered walkway and treated as one building. When the plan with connected buildings was given to Ms. Radcliff for review, she felt that this would be a hindrance to fire trucks, other vehicles going between buildings and pedestrians crossing and also there was concern regarding the height of the roof. Ms. Berry said that she had talked with Stuart Stepp, architect for the project, and he revised the plans to take the two connections off of the buildings so that they will be three separate buildings. She said this change met one of the requirements that Ms. Radcliff had suggested.

Ms. Berry indicated that another comment for recommendation by Ms. Radcliff was regarding a new sign for the shopping center. Ms. Berry said that Mr. Stepp indicated that the applicant was replacing the existing sign, so therefore it will be back to just one sign.

Regarding the entrance/exist marking, Ms. Berry mentioned that Mr. Stepp will have a plan to show the entrance and exit from Spartanburg Highway.

Ms. Radcliff's written comments recommended that standards for lighting and hours of business operation be specified in the Conditional Use Permit. Ms. Berry said that Mr. Stepp has brought a new site plan for the proposed shopping center and she feels that it will be to the Board's liking.

Mr. Stuart Stepp, architect for the applicant, distributed the new plan showing all of the revisions, including a diagram of the three separate buildings. He said that there was a question regarding dumpster access, and one loading area was next to the dumpster. He said it has been angled to give better position for the truck to access the dumpster. Mr. Stepp said regarding the lighting, there are about one or two lights on the site at present and there will be lighting on the two new buildings. Mr. Stepp described on the new plan the orientation of the existing building to the new proposed buildings, so therefore there is a strip shopping center in the front of Spartanburg Highway and a two-tenant building (warehouse-type) in the back of that. He said they want enough lighting for security but where there are some dwellings on Dotson Half Loop Road, they have taken into consideration about any lights shining on those properties. Mr. Stepp showed the placement of the buffer and noted the applicant will plant additional buffering besides the trees that already exist. Mr. Stepp said that there are two signs at present, one at Mr. Robert's muffler shop and another which will be replaced with a new sign to be used for the shopping center. He added that they would meet the requirements of the sign

ordinance that the County has. Mr. Stepp said that the existing entrances to his site are on NCDOT right-of-way. He said there are three on his site as well as the Dotson Half Loop Road entrance. He said they are all concrete, constructed by NCDOT. Mr. Stepp said that they do not need all of the accesses but have added directional arrows. He showed the distance between them. The shortest one is thirty feet away, another one is thirty-eight feet and the other one is ninety-six feet apart. He said that there was an issue about connecting the back end of Dotson Half Loop Road with the new parking area in the rear and because of the steep bank he probably wouldn't want to do it. He said that because of the steep bank and the existing trees that help buffer this commercial property from residential areas, he feels that they shouldn't connect to Dotson Half Loop Road. He also feels it would be better having the residential traffic stay where it is right now and not mix it up with commercial traffic. Ms. Kumor said that the Comprehensive Plan discusses the minimizing of curb cuts and regarding his development, the curb cuts are already there, so what can be done in this case? Mr. Stepp said that they could try to minimize the accesses. Ms. Kumor said she feels that having all of those accesses could cause some traffic problems. Chairman Pearce felt that the Board wouldn't have any control over this issue. Mr. Stepp suggested that they could create some markings on the pavement that could direct them to go one-way or the other. Chairman Pearce asked what the hours of operation would be and if the tenants would be restricted from being open 24 hours a day. Mr. Stepp said a list of the types of businesses to be allowed was submitted with the application.

Mr. Jim Roberts, applicant for the project, said that he had no particular hours in mind, but does not foresee any business there that would run for 24 hours. Chairman Pearce asked how close is the nearest residential home? Mr. Stepp mentioned a development that was nearest to this proposed shopping center. Chairman Pearce said it was difficult for him to specify hours when there are businesses that are open 24/7 all up and down the road. He asked whether Staff has any thoughts on that? Ms. Smith said no. Mr. Laughter stated that it was brought up earlier that they were going to limit the lighting on their property, and asked if this would not limit the hours of operation? Chairman Pearce said he feels that it wouldn't. Ms. Smith said that the Board of Adjustment will typically go further and say that the applicant will need to make sure it doesn't shine on other people's property when they review it. Ms. Smith said that regarding the question about the hours of operation, Staff can issue a zoning permit for an individual business in a C-4 zoning district and hours of operation are not specified. She said that because the proposal has multiple multi-tenant buildings, it is coming before the Planning Board as a shopping center. Chairman Pearce asked Mr. Roberts whether he prefers to keep both signs? Mr. Roberts said he prefers to keep the one sign with the existing business (muffler shop). He said that there is a second sign which he wants to improve and have eight small panels to accommodate the names of each business to be in the shopping center and the sign itself would be used for additional lighting in the front. Ms. Smith said that the Board of Adjustment would typically require a sketch and they also might leave it up to the Zoning Administrator, if they give some parameters to review it. Chairman Pearce asked whether Mr. Roberts was going to make any new changes to the existing muffler shop? Mr. Roberts said that he was not.

Chairman Pearce made a motion to recommend to the Zoning Board of Adjustment approval on Conditional Use Permit #CU-05-05 subject to the revised plan that was submitted to the Planning Board; that the Board of Adjustment make a determination as to the size, lighting, etc. that the Planning Board specifically notes that the covered walkway

is being eliminated; that there be no direct access off of Dotson Half Loop Road and that any lighting on the property be confined to the property. He added that adequate buffering, parking and removal of existing storage vehicles, trailers, etc., should be done and that the Zoning Board of Adjustment consider a condition of the permit to require the owners to notify the Zoning Administrator of any change of occupancy so that the required permits can be applied for. Renee Kumor seconded the motion. All members voted in favor, Gary Griffin was recused from the motion.

Review of the Draft Henderson County Flood Damage Prevention Ordinance – Lori Sand, Project Manager, Henderson County Planning Department. Mr. Rocky Hyder, Fire Marshal for Henderson County, reviewed a PowerPoint slide presentation. He stated what floodplains are designed to do and what the proposed ordinance is trying to achieve to protect the floodplains. Mr. Hyder described the difference between the flood areas (floodway, 100-year floodplain and 500-year floodplain) designated on the Flood Insurance Rate Maps (FIRM maps). Mr. Hyder said that in Henderson County there is not much difference between the 100-year and the 500-year floodplain because of the topography, except in the French Broad River and Mills River basins. Mr. Hyder stated that in Henderson County's jurisdiction they are 10,558 acres or 4.4% in the 100-year floodplain and in the 500-year floodplain there are 845 acres or 0.34%, for a total of 4.7% of the floodplain, which is a very small area of the total land mass for the County. Chairman Pearce asked, "Do you anticipate that changing significantly, one way or the other when the new mapping is done?" Mr. Hyder replied, "Because of the new developments that the County has had, he feels that the area will grow some." Chairman Pearce stated that allowing development increases the amount of land subject to the floodplain. Mr. Hyder agreed and said that impervious surfaces obviously can not do the things that floodplains can do, which is absorb volume and reduce velocity of flood waters, among other things. Chairman Pearce asked at what acreage will it increase? Mr. Hyder said that a lot of the eastern areas of North Carolina have seen the 100-year floodplain move much closer to the 500-year floodplain, but we have no idea how it will affect Western North Carolina (WNC), because no County in WNC has been re-mapped. Ms. Smith added that the numbers include only land in the County's jurisdiction and not in any of the municipalities.

Mr. Hyder showed a schematic of the special flood hazard area. He said that the floodway is associated with the channel itself and the fringe is outside of that and this whole area is what the Ordinance is intended to regulate. Mr. Hyder showed on a map an example of the 500-year floodplain and the 100-year floodplain.

Mr. Hyder explained that reasons to have a Flood Damage Prevention Ordinance are to:

- (1) Protect human health and the emergency responders that are called out to take care of these situations when they arise.
- (2) Reduce money for flood projects
- (3) Minimize the need for rescue and relief efforts
- (4) Minimize the damage to public facilities and utilities
- (5) Reduce prolonged business interruptions
- (6) Prevent increased flood levels caused by unwise floodplain development
- (7) Encourage the retention of open space development that will not impede the flow of flood waters
- (8) Preserve prime agricultural land

- (9) Implement recommendations in the Comprehensive Plan, Hazard Mitigation Plan, 1993 Comprehensive Land Use Plan, Mills River/Fletcher Land Use Study and the Board of Commissioner's Strategic Plan, which include the adoption of some type of flood prevention ordinance.

Mr. Hyder said that there is a 1% chance that a property owner's house will catch fire in thirty years, but there is a 26% chance that same house would flood if in the 100-year floodplain. He said that during a 50-year period, the chances increase by 39%. He said that the most common natural disaster that we have in the United States is flooding. He added that in Henderson County property owners can not get flood insurance. Mr. Hyder said that the National Flood Insurance Program (NFIP) provides flood insurance to individuals in communities that are members of the programs. Currently, the Town of Fletcher and the City of Hendersonville are in the program, however the other municipalities in the County are not in the program. He said that the County must have an approved Flood Damage Prevention Ordinance before the County can participate in the NFIP. He said that the Commissioners have looked at this program on many occasions and they have basically made determinations that the NFIP may be necessary, but enacting the minimum standards contributes to development and that is the reason they have not chosen to join the program. By not participating in the NFIP, property owners can not borrow money on property within the floodplain without having the ability to get flood insurance. He said so by not making flood insurance available, the Commissioners chose to manage the floodplain that way. He said that things have changed considerably regarding State law, such that if Henderson County does not participate in the NFIP, the County is not eligible for disaster assistance funds, hazard mitigation funds and many other federal grant programs.

Mr. Hyder reviewed a slide that was a summary of the draft ordinance that the Board members have before them, which showed that:

- (1) Article 1 outlines the statutory authorization, findings of fact, purpose and objectives
- (2) Article 2 gives relevant definitions
- (3) Article 3 explains how special flood hazard areas are determined and establishes a process requiring a floodplain development permit
- (4) Article 4 designates a floodplain administrator, outlines floodplain development permit application requirements, list the duties of the administrator and outlines violation citation, appeal and correction, and variance procedures.

Mr. Griffin asked, "Does this mean we would be hiring a floodplain administrator?" Mr. Hyder said that this would mean that we would either hire an administrator or Ms. Smith would decide in her department how that would be delegated. Ms. Smith said that the Board of Commissioners in the 2005 Strategic Plan and in the 2020 Comprehensive Plan did a schedule of resources that are going to be needed associated with ordinances and other items that the County will need to adopt and they did plan that there would be a position in fiscal year 2005-2006, starting July, 2005, to help the County administer the flood ordinance. She mentioned that the Planning Department's Zoning Administrator, Natalie Berry, is a Certified Flood Manager and is qualified to be the flood ordinance administrator.

Mr. Hyder continued:

(5) Article 5 lays out development provisions such as:

- No development, except water dependent structures in the floodway
- Only construction related to agriculture, recreation activities, infrastructure permitted in the 100 and 500-year floodplains
- New construction in floodplains and/or floodways will require no-rise certificates and structural elevation and/or floodproofing
- Manufactured homes allowed only as replacement homes in floodplains
- No new residential construction in floodplains
- Additions and substantial improvements must meet elevation and/or floodproofing requirements
- Establishment of time limits and mitigation procedures for recreational vehicles, temporary non-residential structures
- Accessory buildings and fencing construction standards

(6) Article 6 covers legal status and adoption provisions

Mr. Hyder said that the proposed Ordinance is restrictive with regard to development in the floodplain and the whole goal is to protect that area that is at present a little over 4% of Henderson County, but could considerably grow, if it is not managed properly. Mr. Griffin asked whether the City of Hendersonville has an Ordinance? Mr. Hyder said that it does. Mr. Griffin asked, "How does this Ordinance compare with the one in Asheville?" Ms. Berry said that Asheville's ordinance allows for quite a bit of development. Mr. Griffin asked, "Where does the County's plan fall into the City of Hendersonville's plan?" Mr. Hyder said that the City has a one-foot freeboard requirement. Ms. Smith said that it is a two-foot requirement, but is not as restrictive as the County's proposed plan. Mr. Griffin said that the County's plan would be more restrictive than the City's plan? Mr. Hyder said that we are saying that the County should be more restrictive strategically as other cities adopt a floodplain ordinance, because they all will need to join the NFIP in order to participate in disaster assistance funding and other related funding. Mr. Hyder said that if the County does not have the most stringent ordinance, we would be setting up the other cities to have a problem as a result. He added that if the County's ordinance is less restrictive, and another municipality wants to annex land, then they would have a problem. He said this is similar to what Hendersonville complains about now; that they have problems with the County allowing fill that affects floodplains in the City. He said that the County having the most restrictive ordinance does two things. Strategically, it allows the County to manage the floodplain to keep it from growing, but it also supports our other cities that may want to pass the same ordinance, or they may want to pass a less-restrictive ordinance, but that is their call, as they may want to manage it in a different way. Mr. Griffin said that if you are a developer and have land in the County and the City is less restrictive and the property is close, would you not want the City to annex your property? Mr. Hyder said that you would, and this could be a side-effect of this. Mr. Hyder said he doesn't want anyone to fool around in the floodplain, because it doesn't matter how it is filled or elevated, when it floods, that building is exposed to floodwaters. Chairman Pearce asked, "What can the farmers do on their property?" Mr. Hyder said that for agricultural use, they can build sheds, or barns to protect their equipment and livestock, but they couldn't build their home. Ms. Berry said you do not want the sheds or barn to turn into projectiles and hurt someone downstream, so you want to make sure they withstand the flood force. Mr. Griffin wondered if, looking at what the City has allowed to be built and

what is being built on the south end of town near the railroad tracks, if these properties were in the County, they would not have been able to build these structures? Mr. Hyder said that is correct because the County would not have wanted to do that. Mr. Hyder said that we are talking about a County ordinance, which is for not as populated of an area versus the City ordinance, where there is development already established and if that area had been open ground it would be a different situation. Mr. Hyder added that the south end of town is not getting any better and the flooding problems are on the increase, so it is not helping to continue building there. He said that what the County is proposing, is an ordinance designed for the portion that is left in the County to protect the farms and the floodways and establish a restrictive ordinance that protects the floodplain from growing so that the County does not have a problem. He said that is the short sightedness of some of the ordinances; they want to increase the development, but they want to be above the flood hazard level, but all those impervious surfaces that come along with that development only increases the problem so the floodplain keeps growing out. Chairman Pearce asked, "How much of the area in the 100-year and 500-year flood area is zoned commercially?" Staff did not have a definitive answer. Chairman Pearce also wanted to know why is the County recommending that they go above the minimum standards required to get federal insurance? Ms. Smith said that part of the reason is to maintain the status quo. She said that right now, unless you have cash, you would not get loans to build in the floodplains anyway. She said that having something more restrictive, and not allowing any development in the floodplain would not be changing anything on that end, but what is changing is with regard to fill and a loan may not be needed. Ms. Smith said that with the 500-year floodplain, regarding the mapping, we do not know what is going to happen, but are looking at it cautiously and will incorporate standards for the 500-year floodplain. Ms. Smith said that on the digital maps, it is customary to have a 250-foot buffer on either side of those boundaries, so we are taking that into consideration too, Chairman Pearce asked, "What about Fletcher?" Ms. Sand said that Fletcher has a three-foot freeboard, foot higher than Hendersonville. She stated that both municipalities permit development in the 100-year floodplain, but they do have to provide floodproofing and elevation. Chairman Pearce asked whether they allow fill in the 100-year floodplain? Ms. Sand said yes, but only with a no-rise certificate. Ms. Berry added that a favorable factor about being part of the FEMA program is whenever you do a conditional letter of map revision with a no-rise certification, it goes through FEMA and the County has to sign to agree to it, but you don't have to sign it. Chairman Pearce asked, "Who would have to approve that, the Administrator or the Planning or Zoning Board?" Ms. Berry said that it would be the County Manager. Ms. Kumor asked, "For what reason is the Planning Board being presented this Ordinance?" Ms. Smith said that it is a police-power ordinance, but the Commissioners follow procedures similar to zoning ordinance amendments and get the Planning Board to make a recommendation. Ms. Smith said that the Commissioners have asked that, in addition to the Planning Board, the Environmental Advisory Committee and the Agricultural Advisory Committee to take a look at this Ordinance. Ms. Kumor wondered if the County was developing a plan to buy some of the affected land with funds from the Clean Water Management Trust Fund, for example, or to preserve it through the Carolina Mountain Land Conservancy. Mr. Hyder said that the County needs to participate in the NFIP before we can get anything from the Hazard Mitigation Program. Chairman Pearce said that one thing that upsets him about this Ordinance is that the County will allow construction to take place with a floodproofing, which he feels will create more impervious surfaces. Mr. Griffin stated that when you have a playground built, with all of the items needed for it, you actually have a commercial development. Chairman Pearce

said that he feels we need to make some type of consideration as to the impact those things will have on the floodplain and whether there is a way to address these issues. Mr. Griffin suggested that the County should compare the proposed ordinance with the City of Hendersonville's, if they haven't already. Chairman Pearce asked whether that has been done? Ms. Sand said that she has done it and could provide a chart tomorrow. She said to give an overview, of Hendersonville's ordinance, development in the floodway requires a no-rise certificate. Henderson County proposed to not permit development in the 100-year and 500-year floodplain. Hendersonville and Fletcher's ordinances regulate just the 100-year floodplain with the flood proofing. She stated that the County proposes a four-foot, but no higher than six-foot freeboard, and Fletcher's is three-foot and Hendersonville's is two-foot. Ms. Berry said there is a substantial improvement clause where if you go over 50% of the air market value when a building is damaged, they have to elevate it.

Hendersonville also has the 50% clause. After some further discussion, Chairman Pearce asked when would the Board of Commissioners meet on this matter? Ms. Smith said that the hearing is on May 2, 2005, but she did not know whether the Board will take any action on the Ordinance, as we do not know whether the Commissioners can enact before they apply to join the NFIP. Ms. Smith asked Gina White, a consultant assisting Henderson County with the Flood Damage Prevention Ordinance and its Hazard Mitigation Plan, if it could adopt the Ordinance conditional on being approved for the NFIP? Ms. White stated that conditional adoption is best and it can be enforced as soon as the County wants to. Chairman Pearce said that the County needs to come up with a solution, and in order for the situation to not get worse the County needs a very restrictive ordinance, but he does not like that the adjacent municipalities have a lesser ordinance. He added that we need to remember that we are restricting people's use of their property, but shouldn't be able to benefit by damaging other people.

Chairman Pearce made a motion to recommend to the Board of Commissioners the adoption of the draft Flood Damage Prevention Ordinance as presented. Renee Kumor seconded the motion. Chairman Pearce asked each Board member their opinion.

Tommy Laughter stated that if the Fire Marshal is in favor of this Ordinance, then he said he feels comfortable with it.

Stacy Rhodes said that he was apprehensive at present because there are a lot of ramifications in this Ordinance and he said that he hasn't had a lot of time to discuss and study the Ordinance. He did say he was in favor of a flood ordinance.

Jonathan Parce mentioned that he too feels that he hasn't had enough time to study this ordinance and compare it with other municipalities.

Renee Kumor said that this ordinance has been needed for a long time. She said there will be flooding again and the County needs protection and the longer the Board takes to respond, the more people will be tricked into thinking that they are safe. She said that this ordinance is not for the floodway only; it is for the entire County.

Gary Griffin said that he feels that the County needs the Ordinance, but wants to see other municipalities' ordinances to compare with the County's proposed ordinance. Ms. Kumor said that she doesn't feel the Board has enough experience to do that and further she feels

that we have Commissioners that are ready to act, and we will be left in the dust. Mr. Parce said he feels he has been now convinced by Ms. Kumor's argument.

Chairman Pearce reiterated that he doesn't know how we can continue to justify doing anything that gives anyone the right to hurt someone else, and a floodplain ordinance that stops construction in the floodplain is the only way and the more restrictive the County is the better we will be. Mr. Rhodes said that it didn't have to be equal to Hendersonville's ordinance but there should be some leeway in the 500-year floodplain, if someone can show no-rise certification. However he also noted, there is no guarantee. Chairman Pearce said that there is a no-rise certificate process involved in this Ordinance. Ms. Sand stated that in this draft Ordinance if you put a water-dependent structure in a floodway you are required to submit a no-rise certificate, but beyond that the County would not permit any development as we do not give the no-rise certificate option. Mr. Rhodes asked, "What is your definition of water dependent structure?" Ms. Sand said it would be a dock or boathouse or pier or something of that nature. Mr. Griffin said that now a property owner could not build in the floodplain because they were not able to get mortgages without flood insurance, so there are no homes built in the floodplain? Ms. Kumor said that if you have the money, you still can build in the floodplain as well as place manufactured homes which are insured as vehicles. She said that another way to build in the floodplain is to fill. Chairman Pearce said that he feels a manufactured home is one of the most dangerous structures in a floodplain, not only for the occupants, but because they move and can cause damming and create additional problems. Mr. Griffin asked whether there were that many houses in the floodplain? Ms. Smith said that we have a map, but did not know offhand how many structures were found in the floodplain. Mr. Hyder said that as a result of Hurricane Frances, there were two homes along the French Broad River that were severely damaged and another two that were damaged from the results of the hurricane. He added that there are not a lot of homes in the floodplain, but there are a number of manufactured homes that were moved there because they are considered a vehicle and can get flood insurance that way. Mr. Griffin said that what bothers him the most is that the County's Ordinance is more restrictive than what Hendersonville has. Ms. Kumor feels that Board members are all acknowledging the need for an ordinance, but there are about how it differs from neighboring ordinances within the municipalities. Mr. Griffin added his concerns with regulating structures in the 500-year floodplain. Mr. Hyder said that the reasoning behind the 500-year floodplain is that it incorporates the increase in 100-year floodplain we feel is going to happen with the new Flood Insurance Rate Maps. Renee Kumor asked whether we have flood maps and if we are expecting anything new regarding them? Mr. Hyder said that the County does have Flood Insurance Rate Maps dated March, 1982, but they are not very good ones and we have digitized them. The new Flood Insurance Rate Maps are forthcoming and will be sent within two years. He added that they have flown the areas in WNC but that it takes two years to develop the final product. Mr. Russell Burrell said that there will be some technical revisions to the draft Ordinance before it is sent to the Commissioners. Mr. Rhodes mentioned a scenario using the construction of a building on piers in the 500-year floodplain. Mr. Hyder said that what concerns him about that scenario is that even though that house or commercial structure is elevated, it is an isolated structure when we have a flood and would put emergency management crews in a dangerous situation. After some further discussion regarding new construction in the floodplain, Ms. Sand said that with regard to agricultural-related uses you can build a barn and there are certain types of construction that is permitted in the floodplain area and those would need to have a no-rise certification or elevation and

floodproofing. She said that the no new development component refers to commercial and residential. Mr. Griffin said that he has concerns with replacement manufactured homes still being allowed, because that is where the worst problems arise. He added that if we are going to make the Ordinance right, we shouldn't allow mobile home parks to go back where they have been flooded. Mr. Burrell said that you could make this more restrictive. Mr. Griffin reiterated that his main reason for concern is because the Ordinance is so restrictive. He said, how restrictive do we get? Chairman Pearce said that by the same token, those same people are harming somebody else if they do something.

Renee Kumor, Jonathan Parce, Tedd Pearce and Tommy Laughter voted in favor of the motion. Stacy Rhodes and Gary Griffin were opposed of the motion. The motion carried 4 to 2. Chairman Pearce stated, and Mr. Rhodes and Mr. Griffin agrees, that in the dissension votes, the dissenters are strongly in favor of some type of flood damage prevention ordinance, but the scope of the Ordinance is their concern, especially how it might relate to structures in the 500-year floodplain. He added that they also feel that it should be more in line with the ordinances of the adjoining municipalities of Fletcher and the City of Hendersonville. In addition, they also felt they would like the opportunity to study the ordinance more. Chairman Pearce asked Staff to provide to the Board of Commissioners a comparison of the other Ordinances and information on how much commercial property will be affected by the Ordinance.

Update on the Status of the Land Development Code Project – Lori Sand, Project Manager, Henderson County Planning Department.

Ms. Sand said that the project team consisting of Karen Smith, Anthony Prinz, Autumn Radcliff, Matt Cable and herself have met weekly for the last few months and discuss items as they arise along with general concept issues. She stated that we are well on our way on writing the residential and commercial zoning district classifications and are in the process of doing the industrial site selection study. Once that study is complete she said we will have a good idea of where we will be looking at prime industrial properties. She said that development of design standards and the access management standards has been contracted out and the flood ordinance that is under review will be eventually incorporated into the Land Development Code. Chairman Pearce asked whether the project team would be making any recommendations on changes to the Subdivision Ordinance? Ms. Sand said that they would be revising the Subdivision Ordinance and also looking at incorporating all the current land use regulations into one Land Development Code, which would include the Water Supply Watershed Ordinance, Communications Tower Ordinance, Manufactured Home Park Ordinance and the Zoning Ordinance. Ms. Sand said that she plans to have a draft for the Planning Board to review sometime in the fall of this year. Ms. Kumor suggested that as this gets closer to being ready for the Planning Board to review, she feels that the Board needs to come up with a plan of how we are going to review and study this document. She added that she feels that the Planning Board should set aside an entire day to review the document and then a couple of shorter meetings after that. Chairman Pearce said that he feels several long workshops would be advantageous, but he wasn't sure if some of the board members could take a day off from their jobs. Ms. Smith added that there would be other groups that we will get to review and give their opinion on this document. She said that regarding the access management portion of the project, there will be a focus group organized of people that are knowledgeable of this subject. After some further general discussion, Ms. Smith said that the group is using the Comprehensive Plan as the guide for the Land Development Code and added that it will

be a different ordinance than the Board is used to. She said that if the Board refers to the Growth Management Strategy Section of the Comprehensive Plan, there is a long list of points in there that the Land Development Code should accomplish and issues we will try to express in the Code.

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 9:40 p.m.

Tedd M. Pearce, Chairman

Kathleen Scanlan, Secretary