

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
NOVEMBER 2, 2005

The Henderson County Board of Commissioners met for a special called meeting at 6:30 p.m. in the Commissioners' Conference Room of the Henderson County Office Building.

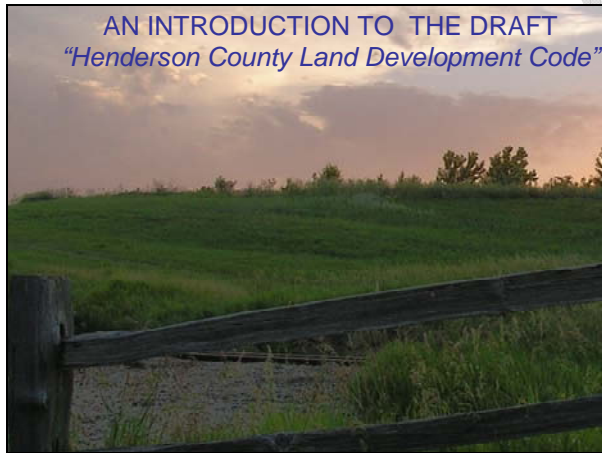
Those present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Shannon Baldwin, Commissioner Chuck McGrady, Assistant County Manager Justin Hembree, and Deputy Clerk to the Board Amy Brantley.

Also present were: Planning Director Judy Francis, Planning Project Manager Lori Sand, Planner Autumn Radcliff, Planner Matt Cable, Budget and Management Director Selena Coffey and Public Information Officer Chris S. Coulson.

CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and welcomed all in attendance. He stated that the purpose of the meeting was to receive from Planning Staff an overview of the Land Development Code (LDC), and give the Board a chance to ask questions with respect to concepts and ideas.

Judy Francis stated that Staff would be giving a brief overview on the status of the LDC. They planned to provide a two part presentation: an overview of the concepts behind the LDC by Ms. Francis, and sample development scenarios by Lori Sand. The following PowerPoint presentation was shown:



Henderson County 2020 Comprehensive Plan (CCP)

- Citizen-driven, multi-year planning process
- Identified public priorities for future land use including rural character, compatibility issues, and environmental / scenic protection and provides recommendations for codification
- Adopted July, 2004
- NCAPA Award October, 2005
- Implementation involves creation of the Land Development Code, zoning map revisions, and a series of focused Small Area Plans.



Draft Land Development Code (LDC)

- Consolidates the Zoning, Subdivision, Watershed, and Flood Ordinances into one document which outlines county development regulations and standards
- Provides guidelines and added flexibility for land use while providing incentives and a streamlined process for developers who opt to create communities with higher standards and sensitive design.
- Encourages a wider range of mixed use, housing types, and non-residential uses while providing options to enhance community compatibility and safety
- Exact project review procedures vary and are categorized depending on intensity and potential impact of proposed development (Levels 1-6)
- Permitted Use Table (Appendix I) provides clarity and directs users to other relevant portions of the ordinance

Link Use Intensity / Density to Infrastructure: Article III / Rural Agriculture Overlay District



DATE APPROVED: _____

**Link Use Intensity / Density to Infrastructure:
Article III / Rural Transition Overlay District**



**Link Use Intensity / Density to Infrastructure:
Article III: Urban Services Overlay District**



Article III: Other Overlay Districts

- Watershed Protection Overlay
- Airport Overlay
- Corridor Overlay (reserved)



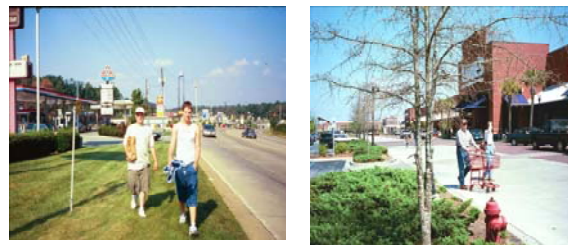
Future Overlay Districts may be developed during the small area planning process to address particular localized compatibility concerns.



**Incentive Based: Quality Development Score
Example: Landscaping & Impervious Surface Area**



**Incentive Based: Quality Development Score
Example: Incorporating Pedestrian Options**



**Incentive Based: Quality Development Score
Example: Limited Clearing and Conservation Design**




Incentive Based: Quality Development Score

- Low-impact Design Stormwater Management
- Affordable Housing
- Provision of Public Transit Access Point
- Adaptive Reuse
- Inclusion of open space and/or recreational facilities



Draft Land Development Code: Other Points to Note



- Nonconforming Uses Allowed
- Agricultural Exemptions
- Reserved areas for future text amendments re: Adequate Public Facilities, Stormwater Control
- Very basic standard language re: soil & erosion control and access management will need to be revisited in the future
- Junk cars and abandoned mobile homes will be covered by separate Nuisance Ordinance (currently in draft form)


Draft Land Development Code: Status




- Currently being reviewed by the Planning Board. Many suggested revisions are being incorporated before the Commissioners begin their official review.
- Weekly staff meetings to discuss revision options and comments received.
- Completed draft to the Commissioners in early December.

Land Development Code: Adoption

Adoption of the Land Development Code and the zoning map conversion table means that the Zoning, Flood, Subdivision, and Watershed Ordinances can be repealed.



How does it work?



Shopping Center

- Located in the Urban Service Overlay District
- Located in a Commercial Zoning District
- Permitted in the "C" District with a Conditional Use Permit



LDC Requirements to Review


- General Standards
- Supplemental Development Standards
- Site Plan Requirements/Site Plan Review Process
- Conditional Use Permit Process
- Landscaping Requirements
- Access Management, Parking, Sign Requirements
- Optional Quality Development Scoresheet



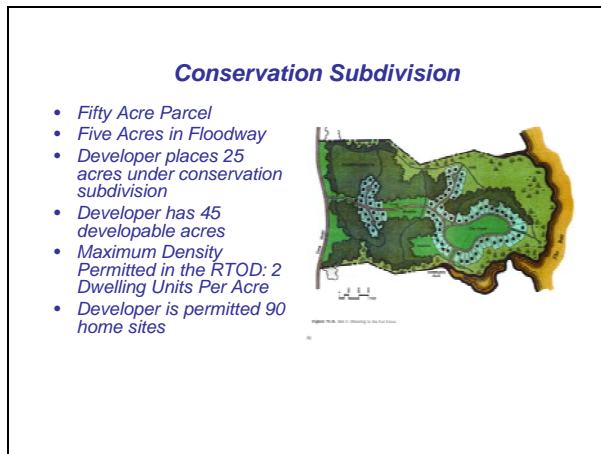
Quality Development Score

- Utilizing no incentives the developer is permitted 35% impervious surface
- The developer plans to:
 - Place 10% of the property under conservation easement – 10 pts
 - Construct On-Site Systems for Retention and Dissipation of Stormwater – 50 pts
 - Construct a Public Transit Access Area – 10 pts
 - Provide Public Parking and Bicycle Racks, Locate Parking Areas in Side and/or Rear Yard, Provide Connections Between Parking Areas of Adjacent Uses, and Create a Pedestrian Oriented Development – 60 pts
 - Use of Native Species of Vegetation for Landscaping Material, Provide Twenty (20) Percent Additional Plant Material, Provide Twenty (20) Percent Increase in Planting Strip Width – 30 pts
- Developer is now permitted 70% impervious surface

Subdivision Scenario



- Located in the Rural Transition Overlay District
- Located in R-1 Zoning District
- Fifty Acre Tract
- Five Acres of Floodway
- Developed without incentives such as a conservation subdivision: permitted 22 home sites (45 acres x .5 dwelling units per acre)



Ms. Francis discussed various aspects of the LDC as she progressed through the presentation. She noted that there were overarching themes in the Code, and one of the predominant themes was encouragement to pair infrastructure with development. The Comprehensive County Plan (CCP) identified three particular districts related to this theme: the Rural Agricultural District, Transition District, and Urban Services District. The LDC will transform the map of those districts into overlays. Ms. Francis discussed each of the Overlay Districts, stating again that the purpose of the districts was to steer intensity and density of uses to the available infrastructure. She noted that the majority of the County fell into the Rural Transition Overlay District.

Ms. Francis stated that possibly the most valuable part of the Ordinance was the ability to provide incentives and lay out performance standards for developments. Examples of incentives would allow developers to increase density, or allow more impervious surfaces. She stated that a Quality Development Score would be established through the site planning process. There would be a minimum density that everyone would have by right. If developers opted to do things like additional landscaping, or enhanced pedestrian access, they would then be allowed to build a denser type of development.

An additional element of the LDC that came directly from the CCP, was incorporation of environmental concerns, particularly in areas with steep slopes or in hazardous areas. The LDC provided incentives for developers to stay off of those areas by increasing density in other areas. It was anticipated that use of these incentives would accomplish several recommendations from the CCP including slope development, water quality initiatives, and reduction of farm land losses.

Ms. Francis stressed that in the LDO, nonconforming uses would continue to be allowed when the regulations change. She stated though, that in some parts of the County she did not anticipate regulations changing that much. She did not feel it would be a tumultuous transition for most parts of the County. Agricultural exemptions would also still be allowed.

Lori Sand then addressed two development scenarios: a shopping center scenario, and a residential subdivision scenario. In reviewing the slide entitled "LDC Requirements to Review" she provided examples of what those requirements included.

- General Standards
 - Road classification requirements
 - Set back requirements
 - Lighting mitigation
 - Location of parking and driveway areas
- Supplemental Developmental Standards
 - Lot size requirements
 - Additional setbacks or separation requirements
 - Additional landscaping requirements, above and beyond the basics
- Site Plan Requirements/Site Plan Review Process
 - Items that need to be shown on the site plan

- Who may prepare the site plan based on the scale of the development
- Review and approval authority for the particular type of site plan
- Conditional Use Permit Process
 - Technical Review Committee review
 - Final approval authority delegated to the Planning Board
- Landscaping Requirements
 - Recommended species list
 - Plant materials
 - Size criteria
 - Credits built in for preserving existing trees
 - Parking lot/landscaping requirements
 - Screening and fencing requirements
- Access Management, Parking, Sign Requirements
 - Number of parking spaces required
 - How many and what size signs are allowed

In addressing the residential subdivision scenario, Ms. Sand discussed land designated as unbuildable. She stated that the unbuildable land was defined as land with slopes over 25%, land in the floodway, and land within 300 feet of a ridgeline.

Commissioner McGrady stated that he was the only Commissioner who had seen the draft LDO, as the liaison to the Planning Board. He questioned when Planning Staff anticipated having the draft to the rest of the Board. Ms. Francis anticipated having the draft and the Planning Board's comments to the Board by Thanksgiving, so work sessions could begin to be scheduled in December. Commissioner McGrady stated the Board would need to give some thought to what the public process should be from this point from both an educational and input standpoint.

Commissioner Messer questioned how the Board would take four major Ordinances, Zoning, Subdivision, Watershed and Flood, and tie them into one Ordinance. Ms. Francis stated that none of the legally required steps had been omitted, and she believed the process would be clearer once the Board got to see the whole document. She pointed out that the General Assembly had granted enabling legislation to allow counties to consolidate ordinances, and were encouraging it, because it made the ordinances more user friendly.

Commissioner Messer expressed concerns about affordable housing in Henderson County. He questioned what the price for an acre of land would be under the given scenarios, feeling that the average citizen would be unable to afford such a house. Ms. Francis stated that she would be providing for the Board's information, average lot sizes in different parts of the County as they were currently being approved. She stated they would also show the Board, using the LDO, how a developer committed to providing affordable housing could increase density by providing that option.

Commissioner Messer discussed the recent development on the Henderson/Buncombe County line. He stated that the County needed to be open minded when setting standards, to try to keep development and tax revenue in Henderson County. Commissioner Baldwin stated that he believed the LDO would provide stability, and stability encouraged development which would help grow the tax base.

Commissioner McGrady stated that when the Board sees the conversion table, they will be able to see how what we presently have will be converted into something else. He questioned when Staff anticipated having that table available to the Board. Ms. Francis stated Staff was working on that table, and had a rough draft of it available if the Board wished to see it at this point in the process.

Chairman Moyer stated that he hoped the Board would not start making conclusions about the LDO at this point. The Board will need to ask questions, and determine the effect of the LDO, but he felt it was unfair to draw conclusions until the Board fully understands the document. He suggested that to move forward with the process, the Board would need to have a detailed workshop to go through all the concepts and questions. Commissioner Young agreed that he would need to see the document prior to being able to ask the necessary

questions. Commissioner Messer asked that during any upcoming meetings, answers to any questions be given in a way that an ordinary citizen could comprehend.

Commissioner Baldwin stated that he felt as long as the Board understood the principals behind Planning, they would be able to apply those principals. He suggested that if there were any issues with principal, the Board should deal with those questions before launching into the document itself. Ms. Francis recommended that the Board refresh themselves with the CCP, because all the principals in the LDC came directly from the CCP.

Commissioner McGrady suggested that when the document is presented to the Board, it be sent to advisory boards such as the Agricultural Advisory Board and the Environmental Advisory Board so they could advise the Commissioners on their particular areas of expertise. Chairman Moyer stated that he agreed, but that the Board would need to first determine whether they agreed with the principals being presented prior to moving forward. Chairman Moyer suggested the Board consider scheduling a workshop in December to help the Board come to grips with the principals in the LDO.

Adjourn

Commissioner Messer made the motion to adjourn the meeting at 7:30 p.m. All voted in favor and the motion carried.

Attest:

Amy R. Brantley, Deputy Clerk to the Board

William L. Moyer, Chairman