

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
SEPTEMBER 27, 1993

The Henderson County Board of Commissioners met for a Special Called Meeting at 7:00 p.m. in the Commissioners' Meeting Room of the County Office Building. The purpose of the meeting was a Public Hearing on a Zoning Amendment/Bear Wallow Valley Zoning.

Present were: Chairman Vollie G. Good, Vice-Chairman J. Michael Edney, Commissioner William McKay, Commissioner Renee Kumor, Commissioner Hugh D. Randall, County Manager David F. Thompson, and Clerk to the Board Elizabeth W. Corn.

Also present were Planning Director Matt Matteson, Director of Inspections Sam Laughter, Planner Karen Collins, and Planner Stuart Rohrbaugh.

CALL TO ORDER

Chairman Good called the meeting to order and welcomed all in attendance.

BEARWALLOW VALLEY ZONING/MR-2

Commissioner McKay made the motion for the Board to go into Public Hearing to receive public input regarding the proposed zoning amendments for the Bearwallow Valley Zoning. All voted in favor and the motion carried.

Karen Collins informed the Board that the subject of the Public Hearing is an application submitted by residents from the Bearwallow Valley area of the county requesting text and map amendments. The amendment would create a new rural type zoning district, MR-2 (mixed residential).

Mr. Dale Caldwell filed the request along with a petition signed by approximately 130 property owners from the Bearwallow Valley area (an area of approximately 7 square miles). Many of the property owners were involved in community meetings which resulted in the preparation of a draft zoning amendment which they submitted to the Planning Board. The draft amendment was sent to a subcommittee of the Planning Board for refinement.

Ms. Collins informed the Board that the Public Hearing was advertised in accordance with Section 1204 of the Henderson County Zoning Ordinance. Notice was published in the Times-News on September 9 and 16 and all affected property owners were notified by first class mail.

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PUBLIC INPUT

1. **Dale Caldwell** - Mr. Caldwell read the definition of an MR-2 zoning district, low density being the main component of the definition.

2. **Ruby Zack** - A resident of the Bearwallow Valley area. Ms. Zack retired here in June of 1982 and favored the MR-2 zoning for the Bearwallow Valley area.

3. **Lourena Helms** - Ms. Helms opposed the new zoning district. She requested that her property be eliminated from the zoned area.

4. **Gene Justus** - Mr. Justus opposed the new zoning district. He has lived on his family owned property for 50 years and requested that his property not be zoned.

Mr. Justus stated that many of the people in the audience did not understand how this issue got as far as a Public Hearing tonight. Matt Matteson was asked to give a summary of what has transpired up to this Public Hearing.

Summary

Mr. Matteson stated that a group of residents of the Bearwallow Valley area organized themselves and began meeting and inquired as to what kind of land use controls or devices were available to prevent future high density development in their community.

The group of residents appointed a committee to work with the planning department staff. Five or so meetings were held over about a six month timeframe. The residents themselves established the area to be zoned. The planning department staff took those recommendations and revised them to comply with the zoning ordinance.

The revised document was taken back into the community by the appointed committee. Petitions were circulated and 80% of the property owners supported this zoning amendment.

A formal petition was submitted and the Planning Board studied the proposal. The Planning Board completed their recommendation, which was submitted to the Board of Commissioners and the Public Hearing set.

5. **O.D. Rhodes (Rev.)** - Rev. Rhodes asked the question "How do you arrive at a fairness to the taxpayer?" Two equal properties, one within the zoning district and one outside the district, the one within the district would have restrictions that the other property owner wouldn't have.

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6. **Bill Berry** - Mr. Berry favored the MR-2 zoning for the Bearwallow Valley zoning. He requested the Board of Commissioners' support to provide controlled growth in the Bear Wallow Valley community.
7. **Don Rhodes** - Mr. Rhodes favored the MR-2 zoning amendment for the Bearwallow Valley area.
8. **Angela Devore** - Ms. Devore opposed the new zoning amendment.
9. **Jim Clouse** - Mr. Clouse favored the new zoning amendment.
10. **Velma Rhodes Brown** - Ms. Brown favored the new zoning amendment.

Statement from Commissioners McKay

Commissioner McKay stated that there are approximately 60-70 people in attendance, a number of whom are residents of the Bearwallow Valley community. We had only heard from 10 residents. He stated that if the residents had a definite opinion for or against the zoning, now was the time to voice that opinion. The Board of Commissioners will have to make a decision based on the best information they have, part of that information being public input.

Dale Caldwell stated that many of the people were not in attendance to voice their opinions because they were still in the fields and packing houses and would be for another several hours.

A show of hands was called for:

FOR ZONING - 44

AGAINST ZONING- 9

11. **Bill Burch** - Mr. Burch favored the zoning amendment for the Bearwallow Valley area.


12. **Lucian Zack** - Mr. Zack favored the zoning amendment for the Bearwallow Valley area.


Commissioner Edney made the motion to go out of Public Hearing. All voted in favor and the motion carried.

November 15 was discussed as the date for the next work session on this issue, 7:00 p.m.

There being no further business, Commissioner McKay made the motion to adjourn the meeting.

ATTEST:


Elizabeth W. Corn, Clerk


Vollie G. Good, Chairman