

**SPECIAL CALLED MEETING
HENDERSON COUNTY PLANNING BOARD
MINUTES**

December 3, 2009

The Henderson County Planning Board met on December 3, 2009 for a Special Called meeting at 6:00 p.m. in the King Street Meeting Room located at 100 North King Street, Hendersonville, NC. Planning Board members present were Jonathan Parce, Chair, Tommy Laughter, Vice-Chair, Steve Dozier, Suprina Stepp, Mike Cooper, Gary Griffin, Renee Kumor and Rick Livingston. Others present included Anthony Starr, Planning Director; Autumn Radcliff, Senior Planner, Matt Cable, Planner, Marcus Jones, County Engineer, Natalie Berry, Erosion Control/Assistant County Engineer, Sarah Zambon, Deputy County Attorney, Mark Williams, Commissioner and liaison to the Planning Board and Kathleen Scanlan, Secretary. Stacy Rhodes was absent.

Overview and Discussion of a LDC Text Amendment (TX-2009-01) – Draft Stormwater Management Regulations. Mr. Starr stated that the Board of Commissioners directed Staff to develop the draft stormwater regulations to facilitate the County assuming responsibility to administer stormwater regulations for which already apply to Henderson County. He said because the Planning Board received the agenda item later than anticipated, it may want to wait until the December 17th regular meeting to make a recommendation to the Board of Commissioners. He added that this will still allow for a January presentation to the Board of Commissioners for their consideration before they get too far into the budget period.

He stated that the County is taking State rules (Division of Water Quality Model Stormwater Management Ordinance) and incorporating the language into the County's Land Development Code to create a County Stormwater Management Program. Mr. Starr said that a good reason for the County to do their own stormwater program is because once the County develops a countywide delegated stormwater management program similar to its delegated soil erosion and sedimentation control program it would allow the County to collect the associated permit revenues. Also, without a delegated program, the County might have to deal with four different agencies and this gives the opportunity to consolidate all of those into one agency.

Mr. Cable stated that the 2020 Comprehensive Plan recommends the County should identify and incorporate Stormwater Management standards and requirements into County land development ordinances. The Henderson County Strategic Plan lists objectives which support the development of

a delegated countywide stormwater program. He stated that the stormwater program delegation requires the County to adopt its own regulations consistent with the State rules and DWQ provides a model stormwater management ordinance which Staff incorporated in the Land Development Code for considerations a draft amendment. The stormwater management regulations, as proposed by Staff, do not result in new requirements or expense to a developer unless they intend to use the high-density option under the water supply water rules. Mr. Cable explained that the proposed amendments incorporate the high-density option, permitting increased built-upon area by implementing stormwater management techniques, which is provided by the State Model Stormwater Ordinance. Under this optional provision, maximum built-upon area varies by water supply watershed up to a 70% maximum built-upon area. Built-upon area includes impervious materials including buildings, asphalt, concrete and gravel. To incorporate the high-density option, Special Intensity Allocations and minimum lot size requirements are eliminated. He said Staff proposes replacing the minimum lot size requirements with average lot size standards because it is difficult for public and cumbersome for staff to calculate and track built-upon area for single-family residential lots/development and would provide consistency with existing base zoning district regulations. Mr. Cable provided an overview presentation of the Stormwater Management Program and examples of the various watersheds explaining the difference from their current regulations, using no Special Intensity Allocation and using the text amendment with the high-density option. Mr. Cable stated that a Water Quality Administrator would be appointed to administer the stormwater management and water supply watershed protection regulations and standards. Mr. Starr stated that Marcus Jones and Natalie Berry will be the ones to administer this ordinance. Mr. Starr stated that State law and the LDC require the Planning Board to review and provide a recommendation to the Board of Commissioners, although he said he was not looking for that at this meeting because of how recently the Board received the document.

Mr. Cable reviewed in detail, each of the Land Development Code Text Amendments that would be required to provide for the implementation of a countywide delegated stormwater management program. In summary, the LDC Text Amendments that are for consideration are as follows:

Amendment 1 – Incorporates minimal provisions of Model Stormwater Ordinances

Amendment 2 – Eliminates Special Intensity Allocation and Cluster Development Text and
Incorporates high density option

Amendment 3 & 4 – Incorporate minimum required provisions of Model Stormwater Ordinance with no
change from existing State Program
Incorporates minimum required provisions of Model Water Supply Watershed
Ordinance – High Density Option

Amendment 5 - Incorporates necessary permits for stormwater management permit and watershed

high-density development permit

Amendment 6, 7, & 8 - Incorporate necessary enforcement and legal provisions and definitions of terms

Amendment 9 - Updates references and cross-references and reflects *water quality administrator* and *water quality board* establishment to avoid multiple titles

Mr. Starr stated that, the only changes made from the State model to the County's proposed ordinance is to incorporate the high-density option, eliminate special intensity allocations (the supply of which is nearly exhausted for the WS-III) and eliminate minimum lot size requirements are eliminated. Mr. Starr stated that the County's motivation is to make it a simpler process and keep it at the same cost now, instead of the funds going to Raleigh; the fee will be kept within the County. Mr. Starr explained the process of the implementation, approval and adoption of the text amendments with the last step being the municipal approval of resolutions authorizing County administration. He mentioned that the Technical Review Committee plans to review and provide a recommendation on the text amendment to the Board of Commissioners at their meeting on December 15, 2009 as well.

After general discussion, it was a general consensus that the Planning Board wanted further time review the document and then come back at the regular Planning Board meeting of December 17th for any additional discussion and recommendation.

Adjournment There being no further business, the meeting was adjourned at 7:28 p.m. All members voted in favor.

Jonathan Parce, Chairman
Henderson County Planning Board

Kathleen Scanlan, Secretary