

IN THE MATTER OF THE APPLICATION OF Slick Rock Campground  
Applicant,

To the

HENDERSON COUNTY BOARD OF ADJUSTMENT,  
Permit Authority

ORDER GRANTING SPECIAL USE PERMIT SUP-13-04

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The HENDERSON COUNTY BOARD OF ADJUSTMENT having held a quasi-judicial public hearing on October 30, 2013 to consider the application submitted by **Slick Rock Campground**, to request a Special Use Permit, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

FINDINGS OF FACT

1. A quasi-judicial public hearing was held by the Henderson County Board of Adjustment on special use permit request SUP-13-04. A quorum of Board Members was present at the meeting.
2. This Order and the approval herein, was moved by Mike Easley and seconded by Morton Lazarus. The request for a special use permit was approved by a vote of 5-0.
3. The subject property is located at 4580 Chimney Rock Road, 800ft off Slick Rock Road and has a PIN of 0612-54-0898.
4. The Applicant is Slick Rock Campground, represented by owner Alison Sadler, and as such they were made parties to this action. She called engineer Michael Lavoy as a witness.
5. Toby Linville is the Zoning Administrator with Henderson County. As an agent of Henderson County, Mr. Linville was made a party to this hearing.
6. Notice of a quasi-judicial public hearing, pursuant to the Ordinance, the Henderson County Code 200A-338 was duly and timely given. This notice was posted on the property on 10/16/13 and notice sent by first class mail to the Applicants and the adjacent property owners.
7. The Applicant's special use permit request is not inconsistent with the Notice of Public Hearing produced, published, and posted for the quasi-judicial proceeding in that the notice contemplated the size and scope of the special use permit request.
8. Upon inquiry by the Chairman of the Zoning Board of Adjustment, no party objected to any other persons or entities made parties to this action being a party to this action.
9. All parties and all witnesses presented by any party were sworn as witnesses in this proceeding.
10. Without objection from any party, the Board of Adjustment received into evidence a memorandum, maps, pictures and a power-point presentation from Toby Linville. No party disputed any of the information contained in this evidence and the Zoning Board of Adjustment finds all the information contained in the memorandum and its attachments to be credible and to be fact for the purpose of this hearing. The Applicant's application and site plan were also entered into evidence.
11. The subject property is 19.46 acres off Chimney Rock Road. The property is zoned Residential 3 (R3).
12. The Applicant would like a Special Use Permit for a Campground (SR 4.4) and a Common Areas Recreation and Service Facility (SR 4.6).
13. The application went to the Technical Review Committee at their October 1, 2013 meeting and was approved.
14. **SR 4.4. Campground**
  - (1) Site Plan. Major *Site Plan* required in accordance with §200A-331 (Major Site Plan Review).
  - (2) Lighting. *Lighting mitigation* required.
  - (3) Size. No *campground* located on/adjacent to a *residential zoning district* shall contain more than 200 campsites. Individual campsites shall be a minimum of 500 square feet.
  - (4) Perimeter Setback. Fifty (50) feet.
  - (5) Common Area. A *common area* shall be provided, that is equivalent in square footage to 25 percent the total square footage in: campsites, *structures* on site, parking areas and *driveways*. *Common area* shall be accessible for the *use* and enjoyment of *campground* occupants, located as to be free of traffic hazards and maintained in good condition by the *applicant*.
  - (6) Operations. The *campground*:

- a. May contain *structures* ancillary to the use; and
  - b. Shall be permitted one (1) store, exclusively for the sale of incidental gifts and foodstuffs.
- (7) Solid Waste Collection. The facility shall provide a suitable method of solid waste disposal and collection consisting of either private collection from individual *uses* or the *use* of dumpsters (installed and/or operated to meet all local and state statutes, ordinances and regulations (including Chapter 165 of the Henderson County Code, *Solid Waste*) and thereafter certified by the Department of Public Health). Where dumpsters are used, Screen Class One (1), Two (2) or Three (3) shall be provided consistent with the requirements of §200A-182 (Screen Classification).
- (8) Common Area Recreation and Service Facilities. Those facilities within the *campground* shall be for the sole purpose of serving the overnight guests in the *campground*, and shall adhere to the development standards established therefore in SR 4.6 (*Common Area Recreation and Service Facilities*).
15. **SR 4.6. Common Area Recreation and Service Facilities**
- (1) Site Plan. Major *Site Plan* required in accordance with §200A-331 (Major Site Plan Review).
  - (2) Structure. Where the *common area recreation facility* is a swimming pool, spa or hot tub, it shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height, and shall have controlled access.
  - (3) Operations. Common area service facilities shall be for the purpose of serving residents and visitors within the complex, development, *manufactured home park* or *subdivision*, and shall not be considered a commercial operation for *use* by those outside of the complex, development, *manufactured home park* or *subdivision*.
16. The subject property is surrounded by Residential 3 (R3). The surrounding uses are residential and undeveloped property.
17. The property is not in the Water Supply Watershed district. Part of the property is in the special flood hazard area.
18. The property currently has private water and private septic.
19. Current structures on the property include an existing home site that will be renovated into a camp store. Future growth includes the tent structures and the bathroom buildings.
20. Applicant is proposing the construction of 22 camp structures, housing approximately 4 people per structure.
21. The Applicant is proposing using the property for campsites.
22. There are 22 parking places, one per tent structure.
23. The 2020 County Comprehensive Plan (2020 CCP) designates the property Rural/Agricultural Area and Conservation Area.
24. The Applicant is proposing a low impact campground including rain water harvesting, and composting toilets.
25. Campsites will be constructed on elevated wooden platforms to minimize grading and environmental disturbances.
26. The property will include Reedy Patch Creek and future hiking trails.
27. Quiet time will be implemented after 11pm and the employees will maintain a clean, odor free site.
28. Lighting will be limited to the camp store and parking and will be set on a timer.
29. Access to the property will utilize an existing gravel road. All structures will be accessed by foot.
30. Applicant was advised if they install a gate it will have to meet the Henderson County Gate Ordinance.
31. Overhead power is currently available on the site.
32. The property has and will remain heavily wooded and include native plantings. It is very steep.

### CONCLUSIONS

1. All parties, and all persons entitled to notice, have been given proper notice of this hearing and afforded the right to be heard.
2. All parties were properly before the Board of Adjustment and all evidence presented herein was under oath, and was not objected to by any party. All evidence relied upon in this Order was credible and reliable.
3. Henderson County Code 200A-323 grants the Board of Adjustment the jurisdiction to hear and make special use permit decisions.
4. The special use permit does meet all the standards of the Ordinance and the special use permit should be GRANTED based on the reasons established below:
  - a. The project does not materially endanger the public health, safety or welfare because they will be low impact campsites.
  - b. The project will not substantially injure the value of property or improvements in the area because much of the surrounding property is used for residential or undeveloped land.
  - c. The project is in harmony with the surrounding area because the surrounding properties are residential or undeveloped and the property is in the Rural/Agricultural and Conservation areas under the 2020 CCP.

- d. The project complies with all applicable local, state and federal statutes, ordinances and regulations because it meets the Special Requirements of the Land Development Code, and will comply with the North Carolina Department of Public Health regarding the compostable toilets.
- e. The project is in accordance with the Comprehensive Plan, long-range transportation plans and comprehensive transportation plans of the County and/or long-range transportation plans and comprehensive transportation plans of any municipality of the County because it meets the Land Development Code with the Special Use Permit and is consistent with the Comprehensive Plan Rural/Agricultural Area and Conservation Area.
- f. The project minimizes the effects of noise, glare, dust, solar access and odor on those person residing or working in the neighborhood of the proposed use because there will be minimal land disturbance because the campsites will be on raised platforms, it will be low impact camping, there will be minimal permanent lights and quiet time will start at 11pm.
- g. The project minimizes the environmental impacts on the neighborhood, including the following groundwater, surface water, wetlands, endangered/threatened species, archeological sites, historic preservation sites and unique natural areas because of the raised platforms, compostable toilets, and water harvesting.
- h. Ingress and Egress are properly met through an existing gravel driveway.

Based on the foregoing FINDINGS OF FACT and CONCLUSIONS drawn, and it appearing to the HENDERSON COUNTY BOARD OF ADJUSTMENT that the Special Use Permit must be **GRANTED**.

IT IS THEREFORE ORDERED by the HENDERSON COUNTY BOARD OF ADJUSTMENT as follows:

**The Applicant's Special Use Permit has been GRANTED. The Applicant must adhere to the conditions established in this Order:**

- 1. Property Owner must agree to in writing the provisions of this order.
- 2. Property Owner must comply with all the requirements in Supplemental Requirements 4.4 and 4.6.

ORDERED this the \_\_\_\_ day of November 2013.

THE HENDERSON COUNTY BOARD OF AJUSTMENT

By: \_\_\_\_\_  
Jim Clayton, Chairman

ATTEST:

\_\_\_\_\_  
Jenny Maybin  
Secretary to the Zoning Board of Adjustment

#### ACCEPTANCE BY APPLICANT

I, \_\_\_\_\_, Applicant, do hereby acknowledge receipt of this order which is the subject of this special use permit request. I further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on the owner and his successors in interest.

This the \_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
\_\_\_\_\_, Applicant

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STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON COUNTY

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that  
\_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing  
instrument.

Witness my hand and official seal, this the \_\_\_\_\_ of \_\_\_\_\_, 2013.

(Official Seal)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission expires