

AVERY COUNTY PLANNING BOARD

MONDAY, 29 JUNE 2009

MINUTES

Members Present: Cheryl Buchanan, Rachel Deal, Mike Lacey, Joe H. Perry, James Pitts, Jack Wiseman

Staff Present: Tommy Burleson, Loretta Smith

Others Present: Jim Brooks, Bob Garland, Joe Shoupe, Gary Redding, Glenn Rhodes

Chairman Mike Lacey called the meeting to order at 5:30 PM. There was a quorum present.

Joe H. Perry moved to approve the April 2009 minutes as submitted. Jack Wiseman seconded. The vote was unanimous and the motion carried.

Glenn Rhodes of the Division of Community Assistance had been asked by the Avery County Commissioners to review the County's Subdivision Ordinance for any potential problems. Mr. Rhodes forwarded his comments and they were further reviewed by Michaelle Poore, County Attorney. Mrs. Poore's recommendation was that any applicant for a variance should be reviewed by her first before the Board gives consideration. This is a matter of the County's Attorney being bonded and the Board members are not. Chairman Lacey asked if perhaps this Board needs liability insurance. Mrs. Poore also asked that the members of the Board not visit a site unless one of the County Inspection's staff is present. Chairman Lacey was not sure what the County Commissioners are asking of us as a Board and asked the staff to request some clearer instruction.

The following changes were recommended for adoption by the Planning Board for the Subdivision Review:

1. Section 405.1 (f) allows for a 60' right-of-way but the NCDOT standard is 45' right-of-way. The Board requests this be changed to 45'.
2. Section 405.2 add a definition for "abutting".
3. Section 505 could cause a conflict and Chairman Lacey has asked County Attorney Michaelle Poore to look at this carefully.
4. Section 310 should add licensed surveyor or licensed landscape architect.
5. Section 407 should verify the correct flood zone designations.

In considering additions to the Subdivision Ordinance as requested by the Fire Association, the following were noted:

6. Section 411.2 (b) add a statement that the minimum number of access routes will be determined on a case by case basis.
7. Ordinance Administrator Loretta Smith was asked to send all the members a copy of the NFPA 1141 and NFPA 1144 referenced in Section 411.2.
8. Section 411.2 (c) it was recommended that the Fire Marshall needs to work with the Fire Association Committee because he is bonded and the Planning Board will revisit this issue in July with the County Attorney in attendance. Also replace the word "should" with "shall" and remove NCDOT District Engineer.

9. It was restated that the County Attorney believes it is a bad idea to take people into these developments who are not bonded and insured.
10. Section 411.2 (g) was deleted.
11. Section 411.2 (i) remove the names until this is confirmed with the County Attorney and the Institute of Government.

The Ordinance Administrator was instructed to speak with the County Attorney about the validity of the committee going on inspections before the next meeting. At 7.15 Joe H. Perry moved to adjourn. Rachel Deal seconded. All were in agreement and the meeting came to a close.

Respectfully submitted,
Cheryl Buchanan, Secretary to the Avery County Planning Board