

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY PLANNING BOARD

**MEETING DATE:** Thursday, December 20, 2007

**ATTACHMENTS:**

1. Staff Report
2. Vicinity Map
3. Photos of Project Site
4. Review Agency Response Form – Fire Marshal
5. Review Agency Response Form – Floodplain Administrator, Watershed Administrator, and Sedimentation and Erosion Control Administrator
6. Review Agency Response Form – Property Addressing
7. Draft Minutes of the Technical Review Committee
8. Subdivision Application with Attachments
9. Master Plan

**SUBJECT:** Master Plan for Laurel Rock Reserve Major Subdivision (2007-M24)

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

Mr. Eric McAbee, PLS with McAbee and Associates Professional Land Surveyors, agent, on behalf of Couch Mountain Properties, LLC, owner, submitted the Master Plan for Laurel Rock Reserve. The development is proposed to contain 149 single family lots (see Master Plan). The project is located on approximately 309.85 acres of land located near the intersection of Hutch Mountain Road (SR 1556) and Clark Gap Drive. The project site is composed of three (3) separate parcels:

- (1) Parcel 9662-80-3323 with approximately 10.28 acres;
- (2) Tract 2, Parcel 9661-99-7788 with approximately 134.88 acres; and
- (3) Tract 3, Parcel 9672-01-2875 with approximately 164.69 acres.

The project is not located in a water supply watershed district nor is it located within the floodplain (see Plan). According to County records, the project site does contain a protected mountain ridge and slopes in excess of 60 percent. The project is located in two (2) different zoning districts. Parcel 9662-80-3323 is located in the Residential Two (R2) zoning district. Parcels 9661-99-7788 and 9672-01-2875 are located in the Residential Three (R3) zoning district. Private individual wells and private individual septic are proposed to serve the project site.

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

Staff has found that the proposed Master Plan appears to meet the technical standards of the subdivision regulations of Chapter 200A, Henderson County Land Development Code (LDC) except for the comments listed in the Staff Report (See Attachment 1). Staff recommends approval of the Master Plan subject to the developer addressing any issues raised by the Planning Board and addressing the comments listed in the Staff Report, including those comments and conditions recommended by the Technical Review Committee.

**Suggested Motion (Comment 7(a) Option 1):**

I move that the Planning Board find and conclude that the Master Plan appears to comply with the subdivision provisions of Chapter 200A, Henderson County Land Development Code;

And

I further move that the Master Plan be approved subject to the following conditions:

1. the applicant satisfies any conditions that may result from the comments listed in the Staff Report (Attachment 1) except as otherwise noted;
2. the applicant conduct the Traffic Impact Study (prepared in accordance with LDC §200A-104 and utilizing the assumptions identified by County Staff, TRC and NCDOT);
3. Staff present the TIS findings/information and recommended requirements to the Board during first Development Plan review to determine whether such recommendations be a condition of the first Development Plan Approval;
4. conditions recommended by the Technical Review Committee; and
5. any conditions or other comments that result from discussion at the Planning Board meeting.

**Alternative Motion 1 (Comment 7(a) Option 2):**

I move that the Planning Board find and conclude that the Master Plan appears to comply with the subdivision provisions of Chapter 200A, Henderson County Land Development Code;

And

I further move that the Master Plan be approved subject to the following conditions:

1. the applicant satisfies any conditions that may result from the comments listed in the Staff Report (Attachment 1) except as otherwise noted;
2. the applicant conduct the Traffic Impact Study (prepared in accordance with LDC §200A-104 and utilizing the assumptions identified by County Staff, TRC and NCDOT) within 180 days of the Board's initial review;
3. Staff present the TIS findings/information and recommended requirements to the Board which can determine whether such recommendations be made additional conditions to the Master Plan approval (The Planning Board would not consider any Development Plan application until such time as the TIS has been conducted and the Board has had the opportunity to review and assign conditions as it determines);
4. conditions recommended by the Technical Review Committee; and
5. any conditions or other comments that result from discussion at the Planning Board meeting.

**Alternative Motion 2 (Comment 7(a) Option 3):**

I move that the Planning Board table the application for 60 days to provide time for the applicant to conduct the Traffic Impact Study before rendering a decision on the Master Plan. If the applicant does not return with the Traffic Impact Study within 60 days, the application will be deemed denied.

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## Henderson County Planning Department Staff Report

### Master Plan Review for Laurel Rock Reserve Major Subdivision (File #2007-M24)

#### Couch Mountain Properties, LLC; Owner/Applicant

Mr. Eric McAbee, PLS with McAbee and Associates Professional Land Surveyors, Agent

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#### **Project Overview:**

Mr. Eric McAbee, PLS with McAbee and Associates Professional Land Surveyors, agent, on behalf of Couch Mountain Properties, LLC, owner, submitted the Master Plan for Laurel Rock Reserve. The development is proposed to contain 149 single family lots (see Master Plan). The project is located on approximately 309.85 acres of land located near the intersection of Hutch Mountain Road (SR 1556) and Clark Gap Drive. The project site is composed of three (3) separate parcels:

- (1) Tract 1, Parcel 9662-80-3323 with approximately 10.28 acres;
- (2) Tract 2, Parcel 9661-99-7788 with approximately 134.88 acres; and
- (3) Tract 3, Parcel 9672-01-2875 with approximately 164.69 acres.

The project is not located in a water supply watershed district nor is it located within the floodplain (see Master Plan). According to County records, the project site does contain a protected mountain ridge and slopes in excess of 60 percent. The project is located in two (2) different zoning districts. Parcel 9662-80-3323 is located in the Residential Two (R2) zoning district. Parcels 9661-99-7788 and 9672-01-2875 are located in the Residential Three (R3) zoning district. Private individual wells and private individual septic are proposed to serve the project site.

#### **Master Plan Comments:**

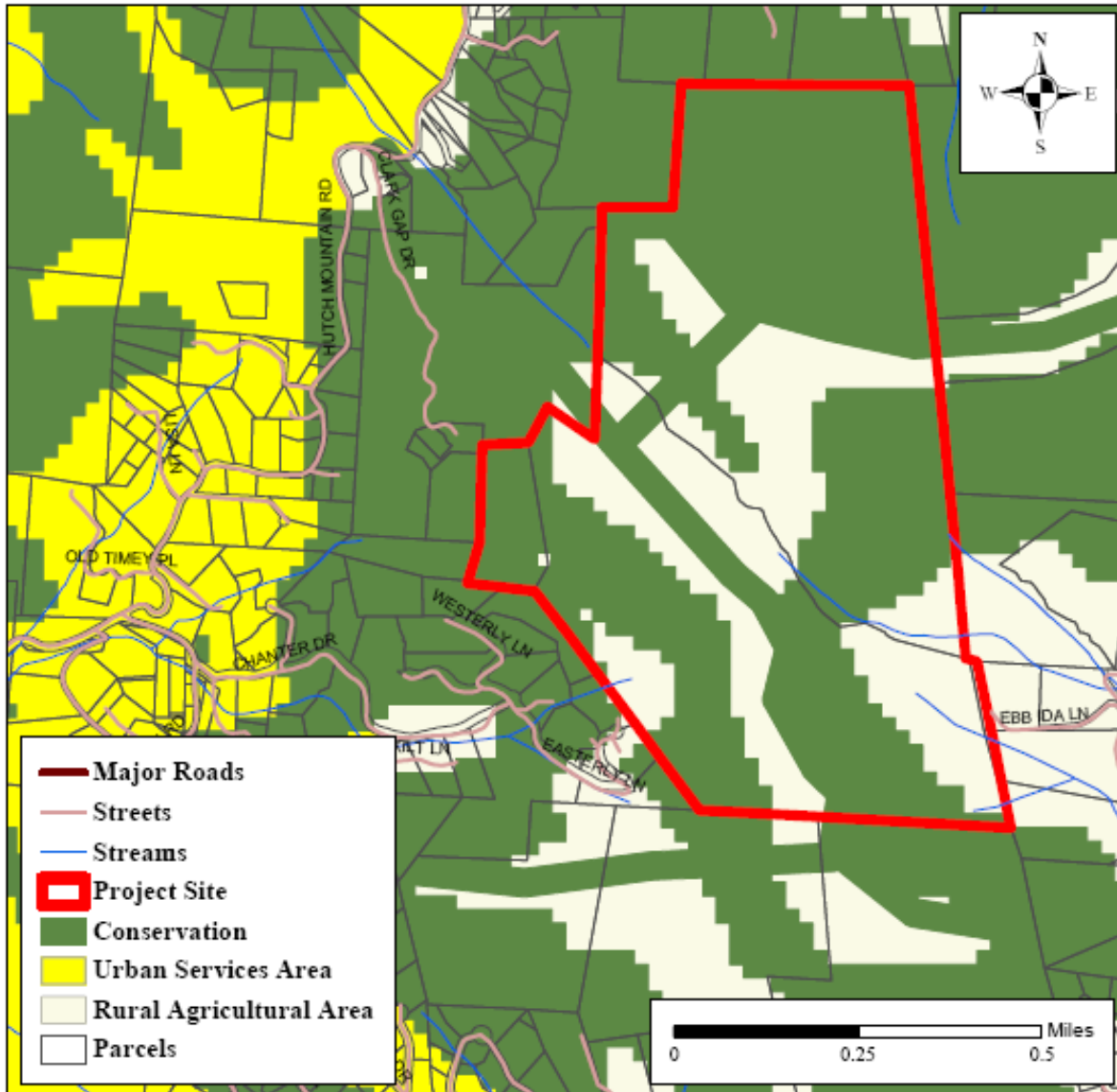
According to Chapter 200A, Henderson County Land Development Code (LDC) §200A-309, the purpose of a Master Plan is to provide general information about the proposed development to allow for an assessment of its impact on the orderly growth and development of the County, environmental quality, land values, natural features identified on the site analysis sketch and the County's roads and governmental services. During the review of the Master Plan, the Planning Board should take into consideration: applicable recommendations of the *Henderson County 2020 Comprehensive Plan*, the potential use of the land to be subdivided, and the impact of the subdivision and proposed use whether residential, commercial or industrial.

When reviewing the Master Plan it is important to consider that, due to severe topographic conditions, inadequate road access, distance from services, unique natural areas, soils that do not easily support soil drainage systems and or the proximity to existing and incompatible land uses/zoning, all land may not be suitable to be subdivided for the purpose of dense development (LDC §200A-75).

Staff has reviewed the submitted Master Plan for Laurel Rock Reserve, taking into consideration the recommendations of the *Henderson County 2020 Comprehensive Plan* and reviewing the plan for conformance with Henderson County Land Development Code. Staff offers the following comments:

1. **Henderson County 2020 Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the project site as being located within each of the following areas: Conservation Area and Rural/ Agricultural Area (RAA) (See Map A: CCP Future Land Use Map).

**Map A: CCP Future Land Use Map**

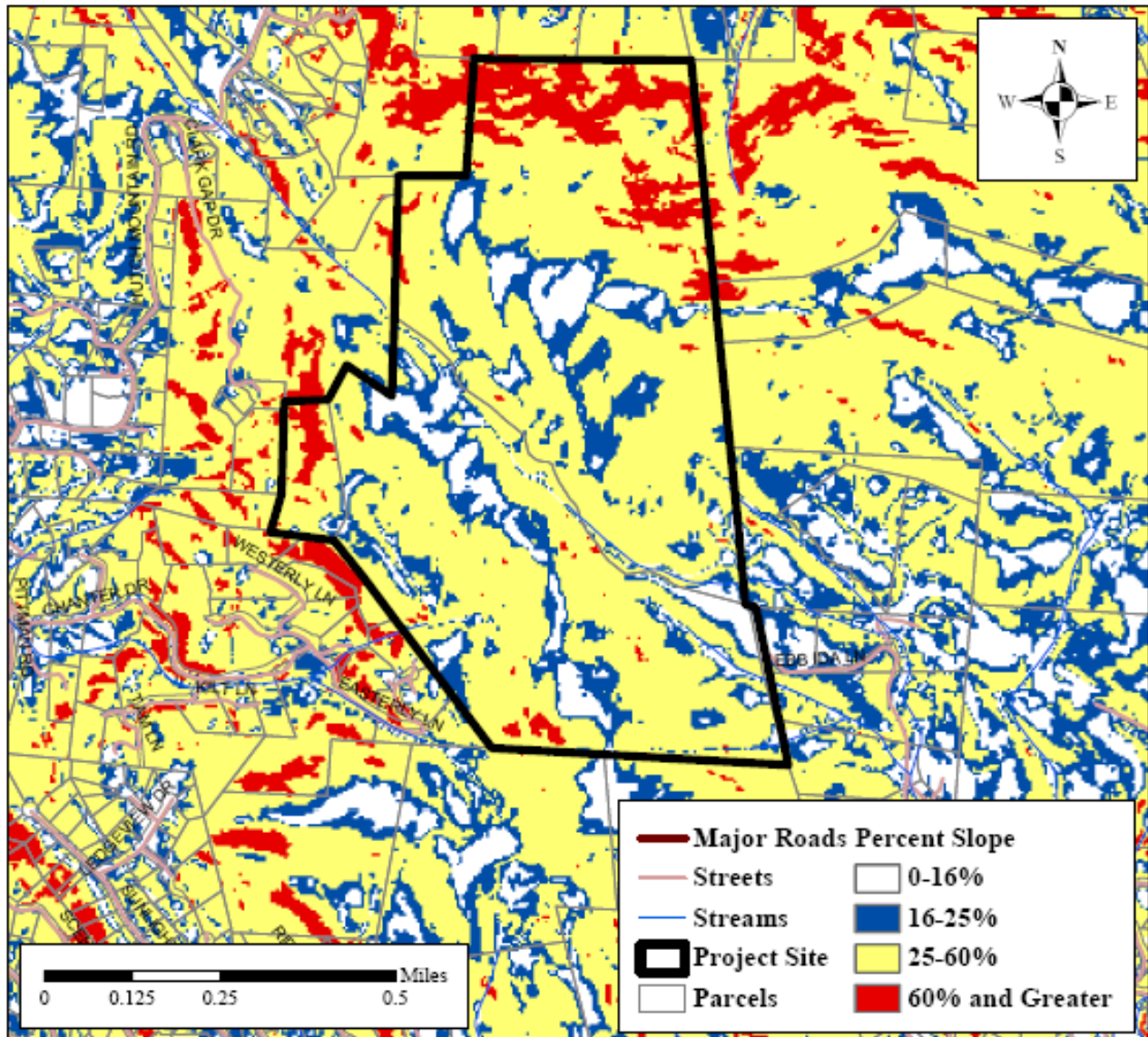


- (a) **Conservation Area.** The conservation area designation is applied a majority of the project site, largely due to slope and protected mountain ridge (See Map A: CCP Future Land Use Map, Map B: Slopes Map, and Map C: Protected Ridges). Slopes within the project site appear to be in excess of 25 percent, with portions having slopes in excess of 60 percent. According to the plan, those steep slope areas in the northwest portion of the project site appear to be in common area/open space and are not currently proposed to contain single-family development. The CCP states that conservation lands “are intended to remain largely in their natural state, with only limited development,” and further that “such areas should be targeted for protection through regulations and incentives” (2020 CCP, Pg. 134). Should the Planning Board wish to approve the Master Plan, Planning Staff and the Technical Review

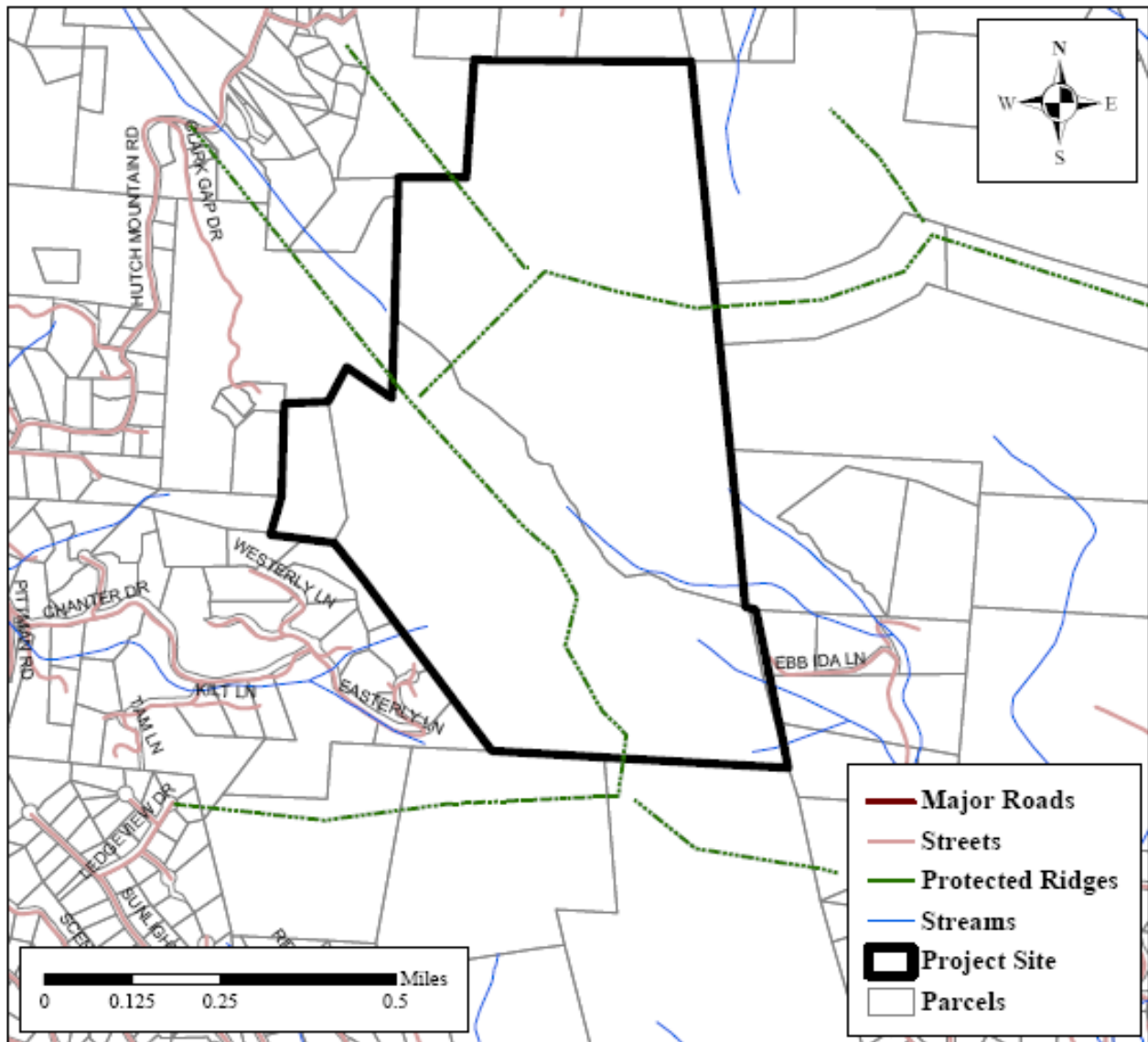
Committee (TRC) recommend the Applicant reconfigure lots and alter the design of the development so that slopes in excess of 60 percent remain in common area/open space. Lots which contain slopes in excess of 60 percent include the following 26 lots: 6-9, 12-14, 16, 17, 32-34, 45, 50, 87-88, 108-109, 122, 126, 132, 138-139, 148, and 149.

As noted in LDC §200A-75, the project site may not be suited to be subdivided for the purpose of dense development due to severe topographic conditions (steep slopes) and unique natural areas (protected mountain ridges).

**Map B: Slopes Map**



### Map C: Protected Ridges Map



- (b) **Rural Agricultural Area.** The Rural Agricultural Area (RAA) designation of the Growth Management Strategy is applied to the project site. The RAA is intended to remain predominantly rural with a density of five (5) or more acres per dwelling unit (average lot sizes of five (5) or more acres per unit). According to the plan, the project would have an average density of approximately 0.48 units per acre (average lot size of 2.07 acres). The proposed densities are higher and the lot sizes are reduced from those recommended by the CCP. The CCP states that regulations should encourage “densities that are consistent with steep slopes, poor septic capacities, and sensitive topography.” The Applicant is proposing individual septic for the lots in the development.
2. **Protected Mountain Ridges.** The project site appears to contain areas effected by the Mountain Ridge Protection Ordinance which states that the provisions of NCGS 113A-209 apply to all mountain ridges in Henderson County whose elevation is 500 feet or more above the adjacent valley floor (Map C: Protected Mountain Ridges). NCGS 113A-209 states that

no county may authorize the construction of, and no person may construct, a tall building or structure on any protected mountain ridge. The definition of a tall building found in NCGS 113A-206 is any building with a vertical height of more than 40 feet measured from the top of the foundation and the uppermost point of the building. Additionally, where such foundation measured from the natural finished grade of the crest or the natural finished grade of the high side slope of a ridge exceeds three (3) feet, then such measurement in excess of three (3) feet shall be included in the 40-foot limitation provided that no such building protrudes at its uppermost point above the crest of the ridge by more than 35 feet. The area of ridge under protection is defined as the elongated crest or series of crests at the apex or uppermost point of intersection between two (2) opposite slopes or sides of a mountain, and includes all land 100 feet below the elevation of any portion of such line or surface along the crest.

3. **Chapter 200A, Henderson County Land Development Code (LDC).** According to Chapter 200A, Henderson County Land Development Code (LDC) and its Official Zoning Map adopted September 19, 2007 (as amended), the proposed project site is located within both the Residential Two (R2) and Residential Three (R3) Zoning Districts (See Map D: Official Zoning Map). The R2 and R3 district allows for single-family residential development.

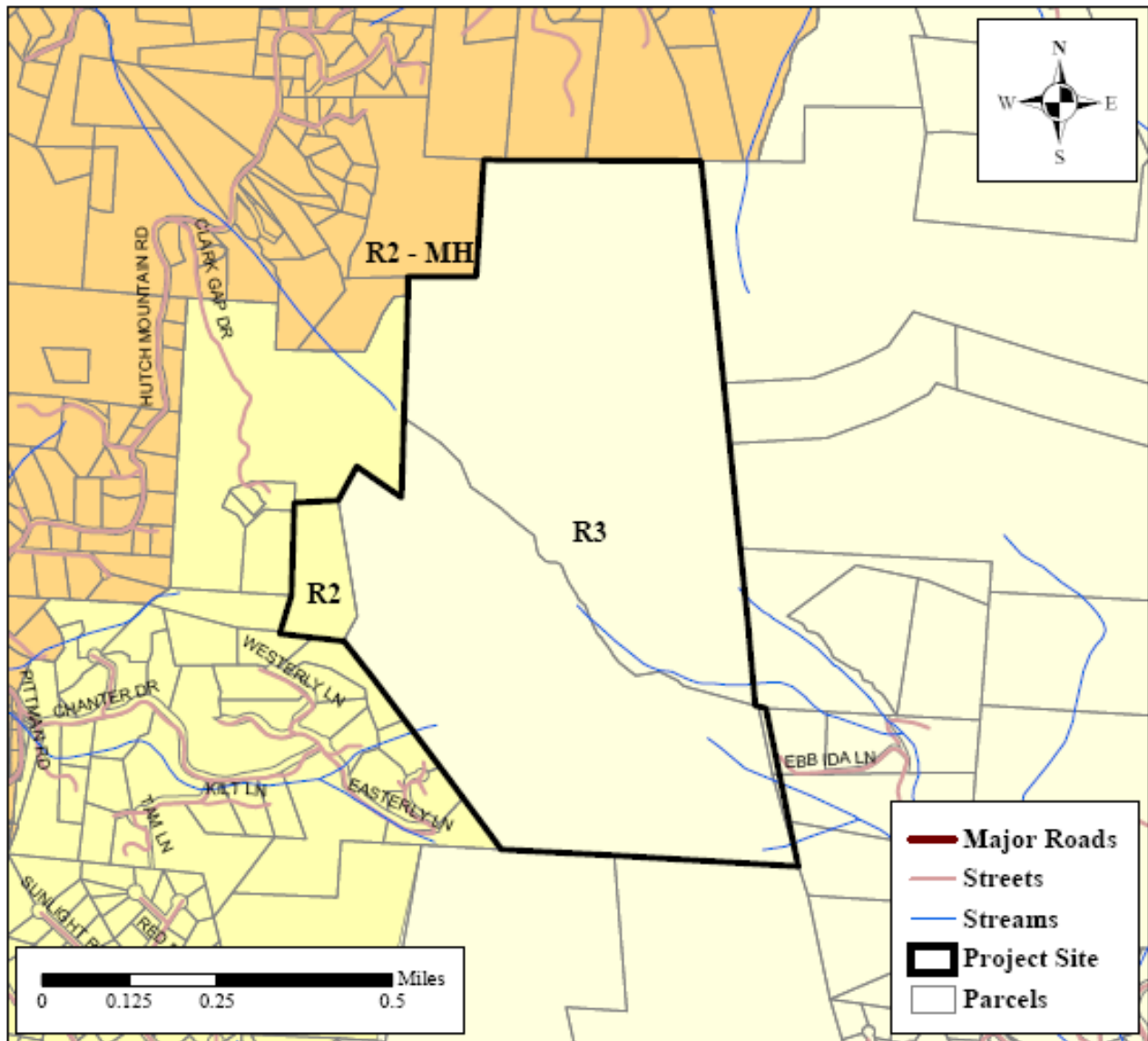
Tract 1, which includes 10.28 acres, is located in the R2 Zoning District. R2 allows for a standard residential density of 1 unit per acre (average lot size of 1 acre) where the slope is less than 60 percent. A total of 7.7 acres of Tract 1 are in this category, meaning a total of 7.7 units would be permitted. Where slopes are 60 percent or greater the density shall be on-half ( $\frac{1}{2}$ ) the eligible density (0.5 units per acre (average lot size of 2 acres)). A total of 2.58 acres of Tract 1 are in this category, meaning a total of 1.29 units would be permitted. The total number of units permitted by Tract 1 are 8.99 (See Table 1).

Tracts 2 and 3, which include 299.57 acres, are located in the R3 Zoning District. R3 allows for a standard residential density of 0.66 units per acre (average lot size of 1.5 acres) where the slope is less than 60 percent. Tracts 2 and 3 contain slopes in excess of 60 percent, but they do not account for ten (10) percent or more of the tract, therefore the density reduction does not apply. A total of 299.57 acres of Tract 2 and 3 are in this category, meaning a total of 197.71 units would be permitted (See Table 1).

Chapter 200A would allow for a maximum of 206 units on the project site. The Applicants proposal of 149 units would fall within the density permitted by Chapter 200A (See Table 1).



**Map D: Official Zoning Map**



**Table 1: Permitted Densities**

Zoning	Tract	Acreage (Acres)			Steep Slope Density Restrictions Apply (Y/N)	Total Units Permitted (Units)		Total Units Permitted (By District)
		Total	Slopes <60%	Slopes >60%		Slopes <60%	Slopes >60%	
R2	1	10.28	7.70	2.58	Y (25.12%)	7.70	1.29	8.99
R3	2 & 3	299.57	277.54	22.03	N (7.35%)	197.71	NA	197.71
							Total Units Permitted	206.7



4. **Road Frontage and Existing Off-Site Access.** Any tract of land to be subdivided must have frontage on an existing public (state-maintained) road or a private right-of-way to the public road (LDC §200A-81 K). The project site does not have frontage on a public road or an existing private right-of-way to a public (state-maintained) road. The plan proposes a right-of-way extending approximately 2,500 feet from the project site, through two (2) other properties (PIN 9662-81-0633 owned by Thelma J. McMinn and PIN 9662-72-5751 owned by the Applicant).

In certain areas additional right-of-way will be applied to and expand the existing right-of-way for Clark Gap Drive. Clark Gap Drive, which connects Hutch Mountain Road (SR 1556) to the proposed right-of-way through the McMinn Property, is a private road with a 30 foot right-of-way. The Applicant is proposing to add an additional 20 feet of right-of-way to Clark Gap Drive in order to conform with the standards of LDC §200A-81 J. The provision of this additional right-of-way should be a condition of approval.

The Applicant has provided, as part of the application materials, a contract for the acquisition of right-of-way through the property owned by Thelma J. McMinn (PIN 9662-81-0633). Planning Staff and the TRC recommend, as a condition of Master Plan approval, that prior to or at the time of the first Development Plan submittal, a deeded and recorded right-of-way which meets the width requirements of Chapter 200A (Article III, Table 3.1), be provided from Hutch Mountain Road (SR 1556) to the project site.

Clark Gap Drive is one (1) lane; has grades which appear to exceed 18 percent; and lacks shoulders, ditches and turnarounds (See Attachment 3). The Applicant, during the TRC meeting, indicated the intent to upgrade Clark Gap Drive to meet the requirements of Chapter 200A. Planning Staff and the TRC recommend, as a condition of Master Plan approval, that a condition of the first Development Plan approval be that the Applicant upgrade Clark Gap Drive, on the portion where the additional right-of-way is provided, to meet the minimum standards of Chapter 200A (Article III, Table 2.1). The Planning Board should also, as a condition of approval, require that the Applicant provide the appropriate cross section for Clark Gap Drive with the First Development Plan submittal.

5. **Road Intersections.** The Applicant has proposed what appears to be a fork in Clark Gap Drive near its intersection with Hutch Mountain Road (SR 1556). The Applicant indicating the intent is to realign Clark Gap Drive's intersection with Hutch Mountain Road (SR 1556) due to the existing intersection angle and resultant poor sight distance. Planning Staff recommends the following be conditions of approval: (1) the realignment of Clark Gap Drive meet the requirements of LDC §200A-81 C(6) (intersections with angles of 75 to 90 degrees preferred); and (2) intersection angels must be shown on the first Development Plan. Planning Staff and the TRC additionally recommend as a condition of Master Plan approval that the Applicant provide the appropriate permit (for realignment/new driveway cut) from NCDOT with the first Development Plan.
6. **Street Tree Requirements.** The Applicant should become familiar with the street tree requirements of Chapter 200A (LDC §§200A-145 and 200A-146). Street trees shall be required for all major subdivisions (LDC §200A-81 R).
7. **Adequate Public Facilities.** The Applicant should become familiar with the Adequate Public Facilities Regulations (LDC Article IV) as noted in LDC §200A-81 S.

- (a) **Traffic Impact Study (TIS).** A TIS is required for the proposed development as it is a residential subdivision proposed to contain more than 100 lots/units (149 lots/units are proposed) (LDC §200A-104). The TIS must be prepared by a licensed engineer and must be submitted as part, or as a condition, of Master Plan approval (LDC §200A-104 B(1)). Prior to conducting the TIS, the developer must meet with County Staff, the TRC, and NCDOT to identify certain assumptions that shall be addressed in the TIS. A representative for the Applicant has met with County Staff to begin to process of identifying these assumptions. Staff recommends one (1) of the following three (3) options be a condition of approval.

*Option 1:* The Planning Board may require, as a condition of approval, that the Applicant conduct the TIS (prepared in accordance with LDC §200A-104 and utilizing the assumptions identified by County Staff, TRC and NCDOT). Further, as a condition of Master Plan approval, during the first Development Plan review Staff will present the TIS findings/information and recommended requirements to the Board which can determine whether such recommendations be a condition of the first Development Plan Approval.

*Option 2:* The Planning Board may require, as a condition of approval, that the Applicant conduct the TIS (prepared in accordance with LDC §200A-104 and utilizing the assumptions identified by County Staff, TRC and NCDOT) within 180 days of the Board's initial review. Further, as a condition, Staff will then present the TIS findings/information and recommended requirements to the Board which can determine whether such recommendations be made additional conditions to the Master Plan approval. The Planning Board would not consider any Development Plan application until such time as the TIS has been conducted and the Board has had the opportunity to review and assign conditions as it determines.

*Option 3:* The Planning Board may require the Applicant to complete the TIS prior to rendering a decision on the Master Plan, and table the matter for 60 days to provide time for the Applicant to conduct the TIS. Further, if the Applicant does not return with the TIS within 60 days, the application will be deemed denied.

- (b) **Emergency Services Impact Report (ESIR).** An ESIR is required for the proposed development as it is a residential subdivision proposed to contain more than 100 lots/units (149 lots are proposed) (LDC §200A-105). The Applicant has provided an Emergency Services Impact Report (See Attachment 8). The findings of the ESIR and recommendations of County Staff or the Planning Board, may require that the proposed development be built at a maximum density of one (1) unit per (3) acres. The project site contains 309.85 acres which would allow for 103 lots/units on the project site. This would require the elimination of 46 proposed lots/units. Planning Staff and the TRC do not recommend that the reduction be applied to the proposed development given the following condition. The TRC recommends, as a condition of approval, that the Applicant provide an alternate entry point, including a right-of-way and all weather access road, which would serve as an evacuation route or point of access for emergency services vehicles. The TRC also recommends, as a condition of approval, that the Applicant provide a revised Master Plan showing the alternate entry point. During the meeting with the TRC, the Applicant indicated his willingness to provide said right-of-way and road connection to an existing off-site right-of-way.

8. **Fire Protection Requirements.** According to LDC §200A-81 B(3), for any *subdivision* without a fire suppression rated water system, that either has or has access to an adequate permanent surface water supply (100,000 gallon storage in a 50 year drought), the *Applicant* shall be required to install a dry fire hydrant system, the type and location of which is to be determined by the County Fire Marshal. An all-weather access *road* for fire-fighting equipment shall be provided by the *Applicant* to this permanent surface water supply. During the meeting with the TRC the Applicant indicated that the project site contains three (3) streams upon which a pond or ponds could be placed for purposes of fire protection. The TRC recommends, as a condition of approval, that a pond with a surface storage area of at least 100,000 gallon storage in a 50 year drought with two (2) certified static water points be provided (and accessible by an all-weather access road) by the Applicant.
9. **Gates.** The Applicant, during the TRC meeting, indicated they are considering an entry gate for the proposed development. The Applicant should become familiar with the Entry Gate provisions of Chapter 200A (LDC §200A-81 C(7)). All entry gates shall be constructed and maintained as required by and in accordance with Chapter 200A and Chapter 89 of the Henderson County Code, *Entry Gates*.
10. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the Miscellaneous Advisory Provisions of Chapter 200A (LDC §200A-81 S).

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

The Henderson County Technical Review Committee considered the Master Plan for Laurel Rock Reserve Major Subdivision (File #2007-M24) at its regularly scheduled meeting on December 4, 2007. During that meeting, the TRC voted 7 to 0 to send the Planning Board a favorable recommendation with the following comments and conditions (as noted elsewhere in this Staff Report). The TRC recommends the following as conditions (See also Attachment 7, Draft Minutes of the Technical Review Committee):

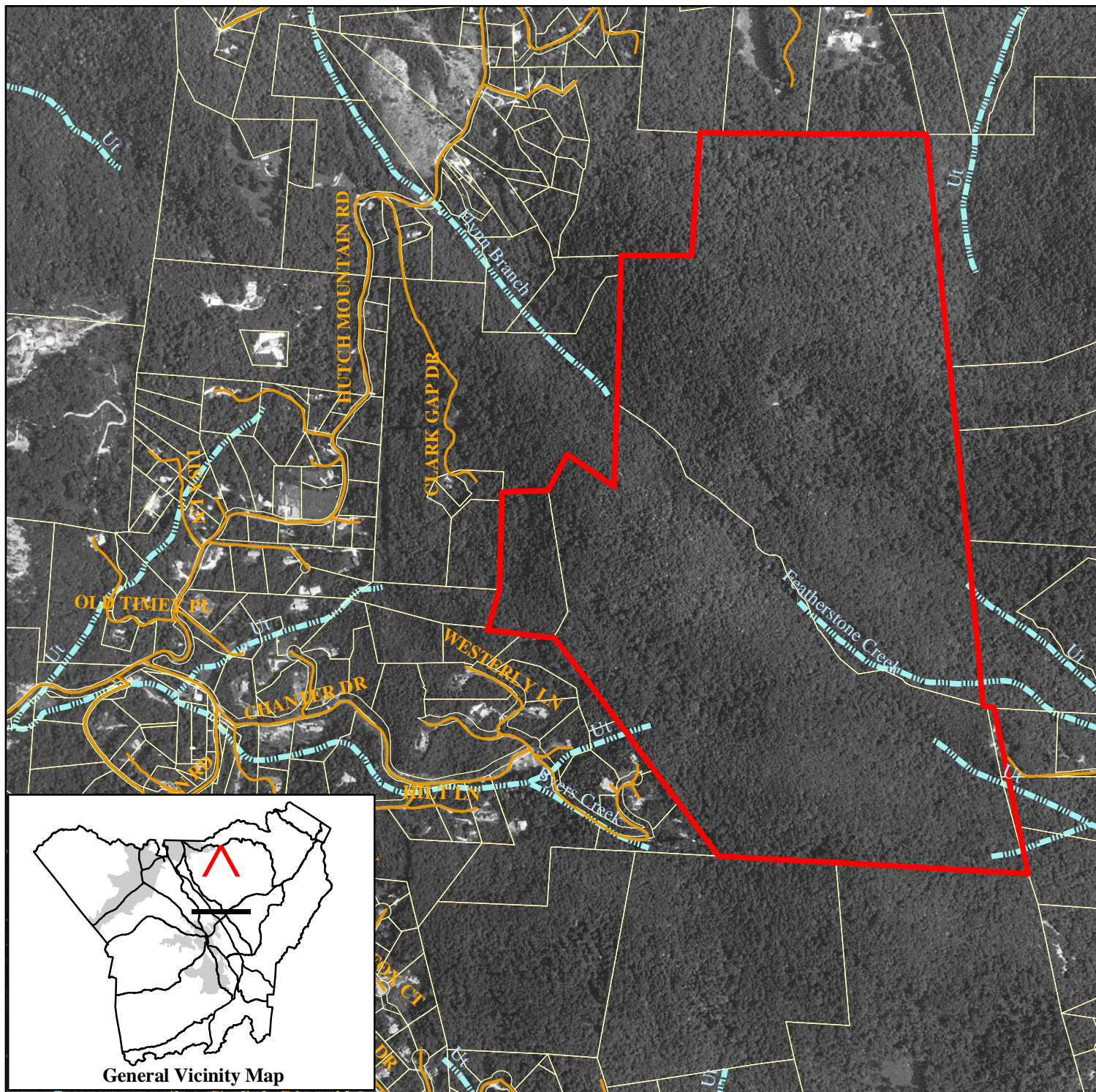
1. The Applicant reconfigure lots and alter the design of the development so that slopes in excess of 60 percent remain in common area/open space. Lots which contain slopes in excess of 60 percent include the following 26 lots: 6-9, 12-14, 16, 17, 32-34, 45, 50, 87-88, 108-109, 122, 126, 132, 138-139, 148, and 149;
2. Prior to or at the time of the first Development Plan submittal, a deeded and recorded right-of-way which meets the width requirements of Chapter 200A (Article III, Table 3.1), be provided from Hutch Mountain Road (SR 1556) to the project site;
3. A condition of the first Development Plan approval be that the Applicant upgrade Clark Gap Drive, on the portion where the additional right-of-way is provided, to meet the minimum standards of Chapter 200A (Article III, Table 2.1);
4. The Applicant provide the appropriate permit (for realignment/new driveway cut) from NCDOT with the first Development Plan;
5. The Applicant provide an alternate entry point, including a right-of-way and all weather access road, which would serve as an evacuation route or point of access for emergency services vehicles. The TRC also recommends, as a condition of approval, that the Applicant provide a revised Master Plan showing the alternate entry point;

6. That a pond with a surface storage area of at least 100,000 gallon storage in a 50 year drought with two (2) certified static water points be provided (and accessible by an all-weather access road) by the Applicant; and
7. The Applicant should become familiar with the Entry Gate provisions of Chapter 200A (LDC §200A-81 C(7)). All entry gates shall be constructed and maintained as required by and in accordance with Chapter 200A and Chapter 89 of the Henderson County Code, *Entry Gates*.

**Review Agency Comments:**

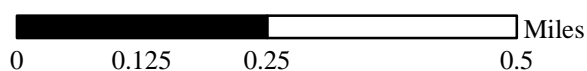
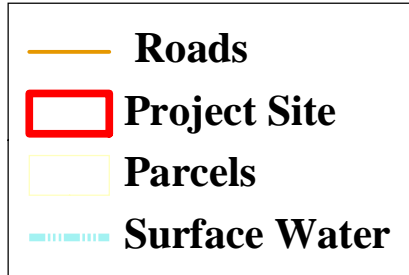
1. **Comments from Fire Marshal.** Rock Hyder, Fire Marshal, submitted comments regarding the project (See Attachment 4). Mr. Hyder's comments reflect the need for a fire suppression water supply and compliance with entry gate standards.
2. **Comments from Floodplain Administrator, Watershed Administrator, and Sedimentation and Erosion Control Administrator.** Natalie Berry (Floodplain Administrator, Watershed Administrator, and Sedimentation and Erosion Control Administrator) submitted comments regarding the project (See Attachment 5). Ms. Berry's comments reflect the need for submitting an erosion and sedimentation control plan to the County.
3. **Comments from Property Addressing.** Curtis Griffin of Property Addressing submitted comments regarding the project (See Attachment 6). Mr. Griffin's comments reflect that the applicant has reserved road names for the project.





# Laurel Rock Reserve

DEVELOPER & OWNER: Couch Mountain Properties, LLC  
 AGENT: Eric McAbee, PLS  
 SURVEYOR: McAbee & Associates Professional Land Surveyors  
 ZONING: R2 and R3  
 WATERSHED: None  
 WATER SYSTEM: Individual Wells  
 SEWER SYSTEM: Individual Septic  
 ROAD SYSTEM: Private







**1.** View of Hutch Mountain Road in vicinity of current entrance (Clark Gap Drive) looking east. The newly proposed realignment of Clark Gap Drive would be to the east of the current cut for Clark Gap Drive.



**2.** View of from Clark Gap Drive cut onto Hutch Mountain Road looking west into curve. The applicant intends to realign the road due to the existing angle of intersection and low visibility.



**3.** View of Clark Gap Drive. Existing grades are fairly steep and the road is one lane.



**4.** Public notice of Planning Board Meeting posted on the project site December 9, 2007.



## HENDERSON COUNTY PLANNING DEPARTMENT REVIEW AGENCY RESPONSE FORM

I have reviewed the plan(s) for subdivision application #2007-M24 (Laurel Rock Reserve) and offer the following comments:

**Water Supply** – No fire suppression water supply. Due to the remote location of this subdivision any stream or pond in the area should be evaluated for static water point (dry hydrant) potential.

**Entry Gates** – (If provided) Should comply with Chapter 89 (Entry Gates) of the Henderson County Code.

<u>Rocky Hyder</u>	<u>Emergency Services</u>	<u>12/04/07</u>
Reviewed By	Agency	Date

Please Return to: Matthew Cable, Planner  
Henderson County Planning Department  
213 1st Avenue East  
Hendersonville, NC 28792  
mcable@hendersoncountync.org

**File No. 2007- M24**

# HENDERSON COUNTY PLANNING DEPARTMENT

Attachment 5

## REVIEW AGENCY RESPONSE FORM

I have reviewed the plans for subdivision application #2007-M24 (Laurel Rock Reserve) and offer the following comments:

Comments:

Henderson County Flood Damage Prevention Ordinance comments:

The property being developed does not appear to be in a regulated special flood hazard area. No comments.

Henderson County Erosion and Sedimentation control Ordinance comments:

If the Erosion and Sedimentation control plan has not been submitted to Environmental and Natural Resources Land Resource division for approval prior to October 1, 2007. Submittal will be required through the Henderson County Building Services Department Erosion Control division. The offices are located in the basement of the Building Permit Center located at 240 Second Avenue East. Rooms B15 - B19. (follow the signs in the hallways) Fees and forms can be viewed at our website address <http://www.hendersoncountync.org/ces/Erosioncontrol/ErosionControlindex.htm>

Henderson County Water Supply Watershed Ordinance comments:

The property being developed does not appear to be in a regulated water supply watershed area. No comments.

(If necessary use back of form or additional sheets for comments)

Natalie J. Berry

Reviewed By

Erosion Control Administration

Agency

11/28/07

Date

Please Return to:

Matthew Cable, Planner  
Henderson County Planning Department  
213 1<sup>st</sup> Avenue East  
Hendersonville, NC 28792  
[mcable@hendersoncountync.org](mailto:mcable@hendersoncountync.org)

**File No. #2007-M24**



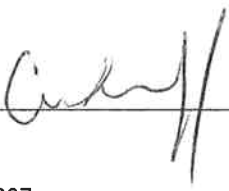
# SUBDIVISION ROAD NAME APPROVAL FORM

Planning Application Number 2007-M24

The following street name(s) have been reserved for the subject application. Road names have been assigned when necessary. No changes are authorized unless approved by the Property Addressing Division.

Approved/  
assigned road  
names:

- LAUREL ROCK RD
- BROAD BLUFF WAY
- OLD PIONEER TRL
- DEWY DALE LN
- CRYSTAL MEADOW LN
- QUIET POND CT
- SLEEPY SKY CT
- VELVET CLOUD WAY
- EMERALD HILLS LN
- SHADY RISE LN
- COZY SPRING CT

Signature:  \_\_\_\_\_

Date: Nov 21, 2007

**EXCERPT FROM THE  
HENDERSON COUNTY TECHNICAL REVIEW COMMITTEE MINUTES  
DECEMBER 4, 2007**

Master Plan – Laurel Rock Reserve Major Subdivision – Located on 309.85 Acres near the Intersection of Hutch Mountain Road and Clark Gap Drive – 149 Single-Family Residential Lots – Planning Department. Mr. Cable stated that this is only a Master Plan approval for Laurel Rock Reserve. He stated that they are proposing 149 Single-Family Residential Lots on 309.85 acres composed of three (3) separate parcels in two (2) different districts, R2 and R3 zoning districts.

Mr. Cable stated that Staff is recommending, if possible, to alter the design of the lots so that the areas where the slope exceeds 60% would be common area or open space only. He said there would be 26 lots affected.

Mr. Cable stated that the main concerns with this project, which have already been discussed with the Applicant, are road frontage and off-site access, in terms of the Subdivision Ordinance. They are proposing to extend a road off-site, which would be approximately 2,500 feet in length and goes through two (2) other properties, one of which is owned by Couch Mountain and the other is owned by Thelma McMinn. Mr. Cable said that the applicant has provided a right-of-way agreement to purchase this right-of-way, but there is nothing that is deeded or recorded so Staff is suggesting that this be a condition before the first development plan is approved to insure that they have access through this property. He said that they will be widening the right-of-way on Clark Gap Drive, and there are some issues with this road dealing with steep grades and turnarounds, but the owners suggest that they will be making improvements accordingly. At the end of the road where it connects to Hutch Mountain, you can see where Clark Gap Drive veers to the left it appears that they are proposing a new driveway cut on Hutch Mountain Road. Staff would like clarified whether it is a new driveway cut or a realignment. He stated that the applicant has provided an emergency services impact report, which would allow the Staff or Planning Board to either recommend or require a maximum density of three acres and to consider whether that is appropriate in this case. He said that the applicant will be required to provide a traffic impact study before the first Development Plan.

Eric McAbee with McAbee and Associates, agent for the owner stated that they plan on upgrading and paving to County standards on Clark Gap Drive. He said that they have worked out a deeded right-of-

way agreement granting the applicant on a 60-foot right-of-way with Ms. McMinn. He said regarding the areas of steep slopes where the majority of the area was 60%, they have tried to put common areas. Rocky Hyder asked how they propose water protection for this dense development. The owner of the development said that there are a number of streams on the property but they possibly might build a large pond into the landscaping features in order to retain some water on the property for protection. Mr. Hyder stated that he would suggest two (2) static water points just because the terrain and the extended response time for emergency services due to the location of the development. There was discussion to reserve a right-of-way for an alternate evacuation route for emergency services and that the owner stated that he would look into this matter.

Mr. Starr reviewed the list of conditions:

1. Preserve the areas where the slope exceeds 60%;
2. The right-of-way across the McMinn property be platted and recorded prior to the first Development Plan being approved;
3. Coordinate with NCDOT to obtain a street and driveway access permits for connecting any roads or driveways to a state maintained road;
4. Upgrading and paving Clark Gap Road to County standards for the sections that the applicant uses for this project;
5. Suggest a surface storage area of at least 100,000 gallons per 50-year drought survey with access being an all-weather road with two (2) static water points for water protection;
6. Require a traffic impact study be completed before submitting the first Development Plan;
7. Provide an alternate entry point and right-of-way;
8. Compliance with the entry gate ordinance; and
9. Submittal of a revised Master Plan to indicate the alternative evacuation route;

Rocky Hyder made a motion to send a favorable recommendation to the Planning Board subject to the conditions mentioned. All members voted in favor.



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Attachment 8  
Application No. 2007-M24

HENDERSON COUNTY  
SUBDIVISION APPLICATION FORM  
(Please fill out all applicable items)

SUBDIVISION INFORMATION

Subdivision Name: LAUREL ROCK RESERVE  
Subdivision Type (Circle One): Major Minor Non-Standard Special  
Proposed Use of Property (Circle One): Residential Commercial Industrial  
Conservation Subdivision: Yes No Gated entrance to property: Yes No  
Existing Number of Lots: 3 Tracts Total Number of Proposed Lots: 146  
Total Number Proposed Units: 146 Proposed Density (units per acre): 0.5  
Road System: ( ) Public () Private ( ) Combination Public and Private  
Water System: () Individual ( ) Community ( ) Municipal  
Sewer System: () Individual ( ) Community ( ) Municipal

PARCEL INFORMATION

PIN: 9672.01-2375 & 9661.99-7788 Total Acreage: 296 +/- Deed Book/Page: 1067/152 Township Edneyville  
Location of property to be divided: Couch Mountain off Clark Gap Drive & Hutch Mtn. Road

Zoning District: ~~OPEN USE~~ R2ER3 Fire District: Fletcher  
Water Supply Watershed: N/A School District: Fletcher (North Henderson High)  
Any portion of property within or containing the following:  
Floodplain or floodway: Yes No Perennial streams: Yes No  
Protected mountain ridges: Yes No Cemetery: Yes No  
Within 1/2 mile of a Farmland Preservation District: Yes No  
Adjacent to a Farmland Preservation District: Yes No

CONTACT INFORMATION

Property Owner:  
Name: Couch Mountain Properties, LLC Phone: 828.684.3225  
Address: P.O. Box 2468 City, State, Zip: Fairview, NC 28730

Applicant:  
Name: Couch Mountain Properties, LLC Phone: 828.684.3225  
Address: P.O. Box 2468 City, State, Zip: Fairview, NC 28730

Agent: Agent Form (Circle One): Yes No  
Name: Eric McAbee, PLS Phone: 828.628.1295  
Address: 3 McAbee Trail City, State, Zip: Fairview, NC 28730

Plan Preparer:  
Name: McAbee & Associates Phone: 828.628.1295  
Address: 3 McAbee Trail City, State, Zip: Fairview, NC 28730

I certify that the information shown above is true and accurate and is in conformance with the Subdivision regulations of Henderson County.

ERIC McABEE, PLS Eric McAbee 11-1-07  
Print Applicant (Owner or Agent) Signature Applicant (Owner or Agent) Date

County Use Only  
Fee: \$ ✓ Paid: ✓ Method: Check Final Plat Approved On: \_\_\_\_\_





Prepared by & Return to Edward L. Harrelson:  
Stamps: \$40.00

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**RIGHT-OF-WAY AGREEMENT**

THIS RIGHT-OF-WAY AND MAINTENANCE AGREEMENT is made and entered into this the 9<sup>th</sup> day of March 2007, by and among THELMA J. McMINN (unmarried), and OLLIE E. McMINN (unmarried), of Henderson County, North Carolina, hereinafter referred to as "Sellers" and GLORIA Y. ANDERSON and husband, RICHARD E. ANDERSON, hereinafter referred to as "Purchasers," whose address is 2 Holt Circle, Fletcher, North Carolina 28732, and COUCH MOUNTAIN PROPERTIES, LLC, by Gloria Y. Anderson and Richard E. Anderson, Member-Managers, hereinafter referred to as "Couch Mountain."

**WITNESSETH:**

WHEREAS, Sellers are the owners of certain property described in deed recorded in Deed Book 405 at Page 105 in the Office of the Register of Deeds of Henderson County, North Carolina; and

WHEREAS, Purchasers are the owners of that certain property described in deed recorded in Deed Book 1067 at Page 152 in the Office of the Register of Deeds of Henderson County, North Carolina; and

WHEREAS, Couch Mountain is the owner of three tracts located between the property of Sellers and the Hutch Mountain Road, acquired by deed recorded at Deed Book 1284 at Page 233, Henderson County Registry, which is shown on a plat entitled "A Recombination of the William Keller and wife Vickie Keller Property" which is recorded at Plat Slide 6152 in the office of the Henderson County Register of Deeds; and

WHEREAS, Purchasers wish to acquire a right-of-way of sufficient width to provide for future paving of not less than 16-feet width with appropriate shoulders, which right-of-way is intended to be 60-feet in width; however, which right-of-way may due to topography in various locations require a greater width; and

WHEREAS, Sellers, Purchasers and Couch Mountain agree to provide deeded access for the benefit of Sellers over a forty-five feet wide right of way along the western boundary of the property of Couch Mountain; and

WHEREAS, the parties contemplate that it will be necessary to construct a road within a proposed right-of-way prior to a survey being made in order to convey the right-of-way to Sellers;

NOW THEREFORE, for the mutual considerations set forth herein it is hereby agreed as follows:

1. Sellers agree that Purchasers may enter in and upon the property of Sellers described in deed recorded in Deed Book 405 at Page 105 in the Office of the Register of Deeds of Henderson County, North Carolina, and cause to be constructed through such property a road from Hutch Mountain Road to the property of Purchasers described in deed recorded in Deed Book 1067 at Page 152 in the Office of the Register of Deeds of Henderson County, North Carolina. The parties hereto agree to flag or otherwise mark the proposed course of the right-of-way prior to undertaking any construction in order that Sellers shall have the opportunity to

review the location of same and identify any anticipated adverse consequences to their property. The location of such right-of-way shall be at the discretion of the Purchasers; however, Purchasers shall locate such right-of-way in order to minimize adverse consequences to the Sellers' property.

2. Purchasers agree that they will cause the right-of-way to be identified within 18 months from the execution of this agreement. Purchasers agree to complete a single road within 5 years of the execution of this agreement. Sellers agree that upon completion of the construction of a road within the right-of-way, and upon a survey having been made of the centerline of such right-of-way, to execute a right-of-way deed conveying a non-exclusive right-of-way to Purchasers appurtenant to their property described in deed recorded in Deed Book 1067 at Page 152 in the Office of the Register of Deeds of Henderson County, North Carolina. In the event that the terrain makes it impossible to complete an access road to the property of Purchasers, then the Purchasers agree to re-convey their interest in the right-of-way to the Sellers, their successors or assigns.

3. Purchasers agree in conjunction with the construction and acquisition of such right-of-way as follows:

a. Purchasers shall cause to be constructed a road within the proposed right-of-way leading from the property of Purchasers to Hutch Mountain Road.

b. Purchasers will upon completion of the construction of said road, cause the centerline of same to be surveyed, and a survey prepared and delivered showing the right-of-way as necessary in order to provide for two-lane traffic and appropriate shoulders and cut and fill slopes.

c. Purchasers agree that all expenses associated with the construction of the roadway, surveying, preparation of legal documents, and soil erosion control measures shall be the responsibility of Purchasers.

d. Purchasers agree that Purchasers shall be responsible for complying with all laws regarding soil erosion control and storm water runoff.

e. Purchasers covenant and agree that Purchasers shall indemnify and save Sellers harmless with respect to any cost and/or expense associated with the construction of the road within such right-of-way.

f. As additional consideration, Purchasers shall cause to be paid to Sellers the sum of \$20,000.00, of which \$10,000.00 will be paid upon the execution of this agreement, receipt of which is hereby acknowledged, and the remaining \$10,000.00 to be paid on or before one (1) year from the date of the execution of this agreement.

4. As further consideration to inure to the benefit of Sellers, Purchasers and Couch Mountain agree that they will upon the execution of this agreement, cause to be conveyed to Sellers a right-of-way of 45-feet width over and upon the property formerly owned by William Keller and wife, Vicky Keller described in deed recorded in Deed Book 1062 at Page 455 in the Office of the Register of Deeds of Henderson County and which is shown on a plat entitled "A Recombination of the William Keller and wife Vickie Keller Property" which is recorded at Plat Slide 6152 in the office of the Henderson County Register of Deeds, North Carolina.

5. It is agreed and understood between the parties hereto that Sellers shall have no responsibility to contribute to the cost of construction and/or maintaining the improvements within the right-of-way to be granted; however, Sellers agree that any successor in interest to the property owned by Sellers shall be obligated to contribute to the cost of maintaining improvements constructed within such right-of-way. The parties agree that their successors shall share on a pro-rata basis per property served in the maintenance and upkeep of the road in an all-weather passable condition.

6. This Agreement shall be binding upon the parties hereto, their successors, heirs and/or assigns.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

Purchasers:

Sellers:

Gloria Y. Anderson (SEAL)  
GLORIA Y. ANDERSON

Ollie E. McMinn A15 (SEAL)  
THELMA J. McMINN by Ollie E. McMinn  
as Attorney-in-Fact

Richard E. Anderson (SEAL)  
RICHARD E. ANDERSON

Ollie E. McMinn (SEAL)  
OLLIE E. McMINN

Couch Mountain Properties, LLC

Richard E. Anderson (Seal)  
By: Richard E. Anderson, Member-Manager

Gloria Y. Anderson (Seal)  
By: Gloria Y. Anderson, Member-Manager

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

I, Edward L. Harrelson, a Notary Public, do hereby certify that GLORIA Y. ANDERSON and RICHARD E. ANDERSON, Purchasers, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the 9<sup>th</sup> day of March, 2007.

(Affix  
SEAL)



Edward L. Harrelson  
Notary Public

My commission expires: January 17, 2010.

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

ACKNOWLEDGMENT

I, Edward L. Harrelson, do hereby certify that OLLIE E. McMINN, attorney in fact for THELMA J. McMINN, personally appeared before me this day, and being by me duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of THELMA J. McMINN, and that the authority to execute and acknowledge said instruments are contained in instruments duly executed, acknowledged, and being recorded in the office of the HENDERSON County, State of North Carolina, Register of Deeds, on the 14<sup>th</sup> day of June, 2006, Deed Book 1277 at Page 560, and that this instrument was executed under and by virtue of the authority given by said instruments granting her power of attorney; that the said OLLIE E. McMINN acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said THELMA J. McMINN.

Witness my hand and official seal this the 9<sup>th</sup> day of March, 2007.



Edward L. Harrelson  
Notary Public

My commission expires: January 17, 2010

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

I, Edward L. Harrelson, a Notary Public, do hereby certify that OLLIE E. McMINN, Seller, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the 9<sup>th</sup> day of March, 2007.

(Affix  
SEAL)



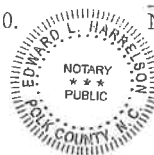
  
Notary Public

My commission expires: January 17, 2010.

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

I, Edward L. Harrelson, Notary Public of the County of Polk and State aforesaid, certify that GLORIA Y. ANDERSON and RICHARD E. ANDERSON personally came before me this day and acknowledged that they are the Member-Managers of Couch Mountain Properties, LLC, a limited liability company organized and existing under the laws of the State of North Carolina, and that by authority duly given and as the act of such entity, they signed the foregoing instrument in its name on its behalf as its act and deed.  
Witness my hand and official seal this the 9<sup>th</sup> day of March, 2007.

My commission expires: January 17, 2010.



  
Notary Public



