

**HENDERSON COUNTY
PLANNING BOARD MINUTES
February 21, 2008**

The Henderson County Planning Board met on February 21, 2008 for its regular called meeting, at 5:30 p.m. in the King Street Meeting Room at 100 N. King Street, Hendersonville, NC. Board members present were Tedd Pearce, Chair; Jonathan Parce, Vice-Chair, Gary Griffin, John Antrim, Mike Cooper, and Renee Kumor. Others present included Anthony Starr, Planning Director; Matt Cable, Planner; Sarah Zambon, Associate County Attorney; Autumn Radcliff, Senior Planner, Mark Williams, Commissioner and liaison to the Planning Board, and Kathleen Scanlan, Secretary. Board members Stacy Rhodes and Tommy Laughter were absent.

Chairman Pearce called the meeting to order and asked for the approval of the January 29, 2008 meeting minutes. He made a motion to approve the minutes and Renee Kumor seconded the motion. All members voted in favor.

Adjustments of the Agenda. Mr. Starr informed the Board members of some additions to the agenda as follows: Under Item 5, LDC Amendment 9A, concerning the review of subsequent development plans for subdivisions of 300 or more lots; and Item 7, add the Edneyville Community Plan Committee Charter information. All members agreed on the additions.

Staff Reports. Mr. Starr stated that the Board of Commissioners set a couple of meetings. One was for the Seven Falls development agreement, which would give them vested rights for five years and possibly for an additional five years if they meet certain requirements. That hearing has been set for April 1, 2008 at 6 p.m. and at that same hearing date; the Commissioners will also have a hearing for the realignment of Pleasant Grove Church Road within Seven Falls. Mr. Starr stated that the Board of Commissioners also set a public hearing for March 27, 2008 at 7 p.m. for the consideration of the amendments to the Land Development Code and the County Comprehensive Plan.

Public Input. Ms. Camille Condon discussed her concerns with various signs that have been placed in the road right-of-way and that she was happy about the Land Development Code having an amendment to allow County Staff to remove these signs, but wanted to know who will be responsible for enforcing this and will there be fines imposed on offenders. Chairman Pearce informed Ms. Condon that the Planning Board is not capable of enforcing any rules other than agenda items that are brought before them. Mr. Starr stated that most of her questions will be addressed under Item 5, with his presentation of this text amendment.

OLD BUSINESS:

Proposed Amendment to Chapter 200A, Land Development Code – Removal of Signs in ROW. Presentation by Planning Staff. Mr. Starr stated that at the Board of Commissioners February 4, 2008 meeting, they directed Staff to add language in the Land Development Code to allow Staff to remove signs placed in the road right-of-way. The LDC prohibits the placement of signs in the ROW and sight visibility triangles, but the LDC does not include a provision for the removal of signs inadvertently placed in these locations. He said it is the position of Staff and other local governments that this authority already exists and therefore to clarify the issue, the recommended language solution for addition to Section 200A-176, Sign Placement should read:

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 a sight visibility triangle.

Signs that are placed in the road right-of-way may (the word shall, was changed to may) be removed and disposed of, without notice, by authorized County personnel.

Mr. Starr stated that in answer to Ms. Condon's question regarding enforcement, most of the enforcement will occur by Code Enforcement Staff when they are on their way to other site visits, but he felt it would not be a "county-wide sweep" of signs. He said that signs would be collected and the County will call the responsible party to tell them to come and retrieve them. If no one claims them they would be disposed of. Signs on private property will not be removed. After a discussion period regarding details of this amendment, Chairman Pearce made a motion that the Planning Board recommend to the Board of Commissioners to approve the amendment to the LDC to allow County personnel to remove any signs that have been placed in a right-of-way as presented by Staff, with the exception of changing shall to may. Mike Cooper seconded the motion and all members voted in favor.

Proposed Amendment to Chapter 200A, Land Development Code - Revised LDC Text Amendment 9A. Ms. Radcliff stated that at the Commissioners meeting, they had directed staff to revise the language for the proposed text amendment 9A concerning the review of subsequent development plans for subdivisions proposing 300 or more lots. She stated that subdivisions with 300 or more proposed lots are reviewed and approved by the Board of Commissioners. This includes master plans and all subsequent development plans. The Commissioners decided to add the following language to Section 200A-308 to give the Commissioners the option to defer the review and approval for any subsequent development plans to Planning Board or the Subdivision Administrator.

The changes made are as follows:

*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. **Subsequent development plans shall be reviewed and approved by the Board of Commissioners. However, the Board of Commissioners may delegate this approval authority, on a project by project basis, to the Planning Board or Subdivision Administrator provided all conditions of approval are met and the development plan is consistent with the approved master plan. Development plans shall meet all requirements of the Chapter. Final plats shall be reviewed following the processes and procedures outlined in Section 200A-76 and Section 200A-311.***

Chairman Pearce made a motion to recommend that the Board of Commissioners approve the revisions to LDC Amendment 9A that are included with the proposed text amendments to the LDC as presented by Staff. John Antrim seconded the motion and all members voted in favor.