

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
APRIL 17, 2007**

The Henderson County Board of Commissioners met for a Public Input Session on the Land Development Code at 7:00 p.m. at West Henderson High School 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, Assistant County Manager Selena Coffey, County Attorney Russ 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, and Planner Matthew Cable.

CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and welcomed all in attendance. This is the fourth public input session. All Commissioners have been present at every session. This is a special meeting of the Board of Commissioners just to receive public input on the Land Development Code. There will be no discussion between the Board members. Staff and Board members will try to answer any questions that are presented. Previously a public hearing was scheduled for April 24 for the Land Development Code. This has been canceled and a workshop date will be scheduled at our next regularly scheduled meeting.

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 Some of the County's current development standards were written more than 25 years ago and are somewhat out of date.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

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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. The only difference in the R-2 and R-2MH districts is 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 shingled 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 there were a couple of additional changes particularly with the map in which Mr. Starr had pointed out...open uses which were now either residential or commercial which reflects more restrictive zoning. In certain places the classification has been

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changed which may also put additional restrictions on the land that is subject to that classification. As Mr. Starr indicated you just have to go through the map and through the book and see how that affects you. There were sign up sheets at the door if anyone wished to speak. Chairman Moyer requested that the comments be specific.

PUBLIC COMMENTS

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

- 1) Fran Hudelson – Mrs. Hudelson asked the Board of Commissioners if there were any restrictions of how close a community could be developed next to another and if buffers were demanded. She felt communities should not be any closer than a quarter mile to each other and should require buffers. She doesn't like to see developments built close to streams.
- 2) Nancy Snowden – Ms. Snowden has lived in Henderson County for 30 years. She moved in 1999 from a small home near Park Ridge Hospital to her current home which is near Atkinson School to avoid the threat of a possible motor speedway, and asphalt plant or the possibility of a house being virtually built on top of her. She specifically chose an already developed small neighborhood with R-40 zoning. The speedway and asphalt plant had a lot to do with the current proposed code and she commends the Planning Department and the Commissioners for the attempt to balance growth with the preservation of the environment and for clearly putting a lot of time, thought and effort into developing a code with teeth. However, this issue is so complex that she feels more time for consideration is necessary. With the proposed code her property would be in R-2 zoning. In the future she could conceivably drive into her neighborhood past twelve duplexes or twelve triplexes; that's thirty-six families on five acres where there is now a ten acre field with a pond and horses grazing, if she is reading the code correctly. The theory that leaving half of a tract in conservation will accomplish retaining a rural character is she feels a flawed one. Ms. Snowden's suspicion is that when a property is developed; the open spaces, the nature trails, ponds, gazebos, etc. will not be abutting the roadway for passersby to view and enjoy, but rather the homes will be close to the road with open land away from the road or encompassed courtyard fashion by the residences. Then, of course, those lovely nature trails will be posted for use by residents only. Perhaps there could be some additional language regarding landscaping and buffers so that these areas being developed won't be salt box filled fields with nary a tree in sight. Her concern is that the almighty buck is the bottom line. Building tax revenues by cramming as many high priced homes into as small a space as is perceived will be acceptable to the community at large. Five hundred thousand dollar homes bring in more revenue than one hundred fifty thousand dollar homes and certainly more than manufactured homes or mobile homes. Many Henderson County natives and minimum wage workers are being priced out of being able to afford a home. Balancing growth implies monitoring not only the number of new homes built but also the prices of those new homes in order to ensure lower cost housing for those who need it, give builders some incentives to do this as well as to conserve land. She urged the

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Board to look closely at the document, make changes to correct it now even if it means putting a moratorium on building until we get it right.

- 3) Rebecca Pittman – Ms. Pittman is a native of Henderson County and has either lived in Grimesdale or across the Street from Grimesdale her entire life. She spoke in regards to property adjacent to the asphalt plant located on Hwy 25 North. At the time the property was built the property was zoned open use. With the widening of Hwy 25 North came the issue of zoning. The owner of the property where the asphalt plant is located requested and was granted an industrial zoning for the property along with 2 contiguous properties he owns. Mr. Moyer asked at that time if the owner of the plant planned to move his entire operation to the property and the owner answered yes. Since that time the asphalt plant has been sold to a new owner but the 2 adjoining properties remain industrial zoning. There is no longer a need for the original owner to move his operation to this site. Twelve years ago the crime rate in this area drastically increased. Homes, schools and churches were being broke into with various items of value being stolen for resale. This was a direct result of a labor camp which was in operation on the property contiguous to the parcels she was referring to. Ms. Pittman personally worked with the district attorneys office to have the properties seized and the labor camp shut down. Based on the draft of the land development code, and keeping in mind the location of a school and religious institutions, the following are a few examples of what could be placed in the industrial zoned property. A motor sports facility; for recreation which could be ran 3 days per week. A crematorium, homeless shelter, or a storage facility. In regards to the homeless shelter she is not willing to take the risk of another labor camp situation going into her community. In regards to the storage facility she is not willing to see the area look like what has happened within the city of Hendersonville limits due to industrial zoning. There is an area located behind the Bay Breeze Restaurant and across the railroad tracks that is now storage for large container trailers, farm equipment, leftover building material, and other large pieces of equipment that is very unsightly. There is nothing the City of Hendersonville can do to stop this because of the industrial zoning. She was requesting that the property she was referring to be zoned residential to keep the integrity of the community intact and to maintain the Hwy 25 corridor as a residential area. Mr. Pittman thanked the Planning Department for their hard work on the LDC but pointed out that Henderson County is one of the few counties that do not follow property boundaries in their zoning districts. She recommended that the Planning Department and Land Records work together.
- 4) David Weintroud – Mr. Weintroud is the executive director of ECO and was representing the members. They are in support of the Land Development Code. He feels that Henderson County has already been ravaged with 80 developments already on the drawing board there are already serious threats to the way of life and the character of our communities. Since 2005 the County Planning Department has received 86 applications for development targeting over 6300 acres; creating or expanding over 80 developments for over 4100 new homes. Etowah alone has received plans for 1800 new homes since January. Henderson County lost 14,000 acres of farm land in the past 20 years and at this rate will loose an additional 23,000 acres within the next 10 years. According to the Planning Department, in the years 1993 – 2003 open space declined by

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more than 50,000 acres or 22%. He was concerned with steep slope development and density.

- 5) James Taylor – Mr. Taylor stated that the Planning Board and Commissioners should consider an impact fee for revenue to all of the developers who ‘hit and run’. (Legislature will not allow this per Chairman Moyer.)
- 6) Judy Nicholson – Ms. Nicholson stated that she was offended by the scalping of the ridgelines. She doesn’t feel that the State guidelines are sufficient and the Board should come up with a better plan.
- 7) Stan Kumor – Mr. Kumor has been a resident of Henderson County for 30 years. He is for the Land Development Code with more restrictions. He doesn’t feel that the developers should get high density concessions. Mr. Kumor stated that if a parcel is designated open or green space in order to obtain a high density concession and it is sold in the future the deed restrictions must be passed on and cannot be removed.
- 8) Martha Sachs – Ms. Sachs sees a problem in that there is nothing in the code that prevents the developers from clearing trees before they begin building and only adding back a few shrubs which take years to grow back. She is concerned that too many golf courses are being built and that the run-off water would be contaminated.
- 9) Judy Smith – Ms. Smith lives 50 feet from Green River game lands and doesn’t want it zoned residential. Development needs to slow down.
- 10) Carolyn Brown – Ms. Brown feels that manufacturing and industry is too limited. Small businesses are being limited in the R-2 and R-3 zones. The new zoning would not allow expansion of her beauty shop.
- 11) Mark Brown – Mr. Brown is a small business owner and lifelong resident of Henderson County. He is concerned with the small business zoning. The LDC is weaning out small business and needs more work.
- 12) Tony Laughter - Mr. Laughter started out in a mobile home. The LDC is running mobile home owners out. He feels that there needs to be more area in the County that is affordable.
- 13) Bill Laughter – Mr. Laughter stated property owners should be allowed to put in MFH. Remember the natives.
- 14) Alan Bowen – Mr. Bowen agrees that MFH should be allowed. They can’t afford anything else.
- 15) Dale Heeman – Mr. Heeman is a disabled vet. He can’t afford housing. Natives can’t afford these \$300-400,000 homes. There is no room for natives. He was concerned about the ridgelines and felt that the County did not have to go by the State Standards.

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- 16) Katie Breckheimer – Ms. Breckheimer asked the Board to look at where there was no infrastructure and direct growth in those areas. Take a realistic view at the hidden costs of development. The more house, the more it costs the county in services. Please calculate the true costs of the ridge top houses with the million dollar views. They can be asked to blend in with their surrounding or they can forbid them to build on steep slopes altogether. Ms. Breckheimer is in favor of the LCD and realizes it is a work in progress.
- 17) Carolyn Blalock – Mrs. Blalock is the Coordinator of the Natural Resources Committee, League of Women Voters of Henderson County. They feel that manufactured homes, by today's standards, are not easily distinguished from stick built homes and are much more affordable. Restricting their use in only R2MH and R3 zones is limiting and it should be expanded as a permitted use or at least a special use in R1 and R2 zoned areas. It is also important to clarify the difference between manufactured homes and mobile homes in the LDC. They suggested the R3 zone description be reclassified as Rural/Agriculture. Overlay maps provide excellent visual tools. Overlay maps for flood plane, farmland, natural heritage inventory, and historic cemeteries would be invaluable.
- 18) Patrick Kennedy – Mr. Kennedy stated that the LDC does not provide affordable housing.
- 19) Ben Campen – Mr. Campen was the founder of Smiley's Flea Market. Smiley's is thriving because they responded to the public. He is now the sole owner of Smiley's. Small businesses are very important and the LDC needs more room for the small businesses. He is concerned with the definition of "flea market".
- 20) Judy Abrell – Ms. Abrell encourages the adoption of the LDC. She feels that there needs to be more restrictions on steep slope development. Ms. Abrell stated that there needs to be a more an equitable way to manage growth; impact fees.
- 21) Cathy Burroughs – Ms. Burroughs is a realtor and lives in a double-wide. She is concerned with affordable housing. She is the owner of a mobile home park. For each retiree moving into the area, two service people are needed.
- 22) Mary Jane Pell – Ms. Pell was concerned about development without soil erosion and sedimentation control. She feels that developers should put down earnest monies to guarantee follow-through.
- 23) Bonnie Musselwhite – Ms. Musselwhite was concerned about affordable housing. The County needs to retain farmland. The County doesn't need more golf courses. Steep slopes should not be built on.
- 24) Larry McKay – Mr. McKay agreed that the LDC needed to be revised before more discussions are held. "Money drives everything and money is behind the LDC". The way to stop development is to stop selling your land.

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- 25) James Reed – Mr. Reed lives in rural Henderson County. He is concerned with the statement that there are no restrictions in regards to steep slopes. Mr. Reed recommended that the County Commissioners raise their voices to the North Carolina Association of County Commissioners and legislatures to limit development on steep slopes.
- 26) Sam Creech – Mr. Creech feels that the LDC is as close to acceptable to most people as possible. There are areas which need improvement and always will be. Mr. Creech is a homebuilder. He encourages the Board to approach the state and work toward impact fees. Erosion control information needs to be shared. There should be a back-up for erosion control. Consider height limitations and ridgelines.
- 27) Bruce Hatfield – Mr. Hatfield encouraged the citizens to come to the May 22 meeting at Blue Ridge Community College. He is concerned with reckless development.
- 28) Jim Brissie – Mr. Brissie agreed that County zoning needed to be updated. He is concerned about zoning errors. Don't do away with R-40 and take a look at R-2 zoning.
- 29) Shawn Miles – Mr. Miles would like the Board to consider deferred tax rates for new farmers.
- 30) Nancy Thomas – Ms. Thomas has lived in Henderson County approximately 27 years. She was not in favor of variances. Variances should require neighbor input. Developments should require buffers. She would like to see impact fees.
- 31) Leon Allison – Mr. Allison sees the need for affordable housing and land. He has lived here for 53 years.
- 32) Robert Kuykendall – Mr. Kuykendall feels that the community is growing too fast. Housing is becoming unaffordable to the natives.
- 33) Walt Sheppard – Mr. Sheppard is a native of Henderson County. He feels that the Board of Commissioner should do away with the Nuisance Ordinance. He is against zoning.
- 34) Angela Beeker – Ms. Beeker requested an amendment to the text – the use table. She asked that light industrial uses be removed as permissible uses in the community commercial district.
- 35) Jack Oechslin – Mr. Oechslin spoke in regards to the sedimentation and soil erosion ordinance. He questioned if there was a moratorium on high-density developments. (No was answered)
- 36) Vervin Stamey – Mr. Stamey lives on one of the ridge tops. Henderson County needs more affordable housing. He owns over 80 acres. He is for R-40 zoning.

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37)? – This gentlemen had already spoken. He is for R-40 zoning.

38) Ernest Sheppard – Mr. Sheppard stated that his passion is for protecting the rights of his family. He does not feel that the LDC will slow down the growth. Industry needs to be brought into the County.

ADJOURN

There being no further public input the meeting adjourned.

Attest:

Terry Wilson, Deputy Clerk to the Board

William L. Moyer, Chairman

DRAFT