

MINUTES OF THE HENDERSON COUNTY  
ZONING BOARD OF ADJUSTMENT

The Henderson County Zoning Board of Adjustment held the continuation of a hearing from January 29, 2003, on Monday, February 17, 2003, at 4:00 PM in the Meeting Room of the Henderson County Land Development Building, 101 East Allen Street, Hendersonville, North Carolina. Those present were: Vice Chairman Tamra Crane, Anthony Engel, Robert Fleming, Ann Pouch, Phillip Stanley, and Planning Director and Acting Zoning Administrator Karen Smith. Secretary Joyce Karpowski was not present. Also present was Assistant County Attorney Russell Burrell.

Acting Chairman Crane called the meeting to order at 4:03 PM and introduced the members of the Board. Chairman Crane said this meeting is a continuation of a Conditional Use Permit hearing last heard on January 29, 2003, Case CU-03-15, Richard Hallberg and Kathy Harshman.

Chairman Crane called forward anyone who would like to testify in the case today and had not previously been sworn in. There was no one and the Chairman explained that everyone was still sworn from the last hearing and the public is still open from last time.

**Case V-02-15, Richard Hallberg and Kathy Harshman**

Chairman Crane asked if Mrs. Smith had any additional information. Mrs. Smith explained that the Board had received a new packet for this meeting and was asked to bring their previous relevant packets to this meeting. New information from the applicant received after the January 29, 2003, meeting was included in the new packet. Draft minutes were included, but all the minutes from this hearing will be approved together. New items received on February 10 were: an amendment to the Conditional Use application dated February 5, 2003; a timeline for construction; a copy of Mr. Hallberg's application to the Health Department and an attachment to that application; several site plans for specific aspects of the application; copy of the application for campers and their health form. Mrs. Karpowski also included a summary of information requested by the Board and also a list of conditions discussed by this Board and the Planning Board. A copy was given to the applicants. Mrs. Smith said corrections to measurements of the buildings were received just prior to the meeting, also a schematic of the dining hall, and several other schematics of the tents.

Chairman Crane asked if everyone had a chance to look over the new information. She called the applicants forward to give the Board any information that they wanted to share. Mr. Hallberg said that they were requested to get a permit for the drive off of Bonner Street. He said they had applied for it and it will take about 2 weeks for approval. Mr. Hallberg said NCDOT has looked at the drive, but it is still pending. The permit is not required if it will serve only the residential uses on the property. Mr. Hallberg said he had made new maps and had left out 2 buildings, so the buildings are misnumbered. Chairman Crane asked Mr. Hallberg to rewrite the map and submit it as evidence to avoid confusion. The Board discussed the numbers with Mr. Hallberg. Mr. Hallberg said he would redo the map and submit it today. Chairman Crane said that on the new map Buildings 4 and 5 were flip-flopped. Mr. Hallberg said on the front of the Amendment to the Conditional Use Permit dated 2/5/03 it says that, because of concern for the welfare of the children with weather changes in the area, we will be using most of the existing buildings on the property for activities. He said they are now asking to use some of the buildings, that originally were planned for maintenance and equipment for permanent structures this summer, to house the children in adverse weather conditions. Chairman Crane asked if the only change from the original is Building 4. Mr. Hallberg said they originally requested Building 1 for maintenance housing and 2 for equipment storage, 3 was Director's housing (which will remain the same) and 4 was the office and Infirmary. Buildings 1, 2, and 4 have changed. Mr. Hallberg said they are applying for a state

license through DSS and have received a packet, and one part requires "a minimum of 10 square feet per child of primary indoor space when operating outdoors or off the premises for at least 75% of the day". That is the DSS requirement for space inside a building, if 75% of activities are outside. Mrs. Smith asked what type of permit is that? Mr. Hallberg said it is for the Division of Child Development for potential day camp operators. Chairman Crane asked, for example, how many square feet Building #1 has. Mr. Hallberg said it is 48' x 20'. Mrs. Smith asked if he had been in touch with Sam Laughter of the Inspections Department for code requirements. Mr. Hallberg said yes, and requirements for that are 20 square feet per child per classroom. Chairman Crane said there is 960 square feet. Mr. Engel asked if that was exclusive of bathrooms. Mr. Hallberg said yes, that is classroom area. Mr. Hallberg said there are 2 classrooms in each building and each classroom measures 24' x 20'. Chairman Crane said the Board would need Mr. Hallberg to figure the square footage on all the buildings he plans to use. Chairman Crane said she would like to see it broken down per building.

Chairman Crane asked what Mr. Laughter has said about 20 square feet. Mrs. Smith said he said for educational uses, what Mr. Hallberg referred to as classrooms, it is 20 square feet per person. Mrs. Smith said she had calculated numbers based on the old square footages. Mrs. Smith said Mr. Laughter had said he understood the building to be Director's/Infirmary is going to be an activity building this year, not an infirmary. Mr. Hallberg said they have to have an Infirmary on the premises and it will be used as an Infirmary, but the square footage could be used in adverse weather. Mrs. Smith asked the size of Buildings #9, 10, and 11. The size is 18' x 35'. Chairman Crane asked if the proposed new buildings are still 24' x 80'. Mr. Hallberg said yes. Mrs. Smith said about Buildings #1, 2, and 4, assuming they're all educational, and #9, 10, and 11, she has 5238 square feet divided by 20 square feet is 261 people. Building #4 was not the barn, depending on which site plan was used. Chairman Crane said that only half of the building would be used for activities, the other half would be used only for emergencies, so only half the building should be considered. The new dimension is 48' x 40', so half would be 24' x 20'. Mrs. Smith said Building #3 is supposed to be the house, so it can't be counted. Buildings #1, 2, 9, 10, 11, and 1/2 of 4 should be considered. Mrs. Smith said she figures 3030 square feet divided by 20 is 151 people. Mr. Hallberg said there must be a mistake because half the building would not hold 90 children. Mrs. Smith said that Buildings #9, 10, and 11 would have 31 people each at 18' x 35'. The square footage of buildings 1 and 2 [2(48' x 20') = 1920 square feet], plus buildings 9, 10, and 11 [3(18' x 35') or 3(630 square feet) = 1890 square feet], plus half of building 4 (24' x 20' = 480 square feet) yields a total of 4,290 square feet. Mr. Engel asked if there were rest rooms in any of the buildings. Mr. Hallberg said there are rest rooms in the buildings. Mrs. Crane asked if there was a septic permit. Mr. Hallberg said they have applied for one. Mrs. Crane asked if they currently have one. Mr. Hallberg said no. Mrs. Crane said they can't use the rest rooms until they get the permit. Mrs. Smith said there could be 214 people based on a total square footage of 4,290. Mr. Engel said, theoretically, you would have to remove the rest rooms and wall thicknesses from the figures. Mr. Hallberg said the dimensions were inside dimensions. Mr. Hallberg said all the rest rooms and storage were behind the building, attached to it, and not included in the dimensions.

Mrs. Crane asked how many staff per camper. Mr. Hallberg said they are required to have 1 staff per 15, actually state requires 1 staff per 25 and they will go 15. Mrs. Smith asked if this was a license they will have to have. Mr. Hallberg said no. Ms. Harshman said they chose to go this way. Mr. Hallberg said the reason for this license is for referrals and subsidies for families who can't afford camp.

Mrs. Smith said now that there is a maximum of 214 people, it would be helpful to know how many campers they are requesting to have. Mr. Hallberg said they still request 300 children as the buildings, as requested on the application, are built. Mrs. Crane asked, with the current buildings there this year, how many campers do you think you can accommodate? Mr. Hallberg said the figures show 214, so if they hired 14 staff members, that would leave 200. Mrs. Smith said minus anyone else on the premises, such as yourselves. Mr. Hallberg said they are included with the staff.

Chairman Crane asked if there was anything else Mr. Hallberg wanted to tell the Board. Mr. Hallberg said no. Mrs. Smith said the Board had asked about the permit from the Health Department, and the applicants can address that. She had tried to have Mr. Robert Smith, who is the Environmental Health Supervisor, present today, but he is unfortunately ill. If the Board wants to hear what he has to say, we would have to set another day. Chairman Crane asked if Mrs. Smith had any information from him. Mrs. Smith said no, he wanted to speak with the applicant first. Mr. Hallberg said he went to meet with him today, but Mr. Smith had called at 8 o'clock saying he wouldn't be in. Chairman Crane said there had been an application on February 10 and did Mr. Hallberg know anything. Mr. Hallberg said he won't know anything until he talks to Mr. Smith. Chairman Crane asked about the letter dated October 4, saying "the old summer camp was never inspected or approved by the Health Department. The sewage system for the old camp, as best we can determine, was undersized and did not meet State sewage regulations." Chairman Crane asked if there was a current working septic system there now. Mr. Hallberg said the letter is in reference to the girls camp. Chairman Crane said this says, "reviewed your conditional use permit application for Camp Nowhere". Mr. Hallberg said the Health Department received nothing from them in October; they had just talked to them. Mr. Hallberg said the letter from them from the last meeting refers to the girls camp. He referred to a survey of the property, he included last time, where the camp was divided and sold. The sold property has houses and put different septic with lift pumps in and that's what the original letter generated from, because it was all owned by the same person or persons. The survey of Osceola Lake Boy's Camp is the land Mr. Hallberg is using; the other side is the girl's side. The side the Health Department had inspected was the girl's side; they have never inspected Mr. Hallberg's side. Mr. Hallberg said the application was to inspect his side. Chairman Crane asked if there was a functioning septic system there that Mr. Hallberg had a valid permit to use. Mr. Hallberg said no. Chairman Crane asked even for personal use. Mr. Hallberg said no, that's what he is getting all this for. Mr. Hallberg said when they took over the property, they were under the assumption that everything was working. They have not had any problem with anything on the property, as far as septic or water (other than freezing pipes). Now he is finding out more, and they have to get the permits. Chairman Crane asked if they have to pursue the permits to live there themselves. Mr. Hallberg said yes. He said they are going to have it inspected and, if it doesn't pass, they will have to replace the septic.

Chairman Crane asked about the February 5 amendments and a change of the dates. She said it was the first time she remembered August being in there; before it was September 20 something. Ms. Harshman said the dates depended on the when the children went back to school. Mr. Hallberg said the dates were all estimated. Chairman Crane said the original application was from March 31 to May 23 and August 2 to September 28 for the summer campers. There had been no information about anything going to the end of October, then material from February 5 said October 26, and now there is also a referral to October 30. The previous application was for September 28. Mr. Hallberg said he doesn't remember why he changed the dates. He was trying to begin them on a Friday and end them on Sunday. Chairman Crane said it adds a whole 30 days onto the application. This would now go from the end of March through the end of October, that's more than 7 months operation, as opposed to a 10-week summer program with a few weekends on either end. Mr. Hallberg said he wasn't saying a few weekends on either end; he wanted 8 weeks on one and 8 weeks on the other for the summer campers and 10 weeks in the middle. Chairman Crane said the October 26 date would change it from 8 weeks to 12 weeks. Mr. Hallberg said that he wasn't aware of that, and it could be amended. Chairman Crane said it needs to be addressed.

Mrs. Pouch asked if the extended dates would be the weekenders. Mr. Hallberg said yes, it would not be the children. Chairman Crane asked about the lake. She read from the application "for the most part the day campers will not be using the lake, but we would not want to restrict our summer campers from enjoying the lake". Chairman Crane asked who owned the lake and if they could use the lake. Mr. Hallberg said Todd Leoni owns the lake. He said that he thinks someone else has interest in the lake. The Homeowners Association manages it. He said that he does have access to it. Chairman Crane asked if day campers and summer campers would use the lake. Mr.

Hallberg said day campers would not use the lake this year and probably not ever because of his insurance. He said summer campers could possibly use it. Chairman Crane asked about lifeguards. Mr. Hallberg said it would be swim at your own risk.

Mrs. Pouch asked about weekend groups and chaperones. Mr. Hallberg said it would primarily be adults or church group families with children. Dr. Stanley asked about a quiet time for the summer campers. Mr. Hallberg said that he put the quiet time between 2200 and 0800 hours, 10:00 PM and 8:00 AM. Mr. Hallberg said he will be on the property and will hear any loud noise. Chairman Crane said the Board needs to address day campers there at 6:00 AM and quiet time then. Mr. Hallberg said that is why they are putting the tent pavilion in the front for a gathering area and then the dining hall will be there.

Chairman Crane asked for the pictures from the last meeting, so she could see where the semi – trailer would be going. Mr. Hallberg said it would be behind a group of trees already there. Chairman Crane looked at some pictures and asked where the storage trailer would be. Mr. Hallberg pointed it out on the picture. Chairman Crane asked when the trailer would be there. Mr. Hallberg said it would be there shortly before the ten weeks start and shortly after it ends. It would be there night and day. Chairman Crane asked if it could be seen from the road. Mr. Hallberg said it can be seen from the road. Mr. Fleming asked what type of storage trailer it is. Mr. Hallberg said it is a semi tractor-trailer, 48 feet long, to store the food and dry goods. Chairman Crane asked what would be stored there, since they are just providing snacks and bottled water, and if it is refrigerated. Mr. Hallberg said the snacks and it is refrigerated. Chairman Crane asked why such a large trailer. Mr. Hallberg said that is the only refrigerated trailer he could get without renting the entire truck. Mr. Fleming asked if there were sufficient electricity to deal with the trailer unit. Mr. Hallberg said that it has its own motor that runs on diesel. Mr. Hallberg said it has a muffler and is quiet. Mr. Fleming asked how close the trailer is to the neighbors' houses. Mr. Hallberg guessed about 300 yards to the closest neighbor.

Chairman Crane asked in order to use the buildings #1, 2, 9, 10, and 11, do they need to be inspected. Mr. Hallberg said they would have to be reinspected and he is in the process of doing that. Mrs. Smith said that Sam Laughter (the County's Code Administrator) could not be here today. Mrs. Smith said what Mr. Laughter told her: buildings #9, 10, and 11 didn't need major alterations, just repair and safety work and Certificates of Compliance prior to opening; buildings #1 and 2 need to be brought up to state building code for educational use, may need handicap accessibility and another door, require new building permits, and Certificates of Occupancy will be needed for buildings 1, 2, and 4 prior to opening; building 3 is a single family dwelling and the Applicants need to talk to Environmental Health and Inspections, they will need a Certificate of Occupancy on the house before they can occupy it; on the barn, nothing is needed as long as it stays a barn. Mrs. Smith said Mr. Laughter classified the buildings to determine their occupancy for 2003 only.

Chairman Crane said that building #11 looked like it had some open places on the right side and asked what was there. Mr. Hallberg said that was screens, not windows.

Chairman Crane said that the Board should address fencing. She read from the information given that fencing is around the property except for the right side of Lakeside Drive. She asked if the fencing in place is in good shape and upright. She asked which part on Lakeside Drive is not fenced. Mr. Hallberg said the left side of the drive is not fenced – it has a hedge of vegetation to the corner. Mr. Hallberg said the fencing on Bonner Street, where they put the driveway in, has been replaced with a gate. Mr. Hallberg said there is a 4-foot section that has been cut and he will replace that. Chairman Crane said the note on buffering says it will be replaced and the replacement needs to be the same type and size.

The photographs were passed among the Board. Chairman Crane asked if the boat was gone. Mr. Hallberg said no.

Chairman Crane asked about the definition of camp in the Zoning Ordinance, which states that they provide food. She asked if they have to provide food in order to be considered a camp. Mr. Hallberg said the YMCA ran the camp for 2 - 3 years and did the same as he is requesting. Mrs. Smith said she didn't think it was a must. Mr. Fleming said that he was not clear on the tractor-trailer. Mr. Hallberg said that it was a trailer that goes behind a semi with a generator on the back that runs the refrigerator that blows into a single compartment. It has a diesel fuel tank underneath it that they would have to fill and it is all self contained. It runs just like a refrigerator runs. It is 48 feet long and would hold dry storage (cookies, fruit, etc, and bag lunches). Any perishable goods will go into the refrigeration unit and non-perishable stuff will go into the dry storage. Mr. Engel said that it was pretty large. Mr. Hallberg said it was the smallest one he could find without renting the entire truck. Mr. Fleming asked why he couldn't rent a large refrigerator. Mr. Hallberg said that he couldn't find a refrigerator large enough to hold 200 lunches. He said that he would have to buy a walk-in cooler and he doesn't have the dining hall to put in a walk-in cooler. He has checked into portable units and there aren't any available – they all go inside a building. Mrs. Smith asked if the dry storage and refrigeration occur in the same trailer. Mr. Hallberg said yes.

Chairman Crane asked if Mr. Hallberg knew when he would have an answer from the Health Department. Mr. Hallberg said that he was supposed to speak with Mr. Smith today. Mr. Smith was to call Mr. Hallberg tomorrow to set up another appointment. Chairman Crane asked if he had already looked at the property. Mr. Hallberg said that he didn't know.

Chairman Crane asked the timeframe for Building # 8 to be removed and cleaned up. Mr. Hallberg said 2 months.

Chairman Crane asked how Mr. Hallberg was going to address traffic flow. Mr. Hallberg said that he measured his roadway that goes around the property and it is approximately 880 feet short of 1 mile. The total is 4400 feet from entrance to entrance. To relieve the pressure on Lakeside, Chestnut, and South Carolina, they will run the traffic through the property and unload the children on the opposite side as planned. This will be done during the heaviest times, morning and evening, so the traffic flow isn't out into the roads. During less busy times, they will just use the circle. Chairman Crane asked when the cars would be sent around the big loop. Mr. Hallberg said probably after 4:30. He said most people get off work at 5:00, the children will be up front in the big tent pavilion at that time. When the traffic comes the children will be confined and not wandering in the street. Chairman Crane asked if the loop would be blocked at other times. Mr. Hallberg said there would be blockades on the entrance and exit of the loop around the property and it would only be opened when the children are in the tent pavilion, such as the morning. When they drop the children off, they will stay in the tent pavilion in the front of the property so there will not be anyone running around on the property while traffic is going around the larger loop. Mr. Hallberg said he had talked to the Department of Transportation about putting a 3-way stop sign and they will investigate it. There is a possibility they will do it, but it is not certain at this time.

Chairman Crane said that Mr. Hallberg indicated that there will be no trash dumpsters or pickup by commercial companies. Mr. Hallberg intends to do that himself. She said that is a change from the last information that the Board had. Mrs. Smith said that there is a solid waste ordinance in the County that he will have to comply with. Chairman Crane said the Board was concerned with the safety of trash trucks and that now alleviates the problem.

Mrs. Pouch said it seems that even if he received this permit today, he could not open until he received a Health Department permit, is that right. Mr. Hallberg said unless they approve the port-a-potties. Chairman Crane said that the Health Department has to approve that as well. Mr. Hallberg said that if he doesn't get approval, he cannot open. She asked if the buildings are inspected. Mr. Hallberg said the old buildings are in the process of being inspected. He said the electricity has already been inspected and he has the permit for the electricity. Mrs. Pouch asked about the solid waste ordinance. Mrs. Smith said the County enforces the ordinance. Mrs. Smith

said when the Planning Board suggested that they comply with all local, state, and federal requirements, that's the kind of thing they meant.

Chairman Crane questioned the timetable for the removal of the other things, such as the boat, gas tank, and any other rubble. She said Mr. Hallberg had said 2 months for building #8, but what about the rest. Mr. Hallberg said all of that would be done within the next 2 months, weather permitting. Mrs. Smith asked if that was prior to the summer campers arriving. Mr. Hallberg said yes, he did not anticipate a lot of summer campers arriving because he has not done a lot of advertising. He is not taking any reservations prior to the opening of the 10-week day camp. He is just requesting those dates but is not taking any reservations, so he can get the camp ready for the summer.

Chairman Crane asked about the shower facilities, if the Health Department would allow summer campers without shower facilities. Mr. Hallberg said they were only there for a couple of days, but he is not sure. Chairman Crane said that would negate the summer campers if the Health Department would not allow it. Mr. Hallberg said that he probably couldn't do it then. Chairman Crane said the whole thing would be simpler if the Health Department issue had been resolved.

Chairman Crane asked about his future sites, if he had a total occupancy, that it looked like a lot of buildings. There are 12 proposed new activity buildings. Mr. Hallberg said yes, they will be 24' x 80'. He is asking for large amounts because chances are they will be smaller once they are built. But, if he asks for a small one, he can't put a larger one there. Chairman Crane said that if he built all the buildings, he would have to amend the conditional use permit because he would be way over his occupancy number. Ms. Harshman said that's why they are asking for 300 children. Mr. Hallberg said they want the buildings so the children are more spread out and not clumped together in the buildings. There will be a lot of extra space for the different activities and equipment. Chairman Crane said all the buildings could probably hold 500 - 600 children. Mr. Hallberg said they do not want that, just 300. Mr. Hallberg said that they feel the property can accommodate 300 children adequately without inconveniencing the neighbors.

Mrs. Smith asked about the new lighting locations on the new plans. She said there was no timing for installation of the new lights. Mr. Hallberg said he really didn't have any timing for them. He said if the Board really wants a time, he will set one, like within the next 1 - 3 years they would all be installed.

Mrs. Smith said there is no longer parking shown near buildings #1, 2, and 3. Mr. Hallberg that is just a parking area for himself and Ms. Harshman. It's not for employees because they are accommodated below. He showed on the third map the dimensions of the parking area and also parking in the front. He believed the side parking area is 15,525 square feet. He would have to sit down and figure out how many cars would fit there.

Mrs. Smith said on the map with campsites, some of those campsites look like they overlap with future buildings. She asked if the campsites would be relocated if the buildings are built. Mr. Hallberg said as the buildings are built, the campsites would get smaller. Mr. Hallberg said all campsites will remain inside the loop. He said they feel if the campsites are not outside the loop, the campers will not infringe upon the neighbors.

Chairman Crane said they would like to see one diagram with everything current and future. The Board is considering what he has now and what he wants in the future so he will not have to come back to the Board later. They discussed where the buildings and campsites would be at Campsite #4. Chairman Crane asked Mr. Burrell if the Board needed exact diagrams for their records and what they approve. Mr. Burrell said it could be done in color, one for now, and future proposed in a different color. Chairman Crane asked the applicants to draw the campsites on the plan with the future buildings.

Chairman Crane asked if anyone else wanted to ask any questions. Brenda Coates came forward to speak. She said that the port-a-johns did not seem appealing next to her, but if it is temporary that's one thing. The 48-foot semi is a surprise and she is concerned with noise and smells and she is not sure where it will be located. She said there was a trucker across the lake who occasionally ran his truck all night, and it could be heard across the lake. She was concerned about overnight campers being there for 2 – 3 days without shower facilities and with port-o-johns. She was also concerned about the campers being quiet by 10:00 PM. She said that she feels the children's camp is a great idea, but questions the camp accommodating 300 children. She was glad to hear that Mr. Hallberg has been in contact with the DOT. She said she does not feel that Mr. Hallberg will have much control over the route people use to get to the camp.

Judy Sloan, who lives on Bonner Street, came forward to speak. She questioned the gate on the driveway being closed during business hours. She is concerned about adult campers using that driveway after hours. Mr. Hallberg said they would not be able to use that driveway, they would use the front.

Chairman Crane called for discussion among the Board. She read the findings of fact that the Board must make. She asked the Board to address the possible conditions as sent in the Board's packets. She stated that the applicants are requesting a Conditional Use Permit to operate a day camp and a summer camp on property in an R-20 Low Density Residential district, 12.3 acres approximately. The day camp is for ages 6 –14, approximately 10 weeks (May 26 – August 1), with hours of operation from 6 AM – 6 PM. Summer camp involves the applicants allowing use of camp property by other groups for daily or overnight use during a period before and after operation of day camp (March 31 –May 23 and August 2 – September 28). Those dates changed in the latest information received, so the Board needs to address that. Summer campers staying overnight provide their own tents and shelters. There were 2 prior conditional use permits issued for camps and she thinks they should be declared null and void in case they are still considered to be in effect. There is already a sign installed.

Chairman Crane asked the Board to look at the requirements of the Ordinance to decide if it would adversely affect the health and safety of persons working or residing in the neighborhood and if so why and if not why. Also whether or not it will be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. Also if satisfactory ingress and egress to the property is provided, which connects a lot to safety of the neighborhood. Provisions for off-street parking and loading areas, utilities, buffering were addressed and have been discussed. Open space and landscaping is not really applicable. Regarding buildings and structures with reference to location, size and use, there are some buildings already there and some proposed.

Chairman Crane suggested they discuss satisfactory ingress and egress. Dr. Stanley said that going around the perimeter is probably acceptable, they won't be on the highway. Mrs. Pouch asked if they had to say to do that all the time or if the short loop is adequate to use that. Chairman Crane said that at their peak times it could be mandatory to go around the loop because there cannot be traffic backed up into the road. Because there is a solution with the large loop, she feels they should have to use it because there is no way traffic will not be backed up if they don't. Mr. Engel said that it should work pretty well. Chairman Crane said that it should be a condition of the permit because it is an answer to the problem. The Board agreed. Chairman Crane said that the traffic must be controlled or the permit would be null and void. Chairman Crane said that because of health and safety, the Board has to force the applicants to enforce that. Chairman Crane said they can't just say people do what they want and they can't help it. The applicants will have to find a way to control it or you can't operate. Mr. Hallberg said if he has traffic all the way around his property, it's almost one mile, if there are a couple of cars in the street. Chairman Crane said she wasn't talking about a couple of cars. Mr. Hallberg said he didn't want them backed up into the street either. Chairman Crane said that if the long loop didn't work, then he may have to look into bussing or a van to transport the children from a parking lot in town or something. Mr. Engel said the loop could be widened, there are a lot of alternatives, but the applicants will only know after they

are operating. Mr. Hallberg said they have no idea what the traffic will be, they can only assume, and we hope that everything will work out fine. Chairman Crane said that the Board has to make sure there will not be problem. Mr. Engel said that there should not be any parents parking along the edge of the road and walking in to get their children. Chairman Crane said there should be a condition that there be no on street parking. Mr. Hallberg said that there are people parking on the street right next to the "No Parking" signs. Chairman Crane said that if some parents stop there, Mr. Hallberg will have to tell them that they have to move. Chairman Crane said that if someone is in a hurry and wants to stop on the street and run in to get their child instead of going around the loop, they can't do that. Mr. Hallberg said they would not allow that. Chairman Crane said that if someone came to the Zoning Office and said that was happening every day, then she feels that would be cause to revoke the permit. She said that would have to be shown to the Board that it is a constant problem. Mr. Hallberg said that if it were a constant problem, there is a clause in their contract that a child can be suspended from the program. Chairman Crane said she thinks it should be a condition to protect the people on the road and the homeowners that live nearby, just for a safety precaution, and that it forces Mr. Hallberg to work hard at that problem. She said that Mr. Hallberg has other options, with the large loop, and widening the road if necessary or bussing the children in from somewhere, or stagger the people coming in. But the Board has to be adamant about cars not being in the road. She feels that the condition gives some power for enforcing the traffic flow. She said that there is to be no parking in the street and no loading or unloading in the street, of anything (equipment or campers).

Chairman Crane asked about utilities. Mr. Engel said that there should be a condition about lighting, because if they are going to use it at night, there has to be some deadline about when the lighting will be in place for safety. Mr. Hallberg said they have most of it in place. Mr. Engel said that it wouldn't be difficult to follow through and do the small amount of additional lighting. Mr. Hallberg said no, they just have to call the power company. Chairman Crane, looking at the site plan, said there are 7 existing. Mr. Engel said that in the center, where the campers would be, doesn't have any, so maybe that should be part of the agreement – that they finish the lighting before there are any overnight campers. Chairman Crane asked Mr. Hallberg what his timetable was for putting in the lights, especially in the center loop. Mr. Hallberg said he didn't think it was necessary, but he just has to call Duke Power and he can have it done anytime. He doesn't know what their schedule is, maybe 3 to 4 months, but they would have to put some poles in, run the wires and install the lights. Mrs. Pouch questioned if all the lights were necessary. Mr. Engel said that it is a much larger area than just looking at the little map. Mr. Hallberg said the lighting around the perimeter does not illuminate the ball field or the roadway. He said that he feels the lighting is adequate for overnight campers. He wants to put it in later for a safety factor, but he's sure it will bother some of the overnight campers. But he can have it installed anytime. Chairman Crane asked if the Board wants the condition to have all the lights installed before he opens. Mr. Engel said yes or at least a timetable, say before the fall campers come. Chairman Crane said that the new lights be installed within 6 months. Mr. Engel said actually 4 months. Chairman Crane asked if Mr. Hallberg could do it and he said yes. Chairman Crane said the condition would be to install new lights per the diagram dated 2/5/03 within 120 days. The Board counted 8 new lights. Mrs. Pouch said it seems like a lot of light. Mr. Engel said it was 12 acres of property. Chairman Crane asked what the existing lights are and what are proposed. Mr. Hallberg said there are 2 lights in the front, which are amber floodlights. The rest are the rounded dome lights on poles, not very bright, that people use in their backyards. They are light sensitive and come on with sensors. There will not be any more floodlights. Chairman Crane asked if the floodlight in the front were bothersome to any neighbors. Mr. Hallberg said that one was and he had it repositioned and it is fine now. Chairman Crane stated the condition as the existing and new lighting is to be low density light controlled by dusk to dawn, issued by Duke Power, and none are to shine onto and disturb neighboring property owners.

Chairman Crane asked about other utilities. Mrs. Pouch said that other utilities have to be approved by the County and State. Mrs. Smith said this might be where the septic and wells would come in. Chairman Crane said that proposed port-o-potties even have to have a permit, we think,



from the Henderson County Health Department. The applicants have applied for a permit, but the Board does not know what the answer will be. She said she has a problem issuing the permit on a blanket basis with the proposal of port-o-potties. Even if the Health Department says they can be used, with new buildings being 1 to 3 and 1 to 6 years down the road, she would not like to see it continue that long with port-o-potties. She feels a year's time is adequate to use port-o-potties on a site of this scale. Mrs. Pouch suggested saying all utilities must comply with all local and state health and building codes. Chairman Crane said they could comply with them if the Health Department says they can use port-o-potties. She does not want to see that done for 3 to 6 years. Mr. Fleming said that he did not know if that was fair and questioned if the drain field or septic area wasn't enough or the perk test didn't work, what would they do. Mrs. Pouch asked if you could have a port-o-pottie as long as there was construction. Mr. Engel said yes, but that's for the construction, and it's a requirement. Mr. Engel said the problem is occasionally, when they are changed, there are unpleasant odors. Mr. Engel said they could be phased out. Chairman Crane said there should be a time limit. Dr. Stanley said within 2 to 3 years. Mr. Engel suggested one third could be phased out after the first year, a third phased out after the second year, and the rest after the third year. Chairman Crane said after the septic system is fixed, they should all be phased out. She said she thinks there should be time limit to get rid of the port-o-potties and fixing the septic system. Mr. Hallberg said if the septic system couldn't be fixed, then in 3 years he would have to close his camp and he couldn't do anything with the property. Mr. Engel said there is a lot of property there and there are alternatives. Mr. Fleming said that he disagreed because he has seen the Health Department turn down 10, 12, 15 acres of land or only let them have only one septic permit. Mrs. Smith said there was no evidence as far as this is concerned, so she is not sure how far the Board can go on this. Mr. Hallberg said the condition could be if the septic is accepted on the property adequate enough, then the port-o-potties could be phased out completely. Mr. Hallberg said he would not have a problem with that - he didn't want to use them. Chairman Crane asked if he would know before he opened the camp if the port-o-johns would be allowed and if he could fix the septic system. Mr. Hallberg said he would know. Chairman Crane said she agreed with Mr. Engel that there are ways, maybe more expensive, of putting systems in. Mr. Hallberg said he would put in whatever needs to be put in, he just doesn't want the Health Department to say he can't do anything. Mr. Engel said the Health Department usually tries to work with people and look for alternative methods. He could see neighbors objecting to port-o-potties as a permanent method. Mr. Hallberg said he wouldn't want them permanently. Dr. Stanley suggested, if port-o-potties are there after three years, the permit would have to be renewed. Mrs. Pouch said, if we have no idea what the Health Department will say, what are we to rule on? Mr. Engel said that we don't want to leave port-o-potties there forever. He said if the Health Department says they can continue with port-o-potties, somewhere down the line we should have them phase them out and put in some other system.

Brenda Coates said she didn't know how long the lease/option to buy is, but she would hope they have in it that if they can't operate a camp, they would not be held to buy it. Mr. Hallberg said they have legal recourse. Chairman Crane said that she understands the Health Department will tell them what they have to do, but she doesn't want to leave this open ended, so that they could be allowed to use port-o-potties indefinitely. She does not feel that would be in the public's best interest. Mr. Engel agreed. Mr. Hallberg said a minimum of three years. Dr. Stanley asked about a renewal in three years. Chairman Crane said if there is a time limit and they haven't done something within that period of time, then they are in violation. They would be notified that they are in violation and be given a set period of time to come into compliance and if they don't, then the Board can revoke the permit or extend the time. Dr. Stanley said three years would be reasonable. Chairman Crane said they should know before they get too far into this, in the next 30 days or so, whether it's going to be a problem or not. It's not a matter of operating for 3 years and then not being able to put a septic system in. They will know fairly soon, before they start operating. Mr. Hallberg said there are 3 septic systems on the property, and the Health Department said if they are fine, no problem, they will issue a permit to use them. His neighbor had to put a pump station in, which can be expensive. If he has to spend \$50,000 in 3 years, he will need time to raise the money. Chairman Crane said it would have been easier if the Board had this information with the

application. Mr. Engel said if the land doesn't perk, then the value of the land will go down. Chairman Crane said she personally feels 3 years is too long to have port-o-johns on the property. They will know before they open camp this year what they are allowed to do. She doesn't know why it would take 3 years to put a permanent septic system on the property. Mr. Hallberg said he thought it would, at worst case scenario, take 3 years. Mr. Engel said he would have to come back to the Board then. Chairman Crane said that 3 years of port-o-potties is not fair to the neighbors. Mr. Hallberg asked if there were extensive problems, could he come back before the Board to ask for an extension. Chairman Crane said yes, but there was no guarantee that it would be granted. Mr. Hallberg said as long as he had the option to request. Chairman Crane asked Mrs. Smith if that was correct. Mrs. Smith said yes, the Board would have to make findings and conclusions, just as you'll do today. Mr. Burrell said the Board could modify the permit, rather than revoke it. Chairman Crane explained the procedure if Mr. Hallberg came before the Board in 2 years. Mr. Burrell said this is also under the condition the Health Department approved the port-o-potties. Chairman Crane says that it bothers her that there hasn't been a septic tank permitted there in a long time and there must be a reason for it. Mr. Hallberg said these are questions that he had also, since there were camps there before. Chairman Crane said that doesn't mean they were operating within the law. She said that the Board has to go by what conditions are right now. Mr. Engel said that it was costly to build restrooms, so he might want to do half within a period of time and then the rest. Chairman Crane asked about the timetable for buildings of 1 to 3 years. Mr. Hallberg said the fall of the year they will start construction on some of the buildings, then go another year, then build another one third of those and then the third year finish them out. Chairman Crane said if there were buildings and septic permits to use them, you won't have port-o-potties. Chairman Crane said that should cover the utilities. Mr. Engel said we need a time frame. Mr. Burrell questioned the number of years. Dr. Stanley said he thinks 2 years is a good compromise and Mr. Hallberg agreed to that. It would give him time to get something started and he should know what it will cost. Chairman Crane said that we would like to have all port-o-potties gone within 2 years. Mr. Hallberg said he could work with that if there's no problems and by the end of the summer he should know and he could come back earlier than the 2 years. Chairman Crane said she feels 1 year is ample time. Mr. Hallberg said it would still take 3 years to build the buildings with bathrooms. Mr. Engel said that one half the port-o-potties could be removed in 2 years and the rest within a 3-year period. Chairman Crane said the number of port-o-potties should be stated. Mr. Fleming said the Health Department will dictate the number. Mr. Engel said they could say one half. Mr. Engel asked if Mr. Hallberg had any objection to that. Mr. Hallberg said no. Mrs. Smith said they would only be talking about camp use. If there was one for construction, that is totally different. Chairman Crane said that speaking of numbers for port-o-potties, the Board needs to address number of campers. They are requesting 300 and with the buildings they have now, she doesn't believe they could get 300 campers in there plus staff. Mr. Burrell asked what were the numbers? Mrs. Smith said 214 total people for the first year. Chairman Crane said with total buildings they have now, that's 200 plus 14 staff. There is no place she can see where they can put 300 campers in the buildings they have now. Ms. Harshman said the State says 10 square feet per person and we are going by 20 square feet per person. Mrs. Smith said that is classified as educational for the activity buildings. Mrs. Smith said this is State Building Code. That is how the Building Inspections Department is classifying an activity building, as educational. Ms. Harshman said the 10 square feet per child is if they are using at least 75% outside space for the children and we are doing that. Mr. Hallberg said they will not be using indoor space more than 25% of the time. Mrs. Smith said the Board may need to get testimony from the Building Inspector and reclassify the building. Mr. Engel said to let them work that out. Mr. Hallberg suggested 200 children the first year, with a maximum of 300 children as buildings were placed on the property, if dimensions were adequate enough. He said that would be acceptable. They don't want more than 300 on the property. Chairman Crane said she doesn't feel there should be more than 200 in what is there now. She said kids aged 6 to 14 need a lot of space with lots of activities available. She is talking about being able to house them in case of inclement or dangerous weather. She feels 200 is all they could handle and keep them active if that were to happen. The Board discussed the square footage per child. Dr. Stanley said he felt they could go to 300 campers if they met the 20 square feet per child. Mr. Engel agreed. Dr. Stanley said it may rain all week and that area, if 4 feet by 5 feet, you could barely put a desk in

there. Dr. Stanley said that as they build more buildings, they could have more campers. Mr. Engel suggested setting the maximum number of campers at 300 and 20 square feet of activity space and weather protection per person, including staff. That would cover both and as they build more, they can add more children. Mrs. Smith asked if they meant that there would be more people, but the maximum number of campers is 300. The Board agreed. Chairman Crane asked who would check when they could go up to 300? Mrs. Smith said they would have to get Zoning and Building Permits for the buildings so at that point they would ask to go up in number, so you could give staff the ability to do that. Chairman Crane said once they have a permit and the new building is completed the Zoning Administrator could check that the square footage is met and that they do not go over 300 campers.

Mr. Engel mentioned fire safety and asked if 20 square feet per person was adequate with the Fire Marshal. Mr. Hallberg said that was the building inspections - the Fire Marshal sent them to the Building Inspections. Mr. Engel said he wants to cover maximum occupancy for fire safety. Mrs. Smith said there may be a different number for the dining hall, as that is considered assembly. Mr. Engel asked if there would be a maximum occupancy set by the Fire Marshal when he gets an occupancy permit. Mrs. Smith said the issue would be if the Board wanted to count dining hall toward the area. Mr. Engel said that's not activity, but dining. Mr. Hallberg said that it could be during adverse weather and could be used to meet his requirements, as long as he doesn't go over 300 campers. Chairman Crane said if he built the dining hall before the other buildings that would cover the numbers. Mr. Engel asked if there were rest rooms in the dining facility. Mr. Hallberg said yes, there would be a kitchen also. Chairman Crane asked if they need dates and numbers or is the wording sufficient for enforcement. Mrs. Smith asked if the Board wanted the applicants to adhere to the schedule that is proposed for construction of buildings as a condition. Chairman Crane said all the information given to the Board is part of the official application so the Board assumes that they will adhere to what they are stating, such as trash disposal. So once the Board accepts the packet, then it is officially part of their application and they have to adhere to it. Mr. Burrell said it is all part of the use they are seeking. Chairman Crane asked for the site plan with everything indicated on one plan and said that would be the official plan.

Chairman Crane asked if the Board was covered under utilities. Mrs. Smith asked if the Board wanted a general condition, such as the Planning Board had suggested. about complying with all state and local requirements. Chairman Crane said the conditions could be almost verbatim from the list, but she is just going over the points first.

Chairman Crane said there was something the Board forgot about ingress and egress. Mrs. Pouch said the gate on Bonner, that it is to be kept locked.

Mr. Hallberg submitted a revised plan with all information and dated it 2/17/03 at this time.

Chairman Crane said the next thing is buffering. Chairman Crane said the buffering is to remain and if it comes down, it is to be replaced with like or same kind and size. Mr. Engel said that size might be a problem. Chairman Crane said with the same type.

Chairman Crane spoke about open space and landscaping. She said Building #8 as shown on site plan dated 1/29 and referred to on page 2 of amended application dated 2/5, must be brought down and all debris removed and any hazards left, such as holes in the ground, must be taken care of before any campers are allowed on the property. She would like the Zoning Administrator to do a site check to confirm this has been done. That will satisfy the second general requirement of the Ordinance, namely that the use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. That would also include removal of the boat, gas tank and all debris prior to opening. She feels that there should not be hazardous debris and boats that kids would be attracted to. She feels everything should be cleaned up prior to opening, or they don't open. Also if the Building Inspectors say the buildings have to be brought up to code, it looks like some buildings don't have stairs going onto the porches, this must be taken care of before

opening. She said the Zoning Administrator will check prior to opening. She said she feels the children should not be allowed into the barn, for their own safety. She also spoke about the 3 dogs, that they would not be inside a house from 6:00 AM – 6:00 PM without being let out. Mr. Hallberg said the children, as part of learning how to take care of the horses, need to go into the barn. Chairman Crane said under a supervised program, they could be allowed into the barn, but not to run loose in and out of the barn. Mr. Hallberg said they have a horse trainer that will be coming aboard and the counselors will be with the children and watching. The children will not be allowed to enter the barn unsupervised. Mr. Hallberg said the children will not be allowed to enter anywhere without being supervised. The Boards discussed the dogs present on the property.

Chairman Crane said the Board has covered open space and landscaping, building structures with reference to size, location and use. The Board has discussed that Building Inspections will issue permits for the use of the buildings that are there and will be used with Certificates of Completion and Occupancy being obtained prior to opening the camp.

Mr. Fleming said that he was concerned about the tractor-trailer because of the diesel and fumes that could be annoying to the children and neighbors. He would like to know if there is another alternative. Mr. Hallberg said to build a dining hall. He has looked into several units and the one he picked comes from Sysco, a food vendor, and they assured him it is a newer model. He is not sure it will not bother the neighbors. He said they run at a low idle and only run when the temperature inside gets below a certain temperature (like a refrigerator). Dr. Stanley asked if the dining hall will be finished next year. Mr. Hallberg said in 1 to 6 years and it would cost between \$150,000 and \$200,000. Mr. Hallberg said the alternative would be to build a small building with a walk-in cooler. Chairman Crane said that it would be a long-term situation. Mr. Hallberg said for only 10 weeks. Mr. Fleming was concerned with children playing around it. Mr. Hallberg said no. Mrs. Pouch said it would only be when the day campers are there. Mr. Hallberg said it would be there a few days prior and after the day camp. Mrs. Smith asked if it would be each year until the dining hall is built. Mr. Hallberg said yes. Mr. Engel asked if the diesel engine is at one end and if it could be faced inward to the property so the noise is not reflecting out. Mr. Hallberg said yes. Chairman Crane asked if there was another place it could be placed. Mr. Hallberg said that would be most convenient for the truck driver bringing it in. Chairman Crane said it would make noise and be visible from the road, which the Board is concerned about. Mr. Hallberg said it could be placed right behind Building #3 and he would have to build a slab. That location would be right off Bonner Street and Chestnut and the neighbors would be close. Mr. Hallberg said he could get a walk-in cooler but would have to build a shelter for it. Mr. Engel asked if there were electric coolers. Mr. Hallberg said not of that size. Mr. Fleming asked about renting a storage building and put the walk-in cooler in that. Mr. Hallberg didn't know if it would fit. Mr. Fleming said he was concerned with the diesel and noise. Chairman Crane said she was in a similar situation and the children were asked to bring a non-perishable lunch and were provided a snack and water. The snacks were non-refrigerated and the drinks were placed in ice coolers. Mr. Hallberg said that he could do that. Mr. Engel said the children could use cool packs for their lunch. Mr. Hallberg said they would still need storage. Mr. Hallberg said they would still request the storage trailer, but not use diesel. He could use refrigerators in the trailer. Chairman Crane asked where in relation to the Camp Nowhere sign would the trailer go. Mr. Hallberg showed on the picture. The closest house would be on Old South Carolina. Chairman Crane said the house is close and would probably be able to hear the trailer running, 24 hours a day for 10 weeks. Mr. Engel said that was not a problem any more. Mr. Hallberg said that he still needs a trailer. Chairman Crane said the trailer is in a very visible place, next to the entrance. Mr. Engel said the trailer probably could be smaller. Mr. Hallberg said if he got a smaller trailer, he would put it by the shed behind everything else. Mr. Hallberg described the location. Mr. Hallberg said he has an electrician coming to work on the cabins and barn, so he can do the electricity for the refrigerators in the trailer. The noise had been eliminated and most of the visibility. Mr. Engel asked if something was said about no combustible engines running. Mr. Engel said no gasoline or diesel engines should be operating in storage facilities; they should be electric only and the storage trailer be placed as per diagram. Mrs. Pouch asked what if he needed a generator. Mr. Engel said it would be easier to use electricity than a

generator. Dr. Stanley said the trailer must be removed upon dining hall completion or for a maximum of 6 years, whichever comes first. Mrs. Smith said that would be good because typically a temporary use permit is issued for that type of thing. Mr. Hallberg revised his plan to show the storage trailer being placed near the storage building (Building 7).

Chairman Crane wanted to talk again about open space, the playgrounds, access ways and pedestrian ways. She wants to make sure they are controlled for safety, with open pathways. The condition could be all playgrounds, open spaces, access ways and pedestrian ways must be controlled for the safety of campers and staff.

Chairman Crane asked if the Board thinks issuing the permit will affect the health and safety of persons working and residing in the neighborhood of the proposed use. Mrs. Pouch and Dr. Stanley said not with the stipulations. Chairman Crane said it will not if there are conditions placed on it. She resumed and asked if it would be detrimental to the public welfare or injurious to property or public and said, again, not with conditions.

Mr. Burrell had to leave so Mr. Fleming wanted to ask a question. There was discussion at the last meeting about issuing the permit to the applicants, or possibly a corporation or LLC. How would that be done. Mr. Burrell said customarily the permit is issued to a person or entity. Chairman Crane said it would be the applicant. Mr. Hallberg said he plans to incorporate. Mr. Burrell said then the permit need to be granted to the corporation. But since they are not incorporated, it can't be issued to a corporation. Mr. Burrell said there could be a transfer provision, that the applicants could come back to the Board for permission to transfer it. It could say that it could be transferred without the Board's approval if the transfer goes to a corporation in which the applicants are the sole shareholders and owners of the entity that owns the camp. Mr. Engel said that is the way to do it. Mr. Hallberg said what about in 10 years if they want to sell shares. Chairman Crane said it couldn't be done without Board approval. Mrs. Smith suggested that staff draft the order and bring it back to the Board for approval so everything the Board wants is in the order. It is not typical for this Board, but the Board of Commissioner does it all the time. Mr. Burrell would like to be involved in the draft. Chairman Crane said they would like to see the draft before they approve it.

Mr. Engel said that the applicants are going to spend a lot of money to develop the camp, possibly buying the grounds, and running a business. If you own a business, you want to be able to sell it. It puts a tremendous burden saying they have to be the only owners, that theoretically it would be worth nothing to anyone but them. Chairman Crane said the permit could be transferred to someone else, but the Board needs to be aware of that. Mr. Engel said future owners would have to meet the requirements of the permit. Mr. Hallberg said any future owners would have to operate under the permit and would be in violation if they didn't and could have the permit revoked. There was discussion about this. Mrs. Smith said if it is issued to the applicants and that is made a condition, then it doesn't run with the land anymore. Typically a Conditional Use Permit runs with the property, so adding the condition to apply it to certain individuals would be a restriction and a buyer wouldn't be able to operate. Mr. Engel said it would be a very tough restriction. Dr. Stanley said as time goes by, things change. Could the camp theoretically be zoned out of business? Chairman Crane said that it was a recommendation of the Planning Board that this application run to the applicants and not be assigned to any other entity. Mrs. Smith said that was because it was done on Service Works. This was discussed. The conditional use permit was specific to Service Works and cannot be assigned to any other entity, that was a condition of the permit. Mrs. Smith said that the Service Works type of camp was entirely different; groups coming in to do work on a short-term basis. Chairman Crane asked why the Planning Board made this recommendation. Mrs. Smith said probably because it was done last time.

Brenda Coates asked if the conditional use permit runs to lessees and not owners. She wanted to know if they did not exercise their option to buy the property, would the permit still run with the land? Chairman Crane said perhaps that is why they put the condition on, because they did not own the property, but the permit would still be in effect. Chairman Crane said she felt it was a good

idea to issue the permit to the applicants or their corporation and if things change, it needs to be looked at again. Or it would go with the land and anyone else could take it over and it could be a different situation. Mr. Hallberg said the Board would be limiting them to sell their company without coming to the Board. Chairman Crane asked Mrs. Smith, if the permit runs with the land and he sells it to someone else, then they have to operate the exact same camp. Mrs. Smith said under the same terms, under the site plan, under the application, under everything. Chairman Crane said they can't build another building. Everything would stay the same under the permit. Chairman Crane asked the Board if they are okay with granting the permit without limiting it to the applicants. Mrs. Pouch said yes, also Mr. Engel. Dr. Stanley said they don't have a vested interest in the land, since they are leasing. If they walk away from it, there is a permit for anyone to use. Chairman Crane said as long as everything is in writing, if it is not done, there is recourse. Mr. Engel asked if it is vacant for a period of time, say a year, does everything expire? Mrs. Smith said no; the building permits may expire if not renewed. Chairman Crane said 10 years down the road, if these applicants don't do the camp, anyone else can use the permit; it would still be in force as long as they meet all the criteria. The permit is issued to the applicants but is transferable with the land. Ms. Harshman asked how they would go about transferring the permit to the corporation. Chairman Crane said the Board is not concerned with the name as long as the corporation meets all the conditions.

Chairman Crane said that they should close the hearing, make a motion, and then declare the conditions one last time for the record. Mrs. Smith said they need to make findings of fact. Mrs. Smith said if they close the hearing, there can be no more questions. Mr. Engel said there are a lot of conflicting dates that need to be straightened out. Mrs. Smith said that Mr. Burrell wanted to say if we draft an order and bring it to the Board, the applicants will also sign off on it, that they agree to it.

Chairman Crane said they need to talk about #2 on the condition paper. She asked how the Board feels about dates and hours of operation. Mr. Hallberg said that he expects the summer campers to be mostly on the weekends. Chairman Crane said if the permit is to run with the land, they should pin down the dates. Mrs. Pouch said the summer camp could run from March 21 to May 23 and August 2 to September 28. She said if she were running the camp, she would want people to come in October because that's a busy time. Chairman Crane said in the last packet they changed September 28 to October 30. She read from the letter attached to the application for pre-existing septic inspection, "We would like to run the Day Camp program for approximately ten weeks in the summer, middle of May to about August 1st. The campers will be on the property from 6 AM to 6 PM Monday through Saturday. We would like to use portable toilets for this year until we are able to install bathroom facilities... We will also be renting the camp to organizations for overnight stay, which will be from March 31st to May 16th and again from August 3rd to October 30th." So the Board has 3 sets of dates. Mr. Hallberg said on the first application, they weren't sure when the school dates were. Everything is flexible according to the school system. Mr. Hallberg said they found out the community is active in October and they would like to be part of it. Mr. Hallberg said the dates are the ones on the packet dated 2/5/03. Mr. Hallberg said they want the ability to fluctuate with the dates of school closing and opening. Mr. Hallberg said they will open their camp on March 25th and close on October 26th. Dr. Stanley suggested the last Friday of March to the last day of school and from the first day school starts to the last weekend in October. Chairman Crane said the problem was the use of approximate; someone could take advantage of that. Mr. Hallberg liked what Dr. Stanley suggested, the last Friday of March to the last weekend of October. Mrs. Smith suggested specifying that 10 weeks of that will be used for day campers only. Mrs. Smith asked if they wanted to specify the Monday to Saturday for the day camp. Chairman Crane said yes. Mr. Engel asked if somewhere in there it specified that the day campers would not use any lake facilities. Chairman Crane said she doesn't feel comfortable with any of them using the lake if it was "swim at your own risk". Brenda Coates said the homeowners insurance doesn't allow swimming unless there is a lifeguard on duty. A resident does swim but is in violation of the insurance. Mr. Hallberg said he will maintain insurance for people on his property. Chairman Crane said if he allowed his people to swim at their own risk, that would be a problem. Mr. Hallberg

said most people will not want to swim; they will want to canoe or do paddleboats. Dr. Stanley asked if the summer campers would provide their own equipment. Mr. Hallberg said yes. Chairman Crane said she does not feel comfortable with people using the lake and she feels it comes under their jurisdiction of safety and welfare. Mr. Engel suggested having to meet the homeowners requirements. Mrs. Pouch asked if everyone has the right to paddle around the lake. Brenda Coates said if you are a member of the homeowner's association or a guest. There is a judgment on record that when it's all horsepower, 4 horsepower. Mr. Hallberg said canoes and paddleboats are more appropriate for that size lake. Chairman Crane said that the Applicants have put in the packet that they "would not want to restrict our summer campers from enjoying the lake". She said if the Board accepts the packet as is, then we are giving them permission to allow people to use the lake. Mrs. Smith said if they don't say anything else about it, people would be allowed to use the lake and swim at their own risk as he has stated. Mrs. Smith said the Board is not prohibiting that. Mr. Engel asked about the homeowner's insurance. Chairman Crane said the Board doesn't have any jurisdiction over homeowner's rules and regulations. Mrs. Pouch said if he doesn't belong to the association, then he is not supposed to use the lake. Chairman Crane said we are giving him permission because it is in the packet and we are not knocking it out. Dr. Stanley asked if he is a member of the lake association. Mr. Hallberg said no. Mrs. Smith said, unfortunately the lake property is not part of the permit at all. Chairman Crane said the Applicant does not want to restrict them. Mrs. Smith said she doesn't know how it could be enforced. Mr. Hallberg said that they lease the property and the owner said he has all the lake rights. Mr. Hallberg said with his lease he has rights to the lake and the summer campers would also have those same rights because they are under the jurisdiction of his lease with the owner. Chairman Crane said Mr. Hallberg is saying swim at your own risk. Mr. Hallberg said that would be under the risk of his insurance, but he has rights to that lake just under his own lease. Dr. Stanley asked Mr. Hallberg if something happens to one of his guests, are they going to take their insurance to court. Mr. Hallberg said he couldn't answer that question. Ms. Harshman said they have insurance to cover their summer campers if something happens to them. Ms. Harshman said the lake is also included because the lake is part of the property. Mr. Hallberg said the owner they are leasing their land from also owns the lake. Mr. Engel asked if the landowner was the owner of the lake. Mr. Hallberg said he was and he's not sure who else owns the lake. Chairman Crane said also in the original packet submitted dated January 29, their list of activities included swimming once they get a pool built, and asked if we approve this as given, then we are giving them permission to allow swimming. Dr. Stanley said swimming in the pool only. Mrs. Pouch said just for this property. Mrs. Smith said the permit runs with the property and she doesn't think it goes over to the lake. She doesn't know what the Board can do about the lake; she may need to consult with Mr. Burrell. She said they are only talking about the 12+ acres and those boundaries. Chairman Crane said she is concerned about the sentence in the packet and the Board should remove it, because it specifically mentions the lake. They have not applied to us for anything to do with the lake and she feels that could be a problem if someone challenges that and wants to use the lake. Mr. Engel asked if the Board could cross that out but also put something in to cover the day campers not to use the lake. Chairman Crane said if they take it out, it wouldn't be necessary to address it. There was discussion about using the lake. Mrs. Pouch said the Board was asked to decide about the 12 acres, what they do about the lake is up to them. Mr. Fleming said the best thing to do is strike the sentence and not address the lake. Mr. Engel said he was concerned about the day campers. Mr. Fleming said every camp in Henderson County has a lake and we don't need to be involved with it. Mrs. Smith said if she can accurately express the Board's concerns to Mr. Burrell, he may be able to come up with something that covers the Board's concern. Mr. Engel said he was concerned about the day campers. Mrs. Smith said she thinks the Board is concerned that it is giving permission for something and you don't want to be doing that. Chairman Crane said yes. Mr. Engel said he feels the Board should say something about the day campers not using the lake. Chairman Crane said it is really not a part of the application to use the lake; there are no photographs; it's not shown on the diagram. The only thing is that one sentence which is directly copied word for word from the last application, and she doesn't feel comfortable allowing them to use the lake, especially without a lifeguard. She has never seen a camp with a lake without a lifeguard and it would be very unsafe. Mr. Engel suggested striking the statement. Chairman

Crane said on page 4 of the amendment dated 2/5/03, the second paragraph, "For the most part the day campers will not be using the lake, but we would not want to restrict our summer campers from enjoying the lake" will be stricken. She said in the future if you want to include swimming or boating in the lake you would have to have an amendment to the conditional use permit and have a little more information. Mr. Hallberg said how can the Board restrict the use of the lake when it's part of their property. Chairman Crane said they are not restricting them from using the lake, but we're saying we don't think the conditional use permit should include a vague use of children, ages 6 – 14, swimming at their own risk in the lake. Mr. Hallberg said the 10-week campers are not going to use the lake, but we don't want to restrict the summer campers. Mr. Engel said they haven't restricted it, they just took the statement out. Mr. Fleming said Mr. Hallberg can deal with the lake himself. Chairman Crane said it is not part of the application to the Board for the conditional use permit. She said it is up to him to worry about everything else and, if he uses it, he would deal with the Homeowner's Association.

Dr. Stanley asked about the swimming as an activity. Chairman Crane said it is specified that swimming was for the pool when the pool was built.

Chairman Crane said that the dates were set. She asked if the Board was all right with the hours of operation from 6:00 AM to 6:00 PM, Monday to Saturday. The Board was in agreement. Those hours were for the day camp for the 10-week period. Chairman Crane asked if the Board wanted to specify a quiet time from 10:00 PM to 6:00 AM. Mrs. Smith said there is a noise ordinance and some camp activities are regulated and some are not.

Chairman Crane said she thinks they have covered findings of fact. Mrs. Smith asked if they are saying that it will not adversely affect the health and safety of persons working and residing in the neighborhood of the proposed use. Chairman Crane said yes with the conditions that will be attached.

Chairman Crane closed the public hearing. She asked for a motion for the conditional use permit. Mr. Fleming said with regard to the application of CU-02-15, Richard Hallberg and Kathy Harshman, for property on South Lakeside Drive for a conditional use permit authorizing the operation of a camp on the property in question, I move the Board make the following finding of facts: the proposed use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use; and the proposed use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. Accordingly, I further move the Board to grant the requested Conditional Use Permit with and only to the extent represented in the application and with the following conditions: as previously stated. Mrs. Smith asked if the Board wanted her to restate the conditions. Chairman Crane said if they are going to look at a draft order before it is finalized, that would be fine. Mrs. Smith said it would be drafted in accordance with the discussion the Board had. Chairman Crane said right. She asked if Mrs. Smith wanted the Board to restate the findings. Mrs. Smith said those 2 findings with the conditions. She said typically with an order of this magnitude, staff will list findings regarding what evidence the Board heard with more specific details and attach things as exhibits. Chairman Crane asked if that was sufficient for findings of facts without restating them. Mrs. Smith said that she believed so. The conditions were to be tied to health, safety and welfare. She asked about the list of conditions, all of which weren't included in the prior discussion. Chairman Crane said the Board should talk about the list.

Chairman Crane read #1 that the former conditional use permit, CU-01-10, for Service Works is no longer in effect. The usage of the camp was covered with dates and hours. Buffering was discussed and must not be removed unless diseased, and then replaced. That the proposed use of "port-o-potties" and the issue of the use of sewer and septic need to be approved by the Henderson County Health Department. Bonner Street not be used as primary access and the driveway onto Bonner Street have a locked gate during camp hours. #6 is buildings and structures are limited to those shown on the site plan (as amended received 2/17/03) and that the Zoning Administrator



must approve any additional buildings. Building permits must be obtained for any structural changes. The day camp and summer camp must comply with all applicable local, state, and federal requirements. Mrs. Smith said that Mr. Burrell was going to have the Board add if desired "must comply with all applicable local, state and federal laws, rules, and regulations". The Board agreed. Based on the application (as amended) glare from on-site lighting will be controlled and adjoining property owners will be protected. Chairman Crane said that was per their discussion of type. Mrs. Smith said that is sort of a finding as worded there. Chairman Crane said it comes under finding, but yet controlling glare to adjoining property owners could be a condition. Mrs. Smith said it could be combined with the earlier discussion. #9 is the day camp is limited to - Mrs. Smith said the Board said earlier 300 maximum campers plus additional staff as long as they have 20 square feet per person in a permanent building; this year the number is limited to 214 total people because of existing structures. The Board considered the summer camp limit. Chairman Crane asked if there needed to be a limit. She said that they couldn't have more people than their septic could handle. Mr. Engel said the applicants said they weren't going to have as many as the day camp, so 200 should cover it. The Board discussed limitations - traffic being one and parking for the cars. The Board said 200 maximum for the summer campers. #10 temporary structures (i.e. port-o-potties, trailer) must be screened from view from the road and adjoining property. Chairman Crane said actually it won't be screened from adjoining property. Just from the road. The Board discussed which road. Chairman Crane said any temporary structures... must be screened from where. The Board decided from South Lakeside Drive. The Board is not going to use #11. Mrs. Smith said all the other conditions mentioned previously throughout the hearing would be included. Chairman Crane specifically spoke about Building #8 and the debris. She also wanted to reference Section 200-69C(3). The Board agreed to insert the section regarding revocation as a reminder. Mrs. Smith asked about the driveway permit. Chairman Crane said a condition should be that they have applied for and have a driveway permit for that access on Bonner Street. The Board discussed if it should be a condition. The Board decided no, because of the condition having to meet all local, etc. rules, etc. The Board went back to discuss the revocation condition and Chairman Crane read Section 200-69.C(3). Chairman Crane asked if they covered the dining hall. Mrs. Smith said they talked about the dining hall, and the Board assumes the new plan shows tents and they would specifically acknowledge that they would use tents this year or until the buildings are constructed. Chairman Crane said they are giving him the okay to use the tents, as they have supplied diagrams for, up to 6 years or until the dining hall is built and then they be removed. Mr. Engel asked if they covered the "port-o-potties". Chairman Crane said yes, and the Board will be able to look at the conditions again before the permit is issued.

Mrs. Smith asked if the Board wanted to vote today and direct staff to draft the order. Chairman Crane said they would finish the motion. She asked Mr. Fleming to finish the motion. Mr. Fleming said they added the conditions they discussed and had deemed necessary to the motion. Mr. Engel seconded the motion.

The Board voted on the motion to grant the permit subject to stated conditions by raised hands:

Mr. Fleming	-	Yes
Me. Engel	-	Yes
Mrs. Crane	-	Yes
Mrs. Pouch	-	Yes
Dr. Stanley	-	Yes

The vote was unanimous. Chairman Crane said the permit will not be issued until the draft is drawn and the Board approves it. Mrs. Smith said the February meeting has been canceled because there are no cases. She asked if the Board would like to set a date for a meeting to review the order. The Board discussed when to have the meeting. There would need to be at least 4 people at the meeting. Chairman Crane asked if everyone physically needed to be at the meeting. Mrs. Smith said that she would have to find that out. She said that it wouldn't hurt to set the meeting date, in case we have to. It was decided to have it on March 5, 2003, at 4:00 PM if necessary.

Chairman Crane said if the order is not ready, staff would let the Board know. Mrs. Smith said they will try to get it to the Board ahead of time. Mrs. Smith said there was no other business. Chairman Crane thanked everyone for coming. Chairman Crane said the meeting was continued to March 5, 2003, at 4:00 PM and was recessed at 7:45 PM .

To be continued with the March 5, 2003, minutes of the meeting.