

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: July 16, 2008

SUBJECT: Proposed Lake Adger Watershed Boundary and Impacts

ATTACHMENTS:

1. Staff memo
2. Location map of proposed Lake Adger watershed
3. Current zoning
4. Zoning inset maps

SUMMARY OF REQUEST:

The N.C. Department of Environment and Natural Resources (DENR) Division of Water Quality (DWQ) is considering a new proposed surface water intake for Polk County on Lake Adger (refer to attachments 2 & 3). The proposed water intake on Lake Adger would apply a WS-III classification to the Lake Adger watershed basin and would include approximately 4,650 acres of land in the south and southeastern portion of Henderson County including the Lake Summit area and most of the Green River and Hungry River basins.

The County currently has language in the LDC for a WS-III watershed but we would have to amend our Water Supply Watershed Protection Overlay District text and map to reflect the proposed Lake Adger watershed. It should be noted that Henderson County has been considering adopting a Stormwater Ordinance that would regulate stormwater discharge for the entire County and these regulations would replace our current Water Supply Watershed Protection Overlay District. The proposed Lake Adger watershed would not be effective until 2010.

BOARD ACTION REQUESTED:

DWQ is asking the Board of Commissioners to take a position in support or opposition of the new proposed WS-III classification for the Lake Adger watershed. If the Board supports the proposed intake on Lake Adger then a resolution of support would need to be passed at a future meeting in order for the State to proceed favorably with Polk County's request. Staff recommends that the Board of Commissioners make a motion in support or opposition of the proposed new intake on Lake Adger.

Suggested Motion:

I move the Board support Polk County's effort to establish a new surface water intake on Lake Adger which would reclassify the south and southeastern portion of Henderson County as a WS-III water supply watershed.

Or

I move the Board acknowledges Polk County's effort to establish a new surface water intake on Lake Adger, but does not support their efforts since it would directly impact approximately 4,650 acres of land in Henderson County by classifying this area as WS-III water supply watershed and imposing watershed regulations on this area.

MEMORANDUM

TO: Board of Commissioners
Steve Wyatt, County Manager
Selena Coffey, Assistant County Manager

FROM: Autumn Radcliff, Senior Planner
Anthony W. Starr, AICP, Planning Director

DATE: July 1, 2008

SUBJECT: Proposed Lake Adger Watershed Boundary and Impacts to Henderson County

The N.C. Department of Environment and Natural Resources (DENR) Division of Water Quality (DWQ) is considering a new proposed surface water intake for Polk County on Lake Adger (refer to attachments 2 & 3). Lake Adger is located in Polk County just west of NC 9. The Lake Adger watershed includes Lake Summit, Green River and Hungry River. The proposed intake would reclassify this area as a water supply watershed.

All land is located within a watershed, but only 20% of North Carolina's lands are classified as being within water supply watersheds. Water supply watersheds are sources of water supply for drinking, culinary, or food processing purposes. Prior to 1989, the Environmental Management Commission (EMC) and the DWQ administered a Water Supply Protection Program to limit the number and type of wastewater discharges. This program was administered voluntarily by counties and municipalities pursuing protective measures for their water supply watersheds. In 1989, the N.C. General assembly ratified the Water Supply Watershed Protection Act and mandated the EMC to adopt minimum statewide water supply protection standards and to reclassify all existing surface water supply watersheds. The Water Supply Watershed Protection Rules were adopted on February 13, 1992, and in May of that same year the EMC reclassified all of the surface water supplies which became effective in August of 1992. As required by the adoption of the Watershed Protection Rules, all local governments having land use jurisdiction within water supply watersheds were required to adopt and implement water supply watershed protection ordinances and maps. Henderson County adopted its Water Supply Watershed Protection Ordinance on May 23, 1994.

The proposed water intake on Lake Adger would apply a WS-III classification to the Lake Adger watershed basin and would include approximately 4,650 acres of land in the south and southeastern portion of Henderson County. Permitted uses in a WS-III watershed include agriculture, silviculture, single-family residential with a minimum lot size of 20,000 square feet, and multifamily and nonresidential development with a maximum of 24% built upon area or 70% built upon area using the Special Intensity Allocation (SIA). An SIA or 10/70 option allows for up to 10% of the balance of watershed to be developed at up to 70% built-upon area on a project by project basis. The WS-III watershed classification also allows wastewater discharges with a general permit from the state. Henderson County currently has a WS-III classification on the Lower Mills River.

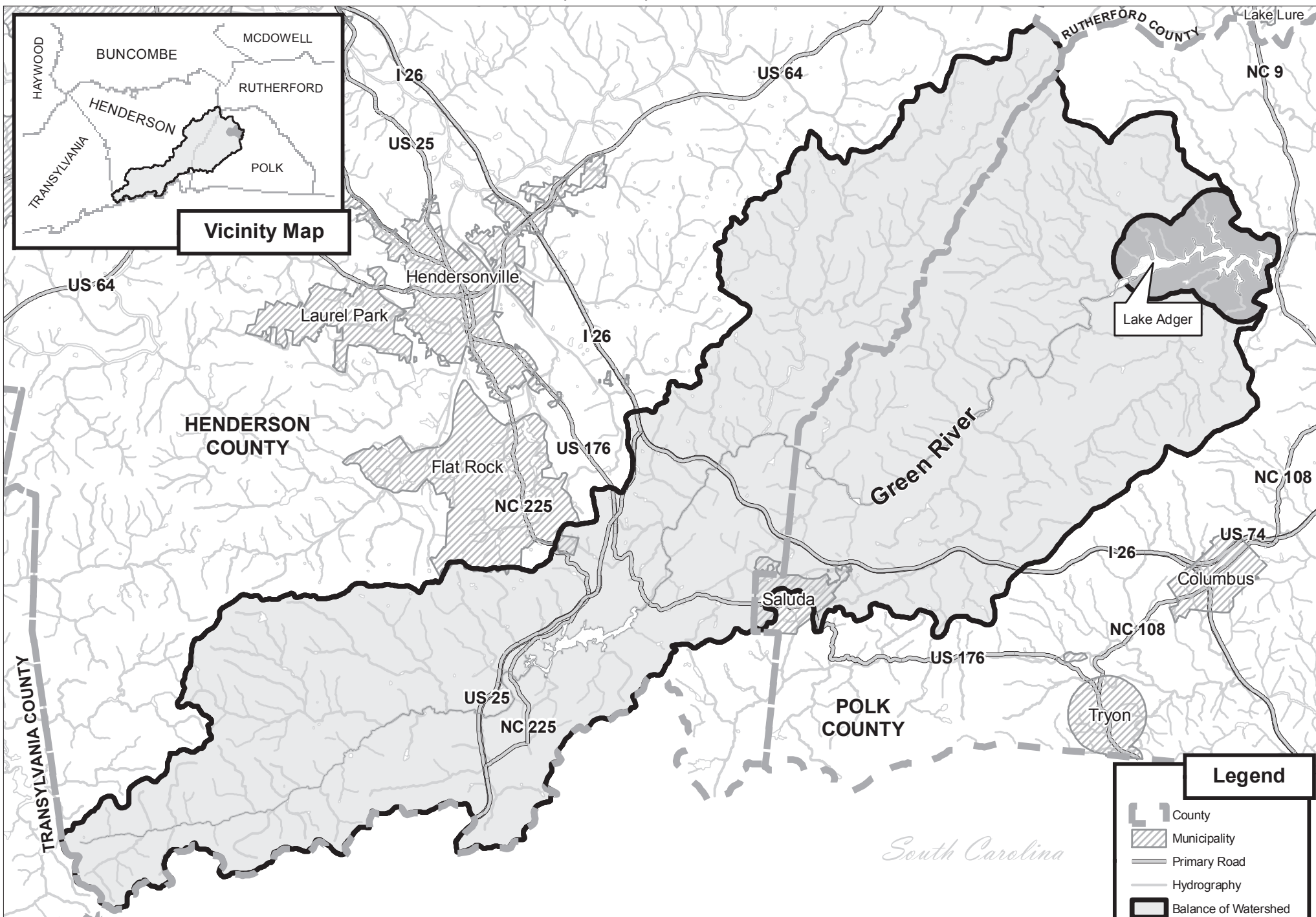
The area proposed to be reclassified as a WS-III water supply watershed contains a range of residential and commercial zoning, including a small area of Industrial zoning (refer to attachment 4). The proposed WS-III classification would have a limited impact on the area due to our current zoning regulations. The average density currently allowed in this area is 1 unit per 1 to 1 ½ acres. However, the commercial zoning districts allow a maximum density of 16 units per acre for multifamily residential developments, and a maximum impervious surface of 80% for nonresidential development. The WS-III classification would limit the multifamily residential and nonresidential development to 24% built upon area or 70% with an SIA.

The proposed Lake Adger watershed would not be effective until 2010. DWQ is asking the Board of Commissioners to take a position in support or opposition of the new proposed WS-III water supply watershed for Lake Adger. The County currently has language in the LDC for a WS-III watershed but we would have to amend our Water Supply Watershed Protection Overlay District text and map to reflect the proposed Lake Adger watershed. It should be noted that Henderson County has been considering adopting a Stormwater Ordinance that would regulate stormwater discharge for the entire County and these regulations would replace our current Water Supply Watershed Protection Overlay District.

If the Board supports the proposed intake on Lake Adger than a resolution of support would be needed for the State to proceed. A resolution of support would also be needed from the Town of Saluda and the Village of Flat Rock since the new WS-III watershed classification would directly impact these jurisdictions.

Lake Adger - Proposed Water Supply-III Reclassification

Henderson County, Polk County, Broad River Basin, North Carolina

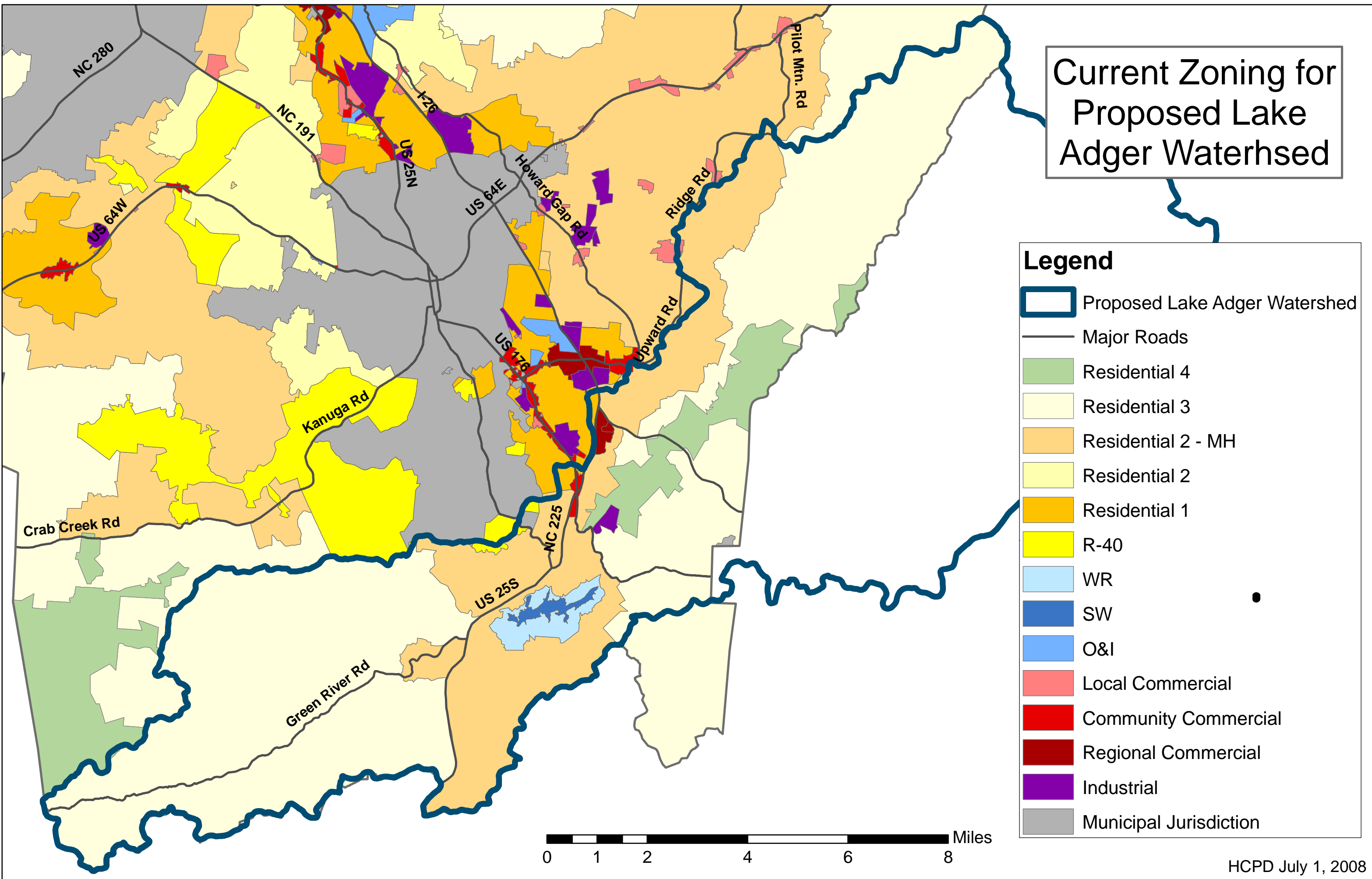


Map Source: NCDWQ; Published 16May2008
 Hydrography Source: NCDWQ; Published 30Nov2007
 Municipality Source: NCDOT; Published June2007



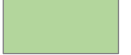


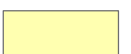










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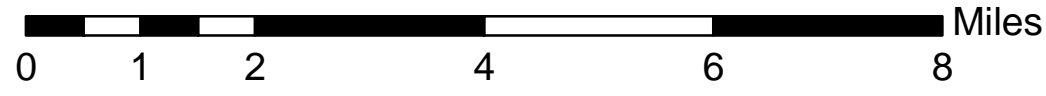
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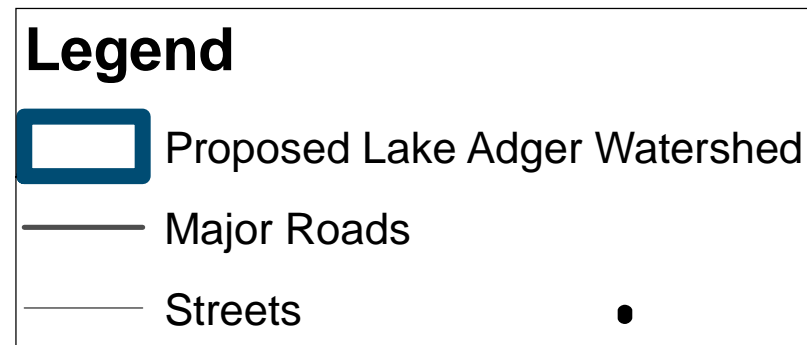
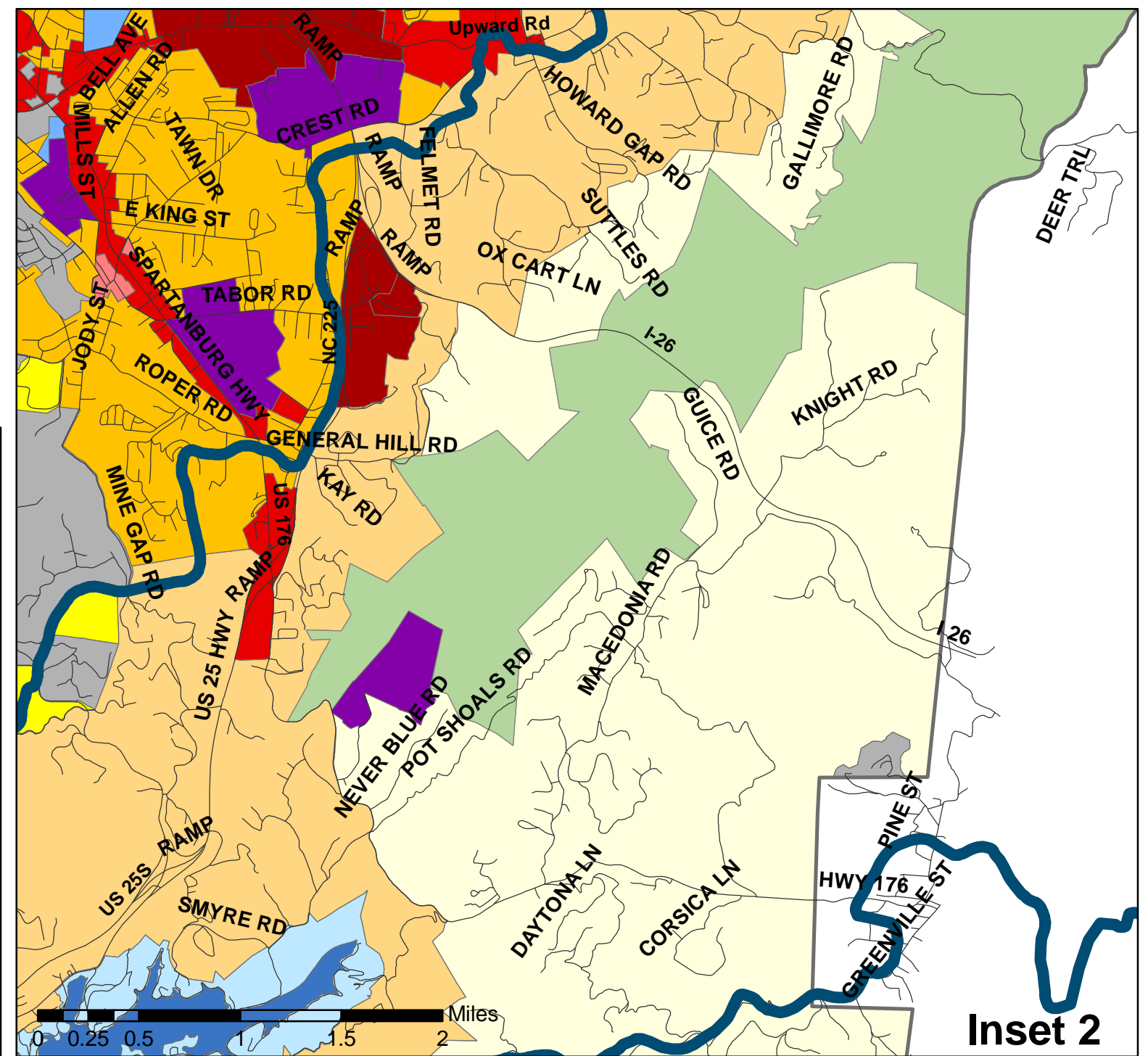
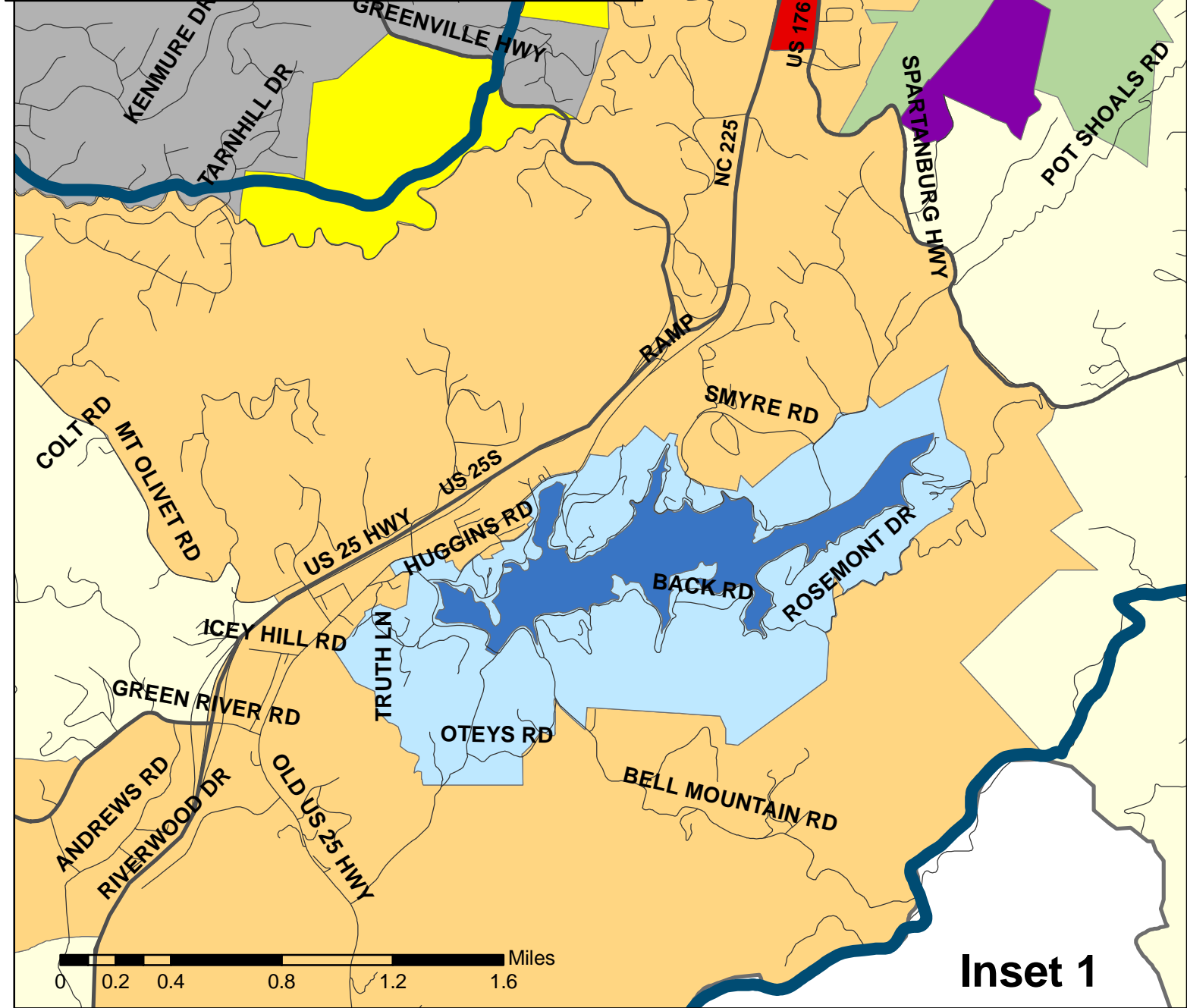
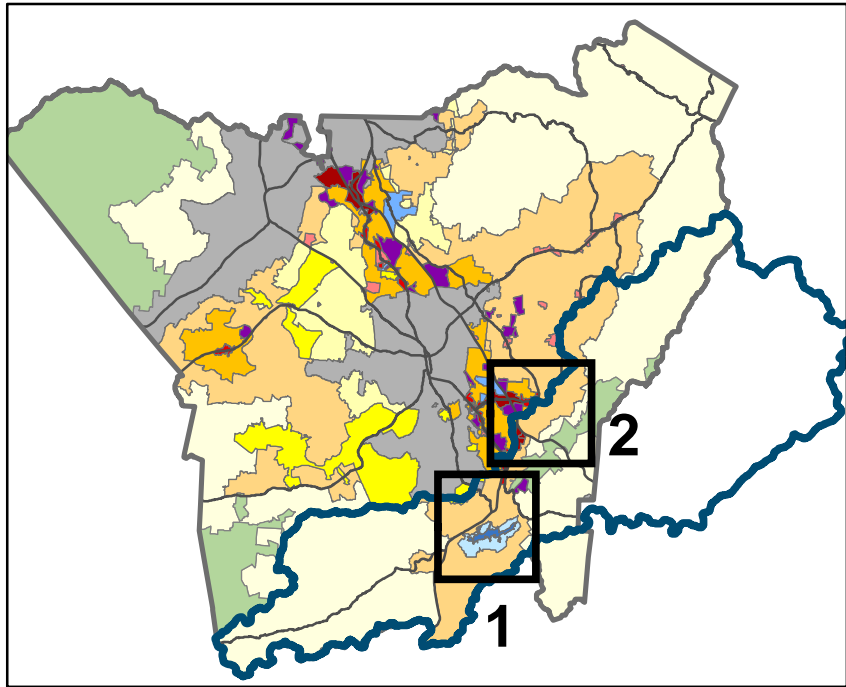
Current Zoning for Proposed Lake Adger Watershed



Legend

-  Proposed Lake Adger Watershed
-  Major Roads
-  Residential 4
-  Residential 3
-  Residential 2 - MH
-  Residential 2
-  Residential 1
-  R-40
-  WR
-  SW
-  O&I
-  Local Commercial
-  Community Commercial
-  Regional Commercial
-  Industrial
-  Municipal Jurisdiction

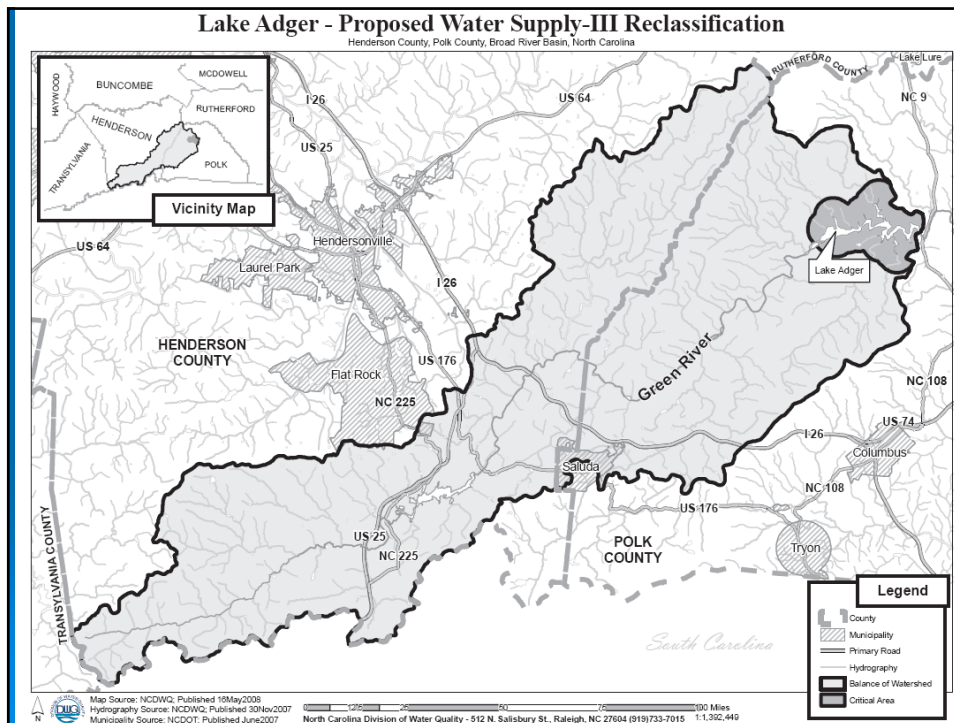


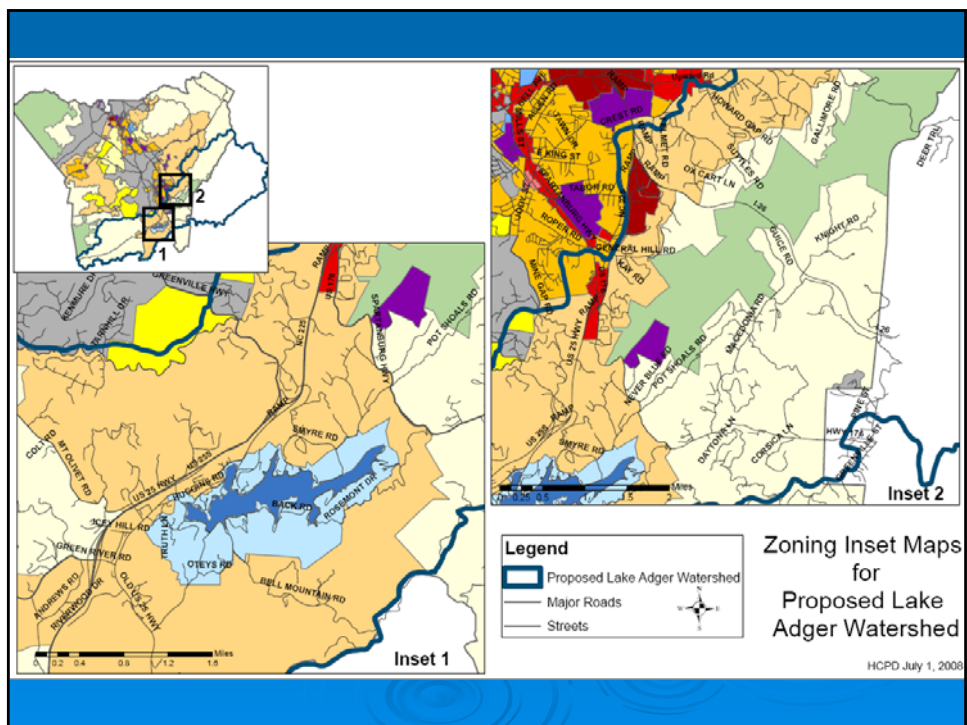
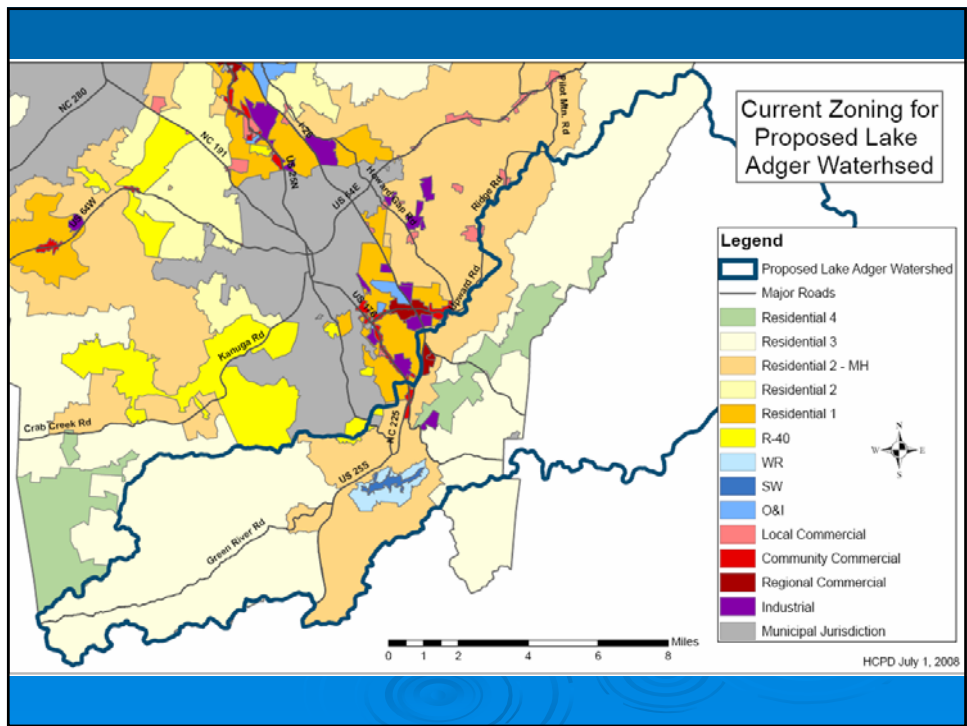


Zoning Inset Maps for Proposed Lake Adger Watershed

Proposed Lake Adger Watershed Boundary & Impacts

Board of Commissioners meeting July 16, 2008



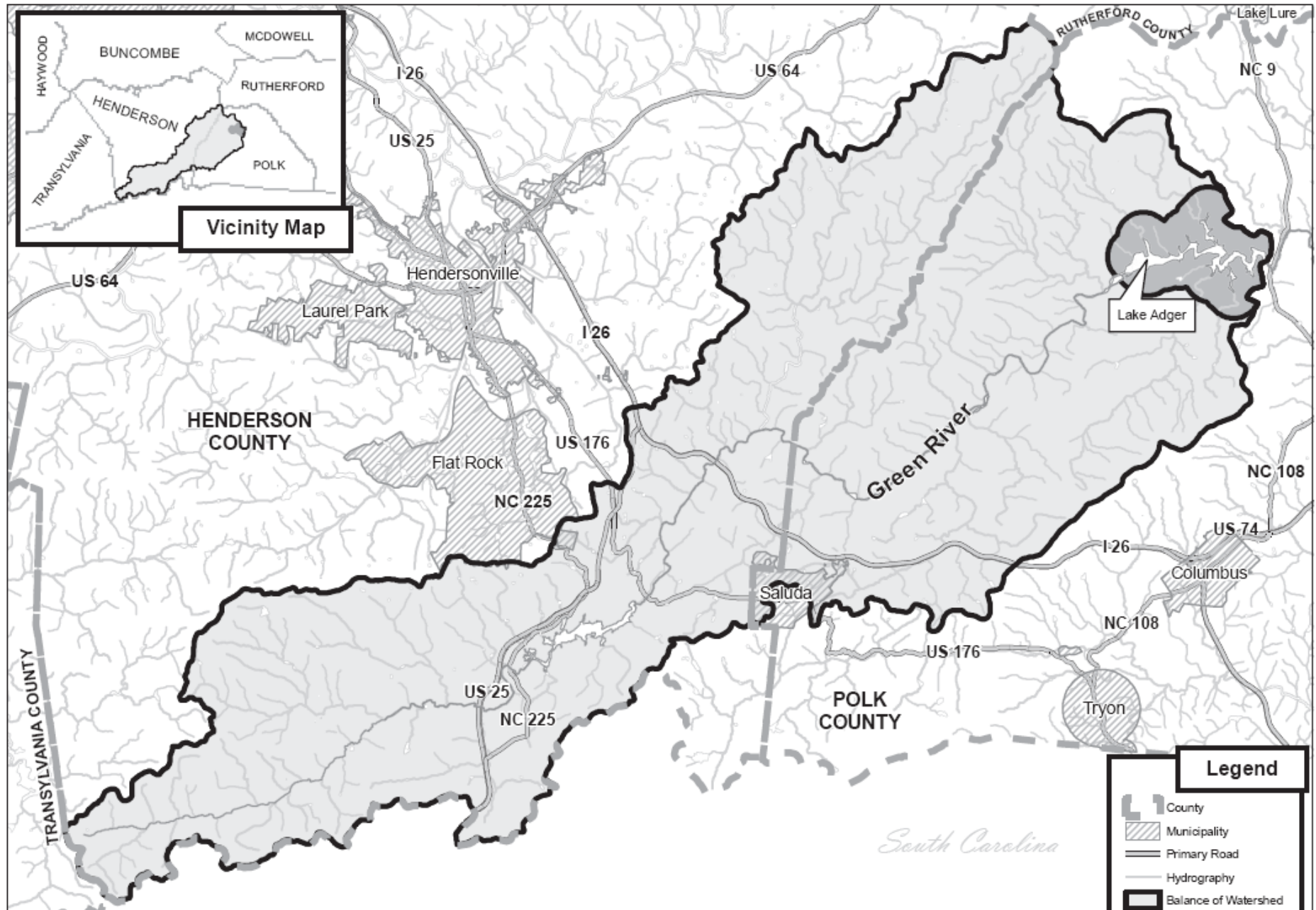


Proposed Lake Adger Watershed Boundary & Impacts

Board of Commissioners meeting July 16, 2008

Lake Adger - Proposed Water Supply-III Reclassification

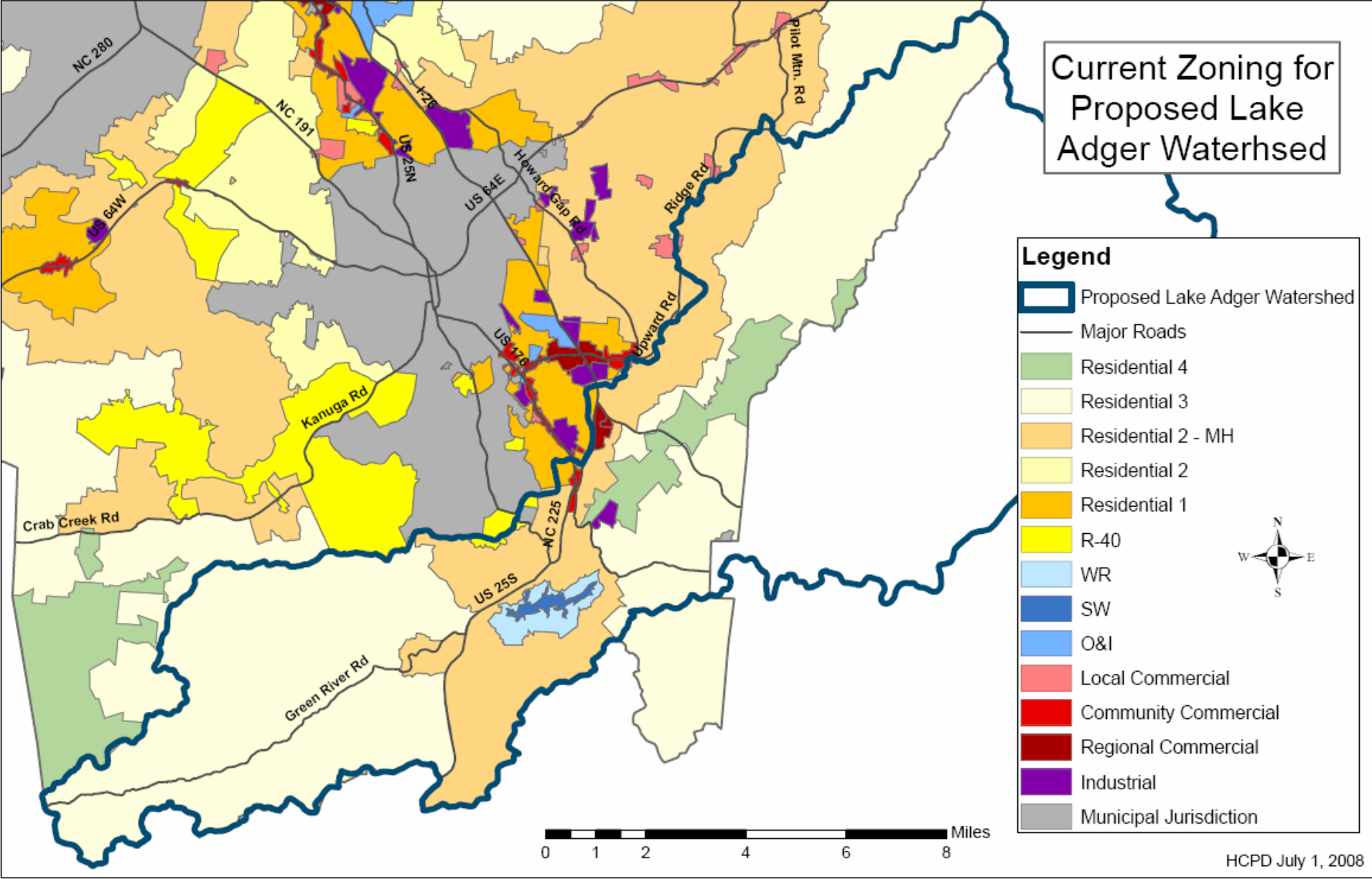
Henderson County, Polk County, Broad River Basin, North Carolina

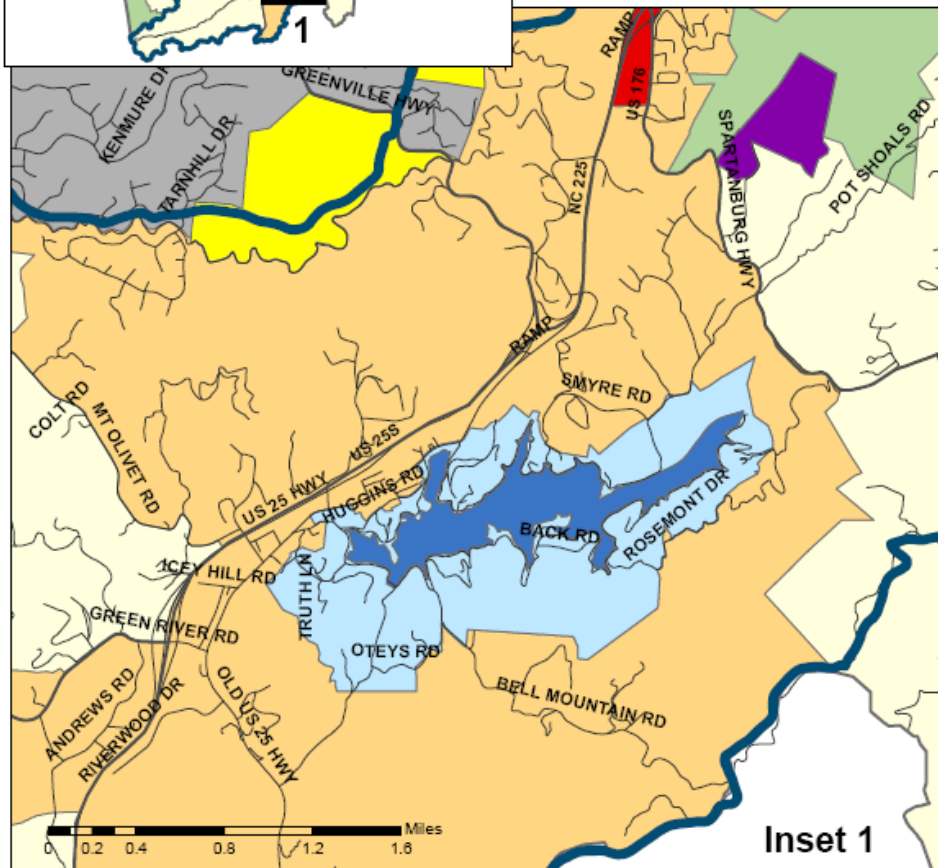
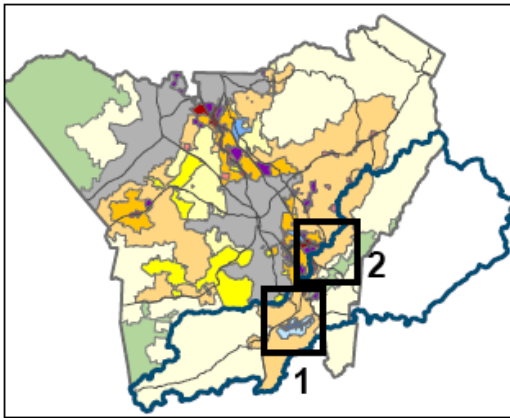


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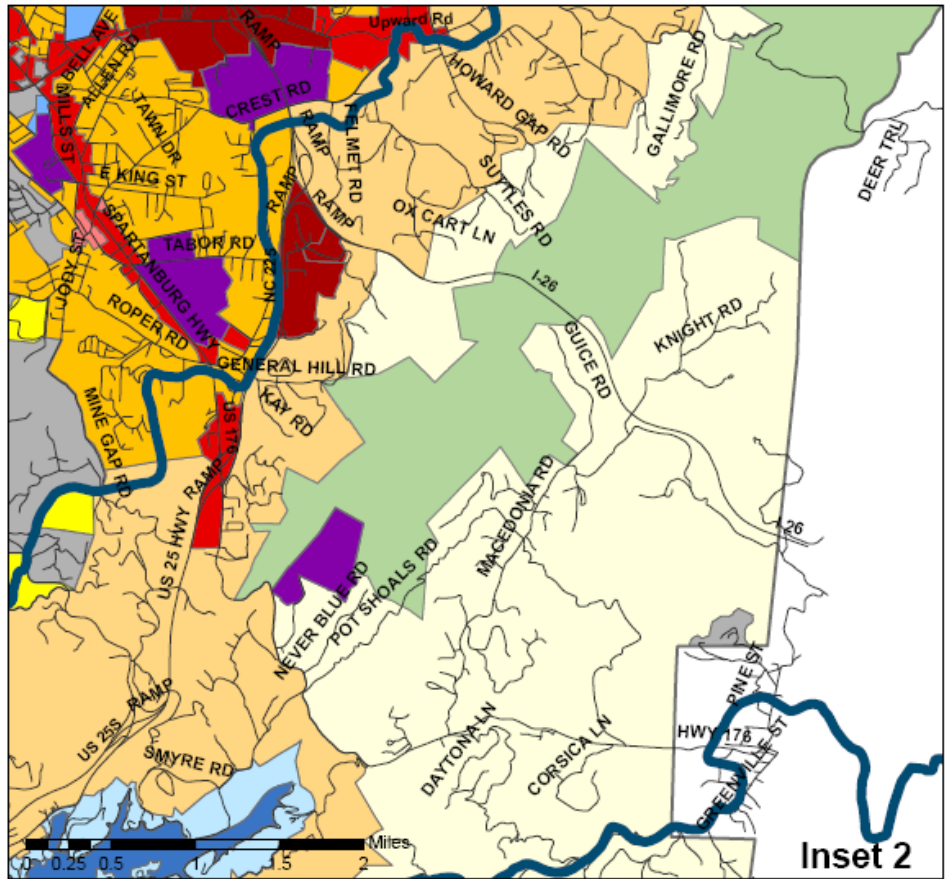
- County
- Municipality
- Primary Road
- Hydrography
- Balance of Watershed
- Critical Area

Current Zoning for Proposed Lake Adger Watershed





Inset 1



Inset 2

Legend

- Proposed Lake Adger Watershed
- Major Roads
- Streets

Zoning Inset Maps for Proposed Lake Adger Watershed