

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

Meeting Date: December 18, 2008

Subject: Land Development Code Fall 2008 Text Amendments (TX-2008-05) – Text Amendments L & N

Attachments: 1. Land Development Fall 2008 Text Amendments L and N (TX-2008-05)

SUMMARY OF REQUEST:

It is anticipated that the Henderson County Land Development Code (LDC) and 2020 County Comprehensive Plan (CCP) will be reviewed each year and amended as needed. Since its adoption on September 19, 2007, the LDC has undergone two significant updates.

The Henderson County Planning Board reviewed the proposed fall 2008 text amendments to the Land Development Code (LDC) (TX-2008-05) at its meeting on November 20, 2008. The Board made recommendations on all of the proposed amendments with the exception of text amendments L and N (See Attachment 1). Text amendment L addresses the use of individual wells in major subdivisions located in the Rural Agricultural Area (RAA) and text amendment N proposes to prohibit the use of small accessory wastewater treatment plants in the R3 and R4 zoning districts. Staff will discuss each of these amendments in detail at the December meeting.

The Technical Review Committee (TRC) reviewed the proposed fall 2008 text amendments to the LDC (TX-2008-05) at its meeting on November 4, 2008 and voted unanimously (6-0) to send a favorable recommendation on all of the proposed text amendments including text amendments L and N.

It was anticipated that the Planning Board would review proposed amendment to the CCP at its December meeting. Due to the content of the amendments in relation to the community plans, the proposed CCP amendments will be presented at a later date in conjunction with the Etowah-Horse Shoe Communities Plan.

PLANNING BOARD ACTION REQUESTED:

Staff is requesting that the Planning Board review the attached proposed text amendments (text amendments L and N) and make a recommendation to the Board of Commissioners. The following motion has been provided if the Planning Board agrees with the proposed text amendments.

Suggested Motion:

I move that the Planning Board recommend that the Board of Commissioners approve proposed text amendments L and N to the Land Development Code (TX-2008-05).

Land Development Code Fall 2008 Text Amendments – TX-2008-05

LDC Text Amendment L:

Issue: To ensure that an adequate source of potable water is available before a subdivision is built in the RAA (Rural Agricultural Area), require major subdivisions to do one of the following: provide a public community well system where individual wells are not allowed, or provide proof that there is a sufficient water supply to support 60% of the proposed lots in the subdivision. This provision will encourage the use of community wells and will better address water quantity.

Recommendation for Text Amendment L and M: Modify §200A-81 (B) as follows.

§200A-81. Major Subdivisions

B. Water Supply System and Sewage Disposal System Required. Every *lot* within a *subdivision* shall be served by a *water supply system* and *sewage disposal system* that is adequate to accommodate the reasonable needs of the proposed *use* and comply with all applicable health regulations. The *applicant* must provide evidence that *water supply system* and/or *sewage disposal system* plans have received final approvals by the appropriate agency prior to final plat approval (except as noted in item B(1) below).

(1) Individual Water Supply and Sewer Systems (Well and Septic Tanks). For *subdivisions* in which the *water supply system* and/or *sewage disposal system* to be installed is an individual system for each *lot*, the installation of said systems will not be required prior to *final plat* approval.

Where a *subdivision* is located entirely or partially in those areas designated as Rural (RAA) in the *Comprehensive Plan*, the *applicant* shall adhere to one (1) of the following two (2) options:

- a. Provide a community well system (a type of *public water supply system*) that meets State standards for *public community water systems* (individual wells shall not be permitted in this situation). The location of each well and the waterlines shall be shown on the development plan. If the locations of the well(s) or waterlines change, the *applicant* shall submit a revised development plan. The distribution system (waterlines) is not required to be constructed and installed prior to beginning land disturbing/construction activity or any other improvements.
- b. The use of community wells is recommended, however, if individual wells are proposed, the *applicant* shall provide reasonable documentation demonstrating there is sufficient water supply to support 60 percent of the proposed *lots*. The location of each well shall be shown on the development plan.

The *applicant* shall provide documentation for either Option a or Option b prior to beginning any land disturbing/construction activity or any other improvements not associated with the installation of the well or wells.

LDC Text Amendment N:

Issue: Add a provision that small accessory wastewater treatment plants would not be permitted in the R3 and R4 zoning districts. The County Comprehensive Plan recommends that these types of uses should not be permitted in the RAA which is predominately made up of the R3 and R4 zoning districts.

Recommendation: Amend §200A-62 Table of Permitted and Special Uses.

§200A-62. Table of Permitted and Special Uses

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit											
	R1	R2	R2MH	R3	R4	OI	MU	LC	CC	RC	I	SR
3. ACCESSORY STRUCTURES												
<i>Wastewater Treatment Plant, Small Accessory</i>	P	P	P	P	P	P	P	P	P	P	P	3.15

Land Development Code Fall 2008 Text Amendments L and N (TX-2008-05)

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Water Supply & Sewer System Requirements & Impacts within the RAA (Rural Agricultural Area)

- The Rural Agricultural Area (RAA)
 - Will continue to experience development pressure
 - Far from water supply and sewer disposal systems
 - Not recommended to be serviced by public water supply and public sewer disposal systems
- LDC text amendment L address the RAA issues & concerns

LDC Text Amendment L (RAA Concern)

- Issue: Subdivisions are approved and road/other infrastructure is at a certain stage of completion when a developer determines adequate onsite potable water is unavailable

LDC Text Amendment L (RAA Concern)

- Recommendation: Ensure adequate potable water is available before a subdivision is built in the RAA.
 - Proposed New Standard for Major Subdivisions within the RAA (§200A-81(B)(1))
 - New major subs located in RAA must do one of the following:
 - Provide a community well system*
 - Provide proof of sufficient water supply to support at least 60% of lots with individual wells*
- *No other land disturbing/construction activity can begin until appropriate documentation is provided regarding the well(s)

LDC Text Amendment N

- Issue: Developers of subdivisions within the RAA utilize small accessory wastewater treatment plants in contradiction to CCP recommendations
- **Current Standards**
 - Small accessory wastewater treatment plants are permitted by right in all districts including R3 and R4 (primary districts applied within the RAA)

LDC Text Amendment N

- Recommendation: Add a provision that small accessory wastewater treatment plants would not be allowed in the R3 & R4 districts.
- **Proposed New Standards**
(Amend §200A-62 Table of Permitted and Special Uses)
 - Small accessory wastewater treatment plants permitted by right in all districts except R3 and R4 (due to their application within the RAA)



Planning Board Recommendation