JOINT MEETING OF THE
HENDERSON COUNTY PLANNING BOARD &
EDNEYVILLE COMMUNITY PLAN ADVISORY COMMITTEE
DRAFT MINUTES
December 17, 2009

The Henderson County Planning Board and the Edneyville Community Plan Advisory Committee met on December 17, 2009 for a meeting at 5:30 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, Stacy Rhodes, 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, Sarah Zambon, Deputy County Attorney, Mark Williams, Commissioner and liaison to the Planning Board and Kathleen Scanlan, Secretary. Edneyville Community Plan Advisory Committee members present were Elizabeth Enloe, Fred Pittillo, Harvey Nix, III, and June Barnwell. (Planning Board members Gary Griffin is Chair of this Committee and Stacy Rhodes, who is also a committee member).

Chairman Parce called the meeting to order for the Planning Board and asked for the approval of November 19, 2009 regular meeting minutes and December 3, 2009 special called meeting minutes. Ms. Kumor, stated that the amended minutes which were distributed out to the Board members included our discussion regarding the Carriage Park lawsuit dealing with steep slopes. She added that she felt, since the minutes are public record, the minutes should reflect that our Board is aware of the concerns of this matter and the work the Board had done with regard to this matter. Renee Kumor made a motion to approve both sets of minutes (November 19, 2009 and December 3, 2009). Rick Livingston seconded the motion and all members voted in favor.

Rezoning Application # R-2009-03 – Request the County to rezone approximately 2 acres of an existing 4.5 Acre Tract from Residential One (R1) to a Regional commercial (RC) Zoning District – Timothy Hoffman, Applicant's Agent for William Hoffman, Owner – Presentation by Parker Sloan, Planner. Mr. Sloan stated that the applicant requests a rezoning from a Residential One (R1) to a Regional Commercial (RC) zoning district. The subject area is owned by William Hoffman and Mr. Timothy Hoffman is the applicant's agent. Mr. Sloan said that the subject area is adjacent to R1 zoning to the north and east and RC (Regional Commercial) is to the south and west of the subject area. He explained the zoning comparisons and stated that currently the subject area contains a fenced in RV storage area. The surrounding properties include an apple orchard to the south, other

agricultural uses to the southwest with some single-family residential homes, and an RV park is located to the north on property owned by the applicant. Where McMurray Road intersects with Upward Road, there are commercial uses including but not limited to Zaxby's, Waffle House, Mountain Inn and Suites, Bloomfield's Dish Barn. He said the nearest water line abuts the subject area along Ballenger Road and public sewer serves the subject area along Ballenger Road. Mr. Sloan stated that Staff's position at this time, supports the rezoning of the subject area to Regional Commercial which is consistent with the recommendation of the Henderson County 2020 Comprehensive Plan.

After a brief discussion period, Mike Cooper made a motion that the Planning Board forwards a recommendation to the Board of Commissioners to approve rezoning application # R-2009-03, to rezone the subject area from Residential One (R1) to a Regional Commercial (RC) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan. Renee Kumor seconded the motion and all members voted in favor.

Edneyville Community Draft Plan.

Presentation. Mr. Starr gave a brief introduction explaining how the Edneyville Community Advisory Committee was formed, the members that participated and the fact that they are responsible for developing and recommending a community-specific comprehensive plan for the Edneyville area. He stated that the Board of Commissioners appointed those representatives to the Committee and they also approved their charter, which outlined several areas that they were charged to address, which included natural and cultural resources, agriculture, housing, community facilities and public services, transportation, economic development, land use development, community character and design. He stated that after meeting many times over a year and a half, they held their first public input meeting at the beginning of their process to get input from residences in that area about what they would like to see in terms of the future and what their current concerns were and what positive attributes they saw about their community. The Committee completed the Draft Plan, which is being presented tonight by Gary Griffin, Chair of the Advisory committee. He said it is up to the Planning Board to make a recommendation on the Draft Plan to the Board of Commissioners and then the Committee will then present their Plan to the Board of Commissioners at a later date. The Planning Board, after the Plan's decision by the Board of Commissioners, will be responsible for the implementation of the Plan.

Mr. Starr presented Gary Griffin, who gave a PowerPoint presentation of the Draft Plan, emphasizing their key recommendations for each section of the Plan. Mr. Griffin said what interest him in particular, was the poverty level in Edneyville, especially the children in poverty and the fact that the

area has the lowest income in the County. He said, taken from the public input sessions, revealed that the citizens in the Edneyville area felt that one of the reasons why they liked Edneyville was because of the family-oriented community atmosphere, the natural beauty, including the farmland, ridges and mountains as well as the history of the community. He said they designated on the maps the cultural and historic sites which includes the cemeteries and older structures, which they feel should be preserved to keep the character of the community.

Mr. Griffin stated that the key goals and objectives for the community were summarized as follows:

- To protect the water quality
- Restore the impaired streams
- Consider implementing stream buffer incentives
- Adopt open space plan to keep it the rural character as it is presently
- Limit cutting of ridges and slopes and minimize development on designated steep slopes
- Create incentives for preservation of historic and cultural sites
- Preserve the agricultural/farmlands
- Promotion of tourism
- Consider establishing a farmland protection fund
- Support a State tax waiver deferment for agricultural land intended to remain in agriculture
- Promote development and regulations that are sensitive in the planning area
- Create an agricultural-tourism plan
- Establish a agricultural directional signage program
- Link local farms to schools

He said recommendations were made to reduce farmland loss, promote competitive development and expand agricultural markets. He said there has been much growth in the housing industry in the community. He stated that Edneyville has one-fourth of all the manufactured home park spaces in the County and most of the people who participated in the public input sessions felt that the community had more than their share of manufactured home parks and would like to prohibit any further development of manufactured home parks within the planning area. He added that the Committee wanted affordable housing spread throughout the County and its municipalities, not just limited to certain areas and request that the County develop an amortization schedule that would require existing manufactured home parks in Edneyville to meet certain standards. He said these standards, which would not apply to individual manufactured homes, but to parks, would include buffering, additional landscaping and paving existing unpaved roads.

Mr. Griffin said regarding services and facilities, the Committee said that Edneyville area has a need for a community center. He added that the Committee would like to see:

- Integration of the public schools, recreation, transportation and public transit planning
- The ability to use the schools and their facilities when they are not used by the school system.
- Construction of multi-purpose fields at the existing Edneyville Community Park.
- Expand the proposed greenway to connect all planning area parks and school facilities.
- Consider providing a satellite sheriff's office in Edneyville.
- Extending water and sewer in the areas identified by industrial, commercial and office/institutional use.

Mr. Griffin stated that regarding transportation, the area contains several bike routes and there is a public transit route that runs through the area. He stated that a North Carolina designated Scenic Highway which was named the "Black Mountain Rag" by the State is in the Edneyville area. NCDOT Comprehensive Transportation Plan includes two proposed projects in the Edneyville area for improvement – Fruitland Road and where US 64 East near where they intersect. The Committee felt that the following areas needed to be identified:

- Fruitland Road/US 64 East
- Pace Road/US 64 East
- South Mills Gap/US 64 East
- Gilliam Mountain Road/St. Paul's Road and US 64 East
- South Mills Gap Road/Terry's Gap Road/Fruitland Road/Old Clear Creek Road

He said the Committee felt that there should be safer automobile movement on Fruitland Road and US 64 East during school peak hours and

- Provide a traffic control officer.
- Request for a closed loop signal.
- Modify schools' entrances and exits.
- Improve facilities on the NCDOT designated bike routes.
- Promote tourism along the North Carolina scenic byways.
- Support public transportation expansions in the planning area.

Recommendations dealing with the economic development section are:

- Directing commercial and industrial growth to areas where there are facilities available.
- Supporting industrial development including recommending industrial zoning.
- Promoting clean, green industries.
- Supporting utility scale alternate energy development.

- Support of wind turbine energy sites.

Mr. Griffin mentioned that the majority of Edneyville is zoned residential and that 93% of the property in the area is in agriculture or residential use or vacant. Showing a recommended zoning map, the recommendations were:

- Expanding R-1 near North Henderson High School (Fruitland Road/US 64 East)
- Adding Industrial, Office Institutional, and Community Commercial Zoning.
- Expanding the Local Commercial Zoning.
- Not changing the boundaries between R2R and R-3.

Mr. Griffin showed on a recommended zoning and land use map the following:

- Showing the R-1 expansion and is applied to areas falling within the Comprehensive Plan's Urban Services Area.
- Recommend limiting future expansion of R-1 elsewhere in Edneyville except certain locations, which would be near North Henderson High School, which is closest to town.
- Existing Local Commercial zoning districts expansion and these expansions are along US 64 at Fruitland Road and Homeplace Drive.
- Identify appropriate areas for industrial development.
- Recommend that areas remain residential unless a change of industrial is requested by the property owners.
- Recommend reducing Local Commercial zoning along US 64 and expanding Local Commercial and Office and Institutional around Fruitland Bible Institute.
- Recommend expanding Local Commercial zoning at the Edneyville Inn Subdivision.
- Expanding existing Local Commercial zoning on US 64 near the Lancaster Road and Ida Rogers Drive intersection.
- Changing most of the Local Commercial zoning to Community Commercial and Community Commercial not be applied elsewhere in the community.

Mr. Griffin stated that the goals and objectives dealing with community character and design were:

- Promote development compatible with the rural character and natural setting of the Edneyville Planning Area.
- Adopt lighting regulations for non-residential uses in the Planning Area Overlay District.
- Screening for flat roofs.
- Screening for trash collection and mechanical equipment.
- Landscaping and screening of self-storage warehousing.
- Providing adequate parking lot lighting including full cut-off lighting fixture

- For larger development that are 15,000 sq. ft. and more, would be to prohibit from using unfinished block or plywood on the street-facing façade and require to include building articulation for building faces 50 feet and more in length.
- Outside the Overlay District recommendation, the Committee also recommends lighting regulations be developed for all nonresidential uses in Edneyville.

Because there was a quorum, Mr. Griffin called the meeting to order and asked for the approval of the November 10, 2009 Edneyville Community Plan Advisory Committee minutes. June Barnwell made a motion to approve the minutes and Fred Pittillo seconded the motion. All Committee members voted in favor.

Ms. Radcliff reviewed the possible map changes requested as follows:

- Leave parcels that are currently Local Commercial as Local Commercial on US 64 near Turf Mountain.
- Change O&I parcel on Fruitland Road to Local Commercial (currently R2R proposed for O & I in the Draft Plan).
- Add Local commercial along Gilliam Road where Industrial district is currently proposed by the Draft Plan.
- Add Local Commercial depth from US High 64 near Turf Mountain (currently proposed for Industrial by Draft Plan).
- Leave language on the map and in the Draft Plan that the Industrial zoning is recommended and would be zoned as such at some point in the future at the request of the property owners.

Planning Board members and Committee members discussed their reasoning for the proposed zoning changes to the Edneyville Draft Plan and Map. Mr. Starr added that the Plan and the zoning maps need to be consistent. June Barnwell made a motion to approve the proposed changes to amend the Edneyville Draft Plan to reflect the stated zoning changes. Fred Pittillo seconded the motion and all Committee members voted in favor.

<u>Discussion of Draft Plan – Henderson County Planning Board and Edneyville Community Advisory Committee.</u> Steve Dozier asked about a *main street area* for Edneyville. Mr. Griffin stated that unlike the Etowah plan, the Edneyville plan did not recommend this as the Committee felt it was not needed, but what the Edneyville Committee wanted to emphasize was the preservation of the nodes of commercial development. He added as far as a town center, the new Edneyville Community Center and to some extent North Henderson High School, serves as the central meeting place of the town but to develop density, the area has a need for sewer. Mr. Dozier was concerned about the emphasis on agriculture preservation. He supports agriculture but did not want to limit the ability of a farmer to

sell his property. He said that becomes the farmers' "401K plan" and he thinks it would be great if farmland could remain farmland, but the economics are always changing. Mr. Pittillo said farming is changing but agritourism and other marketing programs can improve farming operations. Mr. Livingston wanted to know why more property owners did not request commercial zoning along US 64 East. Ms. Enloe said you need more traffic to support commercial and felt that the people did not fully understand. Mr. Pittillo said farmers must find ways to pass the farming operation on to the next generation. Ms. Enloe stated that the Plan does not recommend restricting farmers from selling their land, if they wish to do so. Ms. Barnwell said that she felt the community had looked at Fairview and how some of those farms, which we associate with occasionally, the tax had gone to the point that people had to sell their land. They zoned it commercial and the tax went up. They were afraid, even though it was not used commercially, that if it is zoned commercial, then it will be a commercial tax. Mr. Laughter suggested that a community market would go well out in the community and possibly at the community center to attract people locally as well as out of the state trade. There was a general discussion of the manufactured homes in the Edneyville area and the location of the homes and the manufactured home parks and their comparison of other areas in the County. (Suprina Stepp left the meeting at this time).

Jonathan Parce opened public input.

Jerry David. Mr. David, who lives at 334 Benjamin Way (Sherman Estates), was concerned about the traffic on US 64 East during most times of the day, especially peak hours. He feels that a review of the level of service is needed before any development occurs in the Edneyville area because the traffic is impacted adversely by what is generated in the area.

David Weintraub. Mr. Weintraub commended the Committee members on all the environmental issues that were considered in the Plan. He is concerned with the discussion regarding bringing sewer in the area as he feels this would not bring rural character to the area. He added that the Comprehensive Plan specifically states to not bring large infrastructure to rural areas and Edneyville is the largest rural area in the County.

Tommy Laughter made a motion that the Planning Board recommend the Board of Commissioners approve and adopt the Draft Edneyville Community Plan. Renee Kumor seconded the motion and all members voted in favor.

Mr. Gary Griffin asked for adjournment of the Edneyville Community Advisory Committee.

Planning Board Discussion and Recommendation of the LDC Text Amendment (TX-2009-01) – Draft Stormwater Management Regulations – Planner Matt Cable. Ms. Kumor wanted clarification that these regulations are for the entire County and not just the watersheds. Mr. Parce stated that it is for the entire County. Mr. Starr clarified that the ordinance will mirror the State's, but gives Henderson

County local control over enforcement of stormwater violations. He recognized Natalie Berry and Marcus Jones who will be heading up the enforcement of this ordinance. Mr. Cable reviewed the two points that the Planning Board at their December 3, 2009 meeting had requested additional information on the proposed stormwater management regulations from Staff. He stated that Staff contacted the North Carolina Division of Environment and Natural Resources, Division of Water Quality, regarding the specifics of the model stormwater management ordinance in question. He said the following have been addressed:

1. Stormwater Management Permits for Single-Family Development – The language provided to clarify the requirement for stormwater permits for single family homes reads as follows: *Individual Stormwater Management Permits shall not be required for property within a larger development for which a Stormwater Management Permit has been issued; provided the applicant complies with the requirements of the larger development's stormwater management permit.* He added that no permit is required where the density is less than two dwelling units per acres or the built-upon area is less than 24%.

2. Annual Maintenance Inspection and Report – NCDENR requires an annual maintenance inspection and report for all of its permitted stormwater best management practices. The State suggests that an annual maintenance inspection and report will provide the best opportunity to identify poorly maintained and thus less-than effective stormwater best management practices. This is consistent with the provisions included in the ordinance.

Ms. Kumor questioned about the fee for the inspection. Mr. Jones stated that it will be based on what the State does. Ms. Kumor wanted to know how the working citizens will know what they are suppose to follow regarding these regulations. Mr. Starr stated that there is a practice manual and is what the State utilizes and goes into all of the particulars that a design professional would use when preparing the Plan. He added that the County's ordinance references the design manual of the State's, unless in the future the County decides to adopt their own manual.

Chairman Parce opened public input.

Richard Naylor - Mr. Naylor is concerned with the steep slopes regulations dealing with our region and the ordinance should reflect our local problems. He added that we need to be careful in managing the stormwater on steep slopes and limit development to about 25%.

Jerry David - Mr. David stated he wanted to see a stronger ordinance. He said one-inch of water represents water quality and that's the first flush. He added that the first flush is the worst. The proposed ordinance based on the State's ordinance does not do enough to protect the environment and was not designed for the unique conditions in the mountains. He feels that the only thing that should be addressed is the one-inch and that it should be required for all development, not just high-density or low-density.

David Weintraub - Mr. Weintraub said the Planning Staff should rework the ordinance and model the ordinance for the mountains as the regulations should be more restrictive. He stated that impervious surfaces starting at 4% begin to damage aquatic systems, once impervious it increases to 7 to 14% and serious degradation begins. He said that the Ordinance as it is written creates this huge hole, because it's something that categorizes low density, and then you can have as much as 24% impervious surfaces, which is devastating to our watershed. He said we depend on that for our water, our drinking water, fishing and recreation. He added that delegated authority comes with delegated responsibility and that responsibility includes delegated liability. He said if the County is going to follow the most minimum standards for soil and water, we will be on the hook, not Raleigh. As a result of stormwater issues in the mountains with loose regulations, it can be that the County will be liable. He said the developer is in a position that he is responsible for 24% of impervious surfaces on land, should the developer be responsible for creating a stormwater plan or should the County taxpayers pick up on that on the back end.

Mr. Cable responded to the concerns from public input and stated that as far as what we incorporated with the stormwater, Staff has specific direction to do what is the minimum required in terms of following the State. He said the County did not want to go above the standards or have any additional requirements. It is not something that is impossible for the future but in undertaking this Ordinance that was our direction for now and what we were charged to do. He said regarding the steep slope regulations and addressing water quality, it is not part of this model ordinance and was not what we were asked to do, but it could be addressed later. He said using the engineer's stormwater controls, which would be required, should account for those issues. Mr. Starr stated that he understands that if you go over one acre outside of the water supply watershed in disturbance, you will need to meet stormwater requirements and that will trigger the one-inch control requirement. He said areas inside the water supply watershed, depending on whether they are high density or low density, the watershed rules at present do not have to meet State stormwater rules. Ms. Kumor stated that her only issue is in our water supply watershed area where we get our drinking water, should we have a higher order of protection because in the long run it will cost us all more to treat our water if we haven't taken care of those issues. She added, who will be taking care of those issues.

Steve Dozier made a motion that the Planning Board recommend approval to the Board of Commissioners regarding the proposed text amendments to the Land Development Code as presented. Renee Kumor seconded the motion and all members voted in favor.

Staff Reports for Planning Board. Mr. Starr reminded Board members that on January 25, 2010, there will be two workshops on development design by Randal Arendt at Blue Ridge Community College

and later that evening a commercial design workshop will be held. They will be sponsored by the County, City of Hendersonville, Chamber of Commerce and Luther Smith. He asked that any Planning Board member that is interested in attending, to please contact the Planning Department to register.

Adjournment There being no further business, the meeting was adjourned at 7:40 p.m. All members voted in favor.

Jonathan Parce, Chairman
Henderson County Planning Board

Kathleen Scanlan, Secretary