

**HENDERSON COUNTY
PLANNING BOARD MINUTES
February 21, 2006**

The Henderson County Planning Board met on February 21, 2006 for their regular called meeting at 5:30 p.m. in the Board of Commissioner's Meeting Room at 100 North King Street, Hendersonville, NC. Board members present were Tedd Pearce, Chairman; Paul Patterson, Vice-Chairman, Tommy Laughter, Gary Griffin, Mark Williams, Jonathan Parce, Renee Kumor and Stacy Rhodes. Others present included Judy Francis, Planning Director; Matt Card, Planner; Anthony Prinz, Planner; Kathleen Scanlan, Secretary; C. Russell Burrell, County Attorney; and Chuck McGrady, Commissioner and Liaison to the Planning Board. Board member Mike Cooper was absent.

Chairman Pearce called the meeting to order. Mr. Pearce asked for the approval of the January 17, 2006 minutes. Due to a copier problem, Board members did not receive all of the pages of the minutes therefore the approval of January 17, 2006 minutes were tabled until the next regular scheduled meeting.

Adjustment of Agenda. No adjustments were made.

Ms. Kumor, who is a member of the League of Women Voters, handed out an informational brochure that the League had researched and composed about Henderson County facts.

Staff Reports. No Staff Reports.

OLD BUSINESS:

LDC Subcommittee Update – Judy Francis, Planning Director. Ms. Francis distributed the draft service area boundary map of the LDC that Staff is working on revising. She stated that one of the concerns that the Board members had was the dated nature of the service area boundary map that was included in the Comprehensive Plan. She added that there was an agreement at the subcommittee meeting about the criteria to eliminate those boundaries. She stated that this is a work-in-progress and therefore are working on some of the edges of those districts to make sure they are done correctly and to differentiate parcels in these service district boundaries. Chairman Pearce pointed out that the State and Federal portions of land were broken out, which takes away some of the ground. Ms. Francis added that Staff is working on the subdivision analysis and density issues. Ms. Francis noted that the new County Manager will be starting on March 20, 2006 and she feels that there will not be a great amount of activity dealing with the Land Development Code until he comes onboard and is brought up to speed on the Code. Commissioner McGrady stated that the Commissioners put a hold on its process until the County Manager is onboard, but specifically was stated that the Planning Board and Planning Director continue to go forward in the process. Ms. Francis noted that the draft on the County's website has been updated to highlight what portions of the draft are under review. Staff highlighted in red the text of the Land Development Code draft those portions that are currently being reviewed by the Subcommittee or Staff. She said additionally Staff received 15 pages of suggested changes accumulated based on public comment and agreement by the Subcommittee and other revisions. Mr. McGrady asked how is the attendance of the drop-in sessions? Ms. Francis stated that there were slow attendance at the Johnson Farm, but all of the

Staff members had someone that had a question for them. She felt it was more constructive because of the smaller crowd and the willingness of people to ask questions.

Request for Extension of Development Plan Approval for Phase 1 and Phase 2 of Fox Glen Subdivision (File # 04-M05) – Glade Homes, LLC, Applicant. Mr. Card stated that Glade Homes requested an extension for both Phase 1 and Phase 2 of Fox Glen Subdivision. Phase 1 was approved on March 16, 2004 and Phase 2 was approved by the Planning Department on May 3, 2004. They have requested for both phases an additional one-year extension. Gary Griffin made a motion to grant a one-year extension for the Development Plan for Phase 1 and Phase 2 of Fox Glen Subdivision. Renee Kumor seconded the motion and all members voted in favor.

Solomon's Cove (#06-M06) – Development Plan – (35 Single-Family Residential Lots) Located on 25 Acres of Land off Howard Gap Road – Jeffrey Suttles, Agent for John Trevor Colvin, Owner. Mr. Prinz stated that Mr. Jeff Suttles, agent for TTT Mountain Properties, LLC, has submitted a major subdivision application and Development Plan for the proposed subdivision, Solomon's Cove. The project site for Solomon's Cove is on approximately 25 acres of land located off of Howard Gap Loop Road which they propose 35 lots that will be used for single-family residential purposes with 1.3 acres of common area proposed along Howard Gap Loop Road and the subdivision will be served by public water (City of Hendersonville) and individual septic systems.

Mr. Prinz said that according to the Development Plan, the project site appears to have more than 1,600 feet of frontage on Howard Gap Loop Road. One access to the south of Howard Gap Loop Road is proposed for the Solomon's Cove, which service three internal public roads. The roads are labeled as Solomon's Cove Road, Wisdom Cove Road, and Narrow Path Way on the Development Plan.

The subject property is currently located within a County Open Use zoning district, which does not regulate the residential use of land. One perennial stream is located on the project site and does not have any associated flood zones. According to measurements taken from the Henderson County GIS web site, the subject property is within one-half mile of a Blue Ridge Farmland Preservation District.

Mr. Prinz said Staff has reviewed the Development Plan for conformance with the Henderson County Subdivision Ordinance (HCSO) and offers the comments that follow:

DEVELOPMENT PLAN

1. **Revisions to Development Plan.** Staff reviewed the Development Plan and has found some items that must be added, modified, or removed to be in compliance with Appendix 5. Mr. Prinz noted that he was informed that he would receive a revised Development Plan from the owner in the near future showing all the corrections required.

OTHER COMMENTS.

Mr. Prinz stated that regarding Comment (1) Water Supply; Comment (2) Soil Erosion and Sedimentation Control and Comment (3) Driveway Permit, Staff has received letters acknowledging the fact that they have applied for the Sedimentation and erosion control permit and they have received the letter of statement from the City of Hendersonville as far as the water supply and water capacity. He also mentioned that we also have received a letter from NCDOT stating that they have received a driveway permit for the project.

Comments from Henderson County Environmental Health. In the packet there are comments from Jerry Robinson of the Henderson County Environmental Health Department. Mr. Prinz stated that they have received letters from environmental health, mainly it has to do with lot size, lot configuration and setbacks from the stream, but this is just a standard comment that they send to the Planning Department saying that basically if their septic fields do not work out on the lots that they are proposing, they may have to recombine the lots. He added that there is also a perennial stream setback for their septic systems.

Comments from the Henderson County Fire Marshal's Office. Mr. Prinz stated that comments were received from Wally Hollis of the Henderson County Fire Marshal's Office and he was just saying that the name of the subdivision might be confusing because there is a *Pathways of Solomon Jones* subdivision. Mr. Prinz stated that the Planning Board could discuss this issue if they feel it is necessary. Also, the Fire Marshal's Office indicated that the hydrants and the access to the water appear to be adequate.

Final Plat Requirements. The Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.

Staff has found that given the above conditions, the proposed Development Plan for Solomon's Cove appears to meet the technical standards of the Henderson County Subdivision Ordinance. Staff recommends approval of the Development Plan subject to the comments addressed.

Mr. Patterson asked regarding Water Supply comment, did they furnish a plan or furnish a copy with the approval? Mr. Prinz stated that they just submitted a letter to us from the City of Hendersonville saying that they were approved for the waterline extension. He added that we did receive a letter from NCDENR from the sedimentation and erosion permit. Mr. Patterson stated that you would also need a letter from NCDENR for the water supply. Mr. Prinz stated that this could be made a condition. Ms. Kumor asked whether the Planning Department receives reports from Environmental Health that informs you as to what is happening with regard to the lots that perked and the ones that they were not able to issue septic permits for? Ms. Francis said that she is working with Staff presently, as we have not been advised as to how many lots have perked, but we are working on this issue to acquire better information on this matter. There was some further discussion on this matter. Mr. Williams felt that this subdivision as well as some other subdivisions should be looked at as to where we would be in terms of the new Land Development Code. This subdivision before this newly proposed map and divisions, would have been in the Rural Area, but now would be in the Transitional Area. He said so therefore, it being in the Transitional Area, is that not one dwelling unit per acre under the standards?

Mr. Patterson asked Mr. Suttles, agent for the project, if there is a twenty-foot right-of-way running through this subdivision, does that feed the Eldridge lot back? Mr. Suttles said it does. Will it remain open? Mr. Suttles stated that the road does go right into it according to the plat plans. He said that we are moving the front part of it to meet NCDOT standards. Mr. Patterson also asked, "On the east side of the property, what appears to be an easement along the back line (the bottom portion of Lot 12 and 13, coming off of Howard Gap Road), would you define what that is as it is not labeled? Mr. Suttles said that the easement is for an adjoining property and what we are doing does not affect that in anyway. Mr. Patterson asked whether it would be used by anyone in the subdivision? Mr. Suttles said it would not be. Chairman Pearce questioned whether it would need to be labeled on the plat as to what it is? Mr. Prinz stated that the Board could make that a condition of approval.

Ms. Kumor made a motion that the Planning Board find and conclude that the Development Plan complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Technical and Procedural Comments section of the Staff memo that need to be addressed; and further move that the Development Plan be approved subject to the following conditions: an approval letter by NCDENR on the water system is required; the Final Plan must meet the requirements of Appendix 7 of the Subdivision Ordinance (Condition 7); requirement to label the easement along lots 12 and 13 and a letter by NCDOT on the approval of the roads in the subdivision should be submitted, Paul Patterson seconded the motion and all members voted in favor.

NEW BUSINESS:

The Preserve on Willow (# 06-M07) – Master Plan – (44 Single-Family Residential Lots) Located on 90 Acres of Land on Willow Mountain Road – Willow Road, LLC, Jim Zengage, Managing Member. Stacy Rhodes recused himself from any discussion or decision regarding this subdivision because he was involved with the surveying. Mr. Prinz stated that Mr. Jim Zengage, agent for Willow Road, LLC, property owner, has submitted, through Luther E. Smith and Associates, a Master Plan for a proposed subdivision to be known as Preserve on Willow. Willow Road, LLC, will also be the developer of the subdivision. The development of The Preserve on Willow is proposed as two parcels of land totaling approximately 90 acres in size, located directly south of the Champion Hills subdivision off Willow Mountain Road, which is between Little Willow Circle and Brookfield Road.

Mr. Prinz stated that The Preserve on Willow is proposed to contain 44 single-family lots that will be developed in one phase. The developer plans for all of the home sites to be served by public water (from the City of Hendersonville) and individual septic systems as well as private roads are proposed. The main access to the project will be from Willow Mountain Road, although according to the application materials, the developer is proposing two secondary entrances designated as emergency accesses. Mr. Prinz stated that he has talked with Luther Smith's office and they have decided to remove those from the Development Plan application.

The project site is located in a County Open Use (OU) zoning district, which does not regulate residential uses of land. The property is not within a designated Water Supply Watershed area; however, it appears that there is one perennial stream on the property that feeds an existing pond.

Mr. Prinz said that he has talked with Luther Smith's office regarding a revised Master Plan. He said that there is one revision that needs to be made on the Master Plan and they have agreed to provide us with a revised Master Plan.

Mr. Prinz stated that he received comments from Emergency services and Environmental Health, but these comments, which are enclosed in the packet, should not be used at this time as conditions for approval of the Master Plan. He said that the only other comment is how this project related to the Henderson County 2020 Comprehensive Plan (CCP). He said that our acting Project Manager, Autumn Radcliff, has reviewed the Development Plan and is determined that the parcel lies partially within the Urban Services Area (USA) and the Rural Transition Area (RTA) of the Growth Management Strategy of the future Land Use map. He said that historically, areas of the USA and RTA have been developed at a variety of residential densities and the same is expected to continue throughout the life of the CCP (through 2020). He said also, there were some conservation areas shown on this parcel by the future Land Use map, and Mr. Smith's office has designated most of those areas for open space, so there would be minimum development on those conservation areas. On this property conservation areas mainly consist of steep slopes, streams, and also the pond.

Mr. Prinz stated that the Planning Board is only approving the concept of the Plan the actual specifications and the details will be approved during the Development Plan approval. Chairman Pearce said if the Development Plan were brought to us after the new Land Development Code is approved, and it was at odds with the LDC, which one applies? Mr. Prinz said he believes that with Master Plan approval, they would have secured their vested rights for the project. Ms. Francis mentioned that Staff is working with the Legal Department on vested rights language for the Land Development Code.

Mr. Luther Smith, agent for the applicant, stated that the comments received from the health department are usually standard things. Mr. Smith noted one change, Mr. Prinz indicated one perennial stream, but there are actually three perennial streams on the property. One of the streams comes down and feeds the pond and eventually works itself out of the property. He said there is another stream that starts up in Champion Hills and runs through the property and the third stream joins it. All three perennial streams fall within the open space designated area, so they will not be impacted. Mr. Smith stated that when they originally laid this project out because of the two cul-de-sacs dead ends, the client was concerned about the fact that being able to put a gated emergency entrance at the end of each cul-de-sac. He said as it was shown on the plan the emergency access roads would have to meet private road standards. He said that the client decided that it wasn't worth it in terms of the additional grading that would have to occur to achieve that, so that has been removed from the plan and will then become from a subdivision standpoint a single entrance. He added that there will be a secondary entrance, there will be a private maintenance shed and there is an existing farm road that comes in at that point that will serve that, but in terms of subdivision traffic, it is back to a single entrance. Chairman Pearce said that we might want to look at whether or not we should have some consideration for some minor standards for emergency access roads. He also added that he feels that the Emergency Management personnel have some say so of what they would accept and have a review process to make such comments. Ms. Francis stated that this would be added to the list for the Land Development Code.

Mr. Smith also mentioned that after reading comments from the Fire Marshal, this project will be served by Hendersonville city water and will have fire hydrants at the appropriate thousand feet, so therefore there will not be a need for a dry hydrant. Also, it will be a gated community, so the access gate, will be siren-activated or depending on the fire department's requirements. Mr. Patterson asked if the road that was mentioned where your maintenance building would be, serves the lot next door? Mr. Smith said that it would not be connected to the adjacent property anymore. Mr. Patterson asked whether the applicant has received a letter from the City of Hendersonville saying that they will provide water for the project? Mr. Smith said that he has only had conversations with them, but have not put in a request for the approval, but should have it before they apply for Development Plan review.

Chairman Pearce made a motion that the Planning Board find and conclude that the Master Plan for Preserve on Willow complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Technical and Procedural Comments section of the Staff memo that need to be addressed. Renee Kumor seconded the motion and all members voted in favor.

(Stacy Rhodes returned to the meeting at this time).

Meadow Run (# 06-M08) – Master Plan – (138 Single-Family Residential Lots and 36 Townhouse Units) Located on 241 Acres of Land Off Jeter Mountain Road – Luther E. Smith & Associates, Agent for Glade Holdings, Inc., Developer, Richard Sewell, Owner. Mr. Card stated that Richard Sewell, property owner and Glade Holdings, Inc., developer and agent, submitted an application for a major subdivision titled Meadow Run. Meadow Run is a proposed 175-unit subdivision located on 241 acres of land off of Jeter Mountain Road. The subdivision will be built on (4) parcels of land owned by Mr. Sewell. Mr. Card stated that the proposal is for 138-single family residential lots of varying sizes and 36 townhouse units. As indicated by the Master Plan, the project will be developed in multiple phases.

Mr. Card stated that this is just the Master Plan, it is not a Development Plan, so the comments that Staff has provided is informational and not necessarily to be made conditions.

Mr. Card said that Meadow Run's project site currently consists of mostly forest and has two perennial streams. As shown on the Master Plan, the site contains some steep slopes. The applicant has proposed open space through out the project site leaving some of the steeper slopes and perennial streams undisturbed. Individual and community wells and individual septic systems are proposed as well as private roads. The project is in the Open Use zoning district, which does not regulate the residential use of land. Adjacent to Meadow Run is the Jeter Mountain Farmland Preservation District. He stated that this is Master Plan and it is to present an overall development concept for the project and to provide general information about the project to allow for assessment of its impact of growth and development on the County the environmental quality, land values and natural features.

Mr. Card stated that these are informational comments only and not conditions:

1. **Comments from the Fire Department.** According to the County's records the project site for Meadow Run is not located in a designated fire district. The Valley Hill Fire District is the closest to the subdivision and would respond to fires in this area. Tim Garren, Chief of Valley Hill Fire & Rescue, requested that a dry hydrant be installed if any ponds were proposed. Staff does not see any indication of ponds on the Master Plan. Since surface water is not available for a dry hydrant, Staff agrees that water is needed for fire protection and that there may be other alternatives such as a water storage tank. Staff suggests that the developer discuss with the Valley Hill Fire Department and/or Henderson County Fire Marshal's office the appropriate measures necessary for fire protection.
2. **Comments from Emergency Services.** Mr. Terry Layne, Director of Henderson County EMS, expressed some concern over the alternate turnarounds found near lots 105 - 111 and lots 43 - 45. Mr. Layne felt that the stub roads on the turnarounds were too long. Details such as this will be covered during review of the Development Plan for these areas, but the developer and/or his agents may want to discuss these turnarounds with Mr. Layne or the Fire Marshal's office for suggestions before Development Plan submittal. Conditions of approval based on road design may be made during the Development Plan review.
3. **County Comprehensive Plan (CCP).** The Future Land Use map of the CCP shows the area where the subdivision is proposed as being within the Rural/Agricultural Area (RAA), which is and is expected to remain predominantly rural with low-density residential development during the life of the CCP (through 2020). The density of the proposed project is higher than what the CCP suggests the density should be for the RAA.

Mr. Patterson said that the old drawing of the Land Development Code map it showed it as being in the Rural District and on the new map drawing it is now in the Transitional District. He feels that as far out as this project is, he disagrees because there is no accessible water or sewer and no fire protection. Mr. Card stated that the new drawing you are referring to is just a draft and Staff is still looking at situations such as this and especially in this area, because it has no fire protection.

Mr. Luther Smith stated that regarding the comments by emergency services, by the time we start the Development Plan, the appropriate standards will be met for the turnarounds, cul-de-sacs and hammerheads. Mr. Smith stated that when we get a general idea of the project, we would have conversations with the fire department that may respond to the project area. In this case, the project is outside a district, so Valley Hill is saying that they will probably be the responders. Mr. Smith stated all the required items would be discussed at the Development Plan level. Mr. Smith stated that in terms of open space and the density in relation to the proposed LDC, we will be retaining approximately 20-25% of the property and most of it is the steep slope area. Mr. Smith gave a brief history of the property site. He mentioned that the one reserved lot maybe retained by the current owner of the property.

Ms. Shepherd was concerned about a right-of-way on Folly's road, which is near the project site. Mr. Luther Smith stated that he would get back with her regarding the details. She also asked to be notified regarding further discussions on Meadow Run subdivision by the Planning Board. Staff noted that they would send her any notification regarding this matter.

Jonathan Parce made a motion that the Planning Board find and conclude that the Master Plan appears to comply with the provisions of the Subdivision Ordinance; and further move that the Master Plan be approved subject to the following conditions: the applicant satisfies any conditions that may result from the comments mentioned by Mr. Card. Mark Williams seconded the motion. Jonathan Parce, Tedd Pearce, Stacy Rhodes, Renee Kumor, Mark Williams and Gary Griffin voted in favor. Paul Patterson and Tommy Laughter were opposed of the motion. The motion carried 6 to 2.

Cloven Cliffs (# 06-M09) - Combined Master Plan and Development Plan – (14 Single-Family Residential Lots) Located on 42 Acres of Land off Little Creek Road - Mr. Robert Bruner, Owner and Developer. Mr. Card stated that Mr. Robert Bruner, owner and developer, submitted an application for a major subdivision titled Cloven Cliffs. Mr. Bruner is proposing a total of 14 lots on 42 acres of land off of Little Creek Road. This Phase (now Phase II) of Cloven Cliffs is apart of the Cloven Cliffs minor subdivision which was conditionally approved by the Planning Department in February of 2004. The minor subdivision consisted of 7 lots on property across Little Creek Road from the proposed project site. Mr. Card said that there would be individual wells and individual septic systems as well as private gravel roads. The entrance for Cloven Cliffs appears to come off of Little Creek Road at or near the location where State maintenance ends. Mr. Card stated that Mr. Bruner has come to Staff with potential revisions to the plans which will be consolidating lots 1, 2, 3, 4, 6 and 7 into one lot and calling it lot 14. He also mentioned the project is in the Open Use zoning district, which does not regulate the residential use of land. Cloven Cliffs is not in a designated fire district but is closest to the Edneyville Fire District.

Mr. Card stated that it appears that all the requirements have been met regarding the Master Plan.

Development Plan

1. **Private Roads.** Because private roads are proposed, the final plat(s) must contain a note stating: *The private roads indicated on this final plat may not meet the requirements of the North Carolina Department of Transportation for acceptance into the state road system (HCSO 170-21B and Appendix 7).*
2. **Stream Setbacks.** A minimum thirty-foot setback for buildings or other structures is required along all perennial streams. The thirty-foot setback must be noted on the final plat (HCSO 170-37, A).
3. **Final Plat Requirements.** The Final Plat(s) must meet the requirements of Appendix 7 of the Subdivision Ordinance.
4. **Soil Erosion and Sedimentation Control.** The Developer should submit notice from NCDENR that a soil erosion and sedimentation control plan has been received or provide documentation that no plan is required prior to Final Plat approval.
5. **Road Standards.** The project's roads must meet all private road standards in Section 170-21 of the HCSO. The cross section showing the local residential road is missing information such as cut and fill slope and ditch slope. The right-

of-way shown on the cul-de-sac cross section is incorrect; a minimum 50-foot right-of-way is required for local residential roads around the cul-de-sac and a 45-foot right-of-way for the roadway.

6. **Road Grade.** A professional engineer or professional land surveyor must certify on the final plat that no portion of roads have grades that exceed the maximum allowable grade. Mr. Card stated that there are some steep slopes on the property.
7. **Minimum Curve Radius.** Roads proposed in Cloven Cliffs must meet the standards for minimum curve radius (Section 170-21(F)). The Combined Master Plan and Development Plan does not provide curve radii, which is a requirement of the Development Plan Requirements (Appendix 5 of the HCSO). It appears that on the Plan some of the curve radii are less than the 90-foot minimum. In areas where the cross slope does not exceed 15 percent the centerline curve radii must comply with the minimum of 90 feet. Where the existing cross slope on private local residential roads is 15 percent or greater, a minimum centerline radius of 60 feet shall be permitted. Revised Plans shall be submitted to the Planning Department showing that the roads in Cloven Cliffs are in compliance with Section 170-21F of the HCSO.
8. **Existing Roads.** The applicant is utilizing existing roads to build the roads for Cloven Cliffs. Other properties are also located within the property being subdivided. The applicant should not obstruct the legal right to access these properties.
9. **Comments from the Fire Department.** According to the County's records the project site for Cloven Cliffs is not located in a designated fire district. The Edneyville Fire District is the closest to the subdivision and would respond to fires in this area. Since surface water, such as a pond, is not available for a dry hydrant, Staff suggests that the developer discuss with the Henderson County Fire Marshal's office any measures necessary for fire protection.
10. **Development Plan Details.** Some of the items outlined in the Development Plan Requirements (appendix 5 of the HCSO) are missing. A revised Development Plan shall be submitted to the Planning Department for review with all the above mention items and any items discussed at the Planning Board meeting. In addition, the revised Development Plan will need to have approximate finished road grades, the lengths of all culverts, a correct vicinity map and a project summary containing all necessary information. According to the developer Little Creek Road has a 45-foot right-of-way; this information should be on the revised Development Plan along with the appropriate labeling of private or public.

Chairman Pearce said that when the minor subdivision was approved, was that part of the Master Plan? Mr. Card said it was not, because it started off as just a minor. Chairman Pearce said he thought that there was a requirement that if you added to a subdivision you needed to do a combined master and development and that the minor subdivision had to meet the requirements of the major subdivision? Mr. Card said that it is already approved and the final plat recorded and did meet the requirement of the Subdivision Ordinance. Chairman Pearce felt that this should be stated and it needs to

be information we have. He also felt that a master plan is needed that includes Phase 1 as part of this project? Mr. Card said that this hasn't been done in the past, but Staff should probably require that a Master Plan be provided showing the old subdivision. He added that this is brought before the Planning Board because the property is fifteen hundred feet from the old property and was under the same ownership. He said that there is a statement in the minor subdivision section that says that if that should happen, then it needs to go before the Planning Board for approval, but it doesn't specifically say that has to be part of the Master Plan. Mr. Patterson felt that Staff should seek legal for interpretation because fifteen hundred feet is a little arbitrary where that came from. He said that if it is two different pieces under different deeds, even if the same person owns it, it is not contiguous. After Chairman Pearce quoted from the Subdivision Ordinance on the requirements, Ms. Francis stated that the language should be made more explicit and what the Master Plan entails. Mr. Card stated that it was approved as a 4-10 lot minor subdivision in 2004 and all the roads and improvements were inspected accordingly.

There was more discussion among Board members about whether the two properties should be joined together or not. Mr. R.L. Bruner, owner and developer of the project, Board members felt that they need to be marked on the Development Plan. Mr. Parce asked whether Furniture Road is a public road? Mr. Bruner stated that it is a private road, as it is not maintained by the State. Mr. Parce indicated that it should be noted also on this plat accordingly. Mr. Bruner stated that his pond could be used for emergency. Mr. Bruner said that there is a possibility that some of these lots could be combined, but that is contingent on a contract from a potential buyer that is looking at approximately 14 acres, which would be combining lots 1, 2, 3, 4, and 7 and the revision would take out those lots from the plan. Chairman Pearce stated that there are several easements going through some of these lots. Does the easement go all the way through lot 2? Mr. Bruner said that he stops there and is an old hunting trail but not an actual road that goes anywhere. Chairman Pearce asked, "What about the easement on lot 1?" Mr. Bruner said it is an existing roadbed that has been there since prior to the time I bought the property back in 2000. Chairman Pearce asked whether someone has a right-of-way and is it used by people and property? Mr. Bruner said that it is not mentioned on the deed and there is no main access. Mr. Stacy Rhodes said that the main access is up Chimney Rock Road. Chairman Pearce said there is a roadbed going through lots 3 and 4; do they dead-end to the road system? Mr. Bruner said that is an existing roadbed, but it will be abandoned in the plan. Chairman Pearce said what about lot 11? Mr. Bruner said that this is a logging road. Chairman Pearce felt that there should be clarification on all right-of-ways that people have through the property so that there is no doubt that one exist. Chairman Pearce said that all easements should be recorded properly on the plan and in addition marks some that are abandoning. Mr. Patterson asked what is going on with the road between lots 4 and 5 it doesn't appear to meet the curve radius? Mr. Bruner said the existing road comes between lot 4 and 5 and there was a culvert that was laid across the stream and was used as a logging road. Mr. Bruner said that on the revised plan it would show an extending 40-feet past the entryway and 40-feet the other way, which would make it *L-shaped*. Mr. Card said that Mr. Bruner will get rid of all of those lots and going to recombine lot 1, 2, 3, 4, and 7 and will show on the plan as this and can be approved. Mr. Patterson said he doesn't know how it will get some of these radii to work. Mr. Bruner said that there is room on lot 12 to widen that so there won't be any detriment. After further considerable discussion on road access and curve radii, Chairman Pearce felt there are road problems that go beyond just curve radii and that there are some safety issues.

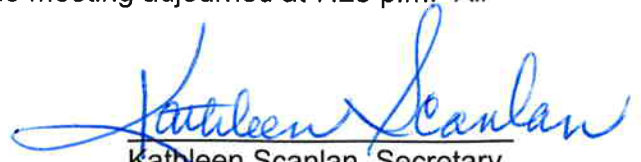
Chairman Pearce made a motion that the Combined Master Plan and Development Plan for Cloven Cliffs be tabled until we have a road system plan that is in compliance with the County's Subdivision Ordinance. Gary Griffin seconded the motion and all members voted in favor.

Plat submittal Requirements – Judy Francis, Planning Director. Ms. Francis stated that since has been with the Planning Department, she has seen many examples of subdivision plats that have come into the office that she feels were poorly done, technically incorrect and with many problems. She said that it is her understanding, based on past Planning Board agendas and minutes as well as talking with the Staff, that it has been tradition to forward plats for your consideration while these problems are readily adhered. Ms. Francis feels that it is inappropriate for Staff to forward that kind of plat for your consideration while those details are incorrect. Chairman Pearce stated that the Planning Board had discussed previously tighten-up whether or not plats came to us. He said that there are certain exceptions that will always happen and the Board does not want to hold up anyone because of the usual paperwork needed for approval, but this was basically left at the discretion of the Planning Director whether to bring it before the Board or not. Ms. Francis stated that Staff has a checklist of what the minimum requirements for plats. Chairman Pearce felt that it is up to the decision of the Planning Director whether it should go before the Planning Board or not and whether any exclusion are major or minor enough to hold it up or not hold it up. He added that the judgment should be consistently applied and this would encourage them to submit it more completely or to bring it to Staff sooner so they have more time to fix the problems. Mr. Rhodes suggested that each Planning Board member should receive a full-size copy of the plan. Ms. Francis stated that this should be changed in the Ordinance for the requirement of copies and the sizes required for the project plan. The size and number of copies were further discussed. Mr. Patterson said that the Planning Board had this discussion previously on applicants not meeting the requirements and voted to enforce this matter if they do not meet the requirements as showed on that particular Appendix, it would not come to the Planning Board. After three months, the subdivisions that came forward did not meet the Ordinance, but excuses were made and the Board ended up looking at them anyway, this did not make the proper precedence. The Board felt that it is the responsibility and decision of the Planning Director and Staff to determine whether to approve or disapprove the applicant's project and therefore this would set precedence if each one were handled in the same manner. Ms. Francis indicated that she would be sending out a notice to all surveyors with a copy of the checklist, making it clear that this is the information required for Planning Board meeting and that Staff will be enforcing the deadline required for submittal.

Subcommittee Assignments and Meeting Dates. Chairman Pearce reminded Board members of the LDC Subcommittee meeting for March 10, 2006 at 2 p.m. He stated that the next Planning Board meeting would be in the Land Development Building Boardroom on March 21, 2006 at 5:30 p.m.

Adjournment. There being no further business, the meeting adjourned at 7:25 p.m. All members voted in favor.


Ladd Pearce, Chairman


Kathleen Scanlan, Secretary