



TOWN OF BLACK MOUNTAIN
Planning and Development Services Department

160 Midland Avenue • Black Mountain, North Carolina, 28711
Phone (828) 419-9300 • Fax (828) 669-2030 • TDD 800-735-2962

MEMORANDUM

To: The Town of Black Mountain Planning Board
From: Elizabeth Teague, AICP, Planning Director
Re: August 23, 2010 Regular Meeting of the Planning Board
Date: August 17, 2010

The Planning Board will hold its regular meeting on Monday, August 23, 2010, at 7:00pm in the Town of Black Mountain's Town Hall at 160 Midland Avenue. Attached for your reference and consideration are:

- Tentative Agenda;
- Minutes from the July 26, 2010 Regular Meeting;
- A Letter from Doug Brock to the Aldermen Regarding Livestock; and
- Information regarding Forestry practices.

Please contact me or Rosa Hilbert by email or phone (419-9370) if you have any questions or will be unable to attend the meeting.

Cc: Marcy Onieal, Town Manager
Rea Eberhardt, Zoning Administrator



**Town of Black Mountain Planning Board
Regular Meeting
August 23, 2010 7:00 p.m.
PROPOSED AGENDA**

I. CALL TO ORDER

II. ADOPTION OF AGENDA

III. ADOPTION OF MINUTES

1. July 26, 2010 Regular Meeting

IV. BUSINESS

1. Continuing Discussion of Land Disturbance Definition and Forestry Practice in steep Slope Areas
2. Other Land Use Code Amendments and identification of tasks as time allows:
 - a. Off premise signage;
 - b. Improve communications regarding advertising for meetings;
 - c. Animal Control and Livestock in Town;
 - d. Reports from other boards about planning initiatives for the Town;
 - e. Develop internet communications about town finances and projects;
 - f. Use of the American Flag
 - g. Others?

V. PUBLIC COMMENT (note: Public Comment may also be accepted during deliberation of business items at the direction of the Board).

VI. ADJOURNMENT

TOWN OF BLACK MOUNTAIN PLANNING BOARD
MINUTES OF REGULAR MEETING
July 26, 2010

The **Black Mountain Planning Board** held its regular monthly meeting on **Monday, July 26, 2010 at 7:00 p.m.** in the Town Hall Building at 160 Midland Avenue, Black Mountain, N.C.

I. CALL TO ORDER

The meeting was called to order with the following members present:

Richard Yeatman, Vice Chair
John Rountree, Secretary
Jesse Gardner
M. Ryan Stone
Nathan Pennington

Absent:

Ron Collins
Ames Tryon

Staff Present:

Elizabeth Teague, AICP, Planning Director
Rebecca Eberhardt, Zoning Administrator
Rosa B. Hilbert, Senior Administrative Assistant

Others present:

Joan Brown, Vice Mayor
Ruth Brandon, Alderman
Wendell Begley
Elaine Loutzenheiser
Katherine Robertson
Carlos Showers, Alderman
Mark Vanderhoff, Black Mountain News

Vice Chair Yeatman declared a quorum present with five regular members and the meeting was duly constituted and opened for business. The record shows that a quorum of the Board of Aldermen was present at this meeting.

II. ELECTION OF OFFICERS (CHAIR, VICE CHAIR, SECRETARY)

Jessie Gardner made a motion to nominate Ames Tryon as Chair and there were no other nominations. Nathan Pennington seconded the motion and it passed unanimously with a vote of 5 – 0. Nathan Pennington made a motion to nominate Richard Yeatman as Vice Chair and there were no other nominations. Jessie Gardner seconded the motion and it passed unanimously with a vote of 5 – 0. Jesse Gardner made a motion to nominate John Rountree as Secretary and there were no other nominations. Ryan Stone seconded the motion and it passed unanimously with a vote of 5 – 0.

III. ADOPTION OF AGENDA

Nathan Pennington made a motion that the Agenda be revised to add #3; Policy discussions on what “disturbance” encompasses in steep slope areas including tree removal. The Board unanimously approved the motion to amend the Agenda.

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IV. ADOPTION OF MINUTES

John Rountree made a motion to adopt the minutes of May 24, 2010. The Board unanimously approved the motion to adopt the minutes as read.

V. BUSINESS

Discussion of Off-Premise Signage

Rebecca Eberhardt, Zoning Administrator, reported that she has received complaints about home-base businesses advertizing with off-premise signs. Ms. Jeannie Wilkerson, who operates a home-based business, addressed the Board about the ordinance prohibiting off-premise signs. She gave a brief background of her employment, family, residency and business. She and her late husband operated a gun shop in the basement of their home for many years and she has continued the business since his death about one year ago. Ms. Wilkerson's home is located at 99 Temple Road and is in Buncombe County, not within the city limits of Black Mountain. She feels that the Off-Premise Ordinance is unfair; that Black Mountain should encourage small businesses and allow them more flexibility and opportunities to advertize their products and services.

Mr. Rountree recalled that the ordinance was designed with aesthetics in mind to keep the Town from appearing distasteful with a lot of temporary signs, particularly, the signs erected on wire hangers. He feels that the ordinance is in place for a good reason. Mr. Pennington raised his concerns that a proliferation of signage is not in the best interest of the Town. Mr. Gardner inquired about a Variance to allow the sign. Ms. Teague said that the criteria for Variances in the Land Use Code is in Chapter 1.7 are difficult and specific. She said that it is always an option for anyone to approach the Planning Board and Zoning Board of Adjustment for a formal text amendment however. Vice Chair Yeatman does not feel that the Planning Board can rule in this particular issue. Mr. Rountree pointed out that Ms. Wilkerson's gun shop business is in Buncombe County and not within the Black Mountain Town limits. The business would not be allowed in a residential area within the Black Mountain Township. The Board voted 5 to 0 not to take action on this request.

At this time, Vice Chair Yeatman made a motion to amend the agenda for discussion of the Tree Removal disturbance on Steep Slopes to #2 and Discussion of Planning Board Goals for FY10-11 to #3. The Board unanimously approved the motion to amend the agenda.

Tree Removal Disturbance on Steep Slopes

Nathan Pennington said that Black Mountain has a Steep Slope Ordinance and asked that the Board address the policy regarding Section 8.1.2 Applicability: Erosion Prevention and Slope Protection Ordinance. He feels that grading and vegetation removal has a definite impact on the steep slope areas. He ask for discussion and clarity on Section 8.1.2 (D) *For any area designated as a "steep slope", land disturbance shall mean any use of, or operations on, the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. However, the cutting of scattered individual trees, the removal of fallen trees and the removal of undesirable non-native or invasive vines, shrubs and plants will be allowed.* He feels that the ordinance allows for instances of select removal but it speaks to the fact that the Town is discouraging the

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gross speculative removal of vegetation as a whole. Mr. Pennington referenced the publicity about the clearing cutting on the mountain that is visible from many areas in the Town.

Mr. Wendell Begley, addressed the Board about the tree removal on the property in question. He said that his family has owned 75 to 200 acres on Sunset Mountain in the Camp Branch area from 15 to 60 years; some of his family members live on the property. The property is in the city limits and is about 100 acres from the base of the mountain. There is no anticipation of building on the property, or any further clear-cutting. He employed a certified forester to cut the timber which was 6 to 8 inches in diameter and the ground cover is still there. There has not been grading except for a small zigzag opening to make a path so the timber could be cut. He said that there has been no disturbance of the property which is about an acre and a half. Mr. Begley went on to explain the reason for the cutting and reiterated that there is no intention to build on the mountain

Mr. Rountree said that he has known Mr. Begley for a long time and has no doubt about his motives or statements. He said that the Board welcomes an open discussion because the Black Mountain is changing because of its demographics and ordinances and regulations must keep up with current and future trends. He feels that when Mr. Begley's project was being planned, there was no concern about the Steep Slope Ordinance because it has never been in effect before and the intentions were not commercial.

Mr. Gardner commented that there is a difference between harvesting timber and land clearing which is stipulated by the Department of Environmental and Natural Resources under the Forestry Division. Harvesting timber is permitted because it is not land disturbance and a permit is not needed. He feels that the Town cannot prevent someone from harvesting timber. Mr. Pennington argued that the Town can actually institute a steep slope ordinance similar to the one for Asheville and include language to protect our trees.

Ms. Teague said that the Urban Forestry Commission governs trees in the public rights-of-way or on public land but does not regulate tree removal on private property.

Planning Board Goals for FY10-11

- Continue reviewing the LUC and compile a list of text amendments;
- Off premise signage and steep slope as it applies to forestry;
- Monitor how the ordinance is working by examining the zoning Board appeals, variances, etc;
- Staff to keep Planning Board informed of any difficulties in enforcement;
- Improve communications regarding advertising for meetings;
- Receive reports from other boards about their planning and initiatives for the Town;
- Create master checklist of services;
- Develop a community internet service about town finances and major projects

There was general discussion that the Planning Board will revisit these goals and continue to look at Land Use Code revision needs as issues come up in order to present recommendations to the Aldermen in March.

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VI. PUBLIC COMMENT

Ms. Teague reported that the Town has a Regional Greenways Master Plan that Buncombe County has been working on in corporation with our local Greenways Commission and the City of Asheville. There will be a drop-in meeting this Wednesday from 3:00 pm to 7:00 pm at the Lakeview Clubhouse in anyone is interested.

Joan Brown announced that an informational meeting about the proposed homeless shelter will be held on Tuesday, July 27, 2010 at the First Baptist Church on Montreat Road.

VII. ADJOURNMENT

Ryan Stone made a motion to adjourn the meeting at 8:15 p.m. John Rountree seconded the motion and it passed unanimously.

Ames Tryon, Chair

John Rountree, Secretary

Rosa B. Hilbert
Senior Administrative Assistant

8/15/2010

Board of Alderman for the Town of Black Mountain,

My wife and I own the small farm up highway 9 that raises the llamas, horses and various other animals. We have been here over 25 years and we feel so fortunate to have found this community of sincerely caring people.

I am unable to attend the upcoming town meeting in which livestock may be discussed. Therefore, I want to take an opportunity to point out some sad consequences that will occur if additional restrictions are placed on livestock within town limits. In fact the new ordinance is already too restrictive.

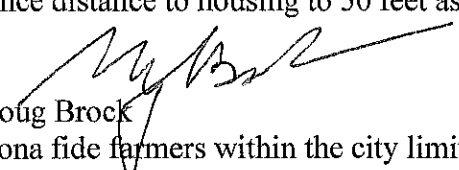
The most important result will be the disappearance of pasture and open space within the town. Under the current ordinance if one were to buy a piece of property with pasture and decided to put in horses, or other livestock, they would have to put their fence 150 feet away from any current residence. If you look at most existing remaining pasture in Black Mountain you will find that almost all parcels are small parcels scattered in many coves and turns in the roads. Taking this land area out of the total available pasture would reduce the remaining land available for grazing to a very small parcel.

If one considers this impact just a few moments one can conclude the buyer would not place any livestock on the property. The likely result would be that a seller will sell the property to a developer rather than a horse enthusiast. I have had several folks inquire about my place strictly because they wanted land for their horses. I have also had developers contact me to sell the property for housing development.

If we had not been able to have our grazing animals this property would long ago gone to use as a housing development. It is my belief that many folks that pass by our farm enjoy viewing the llamas, horses, mallards, along with many other animals we raise for fun and profit. We even have a den of fox's wild on the property. Additionally, my wife ran a 4-H club for many years in which many young people enjoyed learning to care for animals and learn to respect them.

If buyers of residential housing feel it is important to be far away from grazing animals they might want to consider the many restricted private neighborhoods that are within and around town. Many of these developments require that prospective owners read through the restrictive covenants before they make an offer. Perhaps prospective buyers should also read the new Land Use Ordinance before buying property so they would not be disappointed in their decision.

The Board of Alderman is elected by the people at large. I hope they will make decisions for the benefit of the community at large rather than the few who complain the loudest. It is often the silent majority that is so poorly represented in the governmental process. Help keep Black Mountain at least somewhat rural and do not place any additional restrictions against livestock. If anything is changed it should be to reduce the fence distance to housing to 50 feet as originally proposed in this new ordinance.



Doug Brock

Bona fide farmers within the city limits of Black Mountain.