

**HENDERSON COUNTY PLANNING BOARD  
MEETING SUMMARY  
September 21, 2023, at 5:30 PM**

**Planning Board Members Present:**

Steve Dozier, Chair  
Jim Miller, Vice Chair  
Robert Griffin  
Jared Ownbey  
Linda Bradley  
Bruce Hatfield  
Hunter Marks  
Rick Livingston

**Planning Board Members Not Present:**

Bill Lapsley, BOC Liaison  
Trey Ford

**Staff Present:**

Autumn Radcliff, Planning Director  
Russ Burrell, County Attorney  
Chris Todd, Business and Community Development Director  
Matt Champion, Zoning Administrator  
Toby Linville, Floodplain Administrator

**Meeting called to order:** Mr. Steve Dozier called the meeting to order.

**Roll Call:** Roll Call was taken.

**Informal Public Comment:** Two members of the public gave public comments. Both comments were about the Etowah residential development on the golf course. The comments were about flooding and how that development relates to the flood amendment proposed, and about traffic and safety concerns.

**Adjustment of Agenda:** No Adjustments were made.

**August 24, 2023, Meeting Summary:** No change to the meeting summary was noted.

**Rezoning Application (R-2023-09), Peterson Property:** Mr. Steve Dozier asked a question of the County Attorney concerning two Planning Board members that use the boarding facility owned by the rezoning applicant. Mr. Burrell asked if either member would receive any financial benefit if the rezoning was approved, or if it was disallowed. Both members said no, so they were allowed to participate.

Mr. Matt Champion stated that rezoning application (R-2023-09), submitted on August 9, 2023, requests that the County rezone approximately 2.38 acres of land from the Residential Two (R2) zoning district to the Community Commercial (CC) zoning district. The zoning map amendment application is for a portion of PIN: 9549-19-5165 with access along Old Bard Rd (Private) and S Rugby Rd (SR 1312). The property owners and applicants are Jeri and Ernest Peterson.

No public comment was received. The Board did hear the history of the property from staff and the applicant. After some discussion, Mr. Jim Miller made a motion to send forward a favorable recommendation of the rezoning application based on the County Comprehensive Plan. Mr. Hunter Marks seconded the motion. All voted in favor.

**Text Amendment Application (TX-2023-04):** Ms. Autumn Radcliff stated that planning staff received an application for a text amendment (#TX-2023-04) to amend the special fill requirements for the floodways. This amendment, if adopted, would still comply with the state

model ordinance. The Land Development Code (LDC) does not allow for an applicant to initiate a study of the floodway or consider any fill in the floodway area. The state ordinance allows for fill within the floodway if an applicant obtains a certification by a registered professional engineer proving that the anticipated encroachment will not result in any increase in the elevation of the regulatory flood during an occurrence of the base flood. The amendment would allow an applicant to seek a special fill permit from the Board of Commissioners if certification can be acquired. The current LDC allows for 20% of the flood fringe to be filled and allows for an applicant to seek a special fill permit from the Board of Commissioners when exceeding the 20% fill threshold if certification can be obtained. The LDC does not currently allow for fill of any kind in the floodway.

Staff provided a presentation on the amendment and LDC requirements. The applicant's agent, Susan Frady with the Partnership for Economic Progress, and Andrew Bick with Headwaters Engineering provided a presentation and information to the Board. The Board has several questions and some concerns about the amendment. The applicant's agent and staff answered these questions. Following a lengthy discussion, Mr. Rick Livingston made a motion to send forward an unfavorable recommendation to amend the flood hazard regulations for fill in the floodway.

Mr. Bruce Hatfield seconded the motion. The motion passed 5-3 with Mr. Steve Dozier, Mr. Jared Ownbey, and Mr. Jim Miller voting against the motion. Those in favor of the amendment stated that the amendment would provide a property owner the option to study the property to see if a no rise was possible and make an application for a special fill permit to the BOC. They felt the process in place allowed the County to review these applications through the conditional rezoning application and upon an engineer study and were comfortable with allowing this option in the LDC. The item will move to the BOC for a public hearing.

**Updates:** Ms. Radcliff stated that the Planning Board will meet next month on October 19<sup>th</sup> at 4:00 at Blue Ridge Community College. The Board agreed that no public comment will be received on this item as the comment period was closed at the last meeting and stated at the meeting. Staff will note that on the agenda and website. Staff also noted that the Planning Board has received several emails concerning the Planning Board's role and information through the School of Government about Planning Boards. Staff stated that this information is correct and pertains to the Planning Boards role when discussing studies such as the Comprehensive Plan, corridor studies, community plans or rezonings. The item the Board is considering is a subdivision application which is an administrative review like a staff level review. If there are any questions before the meeting, just contact the Planning Department or staff.

Ms. Radcliff also reminded the Board that the Volunteer Appreciation Banquet will be October 5<sup>th</sup> and the member should have received their invitation from the clerk.

**Adjournment:** With no further business, the meeting was adjourned at 7:15 pm.