

MEETING SUMMARY
HENDERSON COUNTY PLANNING BOARD
January 15, 2015

Planning Board Members Present

Steve Dozier, Chair
Mike Cooper, Vice-Chair
Lee Roy Nicholson
Wayne Garren
Marilyn Gordon
Chuck Edwards
Tommy Laughter
Paul Patterson

Planning Board Members Not Present

Rick Livingston

Staff Present:

Autumn Radcliff, Senior Planner
Matt Champion, Planner
Sarah Zambon, Deputy County Attorney
Stan Duncan, Tax Collector
John Mitchell, Business and Community
Development Director
Jenny Maybin, Board Secretary

Meeting called to order: Steve Dozier called the meeting to order and Roll Call was stated.

Adjustment of Agenda: No adjustments were made

December Meeting Summary: No adjustments were made.

Public Input: No public Input was noted.

Proposed Historic Landmark Ordinance and Design Guide- Presenter: Christopher Todd

Mr. Todd gave a brief overview of the proposed Historic Landmark Ordinance and Design Guide. Stephen Fosberg and Donald Wilson, members from the Historic Resource Commission, were also present to help present the proposed guidelines to the Planning Board.

The Historic Landmark program is voluntary and participants may opt out at any time. The purpose of this program is to safeguard the heritage of the county and to promote the use and conservation of historic landmark properties. Some incentives associated with the program are: voluntary, 50% property tax abatement, and in order to designate historic landmarks an ordinance must be created according to G.S. 160A-400.6.

For a property to be eligible it must meet ALL 4 of the following requirements:

1. Property is at least 100 years old
2. Property owner agrees to terms and conditions for designation as Historic Landmark
3. Property has been accepted onto the State Historic Study list, signifying that it is considered possibly eligible for nomination to the National Register of Historic Places.
4. Meets one or more of the following requirements:
 - Property is associated with historic events that have shaped Henderson County
 - Property is tied to the lives of persons who influenced the economic, social, educational, or cultural conditions of Henderson County
 - Property features distinct architectural style, method of construction, high artistic values, or represents the work of a master architect or builder

- Property represents the full spectrum of historic property types in the County including but not limited to, residences, commercial buildings, churches, farmsteads, engineering features or parks
- Property yields or is likely to yield information important to the understanding of the history or prehistory of Henderson County

Once a property owner volunteers for program, The Historic Resource Commission will work with applicants to create a detailed study and report for the county and create a report to be submitted to the NC Historic Preservation Office. NC State Historic Preservation Office will review and comment on the property. All collected information and reports will be presented to the ZBA during a quasi-judicial hearing. The Board of Commissioners will review all information and make the final decision. Once the property has been designated the Tax Office will be notified of the new property status. The tax abatement will begin starting the next calendar year.

Wayne Garren made a motion that the Planning Board recommend the Commissioners approve the Proposed Historic Landmark Ordinance and Design Guide. Tommy Laughter seconded the motion. The motion was approved 8-0.

Staff Reports:

Common Law Vested Rights: Matt Champion, Planner, gave a brief presentation on common law vested rights and the subdivisions that were granted a common law vested rights. Common law vested rights are established to complete a development or use of a property based on the 4 statements listed below. A valid permit, substantial expenditure was made, acting in good faith, and developer will suffer a hardship. For a developer to obtain a common law vested rights, they must prove these statements.

Matt provided a brief overview of the approval process. He stated that planning staff and the county attorney's office reached out to the incomplete major subdivisions with common law vested rights letters. The current of future developer may continue with the project under the original approvals until 2018 or an agreed upon date. A total of 17 major subdivisions had been granted common law vested rights. Of those, 7 were incomplete. Staff sent letters to these developers and to date 3 agreements have been signed, 2 developments are not planning to move forward with the original plans, and staff has been unsuccessful in contacting the remaining 2. Staff will continue to reach out to the remaining subdivisions.

Autumn Radcliff gave an update on The Seven Falls Project.

Adjournment: There being no further business, meeting was adjourned 6:06 P.M.