

**SPECIAL CALLED MEETING OF THE
Henderson County
Technical Review Committee
DRAFT Minutes
December 15, 2009**

The Henderson County Technical Review Committee met for a Special Called Meeting on December 15, 2009 at 2:00 pm in the King Street Board Room at 100 N. King Street, Hendersonville, NC. Members present were Anthony Starr, Chair: Seth Swift, Rocky Hyder, Toby Linville, Marcus Jones, Natalie Berry and Gary Lance. Others present were Parker Sloan, Planner, Matt Cable, Planner II, Autumn Radcliff, Senior Planner, Josh Lanning, NCDOT and Kathleen Scanlan, Secretary.

Mr. Starr called the meeting to order and asked for the approval of the December 1, 2009 meeting minutes. Toby Linville made a motion to approve the set of minutes and all members voted in favor.

Combined Master Plan and Development Plan for Champion Investments and Properties, LLC (File # 2009-M06) – Located off Old Brickyard Road – Barry West, McAbee and Associates for Stan Robinson, Owner. Presentation by Parker Sloan, Planner. Mr. Sloan stated that Stan Robinson, owner, submitted an application for the project, which is located on approximately four acres of land located off Old Brickyard Road. The applicant is proposing to divide the property into two lots. There are three existing buildings on site and no new construction is proposed. The project is not located in a watershed or a floodplain. He said according to County records, the project site does not contain slopes in excess of 60 percent. It is located in the Industrial Zoning District with existing public water and sewer lines currently serving the property. There will be no new roads proposed. Mr. Sloan reviewed the conditions contingent on approval as follows:

1. Fire Protection Requirements – 1 Hydrant per 1,000 feet of linear road distance.
2. Public Utilities – Any subdivision served by a public water system shall meet the respective county or municipality's minimum requirement for fire hydrant installation.
3. Subdivision Signs – All major subdivision may provide for, at the primary entrance, a community identification/subdivision sign to conform to the sign regulation of Article VII. Signs should be located in dedicated sign easements, which must be shown on the final plat.
4. Final Plat Requirements – The Final Plat must meet the requirements provided by the Planning Department whenever a subdivision of land occurs.

There was some questions concerning whether the property line is down the center with equal amounts for each lot and the applicants responded that each lot is equal in size. Rocky Hyder mentioned that the reason why some of the Committee members are questioning this is the location of the property line could affect what can be done in those buildings should the use of that building change in the future. Mr. Stan Robinson, owner of the property, stated that is the reason why we are proposing an easement so it doesn't restrict.

Anthony Starr made a motion that the Technical Review Committee find and conclude that the Combined Master and Development Plan appears to comply with the subdivision provisions of Chapter 200A, Henderson County Land Development Code; and further move that the Combined Master and Development Plan be approved subject to the following conditions listed in the Staff Report. All members voted in favor.

Overview and Discussion of a LDC Text Amendment (TX-2009-01) – Draft Stormwater Management Regulations. Presentation by Matt Cable, Planner II. Mr. Starr stated the Board of

Commissioners directed Staff to develop the draft stormwater regulations to facilitate the County assuming responsibility to administer stormwater regulations for which already apply to Henderson County.

Mr. Cable said the County is taking State rules (Division of Water Quality Model Stormwater Management Ordinance) and incorporating the language into the County's Land Development Code to create a County Stormwater Management Program. Mr. Cable said that once the County develops a countywide delegated stormwater management program similar to its delegated soil erosion and sedimentation control program, the County will be able to collect the associated permit revenues. Also, without a delegated program, the County might have to deal with four different review agencies and this gives the opportunity to consolidate all of those into one agency.

Mr. Cable stated that the 2020 Comprehensive Plan recommends the County identify and incorporate Stormwater Management standards and requirements into County land development ordinances. The Henderson County Strategic Plan lists objectives which support the development of a delegated countywide stormwater program. He stated that the stormwater program delegation requires the County adopt its own regulations consistent with the State rules and DWQ provides a model stormwater management ordinance which Staff incorporated in the Land Development Code for consideration as a draft amendment. The stormwater management regulations, as proposed by Staff, do not result in new requirements or expense to a developer unless they intend to use the high-density option under the water supply water rules. Mr. Cable explained that the proposed amendments incorporate the high-density option, permitting increased built-upon area by implementing stormwater management techniques, which is provided by the State Model Stormwater Ordinance. Under this optional provision, maximum built-upon area varies by water supply watershed up to a 70% maximum built-upon area. Built-upon area includes impervious materials such as buildings, asphalt, concrete and gravel. Incorporating the high-density option means Special Intensity Allocations and minimum lot size requirements are eliminated. He said Staff proposes replacing the minimum lot size requirements with average lot size standards because it is difficult for public and cumbersome for staff to calculate and track built-upon area for single-family residential lots/development and would provide consistency with existing base zoning district regulations.

Mr. Cable provided an overview presentation of the Stormwater Management Program and examples of the various watersheds explaining the difference from their current regulations, using no Special Intensity Allocation and using the text amendment with the high-density option. Mr. Cable stated that a Water Quality Administrator would be appointed to administer the stormwater management and water supply watershed protection regulations and standards.

Mr. Cable reviewed in detail, each of the Land Development Code Text Amendments that would be required to provide for the implementation of a countywide delegated stormwater management program. In summary, the LDC Text Amendments that are for consideration are as follows:

- Amendment 1 – Incorporates minimal provisions of Model Stormwater Ordinance
- Amendment 2 – Eliminates Special Intensity Allocation and Cluster Development Text and Incorporates high density option
- Amendment 3 & 4 – Incorporate minimum required provisions of Model Stormwater Ordinance with no change from existing State Program
Incorporates minimum required provisions of Model Water Supply Watershed Ordinance – High Density Option
- Amendment 5 - Incorporates necessary permits (stormwater management permit and watershed high-density development permit)
- Amendment 6, 7, & 8 - Incorporate necessary enforcement and legal provisions and definitions of terms

Amendment 9 - Updates references and cross-references and reflects *water quality administrator* and *water quality board* establishment to avoid multiple titles

Mr. Cable said that to provide for the implementation of a countywide delegated stormwater management program, Staff recommends the proposed LDC text amendment. Mr. Cable stated the changes would simplify and clarify standards, streamline approval processes, and prevent additional unnecessary layers of regulation. Mr. Cable explained the process of the implementation, approval and adoption of the text amendments with the last step being the municipal approval of resolutions authorizing County administration. He stated that the Planning Board has already reviewed this item earlier in the month and plans on discussing it further and give a recommendation to the Board of Commissioners at their regular Planning Board meeting on December 17, 2009. He added that Staff would need to submit a draft to the Division of Water Quality to have them review and approve it and the Board of Commissioners would have to hold a public hearing. He added that we are looking for an adoption of these text amendments and an effective date in July 2010. He said we are also looking for municipalities to participate in our programs.

Mr. Starr stated that the only changes made from the State model to the County's proposed ordinance is to incorporate the high-density option, eliminate special intensity allocations (the supply of which is nearly exhausted for the WS-III) and eliminate minimum lot size requirements. Mr. Starr stated that the County's motivation is to make it a simpler process and keep it at the same cost now, instead of the funds going to Raleigh; the fee will be kept within the County. Mr. Starr stated that a recommendation is required of the Technical Review Committee.

After a brief discussion among Committee members, in which they were in agreement of the County having a Stormwater Management Program, Mr. Starr made a motion that the Technical Review Committee recommend approval to the Board of Commissioners regarding the proposed text amendments to the Land Development Code as presented. All members voted in favor.

There being no further business, Mr. Starr adjourned the meeting at 2:26 p.m.

Anthony Starr, Planning Director

Kathleen Scanlan, Secretary