

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 12, 2008

SUBJECT: Update on Proposed Lake Adger Watershed Boundary and Impacts

ATTACHMENTS:

1. Staff memo
2. Map of Current and Proposed Watersheds in Henderson County
3. CCP and Zoning Maps with Lake Adger Watershed Boundaries

SUMMARY OF REQUEST:

At the July 16, 2008 meeting, the Board directed staff to convey to the State that Henderson County had concerns regarding the proposed watershed classification for the Lake Adger basin (includes Green and Hungry Rivers). Staff received answers to several questions that the Board conveyed on July 16. The attached memorandum outlines those questions and the information received by Planning Staff. Staff is actively working to identify other issues and obtain additional information. Any additional information obtained after the printing of this agenda will be presented to the Board at the meeting.

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 than a resolution of support or opposition would need to be passed at a future meeting in order for the State to proceed with Polk County's request.

Suggested Motion:

None Suggested.

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: August 4, 2008

SUBJECT: Proposed Lake Adger Watershed Classification

At its meeting in July 16, 2008, the Board discussed the proposed surface water intake for Polk County on Lake Adger which would apply a WS-III classification to approximately 50,645 acres in Henderson County. The Board had several questions and concerns about the proposed WS-III classification and directed staff to research the issue further.

Planning Staff contacted the N.C. Department of Environment and Natural Resources (DENR) Division of Water Quality (DWQ). Listed below are some of the issues that the Board discussed and the State's response to these concerns.

1. Staff learned that Polk County requested a WS-IV classification from the state, but a WS-III would be applied to the watershed. According to DWQ, the watershed classification applied is based on the current state regulations and density for the entire area within the watershed basin. A WS-IV classification is for areas that are moderately to highly developed, and that have industrial discharges, neither of which applies for the Lake Adger Watershed. A WS-IV classification would have limited the regulated area to Polk County. The Lake Adger basin is very rural and currently has a couple of facilities, both in Henderson County and the Town of Saluda, that have individual waste-water discharge permits which are allowed in a WS-III. Due to the presence of these permits, a WS-II classification could not be applied.
2. Could Henderson County request a WS-IV classification? DWQ requires reclassification requests to be made from entity that is requesting the intake, but a reclassification request can be made during the public comment meeting. The Board could consider making this a formal request in its adopted resolution to the State.
3. Is there anyway to restrict Polk County from selling this water out of state? DWQ is looking into this issue, and Staff may be able to present information about this at the August 12th meeting.
4. Could Henderson County locate an additional intake within the Lake Adger Watershed? Yes, but the DENR and the Division of Water Resources would have to approve the request based on the existing flows, including the quality and quantity of those flows and the impact to existing surface water intakes within the watershed basin. The State would have to apply a CA (Critical Area)

reclassification to the area around the new intake. Although an EA/EIS would likely be needed, it would be easier for Henderson County to locate an intake in the area if the water supply watershed classification already existed. Most of DWQ's determinations would already be made at this point. What is unclear is how much, if any, the Lake Adger intake would limit the quantity of water Henderson County could withdraw from the Green River.

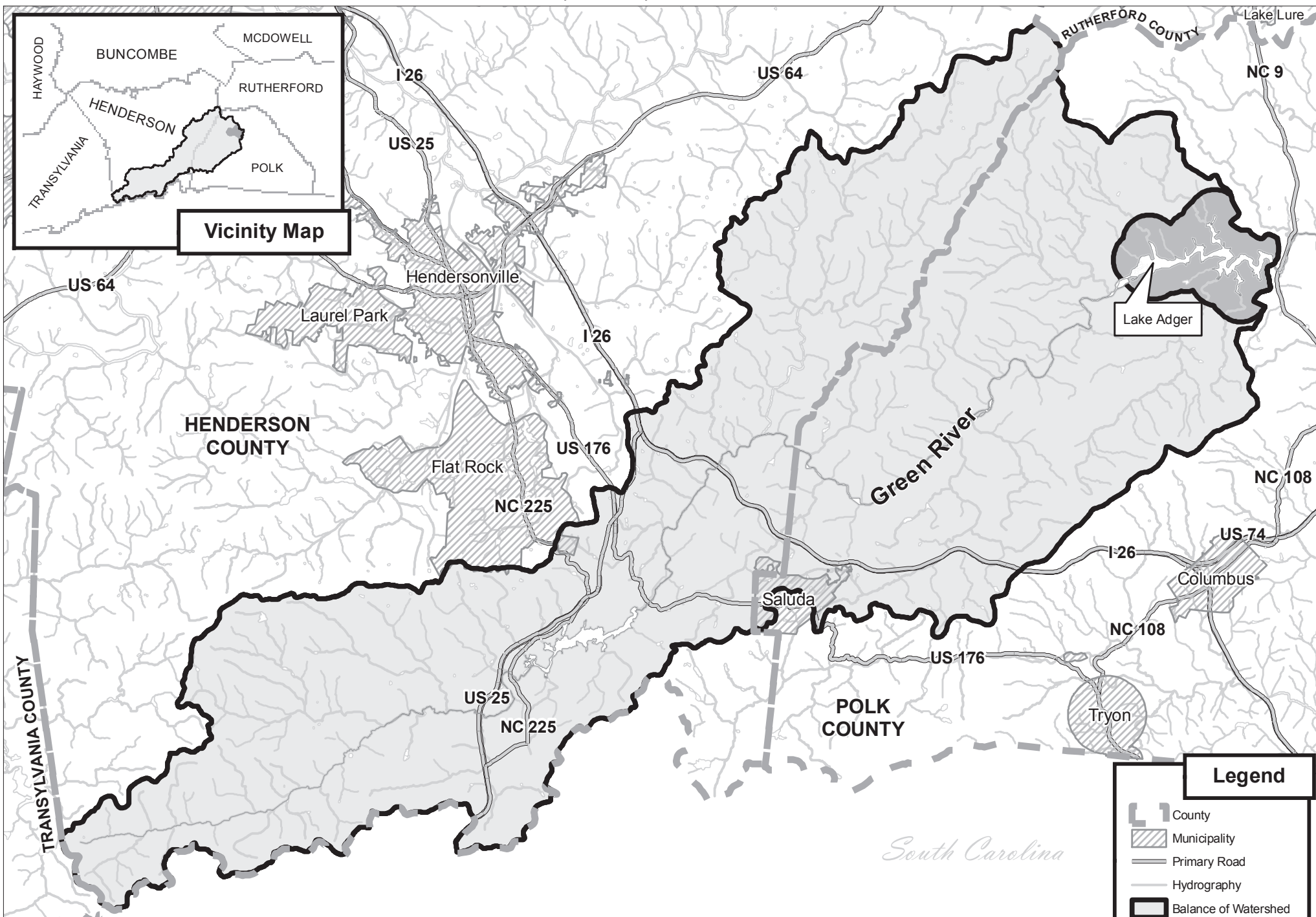
5. What is the process for adopting the WS-III classification? DENR must present the request to the Water Quality Committee, a committee of the Environmental Management Commission (EMC). Before the request can be forwarded to the Water Quality Committee, the State must have a resolution from each affected jurisdiction within the proposed watershed, water quality data on the proposed watershed, written notice from the Division of Environmental Health about the suitability of the surface water for drinking, and the Environmental Impact Study (EIS). After the Water Quality Committee reviews and approves the request, the State holds a hearing within the watershed area for public comment and there is a 60 day public comment period. The State puts together the document on the request and presents that to the EMC. Once approved by the EMC, the document is reviewed by the Rules Review Commission. At this point, the State has completed its process and the local jurisdictions have 270 days to adopt the watershed map and regulations. The State does have an appeal period and procedure. Appeals that meet the State's criteria are sent to the next legislative session for consideration by the General Assembly.
6. What does the State need from the Board at this point? In order for the State to go to the Water Quality Committee, a resolution for support, opposition, or neutral stance is required.

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. If the County chose the 10/70 option as it currently uses in the other WS-III watershed in Mills River, up to 10% of the balance of watershed can be developed at up to 70% built-upon area on a project by project basis using the Special Intensity Allocation (SIA). The County could also decide to use the high density option which would allow for 50% built upon area, with requirements, throughout the entire WS-III watershed. 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 State indicated that the County could apply the 10/70 option to one WS-III watershed and the high density option to the other WS-III watershed if desired.

The proposed Lake Adger watershed would not be effective until 2010. DWQ hopes to forward the request to the Water Quality Committee in late December – early January.

Lake Adger - Proposed Water Supply-III Reclassification

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

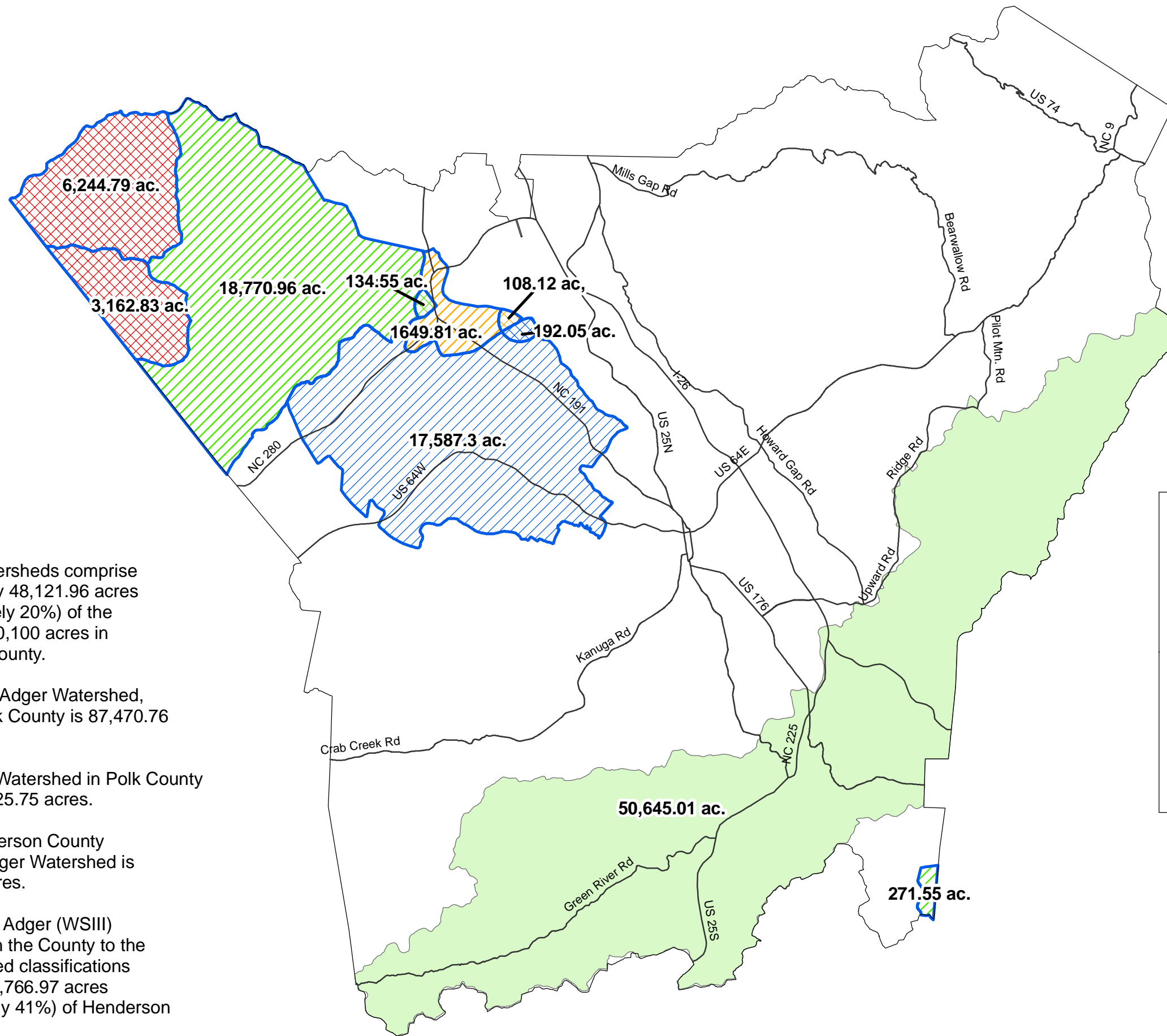


Map Source: NCDWQ; Published 16May2008
 Hydrography Source: NCDWQ; Published 30Nov2007
 Municipality Source: NCDOT; Published June2007

0 12.5 25 50 75 100 Miles

North Carolina Division of Water Quality - 512 N. Salisbury St., Raleigh, NC 27604 (919)733-7015 1:1,392,449

Henderson County Current & Proposed Water Supply Watershed Classifications



*Existing watersheds comprise approximately 48,121.96 acres (approximately 20%) of the estimated 240,100 acres in Henderson County.

* Entire Lake Adger Watershed, including Polk County is 87,470.76 acres.

*Lake Adger Watershed in Polk County alone is 36,825.75 acres.

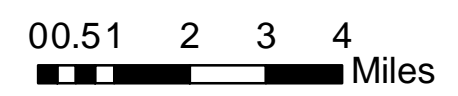
*Within Henderson County only, Lake Adger Watershed is 50,645.01 acres.

*Adding Lake Adger (WSIII) designation in the County to the total watershed classifications comprises 98,766.97 acres (approximately 41%) of Henderson County

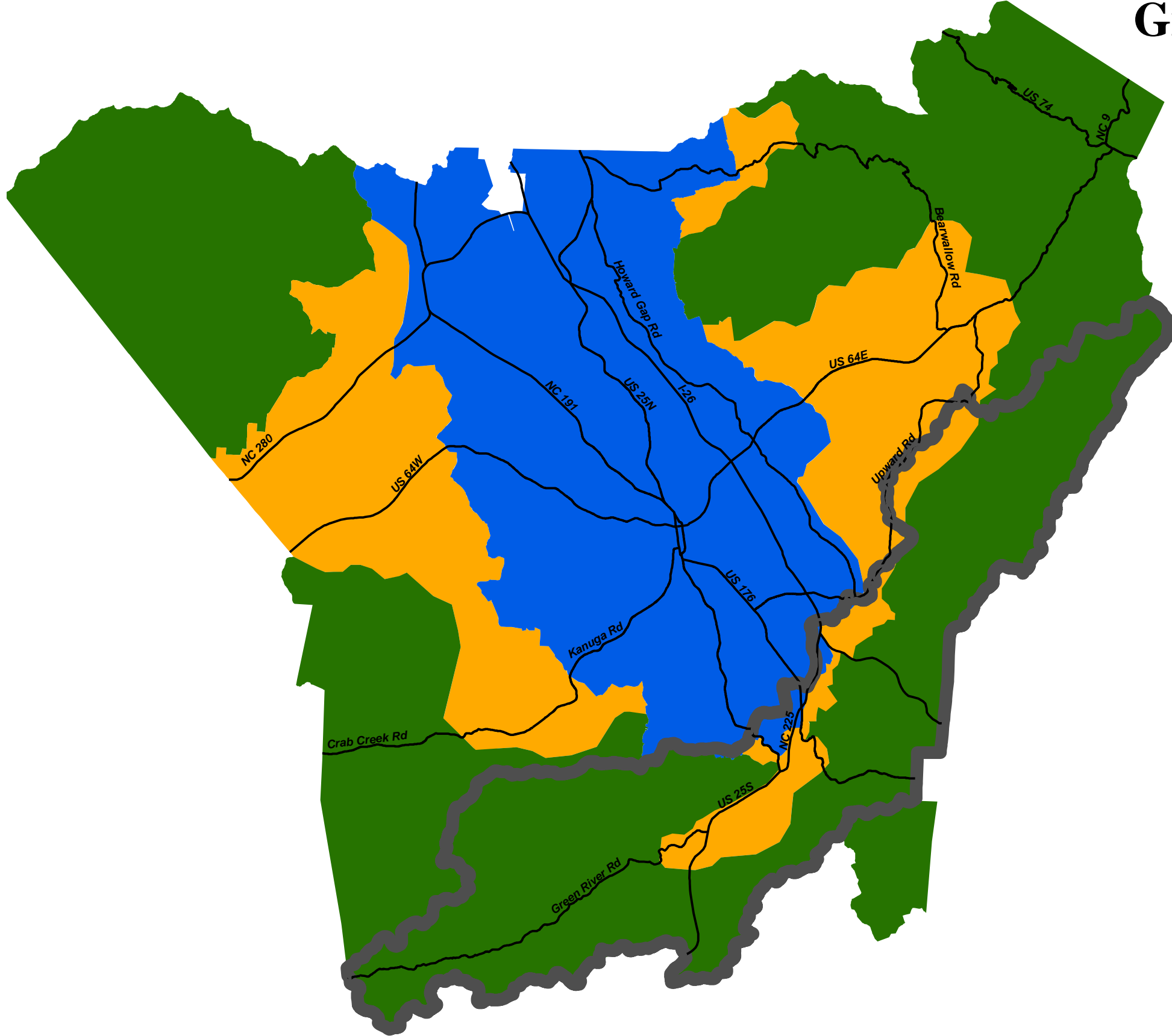
Watershed

- WS I (North Fork of Mills River & Bradley Creek)
- WS II BW (Colt Creek & Mills River)
- WS II CA (Mills River Critical Area)
- WS III BW (Lower Mills River)
- WS III CA (Lower Mills River Critical Area)
- WS IV BW (Upper French Broad)
- WS IV CA (Upper French Broad Critical Area)
- Proposed Lake Adger Watershed (WS III)

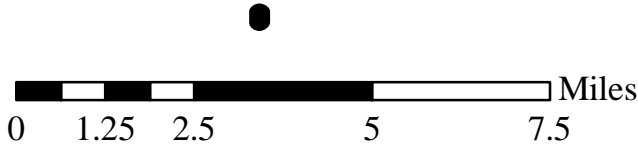
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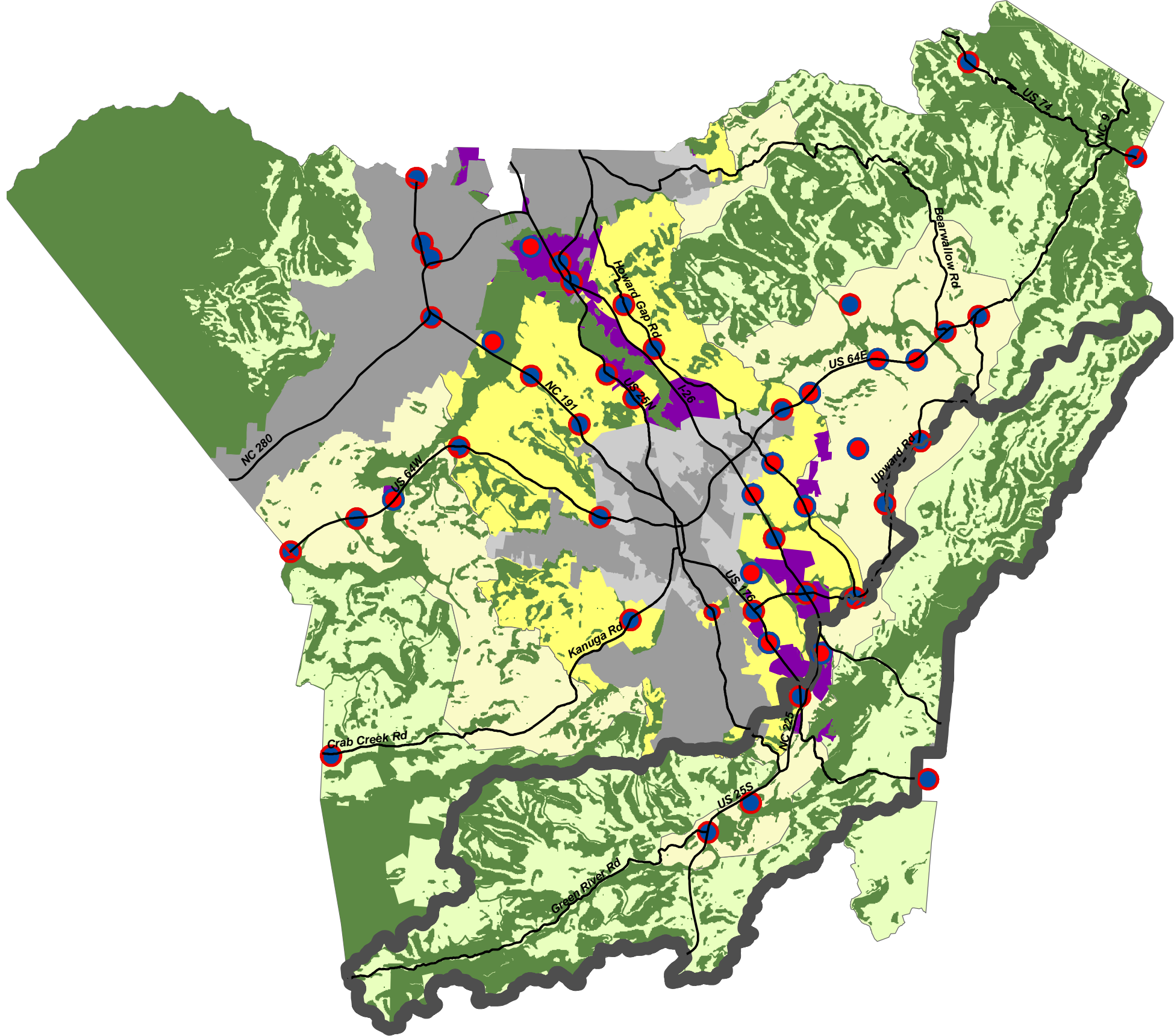
Henderson County Revised Growth Management Strategy Map with Lake Adger Watershed



- Major Roads
- ▭ Lake Adger Watershed
- ▭ Urban Service Area
- ▭ Rural/Urban Transition Community
- ▭ Rural/Open Space/Agriculture



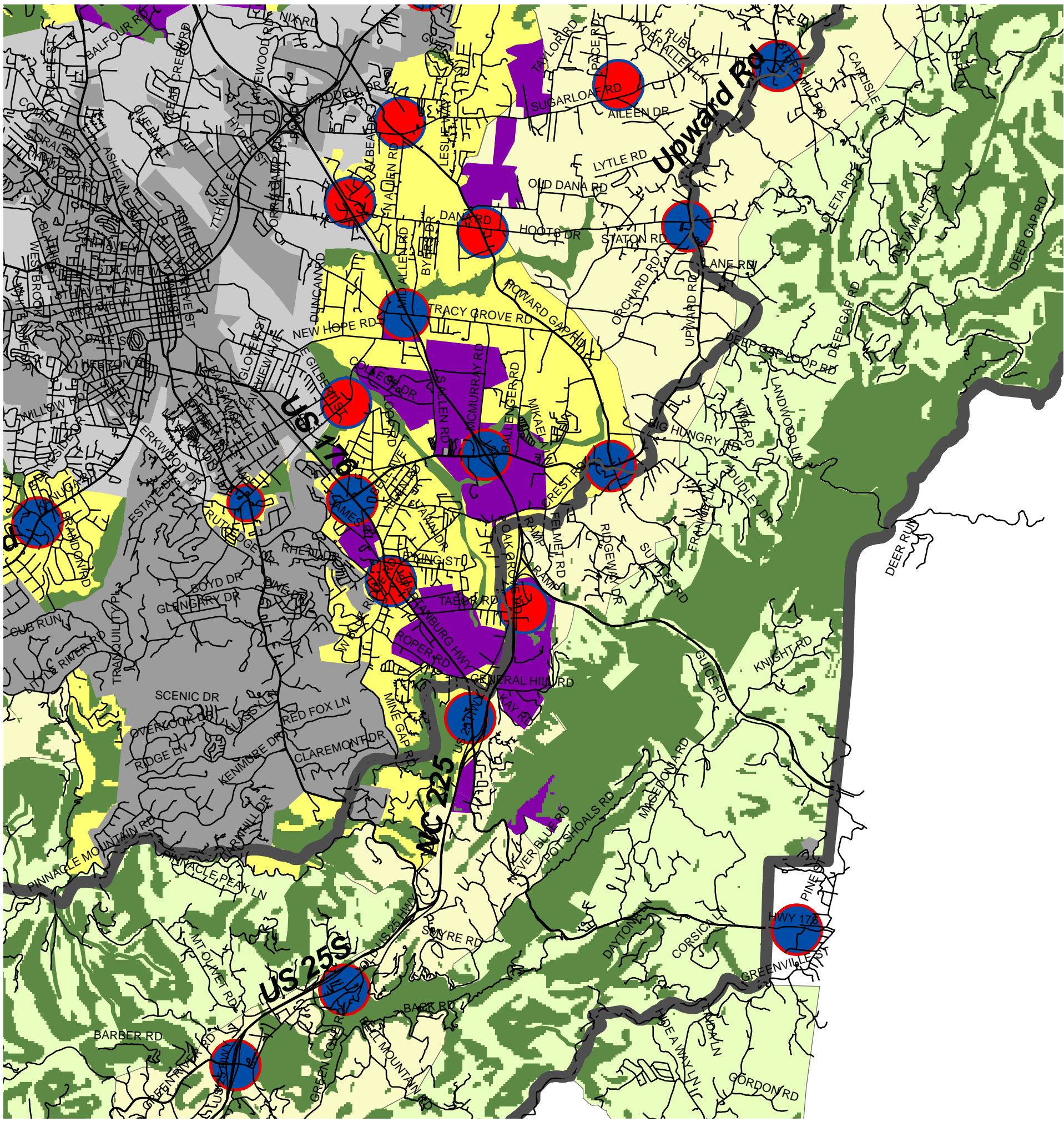
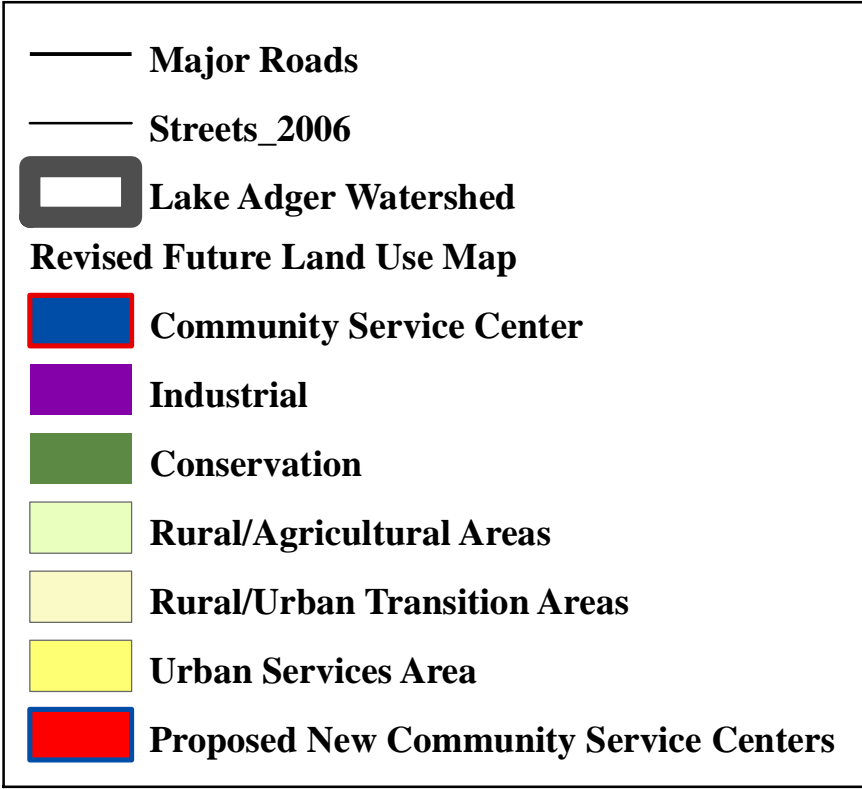
Henderson County Revised Future Land Use Map with Lake Adger Watershed



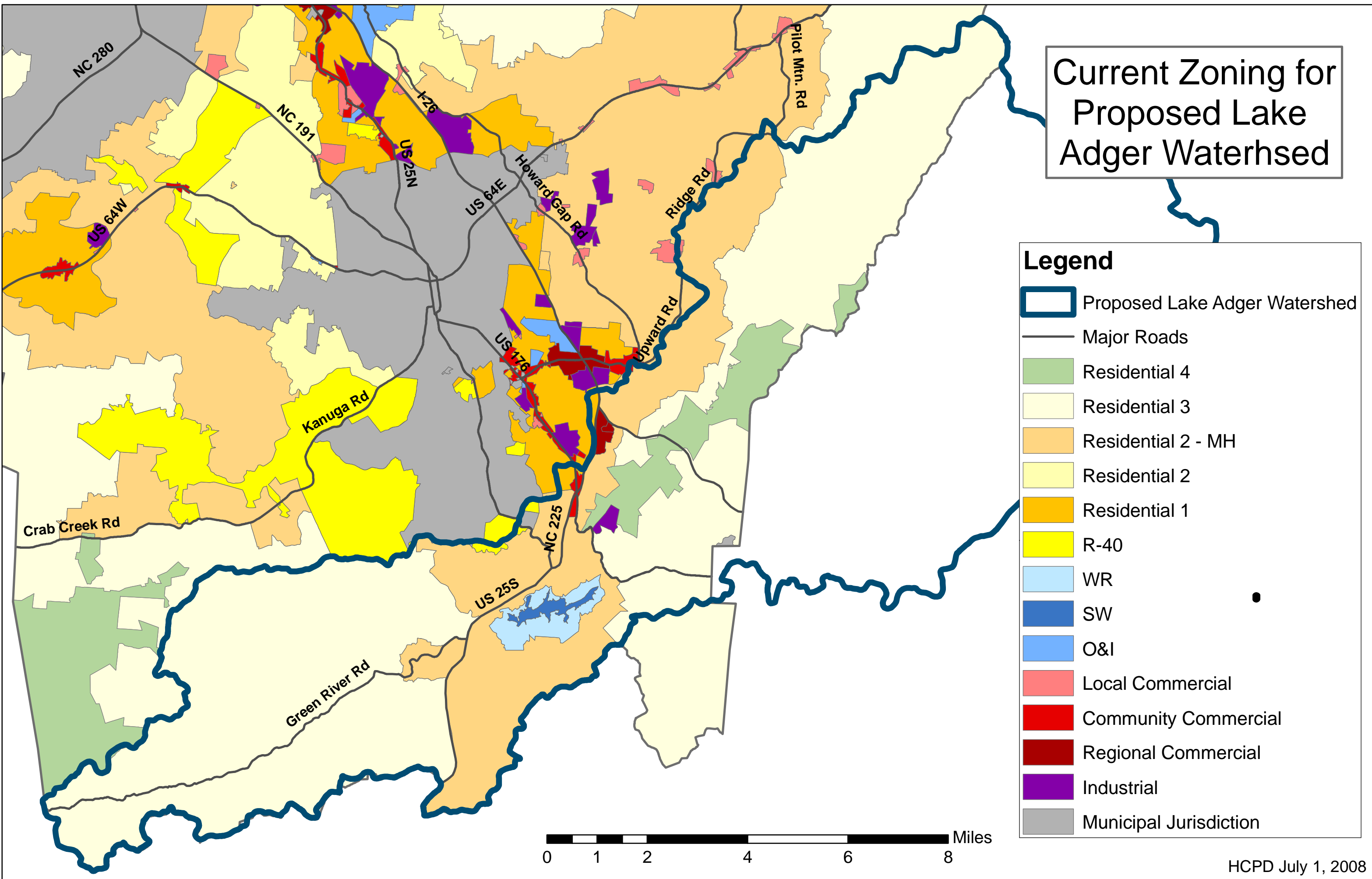
— Major Roads
 Lake Adger Watershed
Revised Future Land Use Map
 Community Service Center
 Industrial
 Conservation
 Rural/Agricultural Areas
 Rural/Urban Transition Areas
 Urban Services Area
 Proposed New Community Service Centers





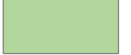


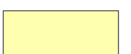










Henderson County Revised Future Land Use Map with Lake Adger Watershed

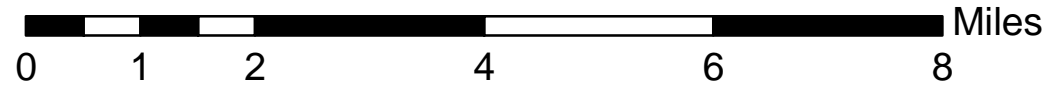


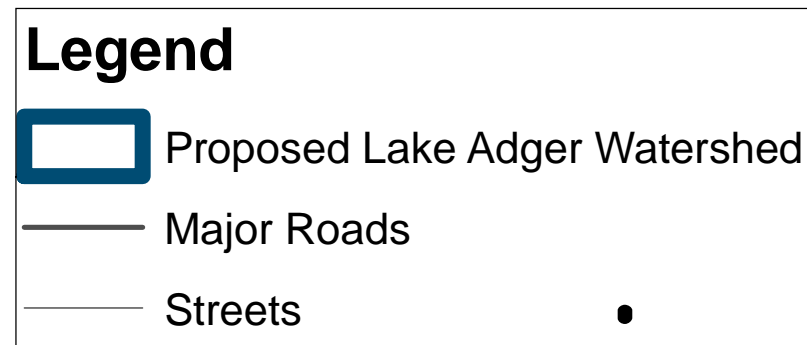
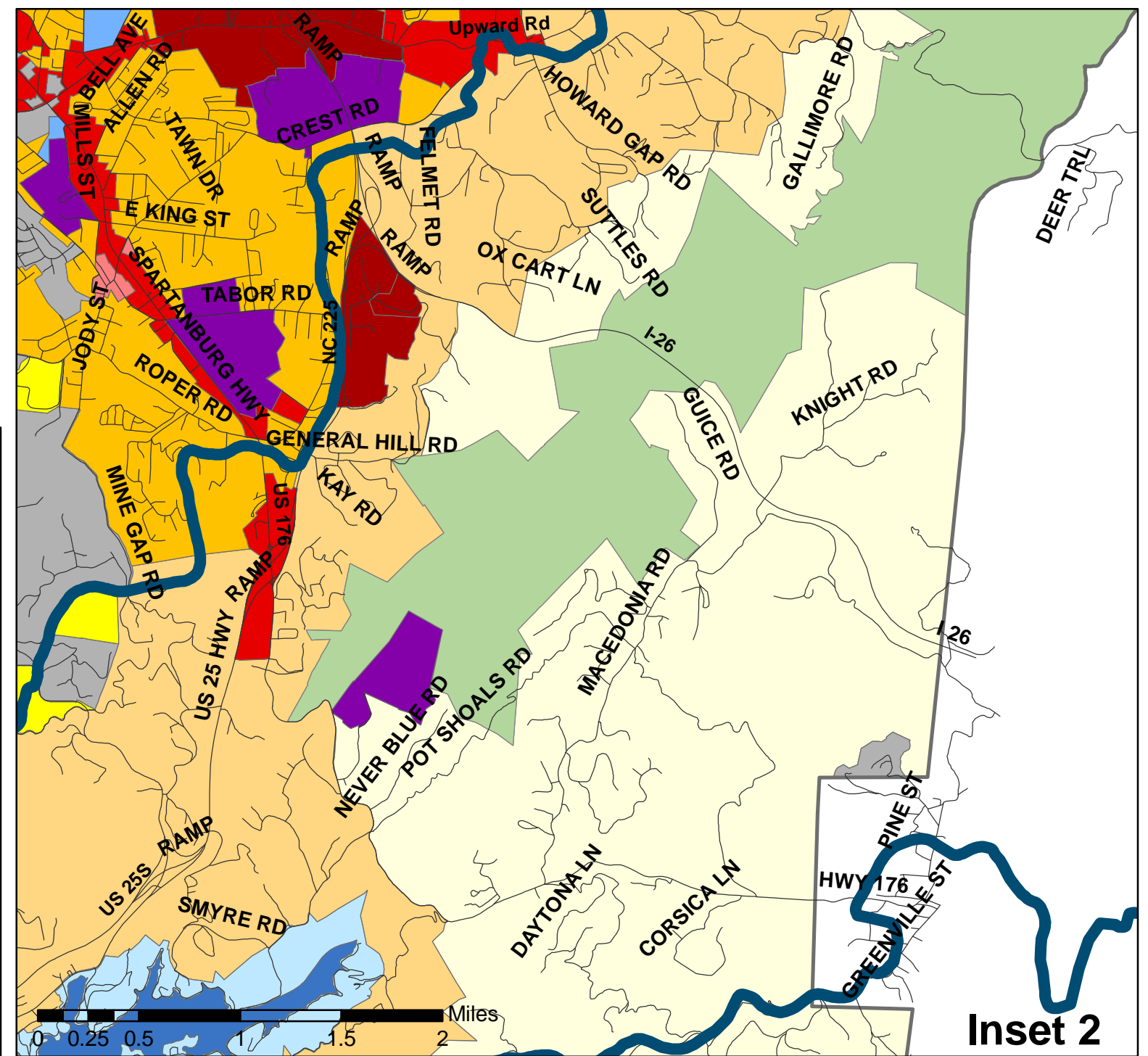
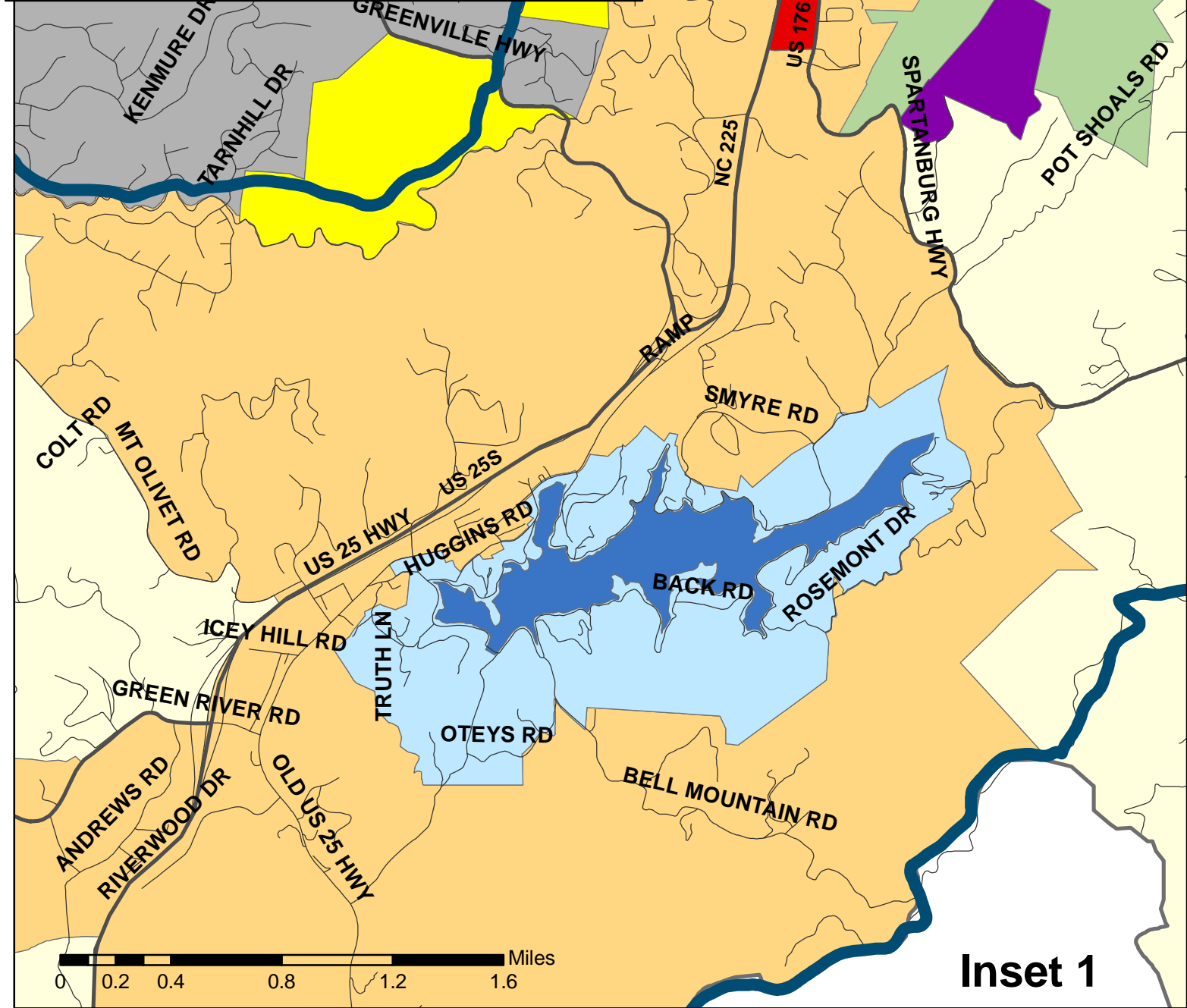
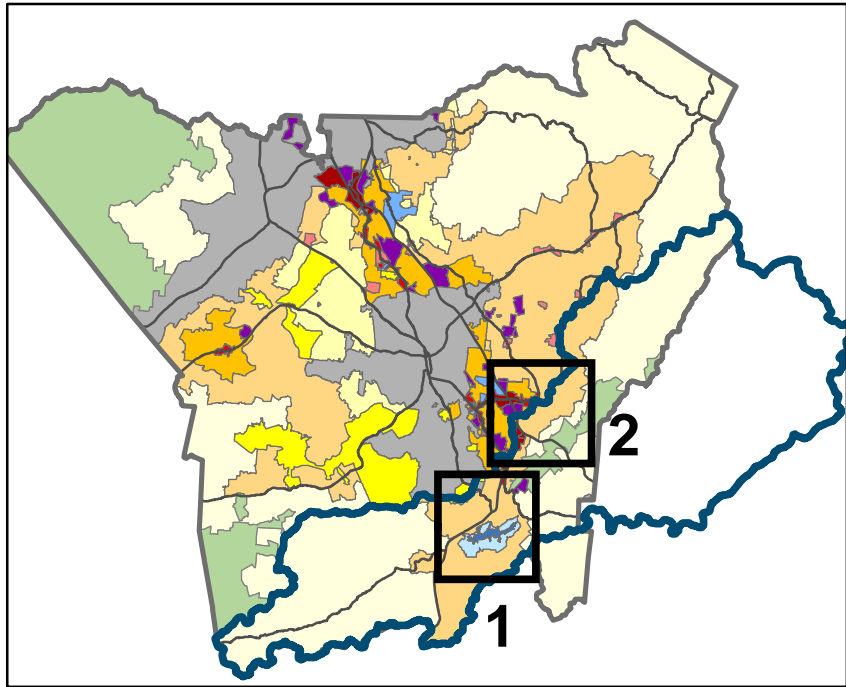
Current Zoning for Proposed Lake Adger Watershed



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