

**HENDERSON COUNTY
PLANNING BOARD MINUTES
January 15, 2009**

The Henderson County Planning Board met on January 15, 2009 for its regular called meeting, at 5:30 p.m. in the King Street Meeting Room at 100 N. King Street, Hendersonville, NC. Board members present were Tedd Pearce, Chair, Renee Kumor, Tommy Laughter, Steve Dozier, Suprina Stepp, Mike Cooper, Suprina Stepp and Stacy Rhodes. Others present included Anthony Starr, Planning Director; Autumn Radcliff, Senior Planner, Sarah Zambon, Associate County Attorney; Mark Williams, Commissioner and liaison to the Planning Board, and Kathleen Scanlan, Secretary. Board member Jonathan Parce was absent.

Chairman Pearce called the meeting to order and asked for the approval of the December 18, 2008 meeting minutes. Renee Kumor made a motion to approve the minutes and Mike Cooper seconded the motion. All members voted in favor.

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

Staff Reports. Mr. Starr informed Board members that a copy of the draft Etowah-Horse Shoe Community Plan has been given to each Board member and Committee members so that they can review it before the scheduled joint meeting in February in which a presentation will be given and after that, Planning Board members will be given the opportunity to make a recommendation on this Plan.

OLD BUSINESS:

Land Development Code Fall 2008 Text Amendments L, N, and X (TX-2008-05). Ms. Radcliff mentioned that at the November 20, 2008 Planning Board meeting the Board made recommendations on all of the proposed amendments to the LDC with the exception of text amendments L and N. Text amendment L addresses the use of individual wells in major subdivisions located in the Rural Agricultural Area (RAA) and text amendment N proposed to prohibit the use of small accessory wastewater treatment plans in the R3 and R4 zoning districts. At the December 18, 2008 Planning Board meeting, the Board briefly discussed proposed text amendments L and N and the possibility of adding an additional text amendment (Amendment X) to require wells and septic systems to be installed prior to the issuance of a building permit. She stated that the Planning Board had asked Staff to research this issue and decided to table its discussion on Text Amendments L and N and a potential text amendment X until January's meeting. Ms. Radcliff said that Text Amendments L and N both deal with water supply and sewer system requirements and impact in the Rural Agricultural Area (RAA). She added that the RAA is going to continue to experience development pressures and is not recommended to be serviced by public water supply and public sewer disposal systems. Text Amendment L deals with subdivisions that have been approved and road and other infrastructure construction is at some stage of completion when the developer determines that adequate on-site water is unavailable. Text Amendment L would insure that there is adequate water available before the subdivision is built and before any infrastructure has been put into place. The proposed amendment would require that major subdivisions located within the Rural Agricultural Area (RAA) would have to do one of two things: they would either have to provide for community well system or they would have to provide proof that there is sufficient water to support at least 60% of the lots. This would mean that they would have to drill 60% of the wells and provide information about those wells including gallons per minute rates and the well depth. She stated that it would help ensure there is a sufficient water supply to support at least 60% of the proposed lots in the subdivision. She also stated that this would encourage the use of community wells and will better address water quantity.

Mike Cooper said he understood that this concern came from another advisory board and not the Commissioners. It was not questioned by this Board to take up. In his opinion, this issue should go to the Commissioners first so that the Commissioners should decide if they want to take up these issues and provide direction to the Planning Board. Mr. Cooper feels that these requirements are far too stringent, cost too much and would stop development if you have to drill wells, especially if it is a large subdivision and 60% of the lots are required to be drilled the cost would be astronomical. He added that on one hand you don't want public water but on the other you want community well systems. He feels that community wells are the same as public water systems and makes no sense. He feels that this would put an undue burden on the developer. Mr. Cooper made a motion that he would recommend not going forward with these amendments unless the Commissioners send it back to the Planning Board and say that it is something they want to take up, because it has not been an issue of the Planning Board. Chairman Pearce agreed that it has not been an issue of the Planning Board, but many times we have approved subdivisions that we questioned whether they would be able to get water such as the Bearwallow Mountain and Cobblestone Village developments.

Ms. Kumor stated she felt that the Planning Board was taking the initiative to protect the buyers to make sure that we are not giving someone a license to exploit purchasers. She stated that the developers who are developing responsibly have already considered all these things and have a sense about these issues. She said that the Planning Board's purpose is to be a representative to the elective body and that the Board should be looking at protecting the citizens. Ms. Kumor added, "That all this regulation would do is to cull the herd and take the incompetent and corrupt out of the picture."

Mike Cooper brought back his motion on the table and Steve Dozier seconded the motion. Ms. Kumor said she feels that the Planning Board is not acting as an advisory board to the Commissioners and feels that the opinion that has been expressed does not reflect our responsibility to the general public. Stacy Rhodes stated that there are a lot of things that need to be met before you can drill the wells and added that the health department now tells the owner where the well can go anyway.

Chairman Pearce said that he does not feel that the County has a problem with corrupt developers and feels that the majority of the developers go into a project with knowledgeable and experienced people who study the project site. He feels that although we might not be in favor of Text Amendments L and N, the Board should reconsider Text Amendment X. He feels the Board should consider the concept of requiring a well and septic system installed prior to the issuance of a building permit and that this was looking at a methodology for setting up a way to make the rules equal for everybody. He feels that there is an advantage for the County to look at encouraging developers to install centralized water and wastewater treatment plants. He suggested a density bonus for a developer who wants to install a central system as an incentive. He feels by giving an incentive to the developer, this would promote clustering because not as much land would be disturbed and therefore more open space would be provided with less erosion control problems. He concluded by agreeing with not recommending the Text Amendments of L and N, but to consider Text Amendment X.

Chairman Pearce asked for the vote on the motion. Tommy Laughter, Suprina Stepp, Gary Griffin, Mike Cooper, Steve Dozier, Stacy Rhodes and Tedd Pearce voted in favor of the motion. Renee Kumor voted against the motion. The motion carried 7 to 1. Chairman Pearce added that the Planning Board needs to get clear direction from the Board of Commissioners on water and wastewater treatment plants in rural areas of the County. He feels that the public is looking for a resolution to the issue and thinks a clear plan is needed.

Public Input.

Angela Fernandini. Ms. Fernandini is a member of the Environmental Advisory Committee who developed the proposed rules which were drafted to help maintain the rural character of the County. She felt that the Board should have recommended the Amendments but felt they should be extended to cover the RTA (Rural Transitional Areas), not just the Rural Agricultural Areas. She stated that there are rural areas of the County that should be protected.

Richard Freudenberger. Mr. Freudenberger feels that the water issues of this County are serious because of the amount of people coming into the County and the past ways we have taken care of the water issues. If these ways continue, the County will have a crisis on their hands regarding our drinking water in the future. He feels that these amendments should be looked at more seriously now and not later and that the Board should seek a qualified person in water, hydrology and a science background to get some information on water issues so that the Planning Board can make some decent decisions.

Adjournment There being no further business, the meeting adjourned at 6:15 p.m. All members voted in favor.

Tedd Pearce, Chairman

Kathleen Scanlan, Secretary