

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY PLANNING BOARD

**MEETING DATE:** December 16, 2021

**SUBJECT:** Combined Master and Phase I Development Plan for Rich Mountain Major Subdivision (2021-M09)

**PRESENTER:** Matt Champion, Zoning Administrator

**ATTACHMENTS:** 1. Staff Report  
2. Combined Master & Phase I Development Plan  
3. PowerPoint Handouts

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

A subdivision application was submitted on behalf of property owners Robert T. Love, Karen Michelle Maynor, and Tracy Millar on November 1, 2021 by Ripple Falls, LLC. The application is for a Combined Master and Phase I Development Plan for Rich Mountain Major Subdivision, consisting of a total of 60 lots for single family dwellings and a total of 12,799 linear feet of new private roadway. The subject area is located off Locust Grove Road (SR 1528) and contains 245.86 acres. Phase I is approximately 82.78 acres and contains 22 single-family lots. The subject area contains all or portions of PINs: 9672-71-2573, 9672-51-2885, 9672-42-0371, 9672-41-0864, 9671-48-5404, and 9672-40-5853.

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

Staff has found that the Combined Master and Phase I Development Plan meets the standards of the subdivision regulations of Chapter 42, Henderson County Land Development Code (LDC). Staff recommends the Combined Master and Phase I Development Plan be subject to the developer addressing any issues raised by the Planning Board and addressing the comments listed in the Staff Report.

Planning Board action to approve, approve with modifications, or deny subdivision application #2021-M09 (Combined Master & Phase I Development Plan for Rich Mountain)

#### **Suggested Motion:**

I move that the Planning Board approve, approve with modification or deny this subdivision application based on the Henderson County Land Development Code and recommendations of the Henderson County Comprehensive Plan and with any conditions as discussed within the staff report or by the Planning Board.

**Henderson County Planning Department Staff Report**  
**Combined Master and Phase 1 Development Plan**  
**Rich Mountain Major Residential Subdivision (2021-M09)**

**Property Owner(s): Love, Maynor, & Millar**  
**Applicant/Developer: Andy Baker**  
**PINs: 9672-71-2573, 9672-51-2885, 9672-40-5853, 9672-42-0371 & 9672-41-0864**

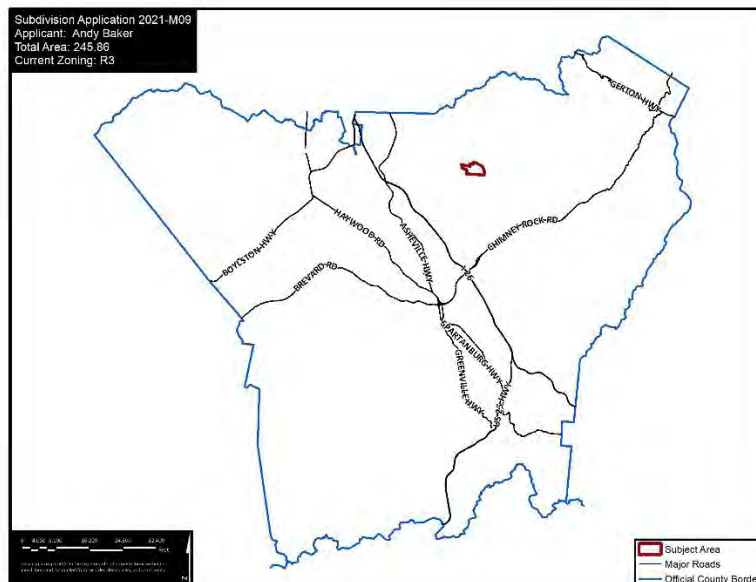
**Master & Development Plan Comments:**

According to Chapter 42, Henderson County Land Development Code (LDC) §42-341), 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 Combined the Master and Development Plan, the Technical Review Committee should take into consideration: applicable recommendations of the *Henderson County 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 Combined Master and Development 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 §42-75).

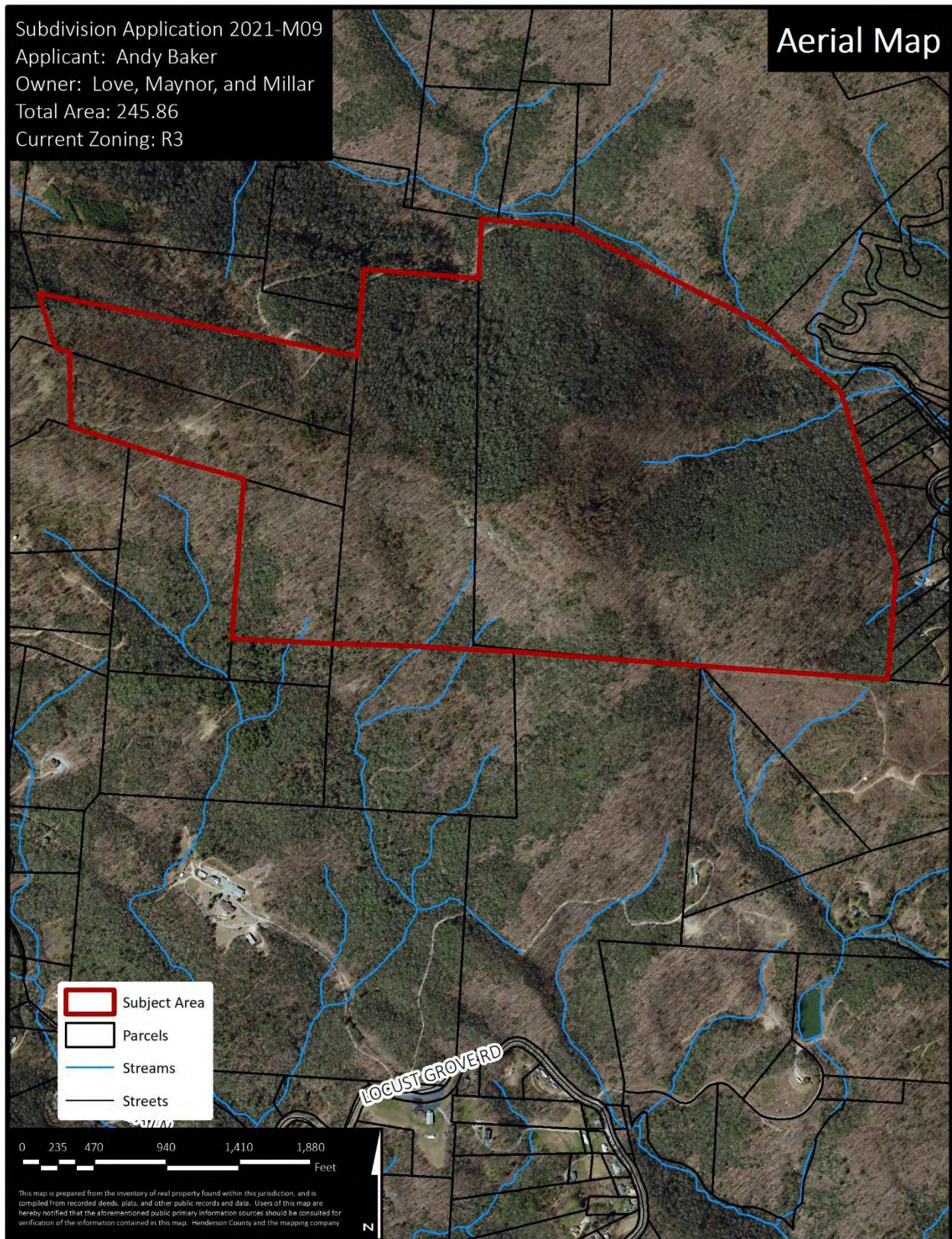
Staff has reviewed the submitted Combined Master and Phase 1 Development Plan for the Rich Mountain Major Subdivision, taking into consideration the recommendations of the *Henderson County Comprehensive Plan* and reviewing the plan for conformance with Henderson County Land Development Code. Staff offers the following comments:

**Map A: County Context**



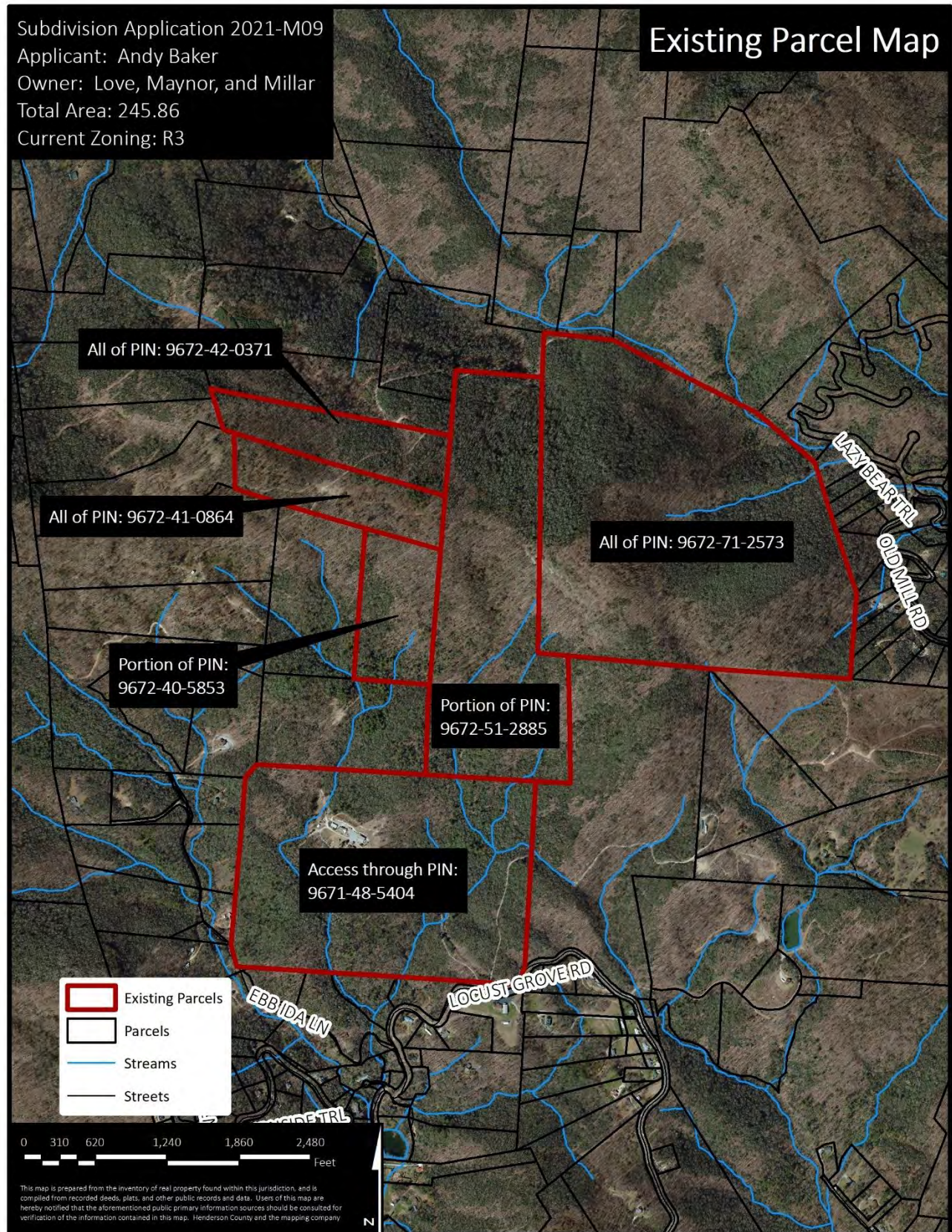


### Map B: Aerial Imagery



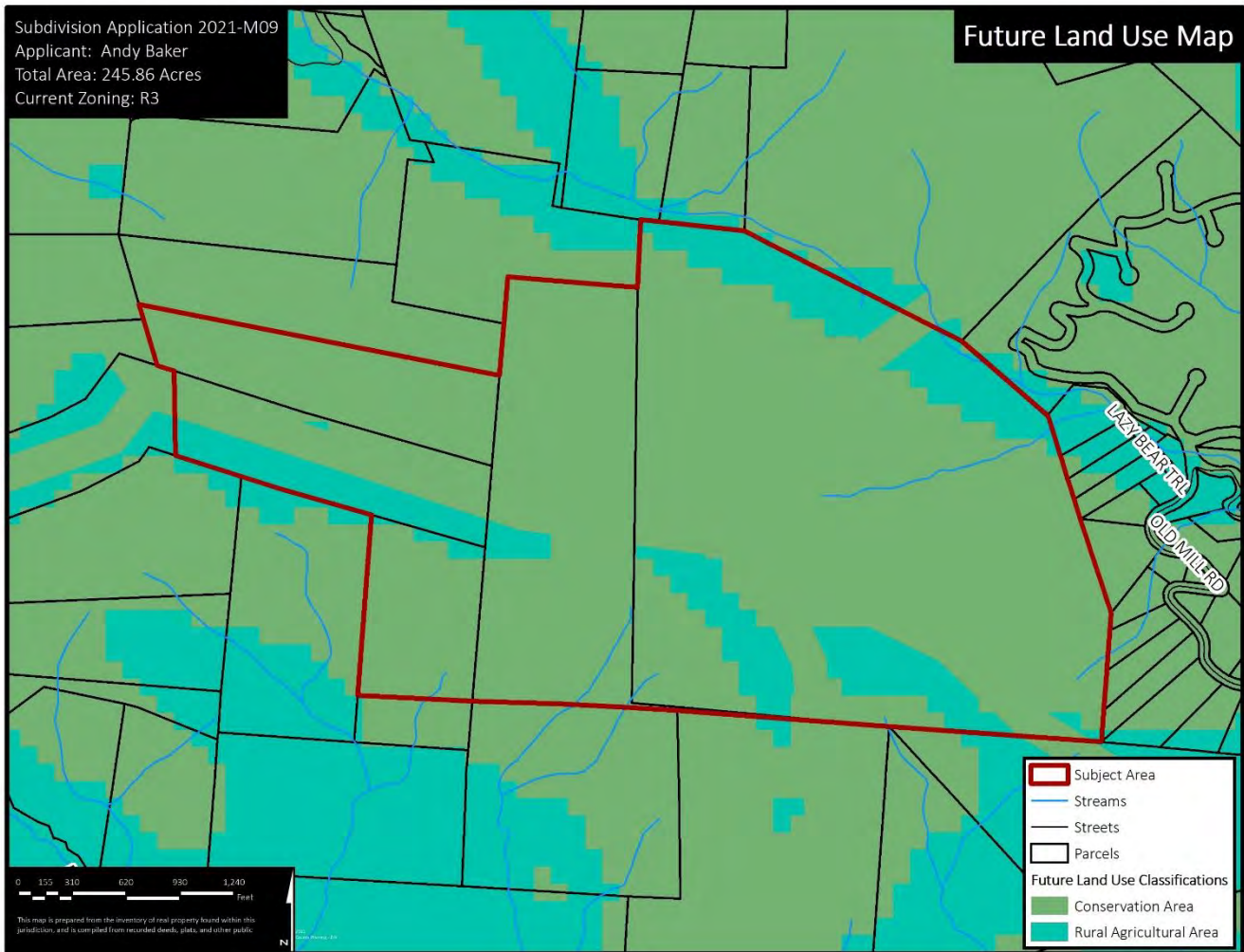


### Map C: Existing Parcel Map



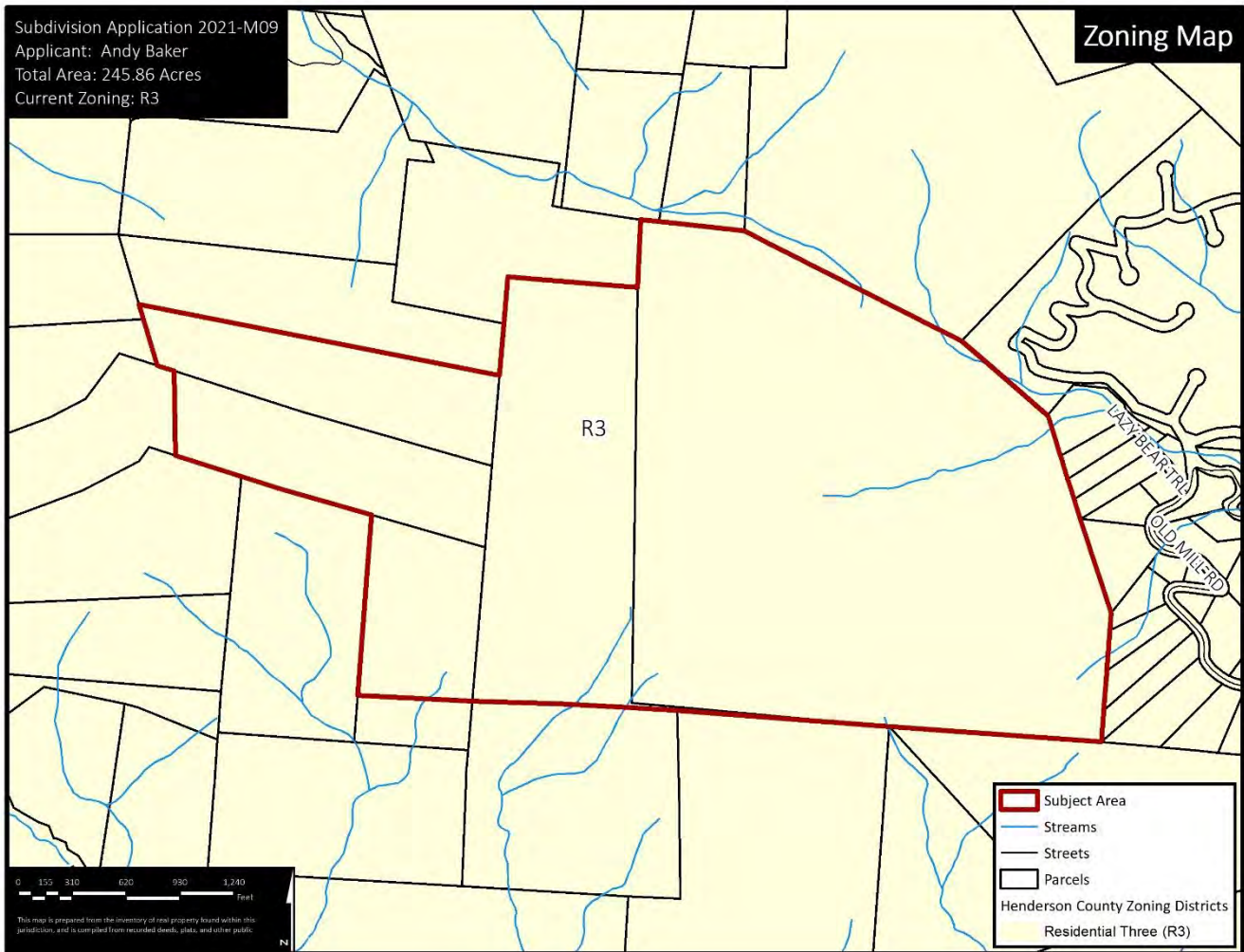


**Map D: County Comprehensive Plan Future Land Use Map**



1. **Henderson County Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the Subject Area as being located within an area of Conservation and a portion within the Rural Agriculture Area classification.
  - a. **Conservation Area:** “This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives.”
  - b. **Rural Agriculture Area:** “The RAA covers those portions of the county that are predominantly rural and are characterized by low-density residential development with substantial land areas devoted to agriculture and undeveloped lands. Land use policies will seek to retain that character.”

**Map E: Official Zoning Map**



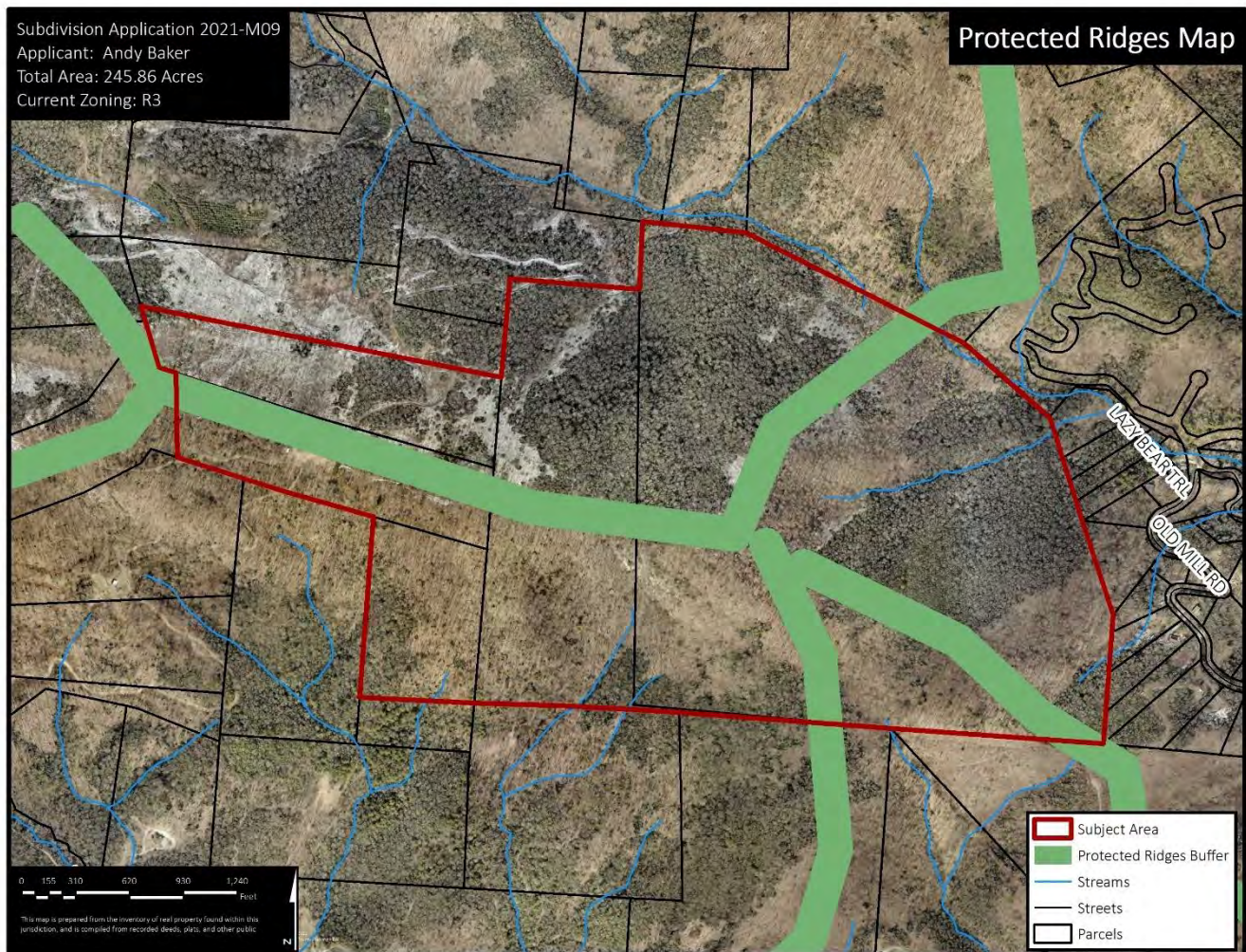
2. **Chapter 42, Henderson County Land Development Code (LDC).** According to Chapter 42, Henderson County Land Development Code (LDC) and its Official Zoning Map adopted September 19, 2007 (as amended); the proposed project site is located within the Residential Three (R3) Zoning District.

- a. **Residential Three (R3):** “The purpose of Residential District Three (R3) is to foster orderly growth where the *principal use* of land is low density residential. The intent of this district is to allow for *residential development* consistent with the recommendations of the *Comprehensive Plan*. This general *use district* is typically meant to be utilized in areas designated as Rural (RAA) in the *Comprehensive Plan*.
  - i. R3 allows for a standard density of 0.66 units per acre. For tracts of land with slopes of 60% or greater that account for 10% or more of the tract, the density shall be ½ the eligible density. The total area of property with slopes of 60% or greater is 16.76 acres or 6.82%.
  - i. The overall density for the proposed Rich Mountain Major Subdivision is 0.244 units per acre. The proposed density for Phase 1 is 0.26 units per acre.



3. **Water and Sewer Availability.** The applicant proposes the use of individual water and septic systems for each lot in the subdivision. The applicant has hired a licensed soil scientist to perform a soil evaluation.
  
4. **Road System:** The subdivision will be served by private roads built in accordance with the Subdivision Local Road standards required in the LDC. The total linear footage of new roads proposed within the subdivision is 9,856 linear feet and 2,934 linear feet off-site to access the property. Road profiles on the attached plan specify that the maximum grade does not exceed 18% on any of the proposed roads. The primary access will be a private 50' right-of-way with a paved 20' wide road and 4' shoulders. The subdivision collector road will access Locust Grove Road (SR 1528). Phase 1 consists of 3,654 linear feet of private roads within the subdivision to access 22 lots. The applicant will be required to submit a list of proposed road names to the Property Addressing Coordinator for all proposed new roads.

**Map F: Streams and Protected Ridges**



5. **Protected Ridges:** The project site is encumbered by the protected ridges buffer. Section §42-252 of the LDC regulates the construction and permitting of “tall buildings” within the protected ridge buffer.

- a. "Tall buildings or structures" include any building, structure or unit within a multiunit building with a vertical height of more than 40 feet measured from the top of the foundation of said building, structure or unit and the uppermost point of said building, structure or unit; provided, however, that where such foundation measured from the natural finished grade of the crest or the natural finished grade of the high side of the slope of a ridge exceeds 3 feet, then such measurement in excess of 3 feet shall be included in the 40-foot limitation described herein; provided, further, that no such building, structure or unit shall protrude at its uppermost point above the crest of the ridge by more than 35 feet.
- b. The site is partially encumbered by several perennial streams. The applicant is required to setback 30' from the edge of surface water.

**6. Total Project Proposal Summary:**

- 60 single-family lots (22 Lots in Phase 1)
- Total subject area is 245.86 acres (82.78 acres in Phase 1)
- Overall density of 0.244 units/acre (0.26 units/acre in Phase 1)
- Smallest lot is 1.86 acres
- Property Steeper than 60% is 6.82% (16.76 acres)
- Proposed common open space is 79.63 acres (16.89 acres in Phase 1)
- 4,271LF of private roadway
- Individual well and septic systems
- Gated Entrance

**Master & Development Plan Comments:**

1. **Soil Erosion and Sedimentation Control Plan.** The Applicant shall submit written notice from the appropriate local agencies verifying that an Erosion and Sedimentation Control Plan has been received or a written notice from a professional land surveyor, engineer, landscape architect, architect, or professional planner certifying that no plan is required (LDC §42-95B).
2. **Water Quality.** The Applicant shall submit written notice from the appropriate local agencies verifying that a Stormwater Management Permit has been received (LDC §42-95E).
3. **Private Roads.** Private roads shall be constructed in accordance with the Private Subdivision Local Road standards stated in Chapter 42 (LDC§42-109). Additionally, subdivisions of 35 or more lots shall provide a minimum of two entrance roads. The second entrance road may be specifically waived by the approving authority where unique circumstances exist (LDC §42-95A (1)).
4. **Street Tree Requirements.** According to the street tree requirements of Chapter 42 (LDC §42-95H) the applicant must provide one tree per 50 linear feet of property abutting an internal road. Trees may be placed in groups with a minimum spacing of no less than 15 feet and a maximum spacing of no more than 65 feet. The trees may be placed within the right-of-way or within 20 feet of the edge of the right-of-way. The applicant may use existing trees in accordance with LDC §42-185 instead of planting new trees. These existing trees must also be located within the right-of-way or 20 feet off the edge of the right-of-way as required by LDC §42-185.



5. **Shoulder Stabilization.** All areas disturbed by the construction of a public road, including cut and fill slopes, shoulders and ditch banks, shall be seeded to stabilize the soil and prevent erosion. Seeding should be done as soon as feasible after road construction (LDC §42-102).
6. **Road Drainage, Culverts and Shoulder Stabilization.** Road or drainage structures shall be constructed in accordance with state roads standards. Road drainage side ditches shall be constructed with sufficient depth and width to carry the expected volume of storm water runoff (LDC §42-100). All areas disturbed by the construction of a public road, including cut and fill slopes, shoulders and ditch banks, shall be seeded to stabilize the soil and prevent erosion. Seeding should be done as soon as feasible after road construction (LDC §42-105).
7. **Dead Ends, Cul-de-sacs and Turnarounds.** The Applicant proposes two (2) cul-de-sacs or turnarounds located at the ends of both local roads. All turnarounds must meet of the LDC §42-105 C(8).
8. **Road Name Approval.** Proposed road names for a private and/or public road shall be preapproved by Henderson County in accordance with Chapter 42 of the Henderson County Code, Property Addressing (LDC §42-103). The names of the proposed roads and easements should be confirmed with the development plan approval.
9. **Road Name Signs and Regulatory Signs.** Road name signs and regulatory signs shall be provided in accordance with Chapter 142 of the Henderson County Code. Road name signs and regulatory signs must be acquired and installed prior to final plat approval (LDC §42-104).
10. **Perennial and Intermittent Surface Water Buffer.** All built-upon area shall be a minimum of 30 feet landward of all perennial and intermittent surface water, as defined in LDC §42-251.
11. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the Miscellaneous Advisory Provisions of Chapter 42 (LDC §42-87).
12. **Final Plat Requirements.** The Final Plat(s) must meet the requirements provided by the Planning Department whenever a subdivision of land occurs (LDC §42-343).
13. **NCDOT Driveway Permit.** An NCDOT Driveway Permit is required for the proposed private, paved road, to access the site. Design should meet requirements of NCDOT.









**EXIST. CONDITIONS LEGEND**

- EXIST. BOUNDARY
- EXIST. ADJOINER MONUMENT FOUND
- REBAR FOUND
- IRON PIPE FOUND
- NAIL FOUND
- CORNER TREE FOUND
- EXIST. STREAM
- EXIST. STREAM BUFFER
- EXIST. WETLAND
- EXIST. FEMA NON-ENCROACHMENT FEMA FLOOD HAZARD AREA (1%)
- EXIST. FEMA FLOOD HAZARD AREA (0.2%)
- EXIST. RIGHT OF WAY
- EXIST. EASEMENT
- EXIST. BUILDING SETBACK
- EXISTING BUILDING
- EXISTING SIDEWALK
- EXISTING PAVEMENT
- EXISTING GRAVEL
- EXIST. CURB
- EXIST. MANHOLE
- EXIST. SANITARY SEWER
- EXIST. SEWER CLEAN OUT
- EXIST. WATER LINE
- EXIST. WATER METER
- EXIST. FIRE HYDRANT
- EXIST. WATER VALVE
- EXIST. OVERHEAD UTILITIES
- EXIST. POWER POLE
- EXIST. UNDRGRND UTILITIES
- EXIST. STORM DRAIN
- EXIST. CURB INLET
- EXIST. JUNCTION BOX
- EXIST. DROP INLET
- EXIST. TELE MANHOLE
- EXIST. DROP INLET
- EXIST. TRANSFORMER
- EXIST. LIGHT POLE
- EXIST. MINOR CONTOUR
- EXIST. MAJOR CONTOUR

**DEVELOPMENT DATA**

PROPERTY ADDRESS: LOCUST GROVE ROAD  
 HENDERSONVILLE NC  
 PIN NUMBER: 9672712573, 9672423071, 9672410864

PROPERTY SIZE: PH1: 88.89 AC - TOTAL: 256.28 AC  
 ZONING REVIEW: HENDERSON COUNTY  
 EROSION CONTROL REVIEW: HENDERSON COUNTY  
 STORMWATER REVIEW: HENDERSON COUNTY  
 ZONING CLASSIFICATION: R3  
 PROPOSED NUMBER OF UNITS: PH1: 22 - TOTAL: 60  
 PROPOSED DENSITY: PH1: 0.247 LOTS/AC - TOTAL: 0.234 LOTS / AC  
 PROPOSED LINEAR FEET OF ROAD: PHASE 1: 7,139 LF  
 TOTAL ON PROPERTY: 11,717 LF

LOTS 1-51 ARE LOCATED IN A FARMLAND PRESERVATION DISTRICT, LOTS 52-60 ARE WITHIN 1/2 MILE OF A THE FARMLAND PRESERVATION DISTRICT

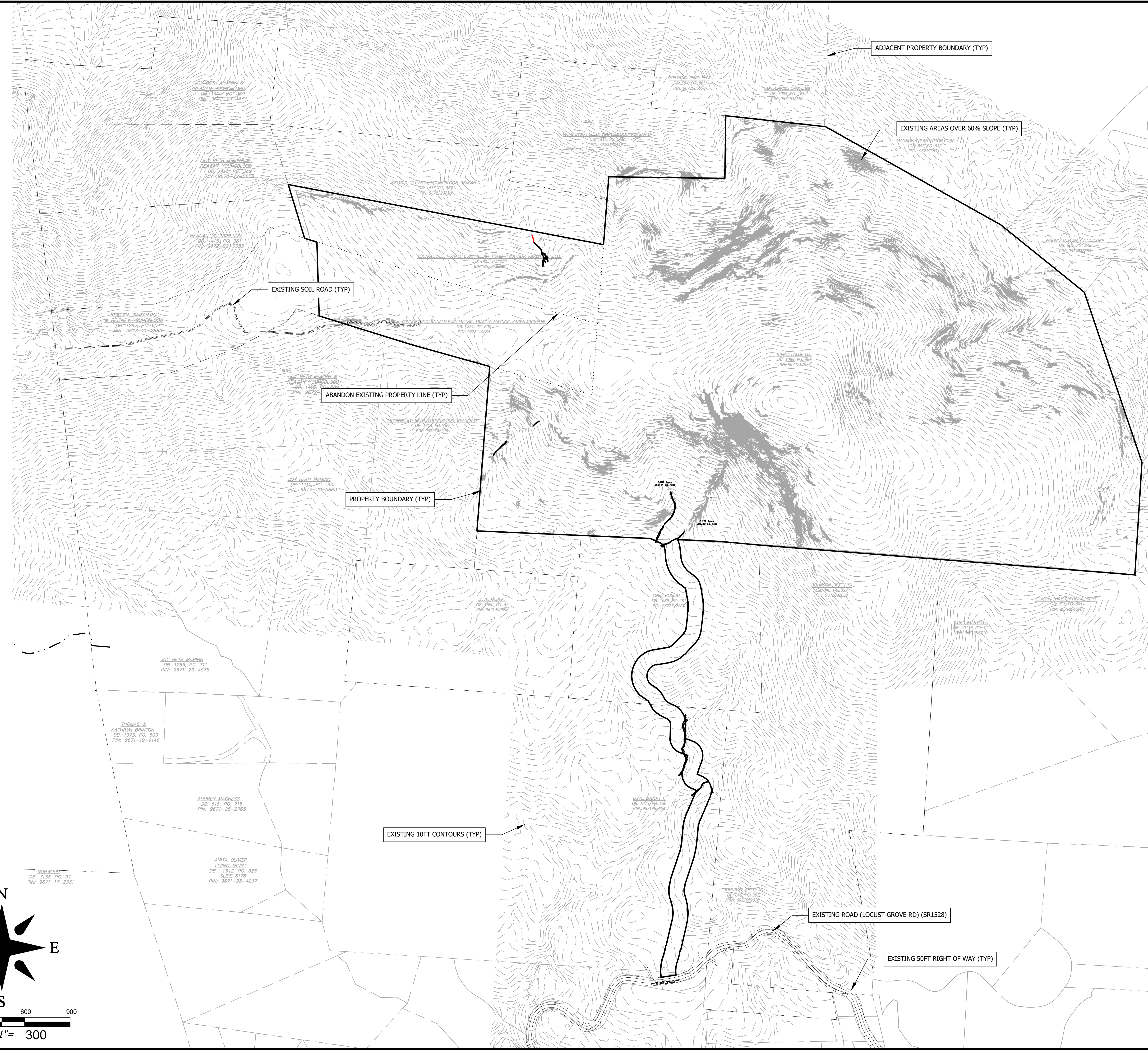
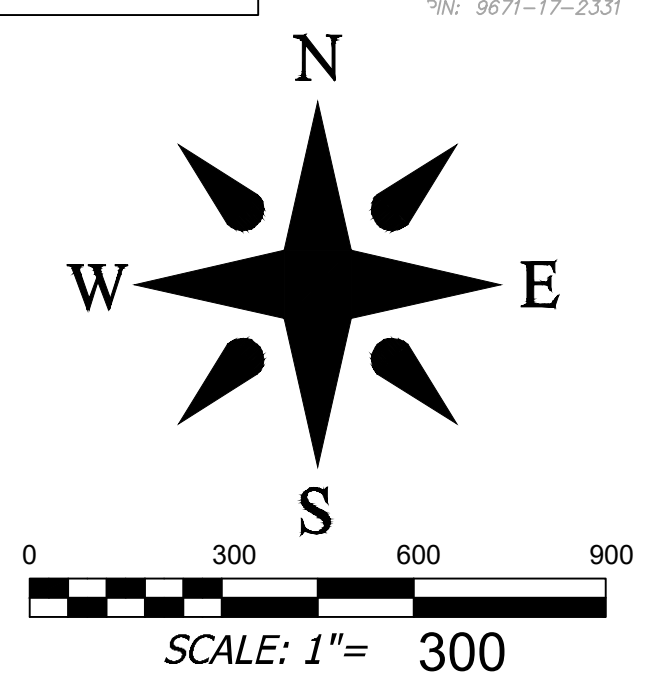
WATER AND SEWER WILL BE PROVIDED BY INDIVIDUAL WELLS AND SEPTIC SYSTEMS

PUBLIC WATER AND SEWER ARE APPROXIMATELY 3.0 MILES FROM THE SITE  
 DRY HYDRANT IS LOCATED APPROXIMATELY 0.90 ROAD MILES FROM THE ENTRANCE TO THE SITE

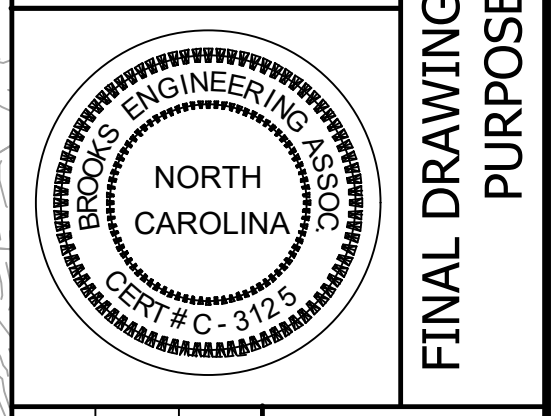
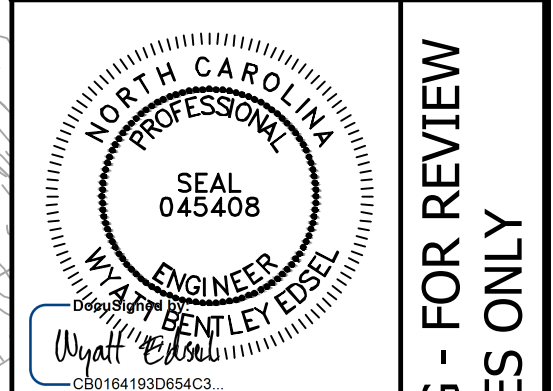
PROPERTY OWNER: MULTIPLE OWNERS-  
 SEE SHEET C-0  
 FOR CONTACT INFORMATION

DEVELOPER: RIPPLE FALLS, LLC  
 CONTACT: ANDY BAKER  
 ADDRESS: 69 CLARK GAP ROAD  
 FLETCHER NC  
 EMAIL: ANDY@TFMNCAROLINA.COM  
 PHONE: (616) 402-0367

ENGINEER: BROOKS ENGINEERING  
 CONTACT: WYATT EDSSEL PE  
 ADDRESS: 15 ARLINGTON ST  
 ASHEVILLE, NC 28801  
 EMAIL: WEDSEL@BROOKSEA.COM  
 PHONE: 828-232-4700



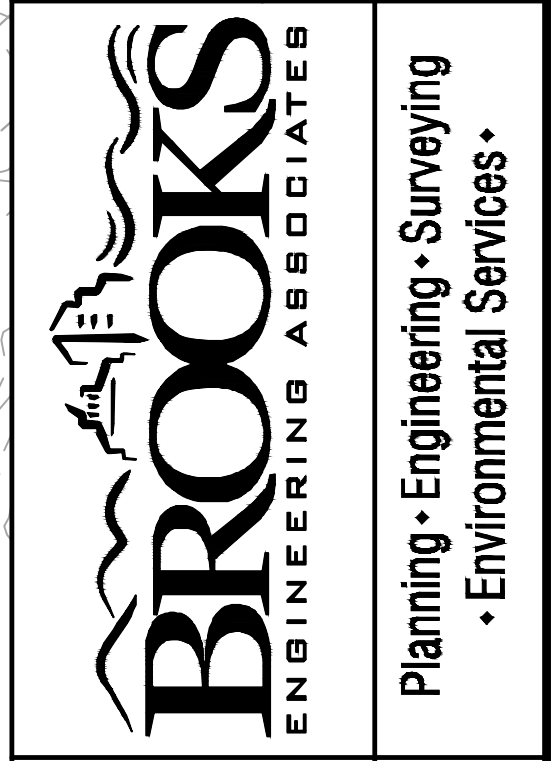
No.	REVISIONS/SUBMISSIONS	Date
1	HENDERSON C COUNTY TRC	11-02-2021
2	HENDERSON C COUNTY PLANNING	12-09-2021



Design: WBE  
 Draw: WBE  
 Check: WBE

Review: WBE  
 Scale: AS NOTED  
 Date: 2021-12-09

15 Arlington Street  
 Asheville, N.C. 28801  
 Phone: 1-828-232-4700  
 Fax: 1-828-232-1331  
 www.brooksea.com



Project No: 543521  
 C-2.0

RICH MOUNTAIN SUBDIVISION PHASE 1  
 RESIDENTIAL SUBDIVISION  
 HENDERSON COUNTY  
 NORTH CAROLINA

Drawing Title:  
**EXISTING CONDITIONS & DEMO PLAN**



CLEARING AND GRUBBING LEGEND

- EXIST. BOUNDARY
EXIST. ADJOINER
EXIST. STREAM
EXIST. STREAM BUFFER
EXIST. WETLAND
EXIST. FEMA NON-ENCROACHMENT
EXIST. FEMA FLOOD HAZARD AREA (1%)
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EXIST. STORM DRAIN
EXIST. MINOR CONTOUR
EXIST. MAJOR CONTOUR
EXIST. DROP INLET
EXIST. CURB INLET
EXIST. JUNCTION BOX
TEMP. SILT FENCE
TEMP. TREE PROTECTION FENCE
TEMP. CONSTRUCTION ENTRANCE
LIMITS OF DISTURBANCE
TEMP. REINFORCED STABILIZED OUTLET
TEMP. SEDIMENT BASIN BAFFLES
TEMP. SEDIMENT BASIN
TEMPORARY DIVERSION DITCH
TEMP. SLOPE MATTING
DEMO BUILDING
DEMO CONCRETE
DEMO PAVEMENT
DEMO GRAVEL
DEMO CURB
DEMO SANITARY SEWER
DEMO WATER LINE
DEMO OTHER UTILITIES
DEMO STORM DRAIN

EROSION CONTROL NOTES

- 1. ALL EROSION MEASURES AND PRACTICES SHALL BE IN ACCORDANCE WITH THE APPROPRIATE JURISDICTION'S DETAILS AND SPECIFICATIONS.
2. IN ACCORDANCE WITH THE NPDES GENERAL STORMWATER PERMIT, THE FOLLOWING CONDITIONS MUST BE MET.
2. THE EROSION CONTROL PLAN MUST BE IMPLEMENTED - DEVIATIONS ARE A VIOLATION OF THE PERMIT
2. A COPY OF ALL PLANS MUST BE RETAINED BY THE PERMIT DEPOSITION OF SEDIMENT OFF-SITE OR IN A STREAM OR WETLAND ARE CONSIDERED A VIOLATION OF THE PERMIT.
2. VISIBLE DEPOSITION OF SEDIMENT SHALL BE REPORTED TO NCDEQ WITHIN 24 HOURS OF INSPECTION.
2. A RAIN GAUGE SHALL BE MAINTAINED ON SITE.
2. A WRITTEN RECORD OF THE DAILY RAINFALL AMOUNTS SHALL BE RETAINED.
2. AT LEAST ONCE PER WEEK, EACH EROSION CONTROL MEASURE SHALL BE INSPECTED TO ENSURE THAT IT IS OPERATING CORRECTLY AND RECORDS MAINTAINED.
2. INSPECTIONS SHALL ALSO BE MADE WITHIN 24 HOURS OF RAIN EVENTS OVER 1/2 INCH.
2. THE QUALITY OF ALL STORMWATER DISCHARGES SHALL BE OBSERVED AND RECORDED.
2. IF ANY VISIBLE SEDIMENTATION IS LEAVING THE SITE OR ENTERING WATERS OF THE STATE, CORRECTIVE ACTION SHALL BE TAKEN IMMEDIATELY TO CONTROL THE DISCHARGE OF SEDIMENTS.
3. AN APPROVED COPY OF THE EASC PLAN WITH PLACARD AND APPROVAL LETTER AND A COPY OF THE NPDES PERMIT, WITH A MINIMUM OF 30 DAYS OF SELF-INSPECTION REPORTS, ARE TO BE KEPT ON SITE UNTIL PROJECT CLOSURE BY NCDEQ. THEY MUST BE MADE AVAILABLE TO THE EROSION CONTROL INSPECTOR UPON REQUEST.
4. THE SELF-INSPECTION PROGRAM IS SEPARATE FROM THE WEEKLY SELF-MONITORING PROGRAM OF THE NPDES STORMWATER PERMIT FOR CONSTRUCTION ACTIVITIES. CONTRACTOR SHALL USE THE INSPECTION AND MONITORING RECORDS FOR ACTIVITIES UNDER STORMWATER GENERAL PERMIT N0010000 AND SELF-INSPECTION RECORDS FOR LAND DISTURBING ACTIVITIES PER G.S. 113A-54.1. THE INSPECTIONS SHOULD BE CONDUCTED AFTER EACH PHASE OF THE PROJECT, AND CONTINUED UNTIL PERMANENT GROUND COVER IS ESTABLISHED.
5. ALL DRAINAGE EASEMENTS MUST BE GRASSED AND/OR RIP-RAPPED PER THE PLANS TO CONTROL EROSION.
6. THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH, LAND-DISTURBING ACTIVITIES.
7. EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE AND AN AMENDED PLAN BE SUBMITTED AND APPROVED SHOWING MODIFIED EROSION CONTROL DEVICES.
8. A RAIN GAUGE WILL BE INSTALLED ON THE SITE.
9. THE SITE SHALL RECEIVE TEMPORARY/PERMANENT SEEDING WHEN CONSTRUCTION IS COMPLETE OR DELAYED FOR ANY REASON. SEE SHEET C-5.7 FOR A DETAILED TIME FRAME.
10. CONTRACTOR TO PROVIDE INLET PROTECTION AT EACH STRUCTURE AS STORM SYSTEM IS CONSTRUCTED.
11. PROVIDE WATERTIGHT JOINTS ON ANY STORM DRAINS WHERE VELOCITIES EXCEED 15 FT/SEC (SEE PIPE CHART).
12. STOCKPILE, STAGING, AND LAYDOWN AREAS ARE TO BE WITHIN THE LIMITS OF DISTURBANCE AND SHOULD BE LOCATED AT LEAST 50 FEET AWAY FROM STORM DRAIN OUTLETS AND SURFACE WATERS.

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DEVELOPER: RIPPLE FALLS, LLC
CONTACT: ANDY BAKER
ADDRESS: 69 CLARK GAP ROAD
FLETCHER NC
EMAIL: ANDY@TFM-CAROLINA.COM
PHONE: (616) 402-0367
ENGINEER: BROOKS ENGINEERING
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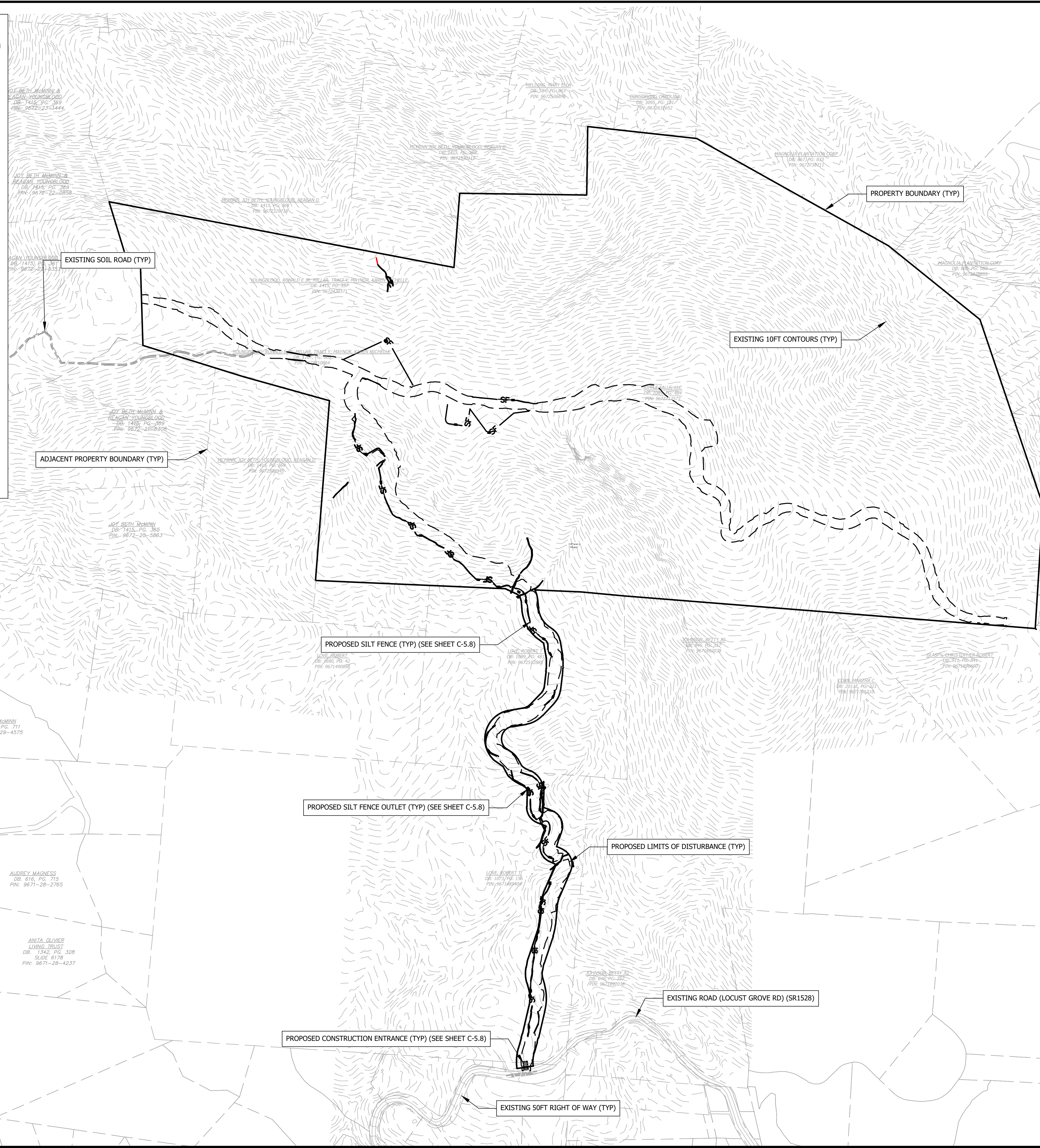
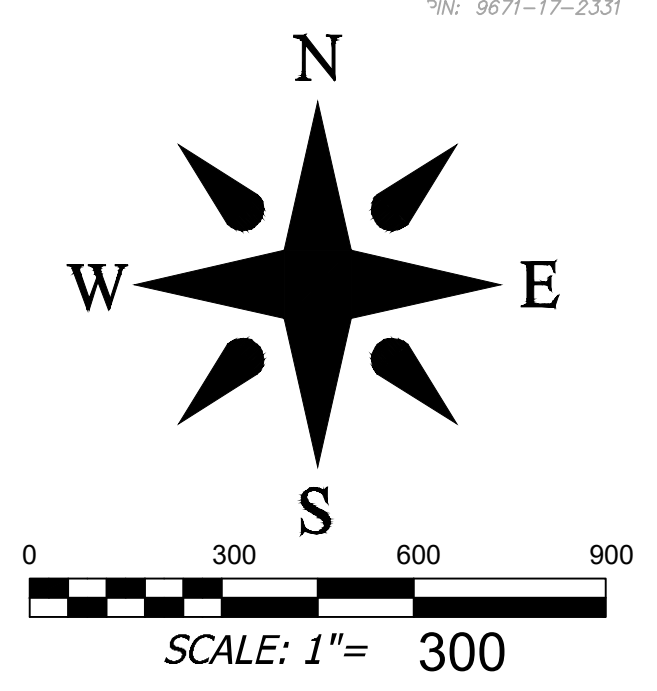
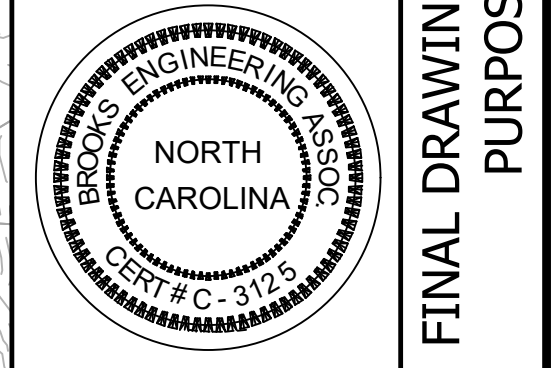
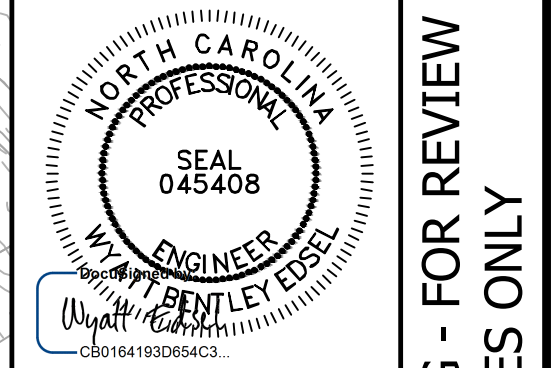
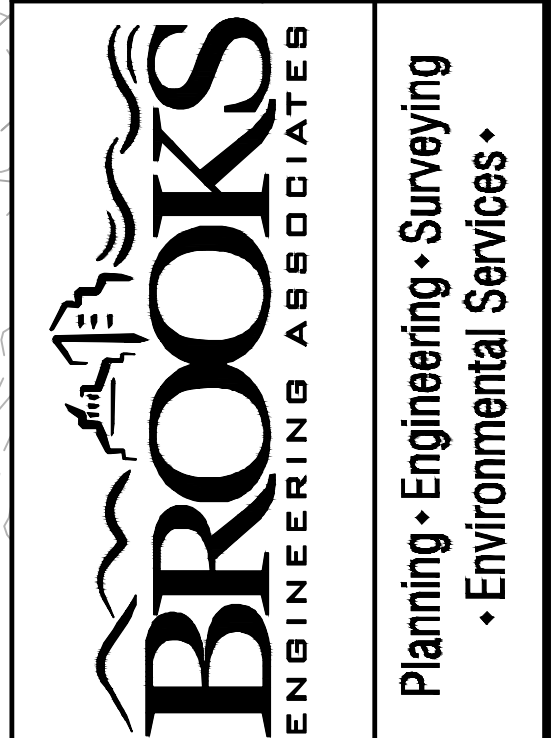


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Review: WBE Scale: AS NOTED Date: 2021-12-09
Design: WBE Draw: WBE Check: WBE
15 Arlington Street
Asheville, N.C. 28801
Phone: 1-828-232-4700
Fax: 1-828-232-1331
www.brooksea.com



Project No: 543521
Drawing Title: CLEARING & GRUBBING PLAN
RICH MOUNTAIN SUBDIVISION PHASE 1
RESIDENTIAL SUBDIVISION
NORTH CAROLINA
HENDERSON COUNTY
C-3.0



# Master and Phase I Development Plan for Rich Mountain (2021-M09)



Henderson County Planning Board  
December 16, 2021

*Henderson County Planning Department*

1

## Project Summary

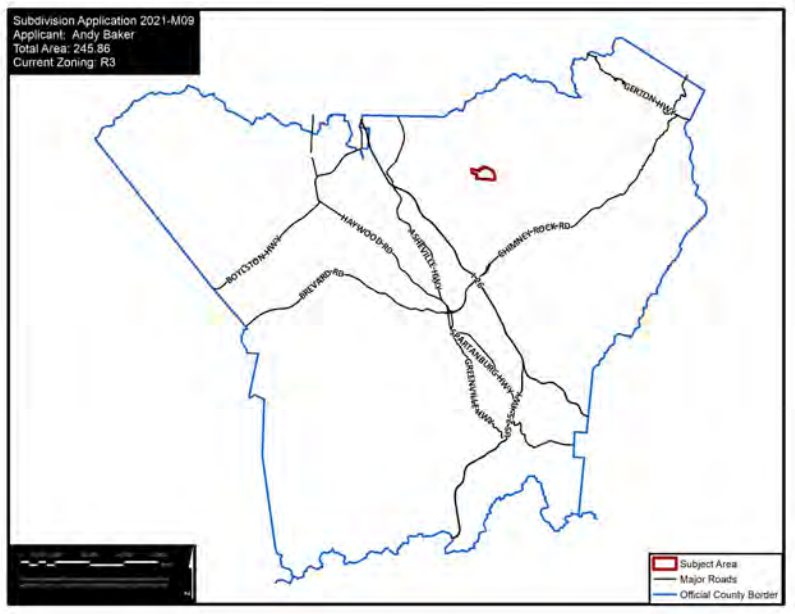
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*Henderson County Planning Department*

2



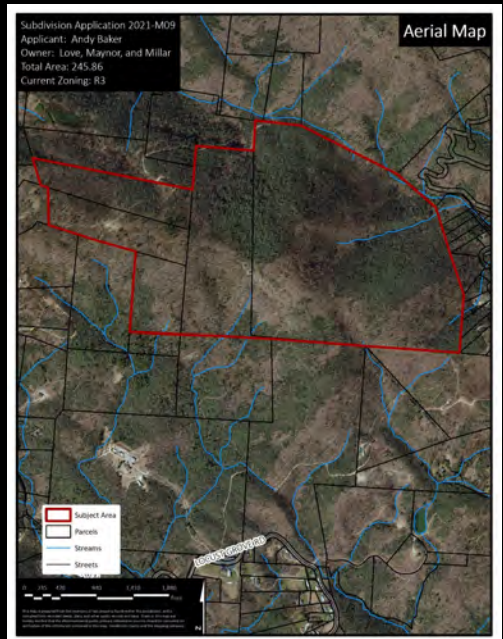
# County Context



Henderson County Planning Department

3

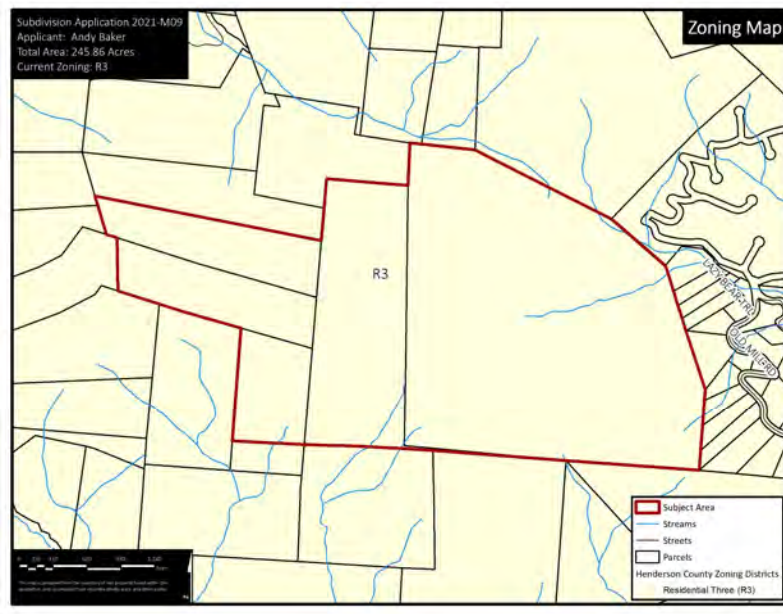
# Aerial Map



Henderson County Planning Department

4

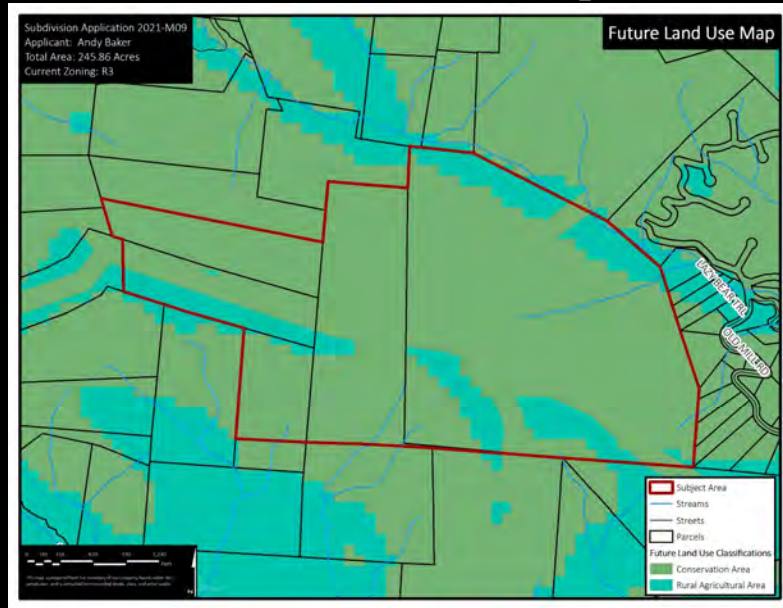
# Current Zoning Map



Henderson County Planning Department

5

# Future Land Use Map

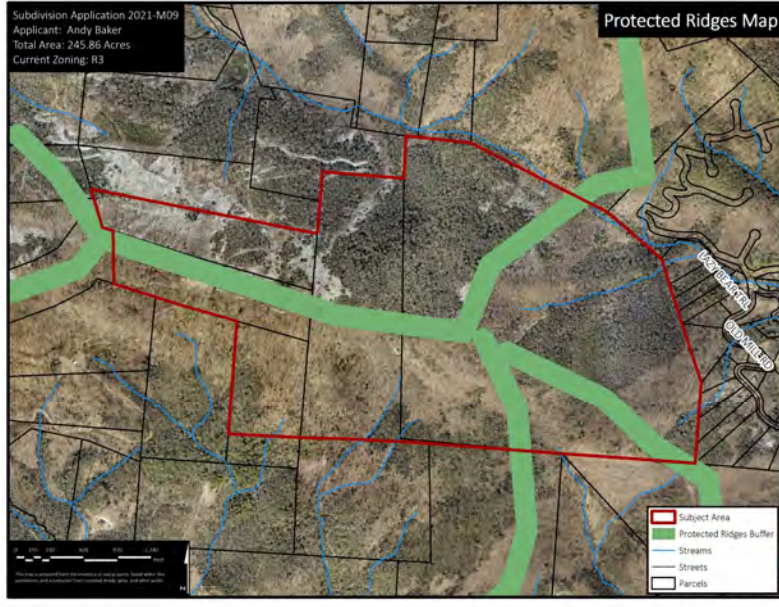


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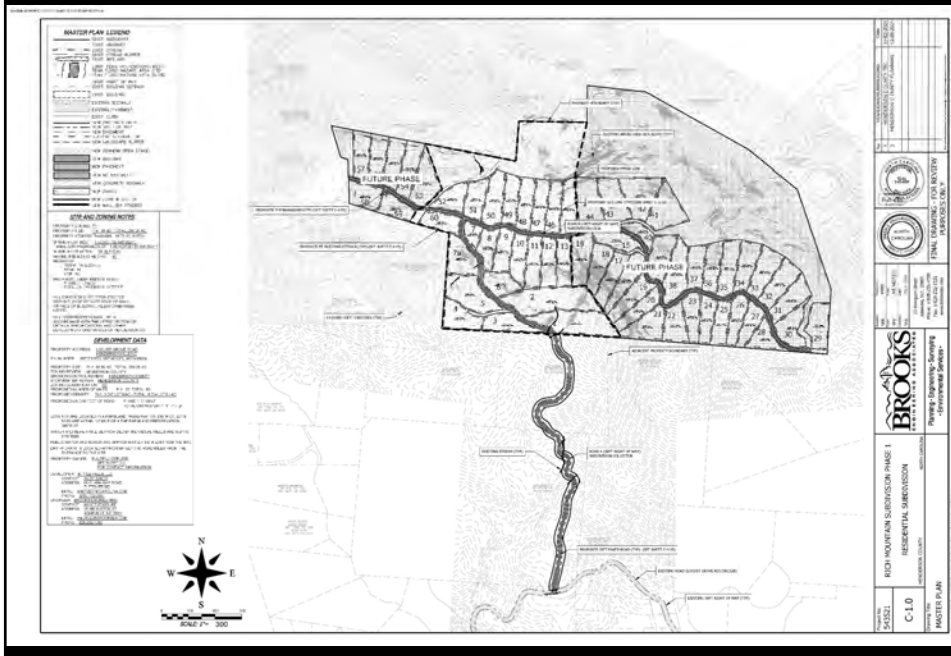
# Protected Ridges Map



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# Master Plan



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**Couch Mountain Major Subdivision  
2021-M09**

**Questions**

