

**DRAFT MINUTES  
OF THE  
HENDERSON COUNTY PLANNING BOARD  
April 15, 2010**

The Henderson County Planning Board met on April 15, 2010 for their regular scheduled 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; Suprina Stepp, Steve Dozier, and Mike Cooper. Others present included Anthony Starr, Planning Director; Autumn Radcliff, Senior Planner; Parker Sloan, Planner; Sarah Zambon, Deputy County Attorney and Kathleen Scanlan, Secretary. Board members Renee Kumor, Gary Griffin, Stacy Rhodes and Rick Livingston were absent.

Chairman Parce called the meeting to order of the Henderson County Planning Board. He asked for the approval of March 18, 2010 regular meeting minutes. Tommy Laughter made a motion to approve the minutes and Suprina Stepp seconded the motion. All members voted in favor.

Adjustment of Agenda. There were no adjustments to the agenda.

Combined Master and Development Plan – Meadows at Rivers Edge (File # 2010-M01) – 54 Lots Located on Approximately 76.29 Acres off Eade Road – Terry Baker of Associated Land Surveyors, Agent, on behalf of Eade Road Investments, LLC, Owner. Presentation by Parker Sloan, Planner. Mr. Sloan said that Terry Baker with Associated Land Surveyors, agent, on behalf of Eade Road Investments, LLC, owner, submitted a Combined Master and Development Plan and major subdivision application for the project. He noted that the applicant proposes a total of 54 lots, which is located on approximately 76.29 acres of land, 39.3 acres of which is proposed as open space located off Eade Road. The project is not located in a watershed; however, it is located within the floodplain. According to County records, the project site does not contain slopes in excess of 60 percent. It is located in the R2R (Residential Two Rural) Zoning District. The primary onsite access road for the project, Waters Edge Drive, was already constructed for an earlier development proposed for the property in 2007, which included more lots than what is presently proposed. In addition, 5 new roads are proposed to access the remaining property. Existing public waterlines are on site and are proposed to serve the project site along with individual septic systems.

Staff finds that the proposed Combined Master and Development Plan appears to meet the technical standards of the subdivision regulations of Chapter 200A, Henderson County Land Development Code (LDC) except for the comments listed:

1. **Soil Erosion and Sedimentation Control Plan.** The Applicant shall submit written notice from the appropriate local agencies verifying that an Erosion and Sedimentation Control Plan has been received or a written notice from a professional land surveyor, engineer, landscape architect, architect, or professional planner certifying that no plan is required.
2. **Public Utilities.** An extension for City of Hendersonville Water service was approved by the Board of Commissioners on December 13, 2007. City of Hendersonville water currently serves the project site along the existing Waters Edge Drive, as shown on the Master and Development Plan. The existing public waterline and proposed on site extensions are proposed to serve the project along with individual septic systems. According to the LDC, the applicant must provide evidence that the water supply plans have been approved by the appropriate agency. The development plan may be approved contingent on final approval from such agency; however, the final plat shall not be approved until all

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such final approvals have been obtained. Any subdivision served by a public water system shall meet the respective county or municipality's minimum requirements for fire hydrant installation.

3. **Fire Protection Requirements.** Any subdivision served by a public water system shall meet the County's standard of one (1) hydrant per 1000 feet of linear road distance. There is an existing fire hydrant within 200 feet located along Eade Road near the intersection with Springfield Meadow Drive. It appears the proposed fire hydrants shown on the Master and Development Plan meet County standards.
4. **Stub Roads and Future Connections.** The submitted Master and Development Plan show the end of Waters Edge Road having a 50 foot right-of-way and future connection. Any existing or proposed on site rights-of-way must be built and constructed to the Major Subdivision road standards of LDC §200A-81C. The proposed stub road must be constructed to the edge of the property line being developed to be considered a future connection. This connection point to the adjoining tract should be labeled as a "future road connection" on the master and development plan as well as the final plat
5. **Street Tree Requirements.** According to the street tree requirements the applicant must provide one tree per 50 linear feet of property abutting an internal road. Trees may be placed in groups with a minimum spacing of no less than 15 feet and a maximum spacing of no more than 65 feet. The trees must be placed within the right-of-way or within 20 feet of the edge of the right-of-way. The applicant may use existing trees in accordance with the Ordinance instead of planting new trees. These existing trees must also be located within the right-of-way or 20 feet of the edge of the right-of way. It appears that the applicant is proposing 153 new trees to satisfy the street tree requirements. All of the street trees shown are within the right-of-way. It appears the spacing requirements for the street trees will be met.  
  
Waters Edge Road would be required to be extended to the edge of the property line (see above comment #4). This addition would add approximately 170 additional feet of road frontage to the project and would thus require the addition of 3 more street trees for a total of 80 street trees required for Waters Edge Drive. All street trees must be properly planted and meet the spacing requirements or the applicant may post an improvement guarantee with the County before the final plat for the subdivision can be approved.
6. **Conservation Subdivision Standards.** The applicant is not proposing open space for the purposes of obtaining an Open Space Density Bonus. Of the approximate 76.29 acres within the project site, 51% (39.3 acres) is proposed as conservation area. This amount, more than meets the 25% conservation area requirement for the Conservation Subdivision Option in the Land Development Code and if all of the Conservation Subdivision Standards were met it would warrant a 20% housing density increase. §200A-86K (2) states that Opens Space shall be accessible to the largest possible number of lots within the development. To achieve this, the majority of lots should abut open space to provide residents with direct views and access. As shown on the submitted Master and Development Plan the number of lots connected to open space does not reach a majority.
7. **Permanent Protection of Open Space and Management of Open Space.** The applicant shall submit a management plan for all proposed open space. Requirements for the plan can be found in §200A-86G. Open Space proposed for a conservation subdivision shall be protected in perpetuity by a binding legal document that is recorded with the deed. The document shall be one of the following 3 options: Permanent Conservation Easement, Permanent Restrictive

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Covenant, or an equivalent legal tool that provides permanent protection. Proof of a recorded legal instrument as well as an Open Space Management Plan must be submitted to the Planning Department before the final plat for the subdivision can be approved.

8. **Shoulder Stabilization.** All areas disturbed by the construction of a private road, including cut and fill slopes, shoulders and ditch banks, shall be seeded to stabilize the soil and prevent erosion. Seeding should be done as soon as feasible after road construction.
9. **Subdivision Signs.** All major subdivisions may provide for, at the primary entrance, a community identification/subdivision sign to conform to the sign regulations of Article VII. Such signs should be located in dedicated sign easements, which must be shown on the final plat.
10. **Stream Setbacks.** All built-upon area shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters.
11. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the miscellaneous advisory provisions contained in the LDC.
12. **Final Plat Requirements.** The Final Plat(s) must meet the requirements provided by the Planning Department whenever a subdivision of land occurs.

Mr. Sloan said that the Technical Review Committee considered this subdivision application at its regularly called meeting on April 6, 2010. During that meeting, the Technical Review Committee voted unanimously to send forward a favorable recommendation on subdivision application #R-2010-01 subject to the applicant addressing any comments listed in the Staff Report. The Technical Review Committee offered the following additional comments:

- Staff Report Development Plan Comment 4 would need to be satisfied and shown on an updated Master and Development Plan prior to Final Plat approval. This condition could be satisfied with a temporary protective barricade at the end of Waters Edge Drive. A note on the Final Plat stating that Waters Edge Drive is a potential future connection to the neighboring property would also be required.
- An Erosion Control and Storm Water permit is required. The applicant should discuss obtaining the necessary permits with the County Engineering Department.
- A Floodplain Permit is required for any proposed development parcel that contains Floodplain.

Mr. Sloan said that Staff recommends approval of the Master Plan and Development Plan subject to the developer addressing any issues raised by the Planning Board and addressing the comments listed in the Staff Report, including those comments and conditions recommended by the Technical Review Committee.

Chairman Parce opened public input.

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Florence Matteson. Ms. Matteson's main concern with the result of the proposed development will be more urban sprawl. She would like to see more open green space instead of more development. She said the road conditions are poor and could not support this development with the traffic. She mentioned that some of the lots will flood, which will be a concern.

Kenneth Workman. Mr. Workman's concerns were with the traffic on Eade Road, which is a dead-end road; the contamination of the ground water with the proposed number of septic tanks proposed and concerns with being able to get emergency vehicles on Eade Road.

Mr. Baker responded to the concerns made and said that he has been a resident of Etowah all of his life and a member of the Etowah Fire Department for many years. He said that this development came before the Technical Review Committee, which the Fire Marshal reviewed and approved the standards of the water system and the Etowah Fire Chief had reviewed the subdivision and found everything ok as well. He said in addition, NCDOT has put their seal of approval on it regarding the road and the City of Hendersonville also has approved the water system. He said as far as erosion control, it has been followed up and a permit is in the process but not finalized until we receive approval by the Planning Board. He said with regard to the number of septic tanks, each one will need to be permitted and addressed individually with soil testing by Environmental Health. He said even though the owner is asking for 54 lots, it is possible that Environmental Health might only be able to approve a lesser amount, as some might not be viable for a septic system and therefore lots will need to be reconfigured. He added that there are no lots in the flood areas and that there is about 39 acres of open space proposed. He said due to the economy, the owners needed to reduce the amount and size of the lots and make it more affordable for selling.

Mike Cooper made a motion that the Planning Board find and conclude that the Master Plan and Development Plan appear to comply with the subdivision provisions of Chapter 200A, Henderson County Land Development Code (LDC); and further moves that the Master Plan and Development Plan be approved subject to the following conditions: the applicant satisfies any conditions from the comments listed in the Staff Report, and conditions recommended by the Technical Review Committee. Suprina Stepp seconded the motion and all members voted in favor.

Continued Discussion regarding the Etowah and Horse Shoe Communities Plan Implementation – Open Space Plan – Presentation by Parker Sloan. Mr. Sloan stated that based on the March Planning Board meeting responses and comments made regarding open space, Staff has provided a draft map showing a proposed open space network along with greenways and sidewalks. Mr. Sloan presented a PowerPoint presentation describing the open space priorities and the priority conservation areas. He said at the last meeting the Board gave preferences to conservation areas and listed them as follows:

Floodway and 100 year Floodplain  
Steep Slopes  
Public Parks  
Natural Heritage Areas (swamps & bogs)  
Potential Greenways  
Protected Mountain Ridges  
Existing Conservation Easements  
Important area viewsheds and undeveloped land that connects additional open space

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Mr. Sloan described how the map was formulated which includes steep slopes of 40% and greater, protected mountain ridges, floodway and 100-year floodplain, conservation easements and natural heritage areas. The Board had asked Staff at the last meeting for more information on natural heritage areas. Mr. Sloan stated that based on Staffs' research, the natural heritage areas are identified by the North Carolina Natural Heritage Program as being important for conservation of North Carolina biodiversity. He said Natural Heritage Areas contain high-quality or rare natural communities, rare species, or special animal habitats. In the Etowah and Horse Shoe Planning Area there are four bogs or wetlands identified as significant Natural Heritage areas. They are the Franklin Bog, McClures Bog, Costa Bog and Etowah Swamp. He said the last element of open space identified was important undeveloped mountain land and its associated viewsheds.

Mr. Sloan said that the greenway system as proposed by the Apple Country Greenway Commission is identified on the map. The Etowah-Horse Shoe (EHS) Plan specifically recommended consideration of establishing a rail trail in between Brevard and Hendersonville which was also identified by the Apple Country Greenway Commission.

Mr. Sloan said that the EHS Plan requests adding pedestrian friendly measures in core areas within the EHS community. He said after considering the feedback from the Planning Board, Staff has mapped out a possible sidewalk network with an approximately 19,000 LF of sidewalk. He showed a modified Etowah sidewalk map showing a possible long term sidewalk plan and rail trail. He said the total LF in Etowah is now approximately 16,400 LF of sidewalk and 2,600 LF in Horse Shoe.

Mr. Sloan reviewed a list of possible development regulation ideas or incentives:

- Creation of a Transfer of Development rights program as a tool to help protect farmland
- Possible ridge top development regulations
- Support existing water quality protection programs or consider new restoration programs for riparian zones along certain major streams
- Consider stricter development regulations within a possible open space network

Other incentives or Ideas:

- Consider tax incentives or tax reductions
- Encourage the County to promote agricultural tourism
- Continue to promote conserving land through the usage of land trusts and conservation easements
- Encourage agriculture and commercial recreation opportunities

Planning Board members discussed their concerns with the percentage figure for steep slopes. The Board felt that the community plans should be consistent and unified with other County documents in terms of steep slope figures. Mr. Dozier gave a presentation on steep slopes based on ideas by the Hendersonville Home Builders Association, Hendersonville Board of Realtors and the Hendersonville Chamber of Commerce and made up from 2,100 members in education levels of various diverse fields. He explained that it is more than numbers that impacts steep slopes. He explained the degree of angle versus

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steep slope and showed examples. He mentioned and showed examples of what percentage of land is affected by the percentage of slope. He explained the many factors and issues that have been and continue to be studied regarding steep slopes:

- What is the total effect of the lot
- Does having a different slope definition of various points around the County really make sense

He said careful studies, processes, safe, secure and sound engineering practices and certain criteria is how you define steep slopes.

Chairman Parce opened public input.

Matthew Sorrells. Mr. Sorrells is a student at UNCA and resident of Laurel Park. He was interested in the elevation of the 60% and greater areas of slope so it could be used for some incentives, in terms of alternative energy.

Mr. Starr said that there are elevation maps and other data that the Planning Department has on hand. He further said that the calculation of steep slopes is not necessarily based on elevation and there are jurisdictions that have limited steep slopes development based on a certain elevation. He added that the Planning Department has maps that were done by Appalachian State University showing wind potential areas. Mr. Ken Allison, Chairman of the Etowah-Horse Shoe Communities Committee explained that the Committee members felt that open space means conservative, responsible development. He said because the Planning Board is not charged only with the Etowah-Horse Communities regulations in open space and steep slopes, but all the communities that make up the County. He said because of that, the decision needs to be customized countywide and not so confusing that it can't be implemented. After further discussion on steep slope and open space definition, Board members decided that the terminology for open space should be referred to as *priority conservation area* and dealing with the issue of steep slopes, to remove all 40% slope indications.

Chairman Parce discussed the greenways, which he feels are good for the Etowah-Horse Shoe community and a priority for him. He also knows that the main problems dealing with having greenways are legal issues with the railroad, Army corp. of Engineers, and property owners that lie near the railroad, in addition to the funding to establish them.

Chairman Parce asked that the Board to continue their discussion about the strategies for preserving and creating priority conservation areas (open space) at the May's Planning Board meeting and for Staff to bring back and include the discussed changes. He also added that he felt the Board members in general, are comfortable with the draft map presented without using the terms regarding the issue of the slopes.

Staff Reports. Mr. Starr stated that the Board of Commissioners held the public hearing on Stormwater Regulations on March 30<sup>th</sup>. The public input persons spoke on advocating a better understanding on what the State regulations currently allow and also wanted engineered stormwater controls for any project that an acre or more is disturbed regardless of the density or the

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impervious surface for that project. He said that the Board of Commissioners has asked Staff to give them a review of what some of the other area jurisdictions are doing. He said Staff is compiling that information for the Commissioners and will have that back to them as soon as we receive all the information needed. He mentioned that an overview was given to the Commissioners regarding the Edneyville Community draft plan and they have scheduled a workshop for May 11<sup>th</sup> at 7 p.m. to review and discuss it more in detail. He said the Board of Commissioners and the different municipalities of the County updated their road project priorities for the preliminary list of the projects in Henderson County for inclusion in the 2010 Long Range Transportation Plan. He said the Henderson County TAC met and discuss and ranked the top five priorities before the TAC and TCC MPO members met on April 11. He said the top five priority list that the group agreed on were (not in any order) I-26 (US 25 to NC 280) – widen to six lanes with median; Howard Gap Road (US 25 to Upward Rd.) – improve two-lane section; Balfour Parkway (NC 191 to US 64) – construct 4-lane expressway; 191(NC 280 to US 25) – widen four lanes with median, intersection improvements and 3-lane from Mountain Road; and Erkwood Drive (Kanuga Rd. to US 225) – align with Shepherd, add turn lanes, and widen shoulder.

Adjournment There being no further business, the meeting was adjourned at 7:32 p.m. All members voted in favor.

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Jonathan Parce, Chairman  
Henderson County Planning Board

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Kathleen Scanlan, Secretary