

**PLANNING BOARD LDC
SUBCOMMITTEE MEETING MINUTES
February 17, 2006**

The Planning Board LDC Subcommittee met on February 17, 2006 for their meeting at 2:00 p.m. in the Board Room of the Land Development Building at 101 East Allen Street, Hendersonville, NC. Subcommittee members present were Tedd Pearce, Chairman, Renee Kumor and Mike Cooper. Others present included Judy Francis, Planning Director; Matt Card, Planner; Anthony Prinz, Planner; Matt Cable, Planner, Autumn Radcliff, Planner; Kathleen Scanlan, Secretary; Steve Dozier, President of the Henderson County Board of Realtors and Board member Mark Williams.

Chairman Pearce called the meeting to order.

Update on Comments Received, Draft Status, New Info Handouts.

Ms. Francis gave some updates on comments that have been received. She mentioned that Matt Cable has been keeping a running spreadsheet of proposed changes on comments that have been received. Mr. Cable said that the comments are from a variety of sources – Subcommittee, Staff, different boards, agencies, committees and individuals that have been in contact. Ms. Francis said that we are tracking the comments that we have received including those from the drop-in session at Johnson Farm. She added that one of the comments she received was a criticism dealing with no knowledge of what specific sections of the Code we are currently reviewing and commenting on. She explained that on the website, we have a new copy of the Code and anything highlighted in red, is the information currently under discussion, so hopefully this will settle any confusion the public might have as to what is presently being discussed and reviewed. Chairman Pearce asked, "Why are we using the term Open Use Districts in the Code?" Ms. Francis stated one of Staff's comments is that the Open Use Districts was going to be called Rural, but it is confusing people, so we propose to call it "open use." After much discussion, Chairman Pearce agreed that we would need to change the name of the Rural Use district.

Revision of the tables and Article III. Ms. Francis said the density numbers have not been changed, just the format. Mr. Cable said that Staff tried to eliminate as much of the footnotes and condense the tables as much as possible. (This involved pages 48 – 51). Subcommittee members felt that it was a much cleaner and less intimidating approach.

Chairman Pearce requested that Staff send all of the submittals that Subcommittee members have received and note whether the Subcommittee agreed or not on each to Commissioner McGrady. Ms. Kumor added that if Commissioner McGrady sees something that he knows the Commissioners have been discussing or was concerned about, he is in the position to mention that the Subcommittee is looking at that item and let them know where the Subcommittee is going with this matter.

Ms. Francis informed the Committee that she received a letter from the Board of Realtors. The letter expressed concern that enough time be given to review the Land Development Code, especially with regard to the following: density issues, slope issues, affordable housing issues, devalued land value issues, impact on economic issues, ease of use and understanding and additional issues including sign standards, buffering and affordable housing. Ms. Francis said that she has been talking with Steve Dozier,

President of the Hendersonville Board of Realtors and looking at different data sets regarding density and lot size. She said he was looking at sales data and Staff was looking at lot creation data. Ms. Francis explained that current conditions are in the County, do not necessarily reflect where we want to be, we are just trying to get an accurate picture of where we are now. Ms. Kumor wanted an explanation of the different data between Staff and Mr. Dozier's figures and the reason for it. Ms. Francis said that Staff compiled data on subdivisions that have gone through the department and that the Planning Board had approved some Minor Subdivisions and the size of lots that have been approved based on the ones that have come through the Planning Department. She said that Staff found that the average lot size was just over one acre. She mentioned that Mr. Dozier has been giving us data from the MLS, collected over the last several years, which shows an average lot size around .48 of an acre and it presently has raised to .68 of an acre. Ms. Kumor said that the figures are everything that is in the County, but how do you limit the municipalities, which are areas that have sewer and lot sizes. Chairman Pearce said he feels that if we could define what has happened in each of our three mapped districts, we would probably have a better concept of analyzing the data. After some further discussion, Ms. Francis added that Mr. Dozier plans on sending sales information and pull the data of what is in Hendersonville and the individual municipalities, which should be helpful.

Ms. Francis indicated that she would have to discuss the data capabilities with Mr. Dozier before Staff could determine their ability to derive from the data those pieces of information the Planning Board is requesting.

Ms. Francis distributed information sheets that Planning Board members requested showing the difference between this ordinance contents and the current ordinance content.

Review Draft Map Revisions. Ms. Francis reviewed the revised maps and showed the revisions to the committee members reflecting recommended changes. She mentioned that some of the changes that were endorsed by committee members included sewer infrastructure and all of the service criteria. She added that what you see is a reduced Urban Area and expansion of the Transition Area. Mr. Prinz said that Staff tried to focus on our Urban Areas and portions of the County where we are expecting urban-types of growth. Mr. Pearce asked whether that was determined by having sewer and water? Mr. Prinz said it didn't have to have sewer, but did have to have water infrastructure, which is in the 25 North areas and in the East Flat Rock area/Upward Road area and also in Etowah. He said the US 25 North area does not have access to sewer infrastructure at present, but it is proposed as the highest priority area for sewer. Mr. Prinz explained the sources involved at present in getting the information on the map presented.

Discussion Re: Slope and Suitability Issues.

Ms. Francis handed out a drawing on steep slope measures as previously discussed with Committee members. Mr. Pearce said he felt this diagram was a good visualization for people to look at. He stated that there would be some contention over the slope issue. He added that there is a difference between slope issues as it relates to cuts in making roads and slope issues from a construction standpoint as to where people want to locate their homes. He said he feels it becomes more of an inspection department issue to some degree and asked whether they have been contacted? Ms. Francis

stated that we are not disputing that it is technically feasible to build on slopes and no one is challenging that. Ms. Francis said the question arises, *is it a good idea* and there is a whole range of perspective on that. Mr. Cooper asked for clarification and stated, "With this new Land Development Code we aren't telling people that they cannot build on steep slopes, they just won't receive a bonus because they built on it." Ms. Francis said yes, and that they would not receive the higher density. Mr. Cooper said that there is a misconception that they cannot build on 25% slopes or greater in this County, but that is not the intent and the second issue is erosion control. He said that the steeper one gets, the harder it is to maintain erosion control, but if there is enough rain, 5 percent slopes are affected just as much. After some general discussion on this matter, Mr. Pearce said he would like to see in this Ordinance, a mediocre soil erosion component to this Land Development Code. By doing soil and erosion compliance and inspection process in the Land Development Code, we could take a look at whether we are in the position to make slopes an issue in this Code or until we have a lot more time to study it. He said some of the reasons for removal is because the slope issue is continually misperceived and is a source of frustration to people who believe that the ultimate goal of having it in there is so you can start telling people where they can build and how they can build on their own land. He thinks that people feel that government is intruding too far into their ability to utilize their own land.

Ms. Francis stated that she wants to make sure that the Committee is aware that the Commissioners have asked Staff to research some soil and erosion control issues that are independent of the Land Development Code context, but that is not to say that there won't be a point in time when it would combine in the Code and it would be logical to do that at some point, but she feels that will take an additional amount of money for the County to get involved in that process and the Commissioners want more information before they consider it. Mr. Pearce said that he would recommend that this subcommittee favor having the erosion control measures as part of the LDC and should be an amended accordingly and not a stand alone effort. He reiterated that he believes that adequate soil and erosion control provisions should be part of the Land Development Code draft and that the slope issues become less burdensome to the approval process and even to the acceptance process of the Code, because the real issue is soil and erosion control. Mr. Pearce added that he also feels that the way this Ordinance is presently written there is no bonus if two parcels are on 100 acres and 25 acres is in the floodplain and 25 acres is in 25% or greater slope – you have a balance of 50 acres with development of only 10 units and he feels that is the wrong approach. He feels that there should be an offer for a conservation bonus for alternate plan to build in the best portion of their subdivision that best protects the environment. Ms. Francis said that is what the Conservation Subdivision does. Mr. Pearce says it does and doesn't, because we are penalizing them. Ms. Francis said you are talking about numbers, not technique. Mr. Pearce doesn't feel that it is a *real* conservation bonus the way it is done. He added that we are penalizing them if they want to use the prettier aspects of their piece of ground. He said he doesn't feel we should have the unbuildable land exclusion as part of the computation. Ms. Francis said that instead of calling it unbuildable, it should be called *unsuitable*. Mr. Pearce feels that when we try to start telling people that their land is not suitable for doing something, it will be a conception problem throughout this ordinance. He thinks that instead of trying to exclude, that we become more bonus oriented, and give them, if they avoid slopes of greater than 25% and tell them what we will give them in exchange for a design that the Board considers a better alternative instead of a straight build-through subdivision that disturbs the entire parcel. After much discussion, Mr. Pearce said that in essence, he feels that we should

use the entire land to calculate density. Mr. Pearce said regarding the bonus concept, we could offer people additional ability to expand the density in the Transition Area somewhat beyond its capabilities if they were willing to buy conservation rights to a piece of property in the Rural Area. Mr. Prinz showed the revisions that were done on the maps and one of the maps showed the slope areas throughout the County. Board members suggested that it would be nice to be able to create overlays to show slopes, etc. Ms. Francis said that what she would like to do is an annual updating of the maps as we are required to do an annual update of the CCP, since these maps are a component of the CCP. We would also like to have these maps dealing with the LDC updated at the same time. Ms. Francis asked Board members whether they were comfortable showing these maps to the public to get some feedback from people. Ms. Kumor feels that these maps set a prospective out and is in favor of showing them to the public for explanation. Mr. Pearce pointed out various areas on the map for Staff to see if there are more Transitional properties in those locations. These included areas mainly in the northeastern portion of the County. Ms. Francis asked Anthony to explain the criteria that was used in making these maps. Mr. Prinz said he used the criteria that were set up at the last meeting. He said the Urban Areas are the areas that have water and sewer or are going to have sewer in the near future. They have higher densities of development and mixed uses at present. The Transition Area is more of the moderate, sub-urban type densities in which they have scattered commercial, institutional, industrial, etc., but there will be a lower residential lot size. The Rural Areas are where there will be issues with topography and more isolated areas of the County where you do not have access from major and minor transportation networks which include local road access. After much discussion regarding the maps, Board members found that the maps continually will need fine-tuning, but were in favor of showing these maps to the public with the understanding that these maps are preliminary.

Subdivision Analysis Update.

Ms. Francis handed out subdivision information based on the new boundaries from the draft map. She said that a lot of these things changed because they are not in the Rural Area anymore as some of those lines have moved. These are also using the numbers that are in the current draft that is online. These subdivision documents take in account the service district; permitted density (both standard and maximum dwelling units per acre); the percent slope of unsuitable land; and the permitted units that are both standard and maximum. After Board members discussed the permitted units in the subdivision of Fox Glen, they felt that the maximum of 720 units was too high. Mr. Prinz said that the standard permitted units were excluding any type of unsuitable area that was not on this piece of property. For the maximum permitted units, we took into account the entire acreage. Several more subdivisions were discussed. After continued discussion on the subdivision figures, Board members asked Staff to include figures for *no unbuildable land provision* because by getting those figures we can determine whether the permitted density both standard and maximum are realistic figures. Mr. Pearce feels that by looking at these charts and using the data, it will help the Board members in trying to come up with a reasonable recommendation. After reviewing the information for The Orchards at Flat Rock, Board members asked Staff to apply the information for the Urban Services District. Mr. Pearce also suggested that Staff study the entire concept of the conservation subdivision on these same ten subdivisions that have been presented to Board members. Ms. Francis said you would like for Staff to add a column that does not exclude unbuildable land for density purposes. Mr. Cooper mentioned that we need to address how we can create affordable housing when the property owner has the land for it.

Set Next Meeting Date. Mr. Pearce scheduled the next meeting for the Subcommittee for Friday, March 10, 2006 at 2 p.m. to continue discussing subdivision data and density bonuses.

Adjournment. There being no further business, the meeting adjourned at 4:25 p.m. All members voted in favor.


Todd Pearce, Chairman


Kathleen Scanlan, Secretary