

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY PLANNING BOARD

**Meeting Date:** June 18, 2009

**Subject:** Special Subdivision Road Standards

**Attachments:** 1. Planning Staff Memo

#### **SUMMARY OF REQUEST:**

At its meeting on May 21, 2009, the Planning Board discussed concerns with the current Land Development Code (LDC) special subdivision road standards. Several Board members have expressed a desire to relieve property owners (using the special subdivision option) from constructing required access roads prior to final plat approval. Staff had noted these concerns and had anticipated addressing this issue in the 2009 annual review of the LDC. As per the Board's request, Staff has attached a memorandum outlining current road standards for special subdivisions and possible solutions to address the Board's concerns. If the Planning Board feels that this issue should be addressed immediately and prior to the 2009 annual review of the LDC, the Board may initiate a text amendment.

#### **PLANNING BOARD ACTION REQUESTED:**

Staff is requesting direction on how the Planning Board would like to proceed. If the Board decides to move forward with an amendment to the special subdivision road standards, the following motion has been provided.

#### **Suggested Motion:**

I move that the Planning Board initiate a text amendment to the Land Development Code, special subdivision road standards as discussed by the Board.

**HENDERSON COUNTY  
Planning Department**

---

**213 First Avenue East • Hendersonville, NC 28792  
Phone 828-697-4819 • Fax 828-697-4533**

**MEMORANDUM**

**TO: Henderson County Planning Board**

**FROM: Autumn Radcliff, Senior Planner**

**CC: Anthony W. Starr, AICP, Planning Director**

**DATE: June 10, 2009**

---

**SUBJECT: Possible Solutions to Address Concerns with the Current Special Subdivision Road Standards**

---

At its May 21, 2009 meeting, the Planning Board discussed concerns with the special subdivision road standards. Staff anticipated addressing these concerns during the 2009 annual review of the Land Development Code (LDC). As per the Planning Boards request, Staff has provided a summary of the current special subdivision road standards and listed possible solutions to these standards. The Planning Board will need to initiate a text amendment to address these concerns outside of the annual review of the LDC.

**Current LDC Standards for Special Subdivisions:**

Special subdivisions are a type of minor subdivisions with 5 or fewer lots. This classification also replaced the County's family subdivision provision when the LDC was adopted in September of 2007. Special Subdivisions are not allowed in the R-40 (Estate Residential) or WR (Waterfront Residential) districts, are allowed to have a minimum lot size of at least one-half (1/2) acre (21,780 square feet), and shall not have more than five (5) lots within a five (5) year period.

All roads shall be located within a right-of-way (ROW) of a width determined by the number of lots served (30ft ROW for 1-4 lots and 45ft ROW for 5-49 lots). All roads must have a minimum travelway width of twelve (12) feet, minimum stone base of four (4) inches and a vertical clearance of at least 13.5 feet. Stone based roads shall not exceed 15 percent grade and paved roads shall not exceed 18 percent grade. Currently, all proposed ROW's shall be constructed and inspected before a final plat is approved and lots are recorded.

**Possible Solution for Required Road Construction:**

The Board has expressed concerns with the requirement that the roads be constructed before the final plat is approved. This has been a hardship on individual property owners that are not currently developing the property or constructing homes. A possible solution would be to allow for special subdivisions (5 or fewer lots) to record a final plat and sell lots before the proposed roads have been constructed provided that the road did not exceed 1,000 feet in length. The applicant would be required to dedicate the ROW and name the road. The roads would be constructed and inspected once a building permit is issued for any construction activity within the subdivision. The owner applying for a building permit would be required to construct the portion of the new road that will access their driveway. The partial construction of the road would be inspected by planning staff before the CO (Certificate of Occupancy) is granted.

This option would place the expense and burden of building the road on the individual property owners. This will require an additional inspection before the CO is granted and some roads may take years to be completed. This may also require a property owner at the end of the road to construct the entire road, without compensation, that will serve all lots in the subdivision if that owner is the first to apply for a building permit. Also, some property owners that will access their lots from a different road or through an easement would not have to construct any portion of the road.

Possible Solution for Road Widths:

The Board has also expressed concerns with a required road width of 12 feet. Many of the special subdivisions utilize an existing road or road bed that is less than 12 feet in width. Grading to require these existing roads to be wider is not always in the best interest to the applicant, the County or the erosion control standards. A possible solution would be to allow credit for existing roads or road beds by reducing the travelway width to 10 feet provided planning staff inspects the existing road and concludes that it is stable and sufficient for emergency vehicles. The vertical clearance of 13.5 feet would still be required and the road would have to meet all other applicable standards upon completion either by the applicant or each individual property owner that applies for a building permit. In addition, Staff recommends reducing the ROW width for 5 lots to 30 ft instead of 45 ft so that a limited local road classification will apply to all special subdivisions.

Possible Solution for Certificate of Understanding:

During past meetings, the Board has briefly discussed if there was a need to have the Certificate of Understanding signed by the property owner shown on the final plat. The Certificate of Understanding was initially placed on the final plat due to previous instances to insure that the property owner and future buyers were aware of the LDC standards that require the infrastructure to be upgraded if the subdivision was further subdivided. A possible solution would be to remove the Certificate of Understanding from the final plat, but require that a signed copy by the property owner be submitted with the subdivision application.