

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
APRIL 10, 2007**

The Henderson County Board of Commissioners met for a Public Input Session on the Land Development Code at 7:00 p.m. at the Justice Academy Gymnasium.

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

Also present were: Planning Director Anthony Starr, Associate County Attorney Sarah Zambon, Senior Planner Autumn Radcliff, Planner Matt Card, and Interim County Engineer Marcus Jones.

CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and welcomed all in attendance.

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 Some of the County's current development standards were written more than 25 years ago and are somewhat out of date.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. 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.

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 of 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 shingle 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 explained that one of the significant changes is the elimination of the open use type zoning. Those few items that were prohibited before will continue to be prohibited. This is a more restrictive type zoning. Also, as long as property is in an agriculture use, it is not governed by this, by state law.

PUBLIC COMMENTS

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

- 1) AC & Barbara Lackey – Mr. & Mrs. Lackey own a beehive farm. They like the area and want it to stay the same; to keep the cottages. They feel this area is land rich and dollar poor and would like growth to slow down. Building three schools at one time is a load. They are concerned with traffic issues; pulling onto highway 64 from St. Paul Road leaves you sitting for minutes. Mr. & Mrs. Lackey would like to see fresh roads cut in towards Bat Cave and new subdivisions. This area only has two lane roads to accommodate all the traffic. They had received a letter in the mail from Scott Freshwater that stated “wheelers and dealers.” These people ride the roads and see large tracts of land, go to the courthouse to see who owns the land with large amounts of money that they offer the poor folks. They urge people to go to an appraiser and see what the land is worth before selling it. Edneyville shouldn’t be given away to large developments such as Champion Hills, etc. Mr. & Mrs. Lackey would like a moratorium to study schools, roads, hospitals, services, etc. They want the Board of Commissioners to allow Manufactured housing for young and old folks.
- 2) Jack Dublynn – Mr. Dublynn moved here to Grey Stone community and discovered it was a manufactured home. It was an affordable home and his family was locating here to take care of his parents. He called about engineering of MFH, and was told it was as good as a site built home. Zoning laws would now restrict MFH and the code states that they are second class citizens because they live in a MFH and that his home is not worth as much. Because they live in a MFH they would be located too far from services. His home is worth \$100,000.00 and is suitable for young folks, low income, and older folks.
- 3) Peggy Messer – Ms. Messer has lived here her entire life. Many people have been here since the 1700’s. She couldn’t place a MFH on her property in the future if needed. The County needs to give more consideration to the people who have always been here.
- 4) Greg Messer – Mr. Messer feels that change needs to take place but the zoning rules show no thought. Land here has been passed down for generations. The LDC as proposed means that he may not be able to keep his land because of taxes and it would not allow for a MFH. He cannot put a home on land for his parents that he cannot afford. He stated that if the sight of a single or double-wide is offensive to people they should live in a gated community. The citizens pay their taxes and should be considered. They own a lot of land but some of the parcels are too small to build on under R-2 zoning. Take serious consideration with the LDC and future generations and older folks.
- 5) Karen Justice Davison – Ms. Davison has lived here most of her life. Her family has lived here for five generations. The LDC will restrict what citizens can do with their property and what can be put on it. The average cost is too high for his children to afford. Citizens should be able to pass down land to their children. Young and old should be allowed to put a MFH on the property if it is all they can afford. MFH is not substandard housing. MFH are going in areas where Katrina hit and they can withstand hurricane winds.

- 6) Ray Lyda – Mr. Lyda stated that his forefathers had lived here generation after generation. They have been able to hold on to land by making sound business decisions. It is a citizen's right to do with his land what he pleases. So many rights have already been taken away such as prayer in schools, etc. MFH is okay. What happened to the land of the free, home of the brave?
- 7) Ed Overcash – Mr. Overcash grew up in Henderson County and knows most of these people. He did not like how the meeting was advertised and feels that the citizens should have been sent a letter. Young people cannot afford anything in this County except MFH or single-wide's. If it ain't broken, don't fix it. We are a close knit community and if you don't like it, move to where there are restrictions if you want them. Mr. Overcash had spent years to pay off his property and now the County wants to restrict it. His son is away fighting for our freedom and his rights are being taken away here. He doesn't need any stipulations on his property. The Board of Commissioners does not pay his taxes nor do they have the sweat and blood in his property and community that he has.
- 8) Sherry Murphy – Ms. Murphy has lived here for a long time. Her family bled from blisters for their land the hard way and passed it down to generations. The Country is becoming Communist.
- 9) Walt Sheppard – Mr. Sheppard stated that everyone is talking about a utopia plan and making all of these promises. They need to plan a utopia around the Constitution of the United States of America. The Constitution can only be amended two ways: 2/3 vote of the House, or 3/4 vote of state Legislators. A judge's decision today does not amend the constitution tomorrow. He understands that a lot of hours and work had been put into the LDC, but it violates the constitution, just look at the nuisance ordinance. Once you loose your rights you will not get them back. It doesn't matter if you are rich or poor or you have lived here all of you life, anyone who violates the constitution is a criminal. Remain free. He urged the citizens to come out and seek preservation and uphold the constitution. The LDC will zone 60% of the county residential. The County will not approve the electricity when a licensed electrician did the work. We need to look at the inspection system, nuisance ordinance, and cut down on the regulatory process. He is for less government. The County raises taxes every time you turn around. What do they expect poor people to do? There is a charge for everything.
- 10) Joe Young – Mr. Young wondered what kind of future his one week old had in Henderson County. He feels that the Board of Commissioners is chasing out the locals with this ordinance.
- 11) Stan Rhodes – Mr. Rhodes stated he wanted to know why the County was growing so fast. Look around, the ancestors had done nothing to destroy the County. Everyone is equal under the eyes of God and we will all leave the world with nothing. It is advertised everywhere in every state to come join us in the NC Mountains. Look at Grandfather Mountain and all the condos. Is that what we want? Greed is the problem;

sell the land for the highest price. Jobs are not being created, and the growth is so fast that problems will arise; landfills, schools, traffic, etc.

- 12) Bobby Davis – Mr. Davis came here from Gerton. Manual Woodworkers and Weavers is one of the largest employers in this area of the County. They would not have been allowed under the LDC. They started with a few buildings and have expanded. They can't get another permit to build on in Gerton so they moved to Howard Gap Road. LDC states that we can't have any businesses in Edneyville; doctors, banks, gas stations, etc. Competition is good for the people who receive the products and demands quality. We need businesses such as automotive garages, car washes, etc. The price would be expensive to tow a vehicle from a rural area to where a business is allowed. The area needs restaurants. How many people's dreams are destroyed under the new LDC? Mr. Davis builds homes, but people can't afford a house due to high cost of materials and land. MFH have to be put on 1.5 acres but the rich man can put a million dollar home on a postage stamp lot. He feels that it is a disgrace that you can put a golf course anywhere but not a MFH.
- 13) Larry McKay – Mr. McKay complimented the people of Edneyville. He feels that you should be allowed to put a MFH on the property. He started out in an 8 x 28 MFH. All of his children started out in MFH and moved up from there. Only people with money will be moving here and they are not going to like the area as it is going to grow under the LDC. Simplify the LDC we don't need any more regulations.
- 14) Matt Cooke – Mr. Cooke has lived here for twelve years, is married, and has 5 acres with commercial all around him. His property is zoned R-2 and he would like to be in a general commercial district.
- 15) Lorraine Corn- Ms. Corn is related to many people; Stepp's, Justice's, and Jackson's. Her house burned down 2 years ago and she will not be able to put a MFH back on her property that she has lived on for sixteen years. She can't afford a modular home. Ms. Corn is against the nuisance ordinance and was arrested today. Older and disabled people cannot afford a modular or stick built home. They need to be close to services. She is moving out of the state because she can't afford it and this is not fair.
- 16) Dale Gilbert – Mr. Gilbert questioned why the Board of Commissioners felt they had the right to do this to someone's property that they bought with their hard earned money. The land owners must get permits and must go by rules and regulations. Where is the freedom? He wanted a published list of the Board of Commissioners and the Planning Committee who was responsible for this and a copy of the LDC. Citizens can't help their level of income and can't have all of the luxuries of life. The people that are affected by this are the ones that work hard for a living and do what is hard. He makes a special trip to town to make an appointment to get a permit but is not notified of zoning changes that may take place on his land. The Board of Commissioners work for the citizens and the citizens would like the consideration of being asked. The citizens work for a living and don't have time to go to the Henderson County website and read this

stuff. He stated that if the Commissioners do not support the tax payers, the citizens would be better off with someone else.

- 17) Carolyn Brown – Ms. Brown lives on a farm that has been passed down from generations. One of her children lives on family land with a MFH. This land is proposed for R-2. She is a hairdresser and her business is in a MFH. The appraisal on her business was the same as what the MFH cost new so the value does hold. Ms. Brown is against the LDC, zoning, and restrictions of MFH. She owns her property and will not be able to do what she wants to expand her business.
- 18) Rhonda Freeman – Ms. Freeman has worked in many places until they closed down and now works in Asheville. The Board of Commissioners must give better directions to the Planning Board as to what the people want. They wanted to run a water line down Highway 64 and the citizens got a petition to stop it. She is not opposed to zoning, but it is not fair that density is restricted as is. The Planning Board needs to keep open use zoning and they need to have spot areas for commercial development.
- 19) Eben Franz – Mr. Franz understands why most people are complaining about the LDC. He is a member of the Henderson County Affordable Housing Coalition and is concerned about developers building up-scale housing. Many people are living in homes that are substandard. Service workers are forced to move away from services and even further out in the County. Many things are marked reserved in the LDC, especially the affordable housing section. This issue cannot be ignored any longer. He had written to the Board of Commissioners with suggestions. Children stay out of trouble when they live in suitable housing.
- 20) Jerome Wilkie – Mr. Wilkie just moved to Edneyville a few weeks ago. The LDC states that reducing the zoning is a good idea, but it should be reduced even more. Some Commissioners will be affected by future votes. He is for Open Use Zoning. Many businesses can't happen because of residential zoning. People will not be able to pioneer and start their own businesses. He feels there should be more allowance for homes in R-2 and R-1 homes should be reduced. The LDC will drive the cost of land up and push most people of Henderson County out of their price range. You are looking at approximately \$1400 per month for a mortgage payment with a 30 year loan with a 1 to 1.5 acre requirement. This is more than 40% of the average two income family. Zoning is not the right path. The subdivision ordinance needs to be looked at. Developers will still buy large tracts of land and go to the County for a rezoning to do what they want regardless of the new zoning. There are too many restrictions on small subdivisions. He has issues with portable pods and buildings. You can't restrict temporary things and expect to regulate them. Educational institutions and large places of assembly have restrictions. Does this mean no churches? We should be given the freedom to do what we want on our land. The Constitution of North Carolina says to enjoy the fruits of their own labor. Do not place restrictions on people.
- 21) Evelyn Hill Nichols – Ms. Nichols is from East Flat Rock and feels that their zoning is working and doesn't need to be changed. You can't come up with a plan overnight. It

took years to study East Flat Rock. She is concerned about MFH and massive parks. The MFH parks have ordinances. There are no existing MFH park conditions. The Planning Board needs housing members with common sense. This plan needs lots of work and needs to be amended. If the citizens don't want zoning, don't zone them.

- 22) Kenny Barnwell – Mr. Barnwell is a farmer and feels that they need strong guidance of how the area is developed. The LDC will affect property that is not already owned. The property already owned will be grandfathered in. This is a one time thing and changes will need to be made such as variances and rezoning. There is a reason that the 1 to 1.5 acre lots were put into place. There needs to be mixed zoning on Highway 64. Without planning in this area there would be problems. He does not feel that R4 zoning is needed in Henderson County.
- 23) Virginia Lancaster – Ms. Lancaster attended the meeting at Justice Academy and did not speak. She is in agreement with Kenny Barnwell.
- 24) Mitch Redman – Mr. Redman stated that local people are not getting a fair shake on the LDC. Country people do not want to live on top of each other. Many citizens have to live in MFH. Restricted MFH is nonsense. She questioned why farmland was being zoned. Local people cannot afford 1 to 1.5 acre lots. The Board of Commissioners must find more jobs for the County. Industry will not locate here with the way the County is zoned. Public services are going to big developments and the tax payers will have to pay for it. The Board of Commissioners should be working to add more services for the people who have worked here all their lives and not the new, big developments. Put the restrictions on the subdivisions, but not the local people that pass the land down through generations. Mr. Redman was upset about the reappraisal. Farm land was appraised based on lots in a nearby subdivision. There is nothing wrong with MFH and at least ¼ if not ½ of the Henderson County residents live or have lived in one.
- 25) Bill McKay – Mr. McKay had expressed concerns the prior week. He had spoken with the Planning Staff and had more concerns. He feels that zoning at this time will hurt the little people. In Henderson County many hard working people are in the low to middle income housing bracket. Citizens are being priced out of the County and most can't afford anything but a MFH. The LDC denies a large number of property owners the right to own a MFH. There should be decent requirements on MFH but they should be reasonable and shouldn't require a SUP for them.
- 26) Lisa Souther – Ms. Souther is an elementary school teacher and feels that MFH is not just against the lower income people, but the state workers; the teachers. They can't afford anything else but MFH. Modular homes or stick built homes are more than they can afford due to the quality of life; a vacation besides making a mortgage payment. Her mother is at retirement age but still working in the health care field. She would like to have the option to take care of her mother in a MFH beside her as long as possible.
- 27) Vic Pryor – Mr. Pryor has a farm in the community. MFH should be allowed everywhere and on denser amounts of land. Let the septic and well permits regulate

them. New businesses are not allowed with the proposed zoning. Leave open use zoning or make it the least restrictive as possible.

- 28) Ed Murphy – Mr. Murphy owns a business and feels that we need to get more industry in this area. We need jobs for the young folks. He requests that the Board try not to restrict businesses as it cuts down on driving in the local community.
- 29) Ernie Sheppard – Mr. Sheppard purchased a copy of the LDC and feels that it should be renamed Land Developers Code. There is no room in the LDC for the locals and families that grew up here. Industry is not welcomed in the LDC. He understands that other places and counties have adopted a similar LDC and suggests anyone who wants it should move there. He is against the LDC.
- 30) Adam Pryor – Mr. Pryor grew up in Henderson County and attended NC State University. He now works on the family farm. Mr. Pryor saved up money and bought an older home on ½ acre of land that would not be allowed in the LDC. He wants the county to stay beautiful. Don't push aside the local people and allow developers to strip land and destroy wildlife habitat to build subdivisions. The roads have not been resurfaced in years or roads paved until a subdivision come in – improvements not made for local people but new developers move here and roads are widened and improved. He can't afford a home at this rate with all the taxes.
- 31) Randy Rollins – Mr. Rollins would like the issue of family subdivisions addressed. Rezoning had been discussed but North Carolina does not allow spot zoning for doctor offices, businesses, etc. Business should be allowed.
- 32) Meryl Corbin- Ms. Corbin stated that her neighbor had a tree fall on their home and could not have put the same type home back under the LDC because of the need for an acre of land. The County is restricting MFH for the community but allows her child to attend class in a MFH unit.

ADJOURN

There being no further public comments the meeting adjourned.

Attest:

Terry Wilson, Deputy Clerk to the Board

William L. Moyer, Chairman