

**DRAFT MINUTES**

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
FEBRUARY 18, 2008**

The Henderson County Board of Commissioners met for a special called meeting at 4:00 p.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Mark Williams, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, County Attorney Russ Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Associate County Attorney Sarah Zambon, Communications Officer Pam Brice, Planners Matt Card and Matt Cable, Senior Planner Autumn Radcliff, Planning Director Anthony Starr, and Finance Director Care McLelland.

**CALL TO ORDER/WELCOME**

Chairman Moyer called the meeting to order and welcomed all in attendance, stating that the purpose of the meeting was a Planning Workshop. An additional item was added to the agenda, Seven Falls.

Chairman Moyer proposed that staff go through all the information and get through everything and then go back and see how much time was left and see which items they could deal with. Some items may require special sessions or public hearings.

County Manager Steve Wyatt stated that there were items to deal with on the Comprehensive Plan, Land Development Code, and if time allowed issues with Seven Falls. He called Planning Director Anthony Starr to the podium.

**Substantive Amendments: Proposed Amendments to the Henderson County 2020 Comprehensive Plan**

Planning Director Anthony Starr stated that the Land Development Code (LDC) which was adopted on September 19, 2007 closely follows the recommendations of the Henderson County 2020 Comprehensive Plan (CCP). With the adoption of the LDC, some of the new regulations, particularly the revisions to the official zoning map which added new commercial and industrial nodes, are not currently reflected in the CCP or on the Future Land Use Map. As required by county zoning enabling statutes, zoning amendments should be in accordance with the comprehensive plan. As a result of these new changes, the CCP should be amended to incorporate any new policy changes set forth by the adoption of the LDC.

Senior Planner Autumn Radcliff discussed the substantive amendments to the CCP. Almost all of the changes were due to policy changes that happened with the adoption of the LDC. The changes are as follows:

Section 1: Introduction – No change

Section 2: Background Information – No change

Section 3: 2020 Plan for Henderson County

**Economic Development Element – Recommendation E-04, Action Strategy F**

DATE APPROVED: \_\_\_\_\_

The LDC reserved a section for an Airport Overlay District (AI) and to support this action the following statement must be added to the bullet point list:

- “e) Consider establishing an airport overlay district to protect the airports from development that may restrict airport operations and/or expansion, and address public health, safety, and general welfare issues associated with developments near airports.”

#### **Agriculture Element – Other Action Strategies, Relationship to Other Elements**

The CCP stated that the County should accommodate growth while reducing the pressure on outlying farmland. To further support the LDC regulations, add language that calls for the County to institute land development regulations that mandate setbacks between newly created residential developments and existing agricultural land uses.

- “e) The GMS (Growth Management Strategy) will recommend that Henderson County’s land development regulations be modified to include setbacks and/or buffer requirements for newly constructed residential developments that adjoin existing agricultural land uses.”

#### **Natural Resource Element – Recommendation N-02**

To reflect existing regulations in the LDC including impervious surface restrictions, watershed rules, and perennial stream buffers, the CCP should include language in the first paragraph that offers additional support for stormwater management standards and regulations.

- Final sentence – “The County should identify and consider incorporating standards to promote or require low impact development.”

#### **Natural Resource Element – Recommendation N-03**

Include language in the final paragraph that offers additional support for the slope development regulations imposed by the Land Development Code.

- Final sentence – “Further, the Land Development Code will include standards that address the public health, safety, and general welfare issues posed by the development of steep slopes.”

#### **Recreation Element – No change**

#### **Housing Element – No change**

#### **Transportation Element – Recommendation T-01, Action Strategy C**

To clarify the County’s role as the public transit provider, replace the first paragraph to the following:

- “Western Carolina Community Action, Inc. (WCCA) was appointed by Henderson County to administer numerous human services including transportation, and has played an important role in making mass transit a reality in Henderson County. Henderson County’s Public Transit has been operated under the NCDOT Rural Transportation Program, but in 2004, Henderson County was informed by NCDOT that the County was now within the Asheville Urbanized Area and that its transit system needed to transition from a rural program to an urban program. The Henderson County Commissions directed Staff to make the necessary arrangements to convert the system to an urban system that complied with the FTA Section 5307 Grant Program. One regulation requires that management of the system be procured competitively on a regular basis. Apple Country Transportation, a division of the WCCA, was awarded the contract in 2006. Although Henderson County’s Transit system received funding through federal and state sources, Henderson County, the City of Hendersonville, and the Town of Fletcher all provide significant financial support. As the County continues to grow and the transit system is expanded or improved, Henderson County should consider creating a public transportation authority.”

#### **Water and Sewer Element – Recommendation SW-02**

Add an additional Action Strategy as follows to support recommendation SW-02:

- “Action Strategy I. Update the current sewer and water master plan to reflect service areas or create a sewer and water service area boundary plan.”

- “The County should have an active role in determining the boundaries of service areas for sewer and water services. These service areas should define where the County plans to extend sewer and water services for the purpose of approving sewer and water extensions for proposed developments.”
- “Action Strategy J. The County should study the feasibility of establishing public sewer service in the Etowah area and other areas in the County, especially those with private package plants, in light of the growth management strategy plan.”

Anthony Starr stated that Etowah was specifically singled out because there were at least six individual private package plants there.

**Public School Element – 2020 Growth Management Strategy, Recommendation GMS-01, Action Strategy A, Rural Transition Area (RTA).**

Add the following statement to support the densities proposed by the LDC regulations:

- “Land development ordinances in the RTA should strive for a general, average density of 5 or fewer acres per residential dwelling unit. Actual densities as defined by zoning requirements should vary across the RTA according to constraints and community characteristics. As infrastructure is expanded and becomes available, the R2 and the R2MH zoning district (if both water and sewer services are present) should have an average density no more than 2 units per acre.”

**Growth Management Strategy – Recommendation GMS-01, Action Strategy A, Rural/Agricultural Area**

To support the densities proposed by the LDC regulations, remove reference to average density of 5 or more acres and replace with the following statement to support the Land Development regulations:

- “Land development ordinances in the RAA should strive for a general, average density of 1.5 or more acres per residential dwelling unit, but due to topography and land use constraints, some areas in the RAA should have densities of 1 unit per 5 or more acres.”

Commissioner Williams stated that he did see a little inconsistency in the wording. The reality is that there will be situations where there will be 1 unit per 5 or more acres. The code itself as written would allow 1 unit per 3 acres as opposed to 1 unit per 5 acres. In cases where there is steep slope it would be half of that so in those cases it would be 1 unit per 6 acres.

Anthony Starr explained that it was written in a way to keep them from being hamstrung too much in what the Board wanted to do. Basically the way it is written out most of the areas that are zone R3 and R4 (the Comprehensive Plan says 1 unit per 5 acres or more) would be encompassed with flexibility. They then would be able to determine through the zoning map which areas should be at which end of the range.

**Community Service Centers**

Include similar language from the Land Development Code to better define the scale of local, community and regional commercial areas as follows:

- Local Commercial areas are located within defined Community Service Centers. They serve small market areas and are intended to be located within the residential uses. They are pedestrian-friendly areas that typically generate fairly low traffic volumes and can be located along minor residential streets. Public utilities are strongly encouraged but not necessarily required. The range of uses permitted within a Local Commercial area should be compatible with available utilities and infrastructure. They include a variety of retail sales and services,

public and private administrations, offices and all other uses done primarily for sale or profit on a local or neighborhood scale. They should be compatible with adjacent development and the surrounding community and should minimize congestion and sprawl.

- Community Commercial areas are located within defined Community Service Centers. Though still pedestrian-friendly, they are larger centers serving larger market areas and are situated at logical intersections along major roads. With proper project design, residential uses can also be included with Community Commercial areas. Public utilities are generally required. They should include a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local and community level. They should be compatible with adjacent development and the surrounding community and should minimize congestion and sprawl.
- Regional Commercial areas are located within defined Community Service Centers. Regional Commercial areas can overlap with Industrial areas given proper design. While internally pedestrian-friendly on a project basis, they are intended to service a regional market area. As such, they generate high volumes of traffic and are located along major roadways. Public utilities are required. They should include a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local, community, and regional level. They should be compatible with adjacent development and the surrounding community and should minimize congestion and sprawl.

#### Section 4: Implementation

##### **Community Planning Framework**

Figure CP.3 Implementation Schedule – Adjust implementation schedule (A copy of the schedule is attached hereto and incorporated as a part of the minutes.

#### Section 5: Appendices

##### **Appendix I: Maps**

Map 8A – Appendix I: Maps – Add a map depicting the Henderson County Industrial Study.

Map 20 – Appendix I: Maps – Growth Management Strategy Map – Change the growth management boundaries to reflect the decisions of the Land Development Code.

Map 24 – Appendix I: Maps – Future Land Use Map – Add the community service centers resulting for the adoption of the Land Development Code.

Map 33 – Appendix I: Maps – Community Planning Areas – Update and regroup the community planning areas and show projected completion year for each area plan. The timeline indicated for the community plans assumes a 19 month process for each plan and completing 2 plans per year.

Appendix II: Public Input – No change

Appendix III: Other Documents – No change

Appendix IV: References – No change

Anthony Starr stated that the Board was interested in moving forward with the next Community Planning. The current Comprehensive Plan has several more (11 to 12) Community Planning Areas and some of the boundaries probably don't make the best sense in the way they were drawn up. They were drawn up in 2004 in conjunction with a lot of other efforts. Planning Staff went back and looked at the topography and the areas of the county where people identified themselves in one community or another. What they came up with was 8 different community planning areas that the Planning Board would propose to the Board of Commissioners for consideration. The schedule is based on Planning Staff conducting two planning processes at one time. With existing staff and resources that is probably their limit. They will basically overlap and will not be exactly concurrent.

It was the consensus of the Board that Edneyville, Hoopers Creek and Clear Creek along with East Flat Rock and Dana, and finally Green River, Tuxedo and Zirconia were very distinct and different communities and the thought of doing one plan that covers the grouped areas raises a question to whether it can be done fairly.

Anthony Starr shared maps with the Commissioners showing recommendations for Industrial/Commercial Zoning, the Growth Management Study, Future Land Use, and the Community Planning Areas. Anthony Starr stated that their plan was to update the Industrial/Commercial Study every 2 to 3 years working with the Partnership and other organizations such as the Chamber to make sure the information stays relevant.

Discussion followed with suggestions from the Commissioners. The Board felt that the Comprehensive Plan should be ahead of the Land Development Code and not follow behind it.

Anthony Starr stated that the way the Comprehensive Plan was structured refers to the three different districts, Urban, Transitional and Agricultural. It doesn't talk about the specific areas. If the Board desired Planning Staff would prepare some individual maps for each of the expansion areas showing the reasons why and what's on the ground, so to speak.

Chairman Moyer stated that if staff was requesting a change the area should be identified and they would give the Board the rational for that change.

Chairman Moyer requested that Anthony Starr get more detailed maps together for the Commissioners before the meeting on the following Wednesday if possible.

### **Substantive Amendments: Proposed Text and Map Amendments to Chapter 200A, Land Development Code**

#### **LDC Text Amendment 1**

Senior Planner Autumn Radcliff stated that amendment 1 had to do with rezoning regulations.

**Issue:** R-O Residential Open Space Development is allowed in the R-40 Residential zoning district upon the approval of a special use permit. A requirement of the R-O Development is the tract must consist of not less then 40 acres.

**Recommended Solution:** Remove the acreage requirement in Section 200A-37, D(9)b1 .

#### **(9) R-O Residential Open Spaces Development.**

- a. Any use permitted in the R-40 District, with any conditions pertaining thereto, shall be a permitted use.
- b. Establishment of R-O Development. An R-O Development shall be considered to conform to the requirements of such district when the following circumstances exist:
  1. An entire tract of land under one (1) ownership is being subdivided at one (1) time pursuant to an overall plan of development which includes open spaces, such as golf courses, lakes, recreational areas, meadows, parks, woods or other open or green spaces. (Delete – The tract shall consist of not less than 40 acres) All required open space shall be dedicated to the public and accepted by the County or transferred to a property owners' association or transferred to a private club, subject to deed restrictions forbidding its later subdivision or development for other than residential open space purposes.

**LDC Text Amendment 2:**

**Issue:** The County has an area that falls within the North Carolina's designated WS-IV Critical Area for the Upper French Broad River. This area is mapped on the County's official Water Supply Protection Map. There is currently no associated text for the WP-WS-UV-CA Upper French Broad River Critical Area Watershed Overlay Sub-District. This was an apparent oversight when the regulations were originally adopted in 1994.

**Recommended Solution:** Add the following language (provided by the State model Water Supply Watershed Protection Ordinance) for the WP-WS-IV-CA to LDC §200A-53 and Table 2.14. The table shows that the critical area (CA) would be the same as the protected area (PA) with the only stipulation that it would not allow Special Intensity Allocation or Natural Drainage and Filtering Bonus.

**WSW Language (appropriate references to this section included elsewhere but not shown herein).**

**LDC Text Amendment 3:**

**Issue:** Singlewide manufactured/mobile homes are not constructed with a 4:12 roof pitch as is required in the LDC.

**Recommended Solution:** Change the 4:12 roof pitch requirement for singlewide manufactured/mobile homes in §200A-63, SR 1.5 (pg.64), to a 3:12 roof pitch as requested by the manufactured home industry which stated 3:12 as the typical roof pitch for singlewide manufactured homes.

**SR 1.5 Dwelling, Manufactured/Mobile Home (multi-section/singlewide)**

(3)c. Have a roof pitch with a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run. The roof shall be finished with a type of shingle that is commonly used in standard residential construction;

Commissioner Young felt that the term shingle should not be used instead use a type of material that is commonly used in standard residential construction.

**LDC Text Amendment 4:**

**Issue:** Singlewide manufactured homes located in the County prior to the adoption of the LDC may not be moved to another location in the County if the home did not meet the appearance criteria found in §200A-63, SR 1.5, (3). This means that any home without lap siding or the specified roofing materials, etc. would not be able to be moved to another location within the County.

**Recommended Solution:** Allow existing single-wide homes to move to certain locations within the county. Add the following language to §200A-63, SR 1.5 Dwelling, Manufactured/Mobile Home (multi-section/singlewide), (3).

**SR 1.5 Dwelling, Manufactured/Mobile Home (multi-section/singlewide)**

(3) Any singlewide manufactured home which: (1) was manufactured after 1976 (HUD approved), (2) has been located in Henderson County prior to the initial adoption of this Chapter (September 19, 2007) and (3) do not meet the appearance criteria provided in this SR 1.5 (Dwelling, Manufactured/Mobile Home) may be moved provided said manufactured home is:

- a. Installed to meet the criteria of Section (5) (subsections e, f, and g only), and
- b. Moved to either of the following locations:
  1. A space in an existing (as of September 19, 2007) manufactured home park;
  2. A lot in a zoning district which permits the placement of manufactured homes.

#### **LDC Text Amendment 5**

**Issue:** Outdoor storage greater than 5,000 square feet as an accessory use is not allowed to be placed in a front yard or in any yard abutting a road. The required screening standards appear to address aesthetic concerns for side or rear yard areas if they abut a road.

**Recommended Solution:** Change the requirements in §299A-63, SR 2.9 (Outdoor Storage greater than 5,000 square feet) to allow storage areas to abut a street, but keep the restriction regarding placement in the front yard.

#### **SR 2.9 Outdoor Storage greater than 5,000 square feet**

(2) Locational Requirements. Storage areas shall:

- a. Not be placed in front yard

(3) Screening. Screen Class Three (3) or Four (4) shall be provided consistent with the requirements of Section 2000A-150 (Screen Classifications).

#### **LDC Text Amendment 6**

**Issue:** The road classification restriction in the supplemental requirements determines if a permitted or special use in a zoning district would be allowed on a property that abutted a specific road type or classification. The supplemental requirements provide design requirements which should be adequate to provide protection to adjacent property owners. Road classification standards may be unnecessarily restrictive given the other requirements provided for by the supplemental requirements section of the LDC. Many of the road class standards apply to industrial uses. With industrial zoning, an adequate road system is implied in the decision to zone land industrial.

Anthony Starr stated that by zoning something Industrial or Regional Commercial you are implying that the road infrastructure network is in place. They felt that this was an unnecessary step to have in the code and was difficult to match.

**Recommended Solution:** Remove the road classification restriction for all uses in the supplemental requirements. Below is a list of the current uses requiring a specific road classification designation.

- SR 4.1 Amusement Park
- SR 4.12 Motor Sports Facilities, Major
- SR 4.13 Motor Sports Facilities, Minor
- SR 4.14 Motor Sports Facilities, Recreational
- SR 4.18 Recreational Vehicle Park
- SR 5.8 Correctional Facilities
- SR 5.9 Fire and Rescue Station
- SR 5.10 Funeral Home or Crematorium
- SR 5.11 Government Offices
- SR 5.12 Homeless Shelter

- SR 5.15 Place of Assembly, Large
- SR 5.16 Place of Assembly, Small
- SR 5.17 Police Station
- SR 5.19 School (Public/Private/Charter)
- SR 6.8 Motel/Hotel
- SR 6.10 School (Technical, Trade and Business)
- SR 6.12 Tire Recapping
- SR 7.15 Retail Sales & Services Greater than 50,000 sq. ft. & less than or equal to 100,000 sq. ft.
- SR 7.16 Retail Sales and Services Greater than 100,000 sq. ft. & less than or equal to 150,000 sq. ft.
- SR 7.17 Retail Sales and Services Greater than 150,000 sq. ft.
- SR 7.18 Shopping Mall
- SR 7.19 Truck Stop
- SR 9.2 Airport (Public)
- SR 9.4 Hazardous Waster Disposal Facilities
- SR 9.5 Land Clearing Debris and Inert Debris Storage or Disposal
- SR 9.6 Rail Transportation Facilities and Support Activities
- SR 9.7 Self Storage Warehousing, mini-Warehouses (for Commercial District)
- SR 9.9 Solid Waste Combustors and Incinerators
- SR 9.11 Truck Terminals
- SR 9.12 Utility Substations
- SR 9.13 Warehousing and Storage (Excluding Warehousing of Hazardous Substances)
- SR9.14 Waste Collection and Transfer Facility (Non-hazardous)
- SR 10.1 Asphalt Plant
- SR 10.2 Battery Manufacturing Facility
- SR 10.3 Chip Mill
- SR 10.4 Concrete Batch Plant
- SR 10.5 Junkyard
- SR 10.6 Landfill (Public/Private)
- SR 10.7 Machining and Assembly Operations
- SR 10.8 Manufacturing and Production Operations
- SR 10.9 Materials Recovery Facilities (Recycling)
- SR 10.10 Mining and Extraction Operations
- SR 10.11 Packaging and Labeling Services
- SR 10.12 Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing
- SR 10.13 Product Processing and Storage Facilities
- SR 10.14 Recycling Center, Drop-Off Facilities
- SR 10.15 Research and Development Operations (Hazardous or biological materials)
- SR 10.16 Research and Development Operations (Non-hazardous)
- SR 10.17 Sawmill
- SR 10.18 Slaughterhouse
- SR 10.19 Truck Wash



**Issue:** Staff has received a request to add Motor Vehicle Sales as an allowed use in the Community Commercial District.

**Recommended Solution:** Add the motor Vehicle Sales or Leasing as a special use in the CC district in Subpart E.

#### **LDC Text Amendment 8**

**Issue:** The Zoning Administrator has requested changes to the recreational and temporary use sections in the Permitted and Special Uses Table.

**Recommended Solution:** Make the following adjustments to Subpart E. Under the Recreation Usage it would bring in line Governmental Facilities and the Sporting and Recreational Facilities with each other changing where the Governmental Facilities are allowed in some areas to actually be permitted by right without a special use permit and would continue to allow the Sport and Recreational Facilities as a special use permit but also allowing them in all the areas that the Governmental Recreational Facilities are allowed. This would also allow for the Swim and Tennis Clubs to be permitted in Community Commercial and the Model Home Sales Office as a temporary use permitted in Community and Regional Commercial.

#### **LDC Text Amendment 9**

**Issue:** All commercial subdivisions are treated as major subdivisions and approved by the Planning Board regardless of the number of lots proposed. There appears to be no justification for requiring Planning Board review on small commercial or industrial subdivisions. Few commercial or industrial subdivisions are controversial compared to residential subdivisions.

**Recommended Solution:** Commercial subdivisions shall meet all requirements of a major subdivision, but will be reviewed by the approving authority depending on the number of lots created as are major residential subdivisions. The proposed text changes follow:

#### **Modifications to Commercial Subdivision Review Language**

**Make the following changes to §200A-306**

**§200A-306 Review for Major Residential Subdivisions and Conservation Subdivisions of Eleven (11) to Thirty-Four (34) Lots (adding) and any Commercial, Office Institutional, Industrial or Mixed-Use Subdivisions of Thirty-Four (34) or Fewer Lots.**

B1. Pre-application Conference. Each applicant shall meet with the Subdivision Administrator in a pre-application conference at least 15 days prior to the submission of any subdivision review in accordance with this section.

B1c. Identify (for the entire tract) the following features: streams, creeks, ponds, reservoirs, floodplains, wetlands, steep slopes (those greater than 60 percent), unique natural areas, rock outcroppings, farmland, pastureland and wooded/forested areas.

D. Formal Review. The Subdivision Administrator shall prepare a recommendation on the application and supply a copy of the recommendation to the applicant before review by the TRC. All members of the

TRC shall sign off on the application for approval. Any approval or denial of the request must be in writing and be permanently filed in the office of the TRC as a public record. The TRC shall take action within 30 days of reviewing the application. The Subdivision Administrator shall notify the applicant (in writing) of the decision by the TRC and any conditions imposed on the development within ten (10) business days of the decision. The TRC may refer any subdivision reviewed in accordance with this section for review by the Planning Board in accordance with this Chapter. E and F were deleted.

**Make the following changes to §200A-307. Review for Subdivisions and Conservation Subdivisions of Thirty-Five (35) to Two Hundred Nine-Nine (299) Lots**

B1c. Identify (for the entire tract) the following features: streams, creeks, ponds, reservoirs, floodplains, wetlands, steep slopes (those greater than 60 percent), unique natural areas, rock outcroppings, farmland, pastureland and wooded/forested areas.

D. Formal Review. The Subdivision Administrator shall prepare a recommendation on the application and supply a copy of this recommendation and the recommendation of the RC to the applicant before review by the Planning Board. The Planning Board shall take action within 90 days from the date of its first consideration of the application.

**Make the following changes to §200A-308**

**§200A-308. Review for Major Subdivisions, and Conservation Subdivisions of Three Hundred (300) or More lots**

C1c. Identity (for the entire tract) the following features: streams, creeks, ponds, reservoirs, floodplains, wetlands, steep slopes (those greater then 60 percent), unique natural areas, rock outcroppings, farmland, pastureland and wooded/forested areas.

**LDC Text Amendment 9A**

**Issue:** All major subdivisions proposing 300 or more lots are approved by the Board of Commissioners, and the LDC currently requires that the Commissioners review and approve all subsequent development plans for projects that the Commissioners initially approve.

**Recommended Solution:** Allow the Planning Board to approve development plans for subdivisions with 300 or more lots provided that the Board of Commissioners has approved the master plan and the development plans satisfy any conditions imposed by the Board of Commissioners.

**Make the following changes to §200A-308 to clarify the approval process**

H. Amendment Validity. The amendment is effective immediately following the decision of the Commissioners. The Commissioners shall issue a written statement on all map amendment decisions (both adoptions and rejections) addressing reasonableness, consistency with the Comprehensive Plan, and public interests furthered. Where the applicant has submitted a master plan only, development plans shall be reviewed by the Planning Board for approval, following the processes and procedures outlined in §200A-307 (Review for Major Subdivisions and Conservation Subdivisions of Thirty-Five (35) to Two Hundred Ninety-Nine (299) Lots) and §200A-310 (Development Plans). Development plans shall meet all requirements of the Chapter and satisfy any conditions imposed by the Board of Commissioners during its review.

Chairman Moyer stated this topic must have more discussion.

### **LDC Text Amendment 10**

**Issue:** Except for the county acting on an improvement guarantee and constructing the necessary improvements, there are no alternative actions and associated administrative fees if the developer fails to complete the work within two years after the initial improvement guarantee was approved.

**Recommended Solution:** Add the following language to Section 200A-88, Amount and Terms of Guarantee; Time Limits.

#### **§200A-88. Amount and Terms of Guarantee; Time Limits**

All guarantees shall be accompanied by a written agreement (performance agreement) specifying the terms and the amount of the guarantee. Following receipt of an improvement guarantee application, the Subdivision Administrator shall review all application materials taking into consideration the amount and terms of the guarantees for improvements, including time of initiation and completion of the work. The Planning Director shall have the authority to approve all improvement guarantee applications. The Planning Director may also, upon proof of difficulty, grant an extension of completion dates set forth on its approval for a maximum of one (1) additional year, but the time between initiation and the completion of the required improvements shall not exceed two (2) years. If the improvements are not completed within the two (2) years the applicant shall be in breach with the requirements of this section and the improvements guarantee and any and all monies and accrued interest shall be forfeited by the applicant. If the Planning Director has found that the applicant has made a good faith effort in completing the required improvements within the two (2) years, the County may allow the applicant to execute a second improvement guarantee. Said agreement must be in the form of cash on deposit equal to 125 percent of the cost of the remaining improvements. The County shall assess an administrative fee equal to ten percent of the new improvement guarantee monies. The amount of the guarantee shall be sufficient to provide adequate funds to the County to ensure, in the case of default, the installation of all required improvements uncompleted at the time of default. All guarantees for improvements shall comply with applicable statutory requirements and shall be satisfactory to the County Attorney or Staff Attorney as to form, sufficiency and manner of execution. Guarantees employing lending institutions shall require that those banking corporations be licensed to do business in North Carolina.

**Article IV. Adequate Public Facilities Regulations – No change.**

**Article V. Landscaping Design Standards – No change.**

**Article VI. Off-street Parking and Loading Standards – No change.**

**Article VII. Sign Regulations**

### **LDC Text Amendment 11**

**Issue:** At its meeting on Monday, February 4, 2008, the Board of Commissioners directed Staff to add language in the Land Development Code (LDC) to allow Staff to remove signs placed in the road right-of-way (ROW). The LDC prohibits the placement of signs in the ROW, but does not include a provision for the removal of signs inadvertently placed in these locations.

**Recommended Solution:** Add language to §200A-176 (Sign Placement) that would allow County Staff to remove signs that have been placed in the ROW.

### **§200A-176 Sign Placement**

Signs shall be placed a minimum of 15 feet from edge of pavement or from back of curb (as applicable), and shall be located out of the road right-of-way. Signs are not permitted in sight visibility triangle. Signs that are placed in the road right-of-way may be removed and disposed of, without notice, by authorized County personnel.

**Article VIII. Natural Resources** – No change.

**Article IX. Nonconformities**

### **LDC Text Amendment 12**

**Issue:** There is no provision in the LDC that would allow for a reduction of the front yard setback in established neighborhoods other than through a variance request.

**Recommended Solution:** Add language to §200A-268 (Exceptions and Modifications) that would allow for new buildings in established neighborhoods to meet the same front yard setbacks as adjacent buildings provided that those adjacent buildings were within 100 feet of either side of the proposed new building and approved by the Zoning Administrator.

### **§200A-1. Exemptions and Modifications from Regulations**

- A. **Reduction of Front Yard Setbacks.** The required front yard setbacks applied to any lot shall be reduced by the Zoning Administrator, at the request of the applicant, to the average front yard setbacks of lots which are: (1) located wholly or in part within 100 feet of the lot, (2) within the same block and zoning district as the lot, and (3) fronting on the same side of the road as the lot.

**Article X. Decision Making, Administrative & Advisory bodies** – No change.

**Article XI. Review Processes and Procedures** – No change.

**Article XII. Enforcement, Violations, and Appeals** – No change.

**Article XIII. Legal Status** – No change.

**Article XIV. Definitions** – No change.

Chairman Moyer felt that the Board should hold a public hearing on the text amendment changes. The change to be noted was in Text Amendment 9A.

### **Residential Map Amendment 1**

#### **Subject Area**

This property is located on Dana Road just east of I-26 at the intersection of Mid-Allen Road. This subject area is a residential subdivision and all but one or two lots contain manufactured homes. Because

this area is currently zoned R1 it does not allow manufactured homes. With the existing density and the presence of manufactured homes zoning this subject area to R2MH, which does allow manufactured housing and is the zoning to the east of the property, would make sense in the Planning Board's opinion.

**Staff Recommendation**

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Residential Two Manufactured Housing (R2MH), based on the following:

**6.1. The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as being within the "Urban Services Area". Residential development with a wide range of densities is encouraged in the USA. Additionally, less-intensely developed communities should be protected and preserved with the USA.

**6.2. Adjacent Zoning:** The Subject Area directly abuts an existing R2MH zoning district.

**Technical Review Committee (TRC) Recommendations**

7.1. The TRC supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R1 (Residential One) to R2MH (Residential Two Manufactured Housing).

**Planning Board Recommendations**

8.1. The Planning Board supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R1 (Residential One) to R2MH (Residential Two Manufactured Housing) with a 7 to 0 vote.

**Residential Map Amendment 2****Subject Area**

This property is located next to Hidden Hills Subdivision. The subject Area is currently zoned R3 which is 1 unit per 1.5 acres. The property owner is requesting R2 Zoning which is 1 unit per 1 acre average. The site is 32.68 acres and is adjacent to both districts. R3 is located to the east. R2 is located to the west.

**Staff Recommendation**

Staff's position at this time, under the guidelines of current plans, policies and studies, is it does not support the rezoning of the Subject Area to Residential Two (R2), based on the following:

**6.1. The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as being within the "Rural Agricultural Area" and "Conservation Area". Residential development at low densities is encouraged in the RAA and the conservation area designation indicates the presence of steep slopes on the subject property.

**Technical Review Committee (TRC) Recommendations**

7.1. The TRC supports Staff's position, providing an unfavorable recommendation regarding rezoning the Subject Area from R3 (Residential Three) to R2 (Residential Two).

**Planning Board Recommendation**

8.1. The Planning Board does not support Staff's position, providing a favorable recommendation to rezone the Subject Area from R3 (Residential Three) to R2 (Residential Two) with a 7 to 0 vote.

### **Industrial Map Amendment 1**

#### **Subject Area**

This property is located off Sugarloaf Road east of Howard Gap Road. This is the Manual Woodworkers (Sunset Hill Investments) and the Warm Company site. The Manual Woodworkers Distribution Center is currently zoned commercial and the rest of the Subject Area is zoned R2MH.

#### **Staff Recommendation**

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Industrial (I), based on the following:

6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as being located in the "Urban Services Area" classification. While the text and map of the 2020 CCP do not apply an "Industrial" designation to the Subject Area, the application of USA to the Subject Area indicates that industrial development is encouraged in and should be limited to properties within the USA.

6.2. **Existing Uses:** Sunset Hill Distribution and the Warm Company indicate that the property is suited for industrial uses given current uses. The Industrial (I) zoning district would allow for these uses. The Lazy Boy RV Park would not be an allowed use and would become nonconforming.

#### **Technical Review Committee (TRC) Recommendations**

7.1. The TRC supports Staff's position, providing a favorable recommendation to rezone the Subject Area from LC (Local Commercial) & R2MH (Residential Two Manufacturing) to I (Industrial).

#### **Planning Board Recommendations**

8.1. The Planning Board supports Staff's position, providing a favorable recommendation to rezone the Subject Area from LC (Local Commercial) and R2MH (Residential Two Manufactured Housing) to I (Industrial) with a 7 to 0 vote.

### **Commercial Map Amendment 1**

#### **Subject Area**

The subject Area is currently zoned R2MH and is located just past Fruitland Road on your left. The City of Hendersonville's jurisdiction is to the south (C3 Highway Business) and PRD (Planned Residential Development) zoning districts are applied to those properties by the City of Hendersonville. To the north, east and west is Henderson County R2MH zoning.

#### **Staff Recommendations**

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Local Commercial (LC), based on the following:

6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as suitable for commercial development. The CCP Future Land Use Map places the Subject Area in the "Urban Services Area" classification and applies a "Community Service Center" in the vicinity of the Subject Area. Commercial development, at a mixture of scales (including regional) are encouraged in the USA and Community Service Centers.

#### **Technical Review Committee (TRC) Recommendations**

7.1. The TRC supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial).

#### **Planning Board Recommendations**

8.1. The Planning Board supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial) with a 7 to 0 vote.

#### **Commercial Map Amendment 2**

##### **Subject Area**

The Subject Area is currently zoned R2MH on Highway 64 adjacent to the Shuey Knolls Subdivision. R2MH zoning is applied to properties to the west, south and east. Local Commercial (LC) zoning is applied to properties to the north.

##### **Staff Recommendations**

Staff's position at this time, under the guidelines of current plans, policies and studies, is it does not support the rezoning of the Subject Area to Community Commercial (CC) due to a spot rezoning concern; however, Staff supports the rezoning of the Subject Area to Local Commercial (LC), based on the following:

6.1. **The 2020 CCP:** The text and map of the 2020 CCP Identify the Subject Area as suitable for commercial development. The CCP Future Land Use Map places the Subject Area in the "Rural/Urban Transition Area" classification and applies a "Community Service Center" in the vicinity of the Subject Area. Commercial development, at a mixture of scales (excluding regional) is encouraged in the RTA where Community Service Center is applied.

6.2. **Adjacent Zoning:** The Subject Area directly abuts an existing LC zoning district.

##### **Technical Review Committee (TRC) Recommendations**

7.1. The TRC recognizes the spot zoning concern that would result from rezoning the Subject Area to CC (Community Commercial). The TRC supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial). Should the Board of Commissioners wish to apply CC (Community Commercial) zoning to the Subject Area, other adjacent properties should also be rezoned.

##### **Planning Board Recommendation**

8.1. The Planning Board supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial). The Planning Board does not support the Applicant's request for CC (Community Commercial).

#### **Commercial Map Amendment 3**

##### **Subject Area**

The Subject Area is located on Highway 64 east, approximately 1,680 feet (0.31 miles) northeast of the intersection of US Highway 64 east and Pilot Mountain Road. The site is across the street from the Trading Post and in front of the Blue Ridge Humane Society. They are requesting Local Commercial (LC).

### **Staff Recommendations**

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Local Commercial (LC), based on the following:

6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as suitable for commercial development. The CCP Future Land Use Map places the Subject Area in the "Rural/Urban Transition Area" classification and applies a "Community Service Center" in the vicinity of the Subject Area. Commercial development, at a mixture of scales (excluding regional) is encouraged in the RTA where Community Service Centers area applied.

6.2. **Adjacent Zoning:** The Subject Area directly abuts an existing LC zoning district.

### **Technical Review Committee (TRC) Recommendations**

7.1. The TRC supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial).

### **Planning Board Recommendations**

8.1. The Planning Board supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial) with a 7 to 0 vote.

## **Commercial Map Amendment 4**

### **Subject Area**

The Subject Area is located on Sugarloaf Road, approximately 2,060 feet (0.39 miles) east of the intersection of Sugarloaf Road and Howard Gap Road. It is across the road from UAP Distribution and east of Living Water Baptist Church.

### **Staff Recommendations**

Staff's position at this time, under the guidelines of current plans, policies and studies, is it does not support the rezoning of the Subject Area to Local Commercial (LC), based on the following:

6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as being located within the "Urban Services Area" classification. While commercial development is encouraged in the USA no "Community Service Center" is applied in the vicinity of the Subject Area. Further, the CCP indicates that commercial zoning districts should have configurations which are in keeping with the surrounding community. The configuration of this zoning district should be further evaluated given the surrounding uses.

6.2. **Adjacent Zoning:** The Subject Area is not adjacent to any existing commercial zoning. Although the Subject Area may be suitable for commercial development, Staff notes that reducing the area of the request to only those parcels along and near Sugarloaf Road may be appropriate. Staff further recommends study be undertaken with a separate public hearing and notification to adjacent property owners before amending the official zoning map.

### **Technical Review Committee (TRC) Recommendations**

7.1. The TRC supports Staff's position, providing an unfavorable recommendation regarding rezoning the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial). The



TRC further recommends that the request be submitted as a separate rezoning application due to the need for further study.

### **Planning Board Recommendations**

8.1. The Planning Board supports Staff's position, providing an unfavorable recommendation regarding rezoning the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial) with a 5 to 2 vote.

### **Commercial Map Amendment 5**

#### **Subject Area**

The Subject Area is located on Sugarloaf Road, approximately 1, 450 feet (0.28 miles) east of the intersection of Sugarloaf Road and Pace Road. The Subject Area is approximately 32.43 acres and consists of the Orchard Trace Golf Club.

#### **Staff Recommendations**

Staff's position at this time, under the guidelines of current plans, policies and studies, is it does not support the rezoning of the Subject Area to Local Commercial (LC), based on the following:

6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as being located with the "Urban Services Area" classification. While commercial development is encouraged in the USA no "Community Service Center" is applied in the vicinity of the Subject Area. Further, the CCP indicated that commercial zoning districts should have configuration which are in keeping with the surrounding community. The configuration of this zoning district may need to be further evaluated given the surrounding uses.

6.2. **Adjacent Zoning:** The Subject Area is not adjacent to any existing commercial zoning.

6.3. **Existing Uses:** The property owner indicated that the property is suited for commercial use given its current uses as a Golf Course. The R2MH zoning district currently applied to the property allows for its use as a Golf Course.

Although the Subject Area may be suitable for commercial development, Staff recommends further study be undertaken with a separate public hearing and notification to adjacent property owners before amending the official zoning map.

#### **Technical Review Committee (TRC) Recommendations**

7.1. The TRC supports Staff's position, providing an unfavorable recommendation regarding rezoning the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial). The TRC further recommends that the request be submitted as a separate rezoning application due to the need for further study.

### **Planning Board Recommendations**

8.1. The Planning Board does not support Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial) with a 6 to 1 vote.

### **Commercial Map Amendment 6**

### **Subject Area**

The Subject Area is 9.44 acres. It is a portion of a 23.92 acre tract. The Subject Area is located on Howard Gap Road and is owned by the Hendersonville Pentecostal Holiness Church.

### **Staff Recommendations**

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Community Commercial (CC), based on the following:

6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as suitable for commercial development. The CCP Future Land Use Map places the Subject Area in the "Urban Services Area" classification and applies a "Community Service Center" in the vicinity of the Subject Area. Commercial development, at a mixture of scales (including regional) is encouraged in the USA and Community Service Centers.

6.2. **Split Zoning:** The Subject Area is a parcel which is split zoned Community Commercial (CC) and Residential Two Manufactured Housing (R2MH). The request would expand the Community Commercial (CC) zoning district to the entire parcel.

### **Technical Review Committee (TRC) Recommendations**

7.1. The TRC supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to CC (Community Commercial).

### **Planning Board Recommendations**

8.1. The Planning Board supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to CC (Community Commercial) with a 7 to 0 vote.

### **Commercial Map Amendment 7**

### **Subject Area**

The Subject Area is located at the Intersection of Brookside Camp Rd and Interstate 26. The approximate size is 63.26 acres.

### **Staff Recommendations**

Staff's position at this time, under the guidelines of current plans, policies and studies, is it does not support the rezoning of the Subject Area to Local Commercial (LC), based on the following:

6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as being located within the "Urban Services Area" classification. While commercial development is encouraged in the USA no "Community Service Center" is applied in the vicinity of the Subject Area. Further, The CCP indicates that commercial zoning districts should have configurations which are in keeping with the surrounding community. The configuration of this zoning district should be further evaluated given the surrounding uses. Conservation Area designation is also applied to the Subject Area.

6.2. **The US Highway 25 North Zoning Study:** The text and map of the US 25 North Zoning Study identify the Subject Area as appropriate for Rural Conservation (RC) zoning, RC zoning would allow for commercial uses existing on the Subject Area while being consistent with conservation recommendations given the existing floodplain on the Subject Area.

**6.3. Adjacent Zoning:** The Subject Area is not adjacent to any existing commercial zoning. Although the Subject Area (or a portion thereof) may be suitable for commercial development, Staff recommends further study be undertaken with a separate public hearing and notification to adjacent property owners before amending the official zoning map. A conditional rezoning may also be appropriate.

#### **Technical Review Committee (TEC) Recommendations**

7.1. The TRC supports Staff's position, providing an unfavorable recommendation regarding rezoning the Subject Area from R1 (Residential One) to LC (Local Commercial). The TRC further recommends that the request be submitted as a separate rezoning application due to the need for further study. The reconfiguration of the proposed zoning district or conditional rezoning request may be appropriate.

#### **Planning Board Recommendations**

8.1. The Planning Board provides a favorable recommendation (with a vote of 7 to 0) regarding rezoning the Reduced Subject Area (that area bounded by Brookside Camp Road, I-26 and Featherstone Creek) from R1 (Residential One) to LC (Local Commercial) and recommends leaving the back portion of the property that is located in the floodway and floodplain as R1. Staff supports the Planning Board recommendation.

Commissioner McGrady felt that a public hearing should be held on this matter.

### **Commercial Map Amendment 8**

#### **Subject Area**

The Subject Area is located at the intersection of NC Highway 225 and Interstate 26 and is a 15.70 acre portion of the 45.41 acre tract.

#### **Staff Recommendations**

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Regional Commercial (RC), based on the following:

**6.1. The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as being located within the "Rural Agricultural Area" classification. While regional commercial development is discouraged in the RAA and no "Community Service Center" is applied in the vicinity of the Subject Area, industrial development designation indicates that the Subject Area is appropriate for development at the regional commercial scale. Further the CCP indicates that commercial zoning districts should have configurations which are in keeping with the surrounding community, which is zoned RC to the north and west.

**6.2. Adjacent Zoning:** The Subject Area adjacent to an existing RC zoning district.

#### **Technical Review Committee (TRC) Recommendations**

7.1. The TRC supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to RC (Regional Commercial).

#### **Planning Board Recommendations**

8.1. The Planning Board supports Staff's position, providing a favorable recommendation to rezone the Expanded Subject Area from R2MH (Residential Two Manufactured Housing) to RC (Regional Commercial). The expanded Subject Area would include the original Subject Area and addition of property to the south of the Subject Area, located west of Beck Creek.

A table of technical amendments to the Henderson County 2020 Comprehensive Plan and Chapter 200A Land Development Code were included in the agenda for the Board's review. These were technical clarifications or typos and did not require discussion or individual recommendations. These items will require a public hearing and the Board's vote before they can be implemented.

Commissioner McGrady recommended that the technical amendments be placed on a future consent agenda giving the Board time to look over the changes. The four Map Amendments that he felt should be open for public comment were Residential Map Amendment 2, Commercial Map Amendment 4, Commercial Map Amendment 5 and Commercial Map Amendment 7.

Chairman Moyer felt that a public hearing should be scheduled for all Text and Map Amendments. He recommended that the Board set a date for a public hearing on the Text and Map Amendments and that this be placed on the agenda of the February 20 meeting. Chairman Moyer elected to have discussion at this time on the LDC Text Amendment 9A.

#### **LDC Text Amendment 9A**

Chairman Moyer felt that clearly the Board had indicated that they wanted to be involved in larger subdivisions. The Board had wrestled with the size of subdivisions but there was no disagreement that the Board felt the public was looking to them to control and have a say and make sure the large subdivisions are right for Henderson County.

Anthony Starr questioned if the Board's preference was for the development plans to come to him to approve them administratively or to hold public hearings on each development plan. Obviously the Master Plan requires a hearing because it is a conditional use zoning.

Chairman Moyer responded that he felt the plans should come to the Board of Commissioners and after reviewing them the Board of Commissioners would determine if the plans would go directly back to the Planning Board or if issues would need to be resolved by the Board of Commissioners prior to going back to the Planning Board.

It was the consensus of the Board that this would be the manner in which plans would be dealt with.

The Board discussed Text Amendment 4 and felt that they needed more information before making a decision.

Anthony Starr stated that the standards apply county wide. There are some districts where Manufactured Homes are not allowed at all. R1, R2 and R40 do not allow manufactured homes. R2MH, R3 and R4 do allow manufactured home with those appearance criteria. He feels that there is certainly merit to making sure that the restrictions are not too great. However, if the restrictions are too weak you begin getting resistance from existing neighborhoods or communities that view them as bad and don't want them at all.

Chairman Moyer stated that additional items could be covered in the February 20 agenda.

#### **SEVEN FALLS**

Chairman Moyer suggested that the Board bring up issues for discussion and this item would also be brought back at the February 20 meeting if the Board is ready. The developer came in through his agent Mr. Lapsley, and was talking about 20 year vested rights and the Board of Commissioners turned it down for valid reasons. They have come back again and asked if there are other options that the Board of Commissioners might be willing to consider. Based on informal discussion Chairman Moyer had said to

them that he thought because of the size of the development, economic times, that he would take to the Board of Commissioners a proposal where there would be 5 year vested rights and if they met certain criteria with respect to how the project was coming along, with respect to infrastructure and with respect to the number of units being constructed etc., then there was a possibility to renew it for another 5 years with a maximum of 10 if the benchmarks were developed. The agreements were submitted and all Commissioners, Anthony Starr and the County Attorney had received copies.

Commissioner McGrady asked if Chairman Moyer knew specifically why Seven Falls was requesting the additional vested rights.

Chairman Moyer stated that they would like the criteria, benchmarks, laws developed concerning the guidelines on developing the project to stay the same for the length of the development.

Anthony Starr stated that the developer wanted to tie together the new road approval and the old road abandonment. They did want to construct the new road without approval to remove the old road. The issue of the road and the 5 year vested rights are not tied together.

Chairman Moyer felt both the road issue and the vested rights issue should be placed on the February 20 agenda. He stated that the city says they won't run water to the development. The developer is still trying to work something out. The procedure would be set up for abandonment of the road and the new road at the public hearing and whatever process is necessary to follow. Staff was directed to negotiate with the developer and bring back to the Board a development agreement consistent with what has been presented.

*Commissioner Messer made the motion to adjourn the meeting at 6:20 p.m. All voted in favor and the motion carried.*

Attest:

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Teresa L. Wilson, Deputy Clerk to the Board

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William L. Moyer, Chairman