

**DRAFT MINUTES
OF THE
HENDERSON COUNTY PLANNING BOARD
May 20, 2010**

The Henderson County Planning Board met on May 20, 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; Mike Cooper, Marilyn Gordon, Stacy Rhodes and Rick Livingston. 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 Suprina Stepp, Steve Dozier, Wayne Garren were absent.

Chairman Parce called the meeting to order and welcomed Marilyn Gordon to the Planning Board. Chairman Parce asked for the approval of the April 15, 2010 minutes. Mike Cooper made a motion to approve the minutes and Rick Livingston seconded the motion. All members voted in favor.

Adjustments to the Agenda. There were no adjustments.

Continued Discussion Regarding the Etowah and Horse Shoe Communities Plan Implementation – Priority Conservation Area – Presentation by Parker Sloan, Planner. Mr. Sloan showed a map and explained how the Priority Conservation areas were created. He also reviewed the current county slope regulations that state the maximum residential density for portions of a tract with a slope 60% or greater (where such slope areas of the tract account for 10% or more of the tract) shall be ½ the eligible density. Mr. Sloan noted that the soil erosion and sedimentation control regulations of the LDC requires an erosion control plan for any land disturbing activity that uncovers 1 or more acres, that uncovers ½ acre or more with an average slope of 16% - 25%, or uncovers ¼ acre or more with an average slope of 25% or more. He noted that a permit is required where no erosion control plan is required and the land disturbing activity disturbs more than 100 square feet.

Mr. Sloan stated that the following possible regulation options and ideas have been identified as possible regulation changes and each one was not necessarily thoroughly investigated. Planning Staff compiled this info at the request of the Planning Board at a previous meeting. Planning Staff is not recommending any or all of these specific options. That Planning Staff wanted to inform the Board of a number of options and possibilities. Further asking the Board to give Staff any guidance they saw fit with regard to any of these recommendations and that Staff could conduct further research on any option that the Board would like.

He reviewed what the Land of Sky recommended for Mountain Ridge and Steep Slope Protection Strategies as follows:

- Geotechnical analysis should be required for proposed developments on slopes greater than 40% or in landslide hazard areas as a minimum standard.
- When measuring slope for a parcel, the focus should be on the area that will be disturbed, rather than the average slope across the entire parcel.
- In steep slope areas, impervious surfaces within the development tract should be limited to no more than 10% of the total project area and designers should avoid placing impervious areas on steep portions of the tract.

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- At least 50% percent of the entire steep slope development tract should be preserved as forestland; areas within individual parcels and streamside protection areas can be included in this percentage.
- In steep slope areas, Streamside Protection Areas should be established on all perennial streams, intermittent streams and wetlands. Protection Area width should be based on the slope of the adjacent land.

With regard to these recommendations, Board members discussed their views. Chairman Parce stated that he had sent a letter to the Board of Commissioners asking whether they wanted the Planning Board to examine steep slope regulations , but there hasn't been a response as of yet. He also added that at the last Planning Board meeting the Board discussed the difference between percentage of slope and degree of slope. Mr. Cooper said that most people's misconception is that 60% is more than a 45 degree angle, but 45 degrees is a 100% slope. He said percent and degree is two different things. He said it all depends on the makeup of the slope that is being built on and the type of soils. Chairman Parce said that we should be looking at the County as a whole. Chairman Parce stated that before the Planning Board recommends anything regarding slope issues, even for the Priority Conservation Areas, he feels we should first hear from the Commissioners, so we can have a uniform standard across the County. Mr. Livingston suggested showing examples of various percentage slopes. Mr. Starr mentioned that Staff will get together examples to show Board members.

Mr. Sloan stated that based on the response and comments of the Planning Board, Staff identified possible regulation options, incentives and other ideas that could potentially help preserve open space in the Etowah-Horse Shoe community. He reviewed and explained each of the following:

1. Reduce required curve radii to limit cutting and clearing
2. Based on slope conditions, regulate building width, building orientation and/or roof orientation.
3. Increase built-upon areas setback for streams (possibly select specific streams).
4. Ridge Top building height limitations (example: height limit for structures below the highest ridge/nearest ridge, and/or over x elevation).
5. For slopes greater than X% or X elevation and certain viewsheds, limit construction to building envelopes of less than 5,000 square feet per home (don't apply this to infrastructure like roads in subdivisions).
6. Where major development projects contain any portion of a planned greenway, require trail construction (may be credited to any other trail/sidewalk requirement).
7. Prohibit fill in the 100 year floodplain.
8. Reduce zoning density calculation by district or by test amendment for floodplain areas.
9. Only allow non-residential development in the floodplain (do not allow platting of residential lots in the floodplain).
10. Major subdivision dedicate x percent of Priority Conservation Areas (PCA) as permanent open space.
11. Transfer of Development Rights legislation for Henderson County (local bill with General Assembly required).
12. Color limitations for construction in viewsheds.

Incentives:

1. Consider regulations or tax incentives that encourage large land owners not to sell their land (may require changes in state law for present use value program).

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2. Promote cultural, “eco” and agricultural tourism.
3. Preserve or conserve lands using land trusts and conservation easements (Land Acquisition by CMLC and other groups).
4. Land acquisition for conservation purposes.

After some discussion among Board members, they generally felt that these regulations should be implemented County-wide rather than community by community and the direction be from the Board of Commissioners on how it should be regulated. Mr. Starr felt that before some regulations are put into place, the Board may want to wait until more area plans are in place. Chairman Parce added that the three most important elements that have been presented to this Board are regulations, incentives and promotions.

Public Input.

Mr. Larry Rogers stated that he felt that the suggested regulations and incentives discussed were more ways to control private properties. He added that we should be helping the property owners rather than controlling them. He said that these discussions related to Etowah-Horse Shoe and felt that the representative of that community should have been present for the meeting.

Chairman Parce said that this Board was wanting input from Staff as to what might be done in this community, but this doesn't mean that we are going to regulate the items discussed. He added that there were other items of interest such as tax incentives and promotions that are important that were discussed and proposed. He also said that he feels this Board is not for putting regulations in place everywhere to take away people's opportunities. Mr. Starr added that most of the discussion was concerning voluntary opportunities. He said that even though the County could designate some areas as *Priority Conservation Areas*, that doesn't mean prohibiting development in these areas. It could result in different expectations or opportunities for such areas. Ms. Gordon said that this is a process for this Board in finding out what is out there and seeing whether it is right for the area or going back to what they have in the area already with some refinements. She said that we need to go through each community, but need to look at it on a County-wide basis. Chairman Parce stated that this Board is in the early stages of discussing all the possibilities of what is best for the community and when the time comes for the representatives of the community to be here, we then will be able to discuss the suggestions we have made to them and come up with some decisions.

Introduction to Access Management Presentation – Presentation by Hope Bleecker, Transportation Planner. Ms. Bleecker gave a PowerPoint presentation on access management because it had been brought up at the Etowah-Horse Shoe Committee meetings. She explained that NCDOT administers the Policy on Street and Driveway Access to North Carolina Highways, which specifies traffic access management controls for new development and in cases where property is redeveloped. The County applies land use controls in some areas of the Land Development Code (LDC), which specify a more stringent review threshold than the NCDOT policy. Staff intends to review county-wide accident data along with the LDC to determine if any local policy changes, such as a County access management standards, might complement other efforts by NCDOT to further enhance traffic safety and efficiency. The presentation was for informational purposes only and included examples of

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driveway design, corner clearance, two-way left turn lanes, and raised medians, along with benefits and other issues associated with access management.

Staff Reports. Mr. Starr informed the Board members that on May 11, 2010, the Edneyville Community Plan was adopted by the Board of Commissioners and on May 20, 2010, they also adopted the Stormwater Regulations, which will become effective on September 1, 2010. The new County Stormwater regulations are the same as the current State standards. Mr. Starr introduced the intern for the Planning Department, Patrick Rust, and mentioned the projects that he will be working on for the department.

Adjournment There being no further business, the meeting was adjourned at 7:25 p.m. All members voted in favor.

Jonathan Parce, Chairman
Henderson County Planning Board

Kathleen Scanlan, Secretary