

**Buncombe County Planning Board
September 12, 2016**

The Buncombe County Planning Board met on September 12, 2016 in the meeting room at 30 Valley Street. Members present were Gene Bell, Nancy Waldrop, Dusty Pless, Parker Sloan, David Rittenberg, and Joan Walker. Also present were Michael Frue, Staff Attorney; Jon Creighton, Planning Director; and Debbie Truempy and Shannon Capezzali, Planning staff.

Call to Order

Gene Bell called the meeting to order at 9:32 am.

Approval of Agenda

Dusty Pless made a motion to approve the agenda. The motion was seconded by Parker Sloan and passed unanimously.

Approval of Minutes (August 1, 2016)

Dusty Pless made a motion to approve the minutes. The motion was seconded by David Rittenberg and passed unanimously.

Discussion

ZPH2016-00043: Proposed changes, pursuant to recent changes enacted by the North Carolina General Assembly and a recent court decision regarding quasi-judicial proceedings, to:

- Chapter 58, Article II of the Buncombe County Code of Ordinances (Planning Board);
- Chapter 70, Sec. 70-10 and Sec. 70-41 (Variances and Phased Development) of the Buncombe County Land Development and Subdivision Ordinance; and
- Chapter 78, Sec. 78-623 (Appeals and Applications) of the Zoning Ordinance of Buncombe County.

Michael Frue discussed the reasons for the proposed changes. He said they are a result of changes enacted by the General Assembly and a lawsuit that the City of Asheville lost on a technicality. He stated that the proposed changes will help ensure all technical requirements are met. Mr. Frue discussed the required procedures for quasi-judicial hearings, the difference between evidence and opinion, the requirements to grant a variance, hardships, and requirements for notification. He also stated that variances are now valid for two years, instead of expiring after one year. There was further discussion of vested rights and Mr. Frue added that statutory changes now vest certain multi-phased subdivisions for seven years.

Mr. Frue reviewed the proposed changes to Chapter 58 in detail. He said that Planning Board procedures contained in separate by-laws are being added, as well as other procedural requirements.

Public Comment

No one made public comment.

Traffic Studies

David Rittenberg asked for clarification of traffic studies and whether there was any reason for Buncombe County to require one at a lower threshold if NCDOT requires one at 300 units. Debbie Truempy responded that Buncombe County could require a study at a lower threshold but the County

could not require a developer to make improvements to NCDOT roads. She added that NCDOT would probably look at a study, if it were required at less than 300 units, and use that information in issuing the Driveway Permit but that NCDOT has said that they really do not see impacts until around 300 units.

Adjourn

The meeting was adjourned at 10:07 a.m.