

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
APRIL 3, 2007**

The Henderson County Board of Commissioners met for a Public Input Session on the Land Development Code at 7:00 p.m. at Blue Ridge Community College in the Thomas Auditorium.

Those persons present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Chuck McGrady, Commissioner Larry Young, Commissioner Mark Williams, County Manager Steve Wyatt and Clerk to the Board Elizabeth W. Corn.

Also present was: Planning Director Anthony Starr.

CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and welcomed all in attendance. He stated that this was the third of the special meetings being held to receive public comment. The Board and staff would attempt to answer questions. There would be no dialog or discussion amount Board members. Some issues had already been presented to the Board and would be taken into consideration. If legal issues were raised; for example questions had been made in regards to municipalities and what legal authority the Board has, obviously we can't do that and none of this applies inside the municipalities, they would try to answer them.

OVERVIEW OF LAND DEVELOPMENT CODE

Planning Director Anthony Starr stated the Draft Land Development Code combines all of the County's existing ordinances related to development into one user-friendly document. Some of the County's current development standards were written more than 25 years ago and are somewhat out of date. New trends to protect community character, reduce development costs, and protect the environment have occurred in the years since, so new regulations are needed to reflect these changes. No Farming, agriculture, agritourism, livestock and horses are exempt from zoning rules by state law and this will not change with the proposed Land Development Code.

New junkyards operated as a business will be allowed in the industrial Zoning district with a special use permit issued by the Board of Adjustment. Existing junkyards in the County will be grandfathered. Junk, such as trash and junk vehicles on individual properties are regulated under the County's Nuisance Prevention Ordinance, not the LDC. The LDC will not change the nuisance Ordinance.

Currently there are numerous zoning districts that add to confusion about how the County should grow. The draft Land Development Code reduces the number of zoning districts and makes it a lot simpler for everyone to understand. The County zoning changes will not affect anyone within a municipality's zoning jurisdiction. Maps of the proposed zoning are available at the Planning Department Office and online at www.hendersoncountync.org – click on the link to the Land Development Code.

The Open Use Zoning District was intended to prohibit a few uses that have very negative impacts on neighbors. It does not limit how dense (number of homes per acre) new developments can be. If you are currently in Open Use Zoning a wide range of residential, commercial and industrial uses are permitted without limit. With the draft Land Development Code, areas zoned open use will be classified into a residential, commercial, or industrial zoning district.

No Businesses already legally operating in the Open Use area will be allowed to continue operation and even expand. You could say that they are “grandfathered” under the proposed code.

R-1, R-2, R-2MH and R-3 Zoning Districts are all residential zoning districts and the primary difference is the density, or number of homes per acre, that each district allows. The R-1 district is the most urban with an average of 4 homes per acre for detached single-family home development. Multi-family developments, such as townhouses, condos, and apartments, are permitted to have 16 homes per acre in the R-1 district. The R-2 and R-2MH districts allow single-family homes at 1 home per acre on average. Multi-family development would be allowed to have 2 homes per acre on average. The R-3 district allows 1 home per 1.5 acres on average. There is no real difference in the R-2 and R-2MH districts other than R-2 does not allow manufactured homes and R-2MH does.

The majority uses in the rural areas of the County are currently agriculture, forestland, residential or vacant. Residential zoning is proposed for these areas because agriculture and forestland are exempt and existing businesses and commercial establishments are grandfathered. It was also intended to allow residential development to continue, with restrictions, until a small area plan is completed for these areas. Community residents will be involved in the development of these small area plans to determine where commercial development should occur.

The New Land Development Code does allow manufactured homes in Henderson County. The County is required by State law to allow some area for manufactured homes. The R-1 and R-2 zoning districts will not allow new manufactured homes. The R-2MH and R-3 zoning districts will allow manufactured homes including single and multi-section homes (double and triple wide homes). New manufactured homes must meet certain appearance standards such as shingles roofs and underpinning. Existing manufactured homes will not have to make any changes.

A sign can be placed at a business under the proposed Land Development Code. Some signs do not require a zoning permit while larger signs will require a zoning permit. Freestanding sign sizes range from 18 to 75 feet high and sign size ranges from 72 to 200 square feet. Wall signs can be up to 10% of the wall face up to 250 square feet.

The new code includes the current floodplain regulations and makes no changes to the Flood Damage Prevention Ordinance. There are no regulations proposed regarding steep slopes.

Chairman Moyer asked Mr. Starr to touch on one issue that had come up in the past in regards to eliminating open use through out the county. This has been interpreted as the seven or eight uses that were prohibited and protected would now be allowed.

Mr. Starr responded that this was not the case. The new zoning districts that would replace the open use are more restrictive in respect to the uses that were there before. There are at least standards in place or they are not allowed at all. Most of the open use area will go to some sort of residential classification. In that case none of the uses that were prohibited will be allowed in one of those residential districts.

Chairman Moyer asked Mr. Starr to address the municipalities.

Mr. Starr stated that this does not affect the municipalities at all because as stated before under state law the county's control land development practices and zoning and subdivision for the areas outside the municipal jurisdictions so anything inside a city or towns jurisdiction we simply do not have any authority to take any action in respect to land development code.

Chairman Moyer noted that the changes that take place in almost all cases will be of more restrictive type zoning in certain areas. There certainly will be more flexibility in areas but a lot of areas will be more restrictive. The maps indicate that most of the areas that were open use; some of which will be commercial and some industrial, but most of it will become one of the residential classifications. We need to hear specific issues. Chairman Moyer stated that written information was being accepted from individuals who did not wish to speak in public.

PUBLIC COMMENTS

Chairman Moyer asked each person who had signed up for informal public comments to limit their time to about 3 minutes.

- 1) Judy Smith – Ms. Smith stated that the current ordinance was written 25 years ago and works fine. LDC is opening doors to development. Taxes are going up due to new development and people are being forced out. She does not want zoning or someone telling her what to do with her property.
- 2) Mary Lou Hughes – Ms. Hughes feels that there needs to be a cap on development and had concerns with roads in subdivisions and wanted to know if anyone actually checked these roads.
- 3) Barbara Barnett – Ms. Barnett is a member of the Four Seasons Sierra Club. She is concerned that the ridge law does not protect ridges. The County needs steep slope protection. The Planning Board has proposed an R-5 Zoning District and she feels this offers more needed protection. Ms. Barrett would like to hear the Board of Commissioners opinion on the proposed R-4 Zoning District and steep slope issues. She is concerned about the mountains and wants the Board of Commissioners to take a good look at the LDC above comments.
- 4) Larry McKay – Mr. McKay questioned who owns our property. He warned the Board of Commissioners to be careful with what they do to our property. Mr. McKay encouraged the Board of Commissioners not to be pressured by developers. Money drives things and decisions are based on money. He stated that the County had changed to the point that you

can't recognize it anymore and the people cannot do anything about it. What would be passed on to the next generation? Working people cannot come to these meetings and only retiree's voices are heard. Developers and others are only concerned about what the Code can do for them not the County. Developers come and then leave.

- 5) Bill McKay – Mr. McKay agreed with his brother, Larry McKay's opinion. He has been here for four generations. His family's land will be zoned R-2 and will not allow manufactured homes. He is concerned that young folks and his family cannot afford anything but a manufactured home.
- 6) Melissa Essick – Ms. Essick is with the NC Manufactured Housing Institute. She opposes the Ordinance because it is too restrictive and restricts manufactures housing. Ms. Essick gave a brief overview of their product; makes and sells manufactured homes. Ms. Essick questioned the Board on why it prohibits manufactured homes. She stated that citizens can purchase a MFH for 30% less than a site built home. MFH should be permitted everywhere that residential homes are allowed. MFH today are built on safety, quality, and aesthetics. LDC language should be revised to allow MFH in all residentially zoned districts.
 - ✓ MFH are a better product than they used to be
 - ✓ MFH uses the same material as site built homes
 - ✓ MFH are built inside without high overhead costs due to theft, weather, etc.
 - ✓ The quality of the home is better because it is built on site
 - ✓ MFH are affordable due to the reasons above
 - ✓ MFH are state of the art homes with cathedral ceilings, hardwood floors, sheet rock, etc.
 - ✓ MFH have health and safety checks: Every aspect is inspected and engineered for winds up to 130 mhp
- 7) Tom Christ – Mr. Christ is with the Western Housing Corporation. We should be able to build both HUD (manufactured housing specs) and modular homes at same location. There is very little difference between a HUD and modular home in terms of construction. MFH are affordable, modular homes are more expensive. He is in favor of this version of the LDC. MFH are available with architectural designs. Zoning that profits MFH is a legislative decision and political issue. MFH do not devalue land or themselves if zoned in all areas. California allows MFH everywhere and there are no problems. MFH are affordable housing and there are no other plans for affordable housing at this time.
- 8) Jeff Suttles – Mr. Suttles is a builder and a developer and has lived in Henderson County all of his life. He is concerned with R-2 density of 1 unit per acre. There is a 34 unit development on 25 acres of land off of Upward Road that he developed. The cost to develop this subdivision per lot was \$34K. The LDC requirements would have made the cost to develop per lot \$100-140K. The LDC will price locals out of land and they will be forced to sell. Mr. Suttles is concerned with height restrictions; a 2 story home on a basement is greater than 35 ft and this will only toad to an increase of variances. He suggested 45 ft height restrictions to accommodate a 12/12 pitch roof. Conservation designed developments are not feasible for areas in the mountains, only in places like Florida.

- 9) Tim Bryant – Mr. Bryant has been here since 1968 and has been a realtor since 1983. He has developed land including Mountain Air Country Club in Burnsville, NC. Burnsville had no planning or restrictions and received approximately 90 million in tax money from his development. Lots in the subdivision go from \$500K to over a million. This raised the tax base and helped the community without restrictions. Henderson County will restrict development with this new ordinance. He feels that the LDC will hurt Henderson County. The LDC is not easy to read neither are the references to the G.S. In Maryland the minimum lot size is 20 acres and the ZBA gives the variances all the time. It took 4 surveys to get a home built for his daughter on a 1.5 acre lot. This ordinance is not better for the people of Henderson County.
- 10) Marilyn Gordon – Ms. Gordon was on the Planning Board when some of these ideas came out and just 5-6 years later it is in a paper copy. She is from Mills River and now lives in a gated community. She has issues with the use districts and what they allow; a golf course is allowed in all residential districts but only 2 districts allow MFH. Does the County want gated communities? The average person has to go to ‘Tim-Buck-Two’ to afford land to build and then they are too far away from services. This is artificial segregation, and doesn’t help the heritage of Henderson County. A diversified community gives character. Ms. Gordon is in a municipal jurisdiction now, but cares deeply about Henderson County.
- 11) Norm Eaton – Mr. Eaton spoke in favor of the LDC. He had not read the entire document but understands the issues. He is comfortable with a more controlled environment. Mr. Eaton realized there was no perfect code, and the LDC will need revisions that will evolve over time. The County should not be stingy; once it is built it is there forever. There will be no land left to build on at the current rate. A developer can build here because it is easier and doesn’t cost as much. If there is no land available, a developer will go somewhere else. The County should not be cheap and easy.
- 12) Ken Perkins – Mr. Perkins is with the Regional Housing Commission. He stated that various groups had asked them to give their comments at this meeting. The LDC is distancing MFH from available services and this puts a burden on the service sector. MFH are being put in remote areas and the people will have to spend more money to get to work if they can. 1.5 acres are selling for \$60-500K. Conservation subdivisions get a density bonus. He suggested an affordable workforce incentive where 10-20% of a subdivision is affordable workforce homes to get the density bonus. Affordable housing is based on the medium income which in Henderson County is \$51K. Mr. Perkins has researched other areas like Hilton Head, Carey, etc. that have exclusionary zoning and suggest this for Henderson County. These places have people that make less than \$10 per hour.
- 13) Lorraine Corn – Ms. Corn stated that most elected officials are not from Henderson County. They have moved here for the downtown, rural areas, and the remoteness. They move here, run for office, and change things. If it ain’t broken, don’t fix it. We need a vote on this decision to adopt the LDC. Voting is the American Way. What happened to voting on issues? She was against the zoning ordinance.

- 14) Any Bennett – Mr. Bennett was concerned about road classification definition for collector, etc.; we need to define or make clearer. The LDC excludes 90% of the roads in Henderson County from most of the uses. The road classifications can be obtained from NCDOT. They should include local roads for uses (motor sports facilities), or allow local roads on most uses at the Zoning Administrator or Fire Marshal’s discretion. Several roads are excluded for most uses listed in the LDC. He is against zoning but it will happen so the Board needs to fine tune some of these issues.
- 15) Ernest Sheppard – Mr. Sheppard had addressed and voices his concerns about the LDC pricing his family out of Henderson County at the last meeting. He had reading the ordinance he purchased and realized it is affecting everyone. The LDC is pricing small business out of the County. This is not right and it is not legal. The people voted the Board of Commissioners in to do the right thing for Henderson County. He urged the people to come to the next meeting and rally against the LDC. Mr. Sheppard disagreed with the Planning Board planning for his family’s future. Everyone is entitled to live in peace and harmony and everyone has the right to survive, not just people who are wealthier than others.
- 16) Ken Fitch – Mr. Fitch stated that development is a major issue in the economy. When density reaches certain land suitability, development is not possible. Intense development may need more resources, and we need sustainable resources. There must be strict protections for our water quality (water supply watershed protection needed), if not it has a negative impact on the County. Agriculture is important to our heritage; it is a living renewable resource and special considerations for agriculture development is needed for areas adjacent to the forest service with a buffer for wildlife and resources.
- 17) William Brown – Mr. Brown has worked all his life to retire. The Planning Board has given him a bad time for the last 3 years on his property and his trying to develop it. If the Planning Board doesn’t like what he is doing with his property they can buy it and put it in reserve.
- 18) Jim Roberts – Mr. Roberts felt that manufactured housing and where it is allowed and not allowed is an issue. You can bulldoze a mountain for a \$500K home, but not allow MFH in all residential districts. The majority of the County is zoned mostly residential and not enough for industrial or commercial zoning. Where can you find a daycare? It looks as if the developers put the LDC together.
- 19) David Hill – Mr. Hill feels that there are other issues that are not being addressed. He is a professional land surveyor. LDC will not allow family subdivisions. People will have to build a road to give land to their children. Family subdivisions should not have to go before the Planning Board if they are giving the land to their children. People cannot afford an \$80 per foot road. Churches are treated as a business and require buffers, etc. Mr. Hill is against zoning. The LDC treats everyone as the lowest people, who are out to do the worst possible thing on their property. He quoted the Lane Use Laws that are on the wall in the Planning Department. Mr. Hill is willing to take a risk as to what could go in beside him by living out in the County, and doesn’t need the Board to zone him or tell him what to do.

ADJOURN

There being no further public comments the meeting adjourned.

Attest:

Terry Wilson, Deputy Clerk to the Board

William L. Moyer, Chairman

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