

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
JANUARY 19, 2006**

The Henderson County Board of Commissioners met for a special called meeting at 4:00 p.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Shannon Baldwin, Commissioner Chuck McGrady, Interim County Manager Justin Hembree, Interim Assistant County Manager Selena Coffey, County Attorney Russell Burrell, and Deputy Clerk to the Board Amy Brantley.

Also present were: Public Information Officer Chris S. Coulson, Planning Director Judith Francis, Planner Autumn Radcliff, Planner Anthony Prinz, Planner Matt Card, Planner Matt Cable, Elections Director Beverly Cunningham and Finance Director J. Carey McLelland.

CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and welcomed all in attendance.

DISCUSSION/APPROVAL OF AGENDA

Commissioner McGrady made the motion to approve the agenda. All voted in favor and the motion carried.

ELECTION EQUIPMENT

This item had been rolled to this meeting from the January 18, 2006 agenda. Senate Bill 223, Public Confidence in Elections, had prompted the decertification of all existing voting equipment across the state and in the end, allows for only one vendor, ES&S, to now be certified. The Board had no indication that the General Assembly would convene and delay the implementation of the new guidelines. Therefore, Henderson County was in the position of having to determine whether or not to purchase new equipment by a deadline of January 20, 2006. The County's Board of Elections had recommended the purchase of DRE's (Direct Recording Electronic) for the precincts, and optical scan for paper absentee mail outs from ES&S. The Finance Director had provided cost and financing estimates for the equipment.

There followed a lot of discussion on the issues surrounding the elections equipment, and the best way to proceed. Russ Burrell stated that the Board's only options were to approve the system recommended by the County Board of Elections, or to not approve that system. The Board could not buy a system the Board of Elections had not recommended to them. Therefore the Board could purchase the recommended DRE's, or proceed to hold the primary with paper ballots. Ms. Cunningham answered questions from the Board regarding the recommended purchase, and the impact if the Board opted to proceed with use of paper ballots. *Commissioner McGrady made a motion to accept the recommendation of the Board of Elections related to the purchase of 259 DRE voting machines plus the required optical scanners.*

There followed much additional discussion. Ms. Cunningham estimated that if the Board opted to proceed using paper ballots, they would need to hire an additional 500-600 people to come in at the close of the polls to count the ballots. She also estimated that to purchase the additional equipment necessary to vote paper ballots, would cost \$50,000 to \$100,000. There was concern about whether ES&S would be able to fill orders in a timely fashion, especially if a lot of counties opt to purchase this equipment. A vote was then taken on Commissioner McGrady's motion. *The motion carried 4-1 with Chairman Moyer voting in opposition.*

LAND DEVELOPMENT CODE

Judy Francis reviewed the following PowerPoint presentation with the Board:

DATE APPROVED: _____

Henderson County Land Development Code Workshop #1 January 19, 2006



Henderson County Land Development Code The Comprehensive Plan Connection

- Citizen-driven comprehensive planning effort
- The Henderson County Comprehensive Plan (CCP) was adopted July, 2004
- Recommendation in CCP to consolidate development ordinances into one document and undertake small area planning process
- CCP also contained recommendations regarding growth management including development patterns, transportation efficiency, environmental protection, and design standards.



Henderson County Land Development Code The Comprehensive Plan Connection

As part of the comprehensive planning process, a citizen survey was undertaken. The highest ranking statements from the survey were:

- "Growth and development should be directed away from flood-prone areas."
- "Growth and development should be environmentally responsible."
- "A clean, safe environment is good for economic growth & development."
- "An attractive, pleasing community is good for economic growth & development."
- "Development should be visually attractive."
- "Development should respect cultural and historic sites."
- "Development should respect the rural and scenic qualities of the county."

The responses indicate that citizens are not anti-growth, but that new growth should not damage or detract from the county's unique and beautiful character. You can read more of their responses in the Henderson County Comprehensive Plan Citizen Survey Report.

Henderson County Land Development Code The Comprehensive Plan Connection



- Regulations drafted in the LDC come directly from existing land use ordinances and from recommendations in the CCP.
- Information about specific recommendations from the CCP and their inclusion in the LDC are in your handouts.
- Today's workshop will focus on what is contained in the LDC.
- Future workshops will focus on applications of the LDC and recommended revisions based on comments received.

LDC Approach vs. Current Zoning

- Current zoning ordinance does not address many of the issues identified in the CCP.
- People are used to using a traditional zoning ordinance, but currently have to reference four different land use ordinances to undertake any development.
- The LDC consolidates information into one document and provides a way to offer incentives that would not be possible with our existing ordinances.

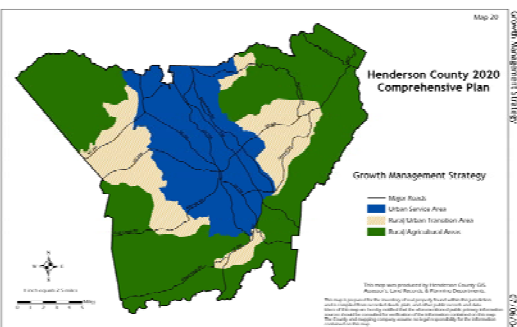


CCP Issue Area: Link Density to Infrastructure

- **Urban Services Area**
(most intensive development, infrastructure available, mild topography)
- **Rural / Urban Transition Area**
(moderately intensive development, some services, fewer slopes)
- **Rural Agriculture Area**
(least intensive development, few services, challenging topography)



CCP Issue Area: Link Density to Infrastructure Service Area Overlay Districts



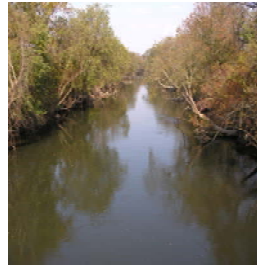
CCP Issue Area: Transportation



- Access Management provisions protect integrity of roads by regulating the spacing of driveway cuts and intersection encroachment.
- Incentives for provision of transit enhancements

CCP Issue Area: Affordable Housing

- Options for accessory dwelling units
- Increased density in Urban Service Area
- Manufactured housing still allowed in same areas
- Tour of potential development available

**CCP Issue Area: Environmental Protection**

- Incentives for protection of slopes in excess of 25%
- Incentives for enhanced stormwater management
- Decrease of allowable density in rural areas
- Incorporates current flood & watershed ordinance

CCP Issue Area: Commercial Compatibility

- Incentives for attractive design features
- Landscaping to minimize noise, dust, and visual intrusion
- Increased flexibility to site commercial development

**LDC Issue Area: Preserve Agriculture**

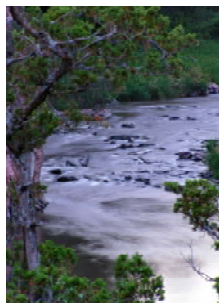
- Provides mechanisms to keep portion of farm operating while developing another portion.
- Exempts bona fide agriculture from zoning
- Helps to maintain rural land uses in more remote areas

**Henderson County Land Development Code
"How is this thing put together?"****Henderson County Land Development Code
Article I: General Provisions**

- **WHY?** – Purpose explains reasons for having the ordinance (safety, efficiency, public health, etc.)
- **WHERE?** – Jurisdiction explains what area is affected by the ordinance (land in the county not included in a municipal jurisdiction)
- Exemption language for bona fide agriculture
- Statement that the administration, enforcement, and amendment of the ordinance will consider the recommendations of the CCP.

**Henderson County Land Development Code
Article II: Definitions**

- Terms used in the LDC included to facilitate clarity and minimize confusion
- Acronyms (ex: FEMA)
- Multiple meanings (ex: dwelling)

**Henderson County Land Development Code
Article III: Establishment of Districts****ORDINANCE = TEXT + MAP**

Three subparts describe three types of districts:

- **General Use Districts** (Subpart A)
- **Special Use Districts** (Subpart B)
- **Overlay Districts** (Subpart C)

Henderson County Land Development Code Article III, Subpart A: General Use Districts

- Creates six general use districts: 2 residential, 1 office / institutional, 1 commercial, 1 industrial, and 1 rural use
- Conversion Table on page 272 of your draft ordinance
- Permitted Use Table in Appendix 1
- No changes in boundaries of areas that allow / don't allow manufactured homes.
- Density / intensity will be regulated by overlay classification (CCP goal of linking density to infrastructure.)

Henderson County Land Development Code Article III: Subparts B & C

Subpart B establishes option for Special Use Districts for Conditional Uses in a major development. Allows development specificity above traditional general use classifications.

Subpart C establishes Overlay Districts:

- Overlays for Urban Service, Rural / Urban Transition, and Rural / Agriculture Districts to set densities utilizing the Growth Management Strategy outlined on Map #20 from the Comprehensive Plan.
- Watershed Overlays implement required watershed provisions
- Airport Overlay protects flight path of runways from obstructions
- Option for Corridor Overlay Districts that could be implemented via the Small Area Planning process.

Henderson County Land Development Code Article IV: Supplemental Regulations

- "Intensity of Use" (1-6) classification system determines site plan requirements for permit
- Classifications 1-2 are residential, higher numbers non-residential.
- General Use Table in Appendix 1 tells you what each type of land use is classified (same table as zoning) – and Checklists for each site plan are included in Appendix #4.
- Additional subparts include information for communication facilities, manufactured home parks, accessory uses, and Planned Districts. Checklists for each are in the Appendices.

Henderson County Land Development Code Article V: Subdivision Regulations



- Incorporates provisions from current subdivision ordinance
- Includes major, minor, nonstandard, and family subdivision options
- Conservation subdivision option
- Checklist for plat submittal in Appendix 5
- Improvement guarantee provisions (Subpart B), plat recordation requirements (Subpart C)

Henderson County Land Development Code Article VI: Adequate Public Facilities

- This article is not included in the draft and is reserved for a future date.
- Provides a mechanism to cost-share infrastructure expenses to accommodate new development
- Can include water, sewer, schools, parks, and other public amenities



Henderson County Land Development Code Article VII: Landscape Design Standards



- Landscaping can minimize conflicts with adjoining properties and enhance community appearance.
- Landscape standards vary and can be optionally increased to gain intensity of use bonuses.
- Graphics provided in Article and plant list is in Appendix 6.





Henderson County Land Development Code Article VIII: Access Management

- Focus on maintaining the safety, capacity, and efficiency of existing and future roads.
- Guidelines for distance between driveway cuts and their proximity to intersections.
- Does not apply in Rural Agriculture Overlay or for individual single family residences.



Henderson County Land Development Code Article IX: Sign Regulations



- Off-site (Subpart D) and On-site (Subpart C)
- Subpart A specifies prohibited signs
- Subpart B lists exempt signs
- Graphics to assist users with method for measuring sign face will be included
- Article currently under further review by Planning Board Subcommittee

Henderson County Land Development Code Article X: Natural Resources

- Subpart A is existing Flood Protection Ordinance – no substantive changes
- Subpart B is watershed ordinance - no substantive changes
- Additional subparts contain guidelines for soil and erosion control and stormwater provisions in applicable developments as well as Mountain Ridge Protection implementation as per Chapter 121 of the Henderson County Code.



Henderson County Land Development Code Article XI: Nonconformities

- Ensures lawfully permitted uses are allowed to continue indefinitely unless they are abandoned
- Future expansions must comply with new rules
- Allows replacement / rebuilding in the event of fire, natural disaster, etc.
- Uses abandoned for longer than six months must comply with new rules.
- Currently under staff review.

Henderson County Land Development Code

Article XII: Decision-making, Administrative, & Advisory Bodies

- Few changes from existing roles
- Subdivisions with less than 25 lots reviewed by staff
- Technical Review Committee instead of Planning Board
- Subdivisions 25+ lots still reviewed by Planning Board
- Currently under staff review

Article XIII: Review Process & Procedures

- Subpart A is general plan submittal information. Checklists for site plans and subdivisions are in Appendices 4 and 5
- Subpart B process for amending the CCP, LDC, and official zoning map
- Subpart C outlines permit process for towers, MHPs, signs, fill, watershed & zoning
- Includes vested rights info

Henderson County Land Development Code

Article XIV: Violation, Enforcement, and Appeals

- Enforced by the zoning Administrator (except subdivisions)
- Procedures for addressing violations and remedies
- Provides appeal mechanism to the Henderson County Board of Adjustment

Article XV: Legal Status

- Required "disclaimer" specifying that state and federal rules that are more strict will prevail
- If portion of ordinance is "struck down" then balance will still apply
- Repeals previous codes that conflict with LDC

Henderson County Land Development Code Appendices

- Appendix 1 – Permitted Use Table (zoning, intensity of use, section references)
- Appendix 2 – Communication facility Site Plan Submission Standards
- Appendix 3 – MHP Site Plan Submission Standards
- Appendix 4 – Site Plan Submission standards
- Appendix 5 – Preliminary and Final Plat Submission Standards
- Appendix 6 – Landscape Recommended Species List
- Appendix 7 – Access Management , Parking Space Numbers
- Appendix 8 – Quality Development Score Checklist
- Appendix 9 – Affordable Housing Equation
- Appendix 10 – Legislative Process Standards (Public Notice)
- Appendix 11 – Evidentiary Process Standards (Quasi-Judicial)

Henderson County Land Development Code Public Outreach Activities

- Planning Board Sub-committee meeting regularly
- LDC Presentations to over 20 groups throughout the County
- Three Public Information "Drop In" Sessions
 - 2/16 at Johnson Farm
 - 2/23 at Hendersonville Library
 - 3/1 at Justice Academy
- Draft LDC and info on County Website
- Taping "County Connections" 2/10



Henderson County Land Development Code What we need from you...



- Review your CCP.
- Read the LDC materials and let us know what kind of information you'd like to have.
- Establish at least two more work sessions (build out scenarios & applications, revisions)
- Feel free to talk with staff about your concerns – we want you to be comfortable with this.
- Set public hearings after we get community feedback and suggestions – we can make this better together.

QUESTIONS?



During the presentation, Ms. Francis noted the additional following points:

- A number of other jurisdictions were operating under Unified Development Ordinances (UDO). The counties operating under such ordinances were: Cleveland, Currituck, Nash and Wake. Brunswick, Catawba, and Orange counties were going through the process to adopt and operate under UDOs.
- With regards to density, the following was proposed per the Comprehensive County Plan
 - Urban Services Area – 2-16 dwelling units per acre
 - Rural Urban Transition Area – .5-2 acres per dwelling unit
 - Rural Agricultural Area – 1-5 acres per dwelling unit
- The current LDO had Zoning, Subdivision, Watershed, and Flood Plain Ordinances consolidated into one, but also had provisions for mobile home parks and cell towers.
- Article V: Subdivision Regulations – Road standards were an issue Staff continued to look at. They want to make sure that the roads are passable, but not overbuilt particularly in areas that the County would try to protect from extensive slope development.
- Article VIII: Access Management – This is an emerging issue for rural counties that are beginning to urbanize. This portion of the Code was drafted by a professional planning consulting firm that specializes in transportation issues. Parking standards were also in this Article, though there were mixed feelings about parking standards for both Staff and the Planning Board.
- Article XI: Nonconformities - Uses abandoned for longer than six months must comply with new rules. This was under staff review, as there was concern that six months was not long enough, and might be changed to one year.
- A subcommittee of the Planning Board had been formed to work on issues that required more discussion, such as density issues. The members of that subcommittee were: Tedd Pearce, Mike Cooper and Renee Kumor.
- The Planning Board had given Staff a directive to go back and look at 12 months of subdivisions that had already been done, and see what the results might have been using the LDO. Ms. Francis stated that directive was a hefty task, which she anticipated would take about three weeks.

Ms. Francis answered several questions from the Board. There was discussion about the best way to proceed from this point. Commissioner Baldwin suggested that the Board look at the models already being used in other jurisdictions. Commissioner McGrady felt that with the number of other groups that would be hearing this presentation, the Board should at this point just consider scheduling the next workshop while Staff continued the public education. Commissioner Messer felt it was crucial that the Board get some information from the counties operating under UDOs.

It was the consensus of the Board to schedule the next LDO workshop at their February 6th meeting.

Adjourn

Commissioner McGrady made the motion to adjourn the meeting. All voted in favor and the motion carried.

Attest:

Amy R. Brantley, Deputy Clerk to the Board

William L. Moyer, Chairman