

The Russell County Planning Commission
May 4, 2010
4:30 P.M. EDT

An adjourned meeting of the Russell County Planning Commission was called to order by Chairman R.C. Adams. Members present: Dr. Thomas Shelton, Commissioner Peggy Martin, Bill Friend, Rick Perry, J.C. Batcheldor and Attorney Walter Gray. Advisors present: Health Department Director Johnny Burrell, County Engineer Larry Kite, Subdivision Coordinators Ben Elliott and Brandon Bundy and Administrative Assistant Beth Monk who kept the minutes.

Chairman Adams requested a motion for approval of the April 6th, 2010 meeting minutes. Commissioner Martin motioned to approve the minutes. Seconded by Bill Friend. The vote for approval was unanimous.

Bill Barrett presented the Farmbrook Subdivision Final Plat, Phase 8. There will be two more phases after completion of phase 8. Ben stated this development meets the subdivision requirements. J.C. Batcheldor motioned to approve the plat and was seconded by Bill Friend. The vote was unanimous.

Nathan McBride presented Mill Pond Estates Phase 1 which was approved on 2007 by the Planning Commission, but was not signed by the previous County Engineer. Also the Health Department did not sign off on the plat because results from soil test had not been returned at that time. McBride stated they have since compiled all the information required. The Health Department has now approved the plat and the Planning Commission had already approved. The County Engineer wanted to make known this plat's history before he signed off on it so it could be recorded.

Nathan McBride also presented the Robert Davis Estate which is located on the eastside of Bethel Road. This plat has an existing a 30 foot easement on a 115 acre tract. The owner wants to divide this property between 4 siblings. It will be a requirement to have stated on the plat that this easement is not county maintained. This is a family subdivision and will not need to be approved by the Planning Commission. The County Engineer, Chair and Secretary signed off on the plat.

After a lengthy discussion of regulations for the division of estates, Chairman Adams stated it is agreed the division of an estate to family members, whether it is given to children or other family members, is to be treated the same as a minor subdivision and must be signed off by the County Engineer, Chair and the Secretary.

Larry Kite presented a family subdivision which has been divided into 6 large lots with road frontage and 6 smaller lots on the back side of the property which also belong to the larger parcels. There is a 60 easement to access the 6 back lots.

When questioned why not make only 6 larger lots with county road frontage, it was stated that is how the children wanted it divided.

Mr. Kite states according to laws, 12 part subdivision amongst immediate family are not subject to subdivision rules and regulations. I have talked to other County Engineers and they state basically anything goes and are allowed to record family subdivision without approval of the Engineer or the Planning Commission. Mr. Kite believes forms should be completed for these family divisions, listing who the family members are and provide proof.

Chairman Adams asked if it were possible to get the Attorney General's opinion on how many parcels can be divided from a section of land.

Attorney Walter Gray stated the Attorney General will not make an opinion on this issue.

Mr. Kite stated the Association Attorney thought our Russell County Act gives the Planning Commission full authority over establishing subdivision regulations, not the County Commission. The Attorney also stated, because of that, this body could put additional regulations on family subdivisions, but it was not a good idea. If it was challenged it may not hold up in court, since the state law is contrary and every other county in the state recognizes state law.

Attorney Gray replied the Russell County Act invites litigation.

Chairman Adams asked if the plat being reviewed states, No Further Subdividing.

Larry kite stated no and was unsure if that could be enforced since this is a family division. Chairman Adams agreed and signed off on the plat as well as Mr. Kite.

Proposed Subdivision Regulation Changes were handed for review, noting there will be a few more meeting to clean up and consolidate some of the regulations.

The meeting was adjourned.