

The Russell County Planning Commission  
Meeting Minutes  
February 16, 2010  
4:30 P.M.

An adjourned meeting of the Russell County Planning Commission was called to order by Chairman R.C. Adams. Members present: Ferdinard Crawford, David Ellis, Dr. Thomas Shelton, Commissioner Peggy Martin, Gary D. Head, Carla Thomas, Bill Friend, and J.C. Batchelder. Advisors present were Greg Smith, Ben Elliott, Larry Kite, and Johnny Burrell.

Chairman Adams requested a motion for approval of the January 19, 2010 meeting minutes. Dr. Shelton motioned to approve the minutes and was seconded by Carla Thomas. All members voted to accept the minutes except Mr. Crawford who abstained due to his absence at that meeting.

Nathan McBride presented the Ethel Ivey Family Subdivision. Mrs. Ivey wants to divide her land among children and grandchildren, while she is still living. There are (6) six lots. The width of the property will only allow for one easement access for all (6) six lots. The lots do not join a county maintained road. I am asking for this to be approved as others in the past for the provision of property for direct family members.

Bill Friend stated he thought there is a (5) five lot limit for (minor) family subdivisions.

Larry Kite asked to address family subdivisions and to receive guidance for this issue. Current regulations address family subdivisions in **Section 16.5 Special Circumstances**: *the Planning Commission shall have the authority to waive the Russell County Subdivision Regulations in special circumstances. For example: a particular plat involving the subdividing parcels of land where personal last wills and testaments dictate the dividing of property among heirs. In special circumstances of this nature, there shall not be more than one dwelling house in a 5-acre or less parcel of land. Should the owner desire to construct more than one dwelling house on any portion of their property, a preliminary plat depicting their proposal shall be submitted to the Planning Commission prior to taking such action.*

Chairman Adams asked: To serve how many tracts?

Larry Kite: It doesn't specify a number of tracts; it says "there can't be more than one house, in a five (5) acre parcel". I'm not sure where that came from; I've never read anything exactly like that.

Chairman Adams: Nathan, is there a reason for making it a 30 foot ingress/egress easement? Why not go with a sixty (60) foot?

Nathan McBride: We can add thirty (30) feet to it, but with the topography of the land, I don't know what thirty feet will accomplish.

Chairman Adams: I understand, but if someone was to decide to upgrade and pave because they have property located here. There is enough land and it would not affect building.

Nathan McBride: We can make it can be made a sixty (60) foot.

Larry Kite: The problems I see through experience, is an easement serving more than one parcel, there is always a potential for problems. Nathan said he configured the property this way, because it was what had been approved over the years for family subdivisions. There were never many questions asked and there is a provisional **Alabama State Law 11:24: *Land transferred to immediate family members is not subject to subdivision regulations.*** The Association Attorney feels we are under that 11:24 Law, because of our local Act that gives the Planning Commission the authority to make your own regulations. Apart from that, the immediate family is not grandchildren. The Planning Commission has the authority to define immediate family as grandchildren, if they see fit. Most other counties under 11:24 modify that and place certain requirements under it. Most say it is not required, because of a Will or Probate that will dictate how the property will be handed down. You have to be careful how you do that. It does cause the potential for problems, when you have an easement that serves more than one lot. It may be immediate family today, but not next week. Then you also have, who is going to maintain that road, the family or the County?

Chairman Adams asked Mr. Kite what he recommended.

Mr. Kite recommended reconfiguring Mrs. Ivey's property into fewer and larger lots with a larger easement before bringing it back to the Planning Commission for approval.

After several minutes of discussions, David Ellis motioned to change the ingress/egress from 30 feet to 60 feet as requested by the Engineer and to state on the plat no further subdivision on this property. Seconded by Ferdinand Crawford. J.C. Batchelder voted no; Dr Shelton voted, no; Commissioner Martin voted, no; Gary Head abstained; Mr. Friend voted, no; Carla Thomas voted, no. (5) no votes and (1) abstention to the motion which failed.

Chairman Adams suggested for Mr. McBride to reconfigure and bring back for review and stated there need to be clarification of the family subdivision issue before the next meeting so this will work for everyone.

Assistant EMA Director, Bob Franklin, requested to review the placement of fire hydrants in subdivision plats. A lot of fire hydrants are placed at the end of a cul-de-sac which means if there is a fire call in the subdivision, the fire truck will have to by-pass the fire to be able to use the hydrant, then turn around and try to come

back. Fire Department procedure is the first truck at the scene is to attack the fire. The second truck on the scene hooks-up to the hydrant for water supply. Therefore, it has to maneuver around the first truck that is attacking the fire and try to turn the truck around in the cul-de-sac, which is not easy due to the size of these trucks.

Mr. Friend suggested having someone from the Fire Department to look at the placement of subdivision fire hydrants prior to approval of the plats.

Larry Kite stated he would meet with Mr. Franklin to make sure that he understands his request.

Chairman Adams said the Planning Commission would take Mr. Franklin's request into consideration.

Chairman Adams asked for an update on River's Reach. Ben Elliott said there is not an update at this time, except the County Attorney had been in contact with their Attorney.

J.W. Brannen added he had talked to people who have been trying to work-out a settlement with the Bonding Company on the infrastructure. It seems the Bonding Company is playing games. I think the County needs to go forward and require the Bonding Company to payoff. The County took the position to allow the Bonding Company and the buyers to work out a deal if possible. The buyers have an actual cost for replacement at one million seven and an estimate is one million three. The Bonding Company feels they should get it at one million three or less, but their bonds are more than two million dollars outstanding. The original bond was for seven million dollars.

There is a meeting scheduled for the County-Wide Comprehensive Study RFP on February 17 at 9:00 a.m. to review for a recommendation to the County Commission at their official meeting.

J.W. Brannen recommended a 3 member committee from this body to work with the planning agency whichever it is; both are going to work with the Planning Commission to work on a continuous basis through the whole process, possibly a year. There will be quite a few public hearings through-out the County.

Chairman Adams stated, at the next Planning Commission meeting he will appoint a committee to work on with the agency.

Larry Kite, Ben Elliott and Brandon Bundy are reviewing the subdivision regulations to clean up, clarify and bring back a set of recommended regulations for the Planning Commission's approval by the end of the month.

The meeting was adjourned.