

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: February 15, 2012

SUBJECT: State Required Water Supply Watershed Map Updates

PRESENTER: Anthony Starr, AICP, Planning Director

ATTACHMENTS:

1. Staff Memo
2. Map – Henderson County Water Supply Watershed Map
3. Map - New WS-IV Critical Area (CA)
4. Map – New WS-IV Critical Area (CA) Aerial
5. Water Supply Watershed Acreage Table
6. PowerPoint

SUMMARY OF REQUEST:

On December 1, 2011, the North Carolina Environmental Management Commission (NCEMC) classified a segment of the French Broad River in Henderson County to WS-IV-CA (Water Supply Critical Area) for the City of Hendersonville's new surface water intake. The Board of Commissioners (BOC) approved a resolution of support for the location of the new intake and classification of approximately 22.49 acres to a WS-IV-CA on April 21, 2010.

The statute requires Henderson County to update its watershed protection ordinance and maps within 270 days after reclassification and notification of action. As per the Land Development Code §200A-346-D and G.S. 143-214.5, the Commissioners may incorporate the minimum requirements of the NCEMC without undertaking the official amendment process. This may include indentifying the boundaries of watershed districts proposed by the NCEMC on the Watershed Protection Map and may include text amendments necessary to conform to the minimum requirements of the NCEMC. Notice provisions of G.S. 153A-343 are required if the County imposes water supply watershed management requirements that are more stringent than those adopted by the Commission. Property not regulated by water supply watershed rules must comply with stormwater regulations, and both require the same stormwater regulations for high density projects. The proposed watershed boundaries match the minimum requirements of the EMC and appear consistent with the map endorsed by the BOC on April 21, 2010.

The Planning Board reviewed the water supply watershed map at its meeting on January 19, 2012. A recommendation by the Planning Board is not required for BOC approval.

BOARD ACTION REQUESTED:

The County is required to take action to update the County Water Supply Watershed Map before August 27, 2012 to comply with the State classification. A public hearing is not required to administratively amend the map. The Board may elect to hold a public hearing and notify effected property owners, but the Board is still required to adopt the minimum requirements of the NCEMC. Planning Staff has notified the 3 property owners affected by the new WS-IV-CA State classification.

Suggested Motion:

I move that the Board approve the proposed Water Supply Watershed Map for Henderson County as adopted by the NCEMC on December 1, 2011.



Planning Department

100 North King Street
Hendersonville, NC 28792

MEMORANDUM

TO: Board of Commissioners
Steve Wyatt, County Manager
FROM: Autumn Radcliff, Senior Planner
DATE: January 27, 2012
SUBJECT: State Required Water Supply Watershed Map Updates

The City of Hendersonville has been working with the N.C. Department of Environment and Natural Resources (DENR) Public Water Supply Section and Division of Water Quality (DWQ) since 2009 to approve a new surface water intake on the French Broad River. The intake is proposed north (downstream) of the confluence of Mills River and will allow the City to continue to supply water to customers during drought conditions that might deplete the amount of surface water available at the existing intake on the Mills River.

DWQ stated that the proposed intake requires an expansion of the existing WS-IV-CA. Staff worked with the City and McGill and Associates (the City's Project Engineering Firm) to determine the validity of these new boundaries. An existing drainage ditch that will be relocated eliminated the need to further expand the WS-IV-CA beyond the proposed 22.49 acres, thus impacting only two property owners currently regulated by the States watershed classification.

On April 21, 2010, the BOC approved a resolution of support for the location of the new intake and classification of approximately 22.49 acres to a WS-IV-CA. On December 1, 2011, the North Carolina Environmental Management Commission (NCEMC) classified the 22.49 acre segment of the French Broad River in Henderson County to a WS-IV-CA for the City of Hendersonville's new surface water intake. The statute requires the County to update its watershed protection ordinance and maps within 270 days after reclassification and notification of action.

After review of the statute and LDC by County legal staff, the BOC may incorporate the minimum requirements of the NCEMC necessary to conform to the State regulations without undertaking the official amendment process. Notice provisions are required if the County imposes more stringent requirements than those adopted by the NCEMC. The proposed watershed boundaries match the minimum requirements of the EMC and appear consistent with the map endorsed by the BOC on April 21, 2010. LDC text amendments are not required.

The County is required to take action to amend the County Water Supply Watershed Map before August 27, 2012 to comply with the State classification. The BOC may elect to hold a public hearing and notify effected property owners, but is required to adopt the minimum requirements of the NCEMC. Planning Staff has notified the 3 property owners (Patton Seed Co., City of Asheville Water Authority and Mr. Larry Joe Youngblood) affected by the new WS-IV-CA State classification.











Henderson County Water Supply Watershed Map



(As Approved December 1, 2011 by NCEMC)

Legend

Water Supply Watersheds

-  Bradley Creek
-  Colt Creek (See Map Inset)
-  Lower Mills River
-  North Fork Mills River
-  Upper French Broad River
-  Upper Mills River
-  Critical Areas (1/2 mile from intake)
-  Major Roads

Rivers/Streams

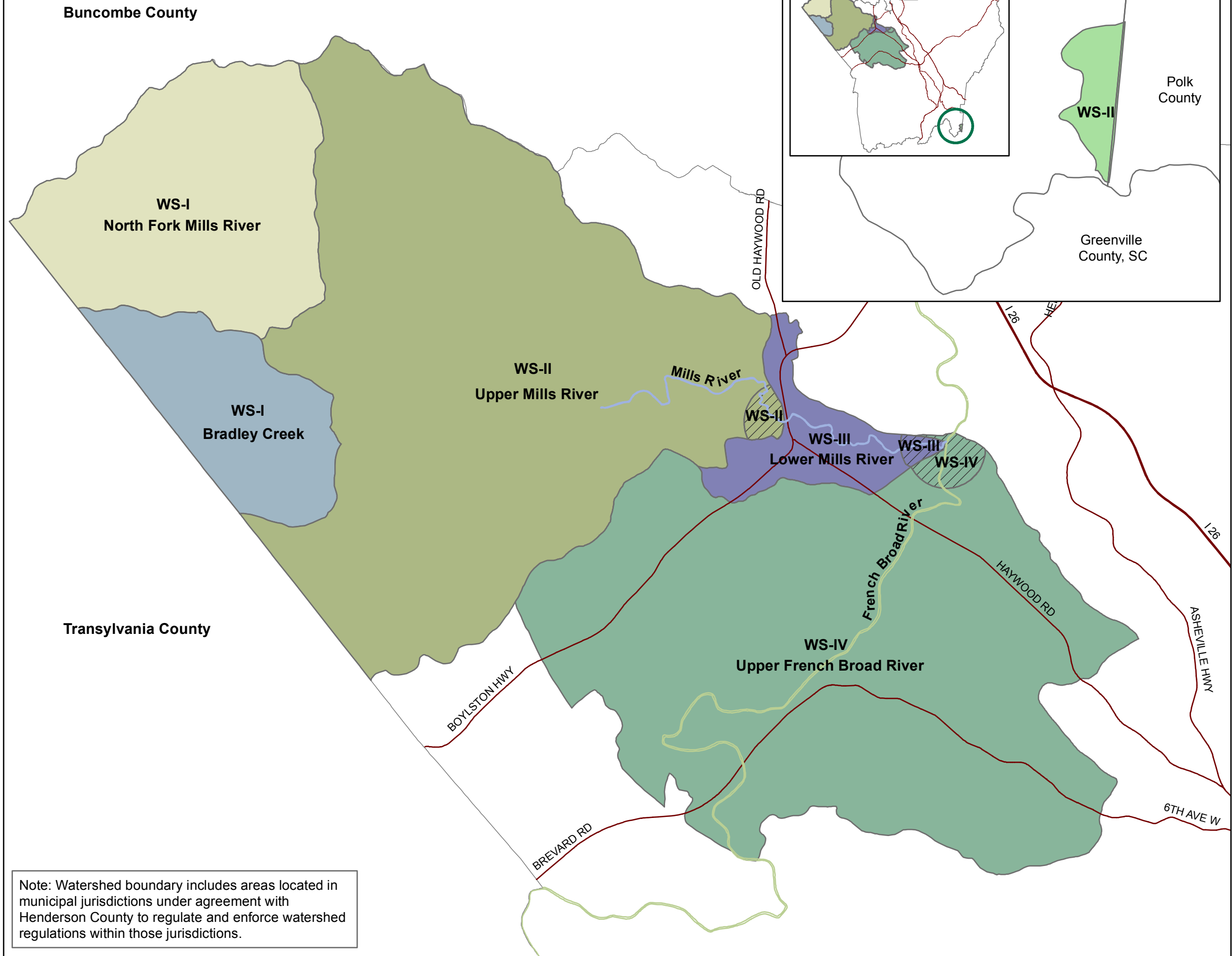
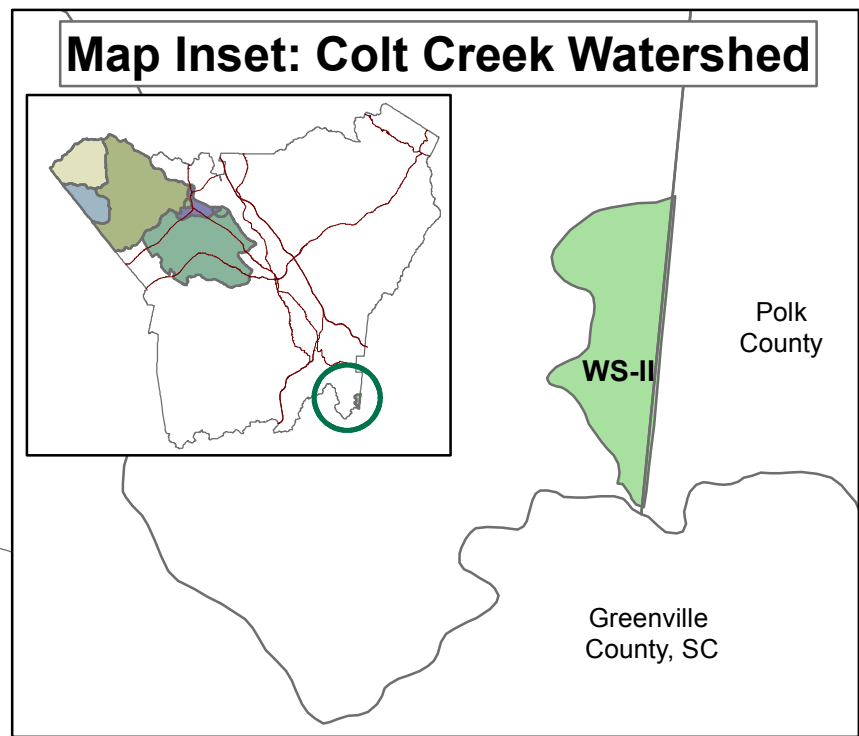
-  French Broad River
-  Mills River



1 in = 1 miles

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Map prepared by Autumn Radcliff, Senior Planner,
Henderson County on January 11, 2012



Note: Watershed boundary includes areas located in municipal jurisdictions under agreement with Henderson County to regulate and enforce watershed regulations within those jurisdictions.

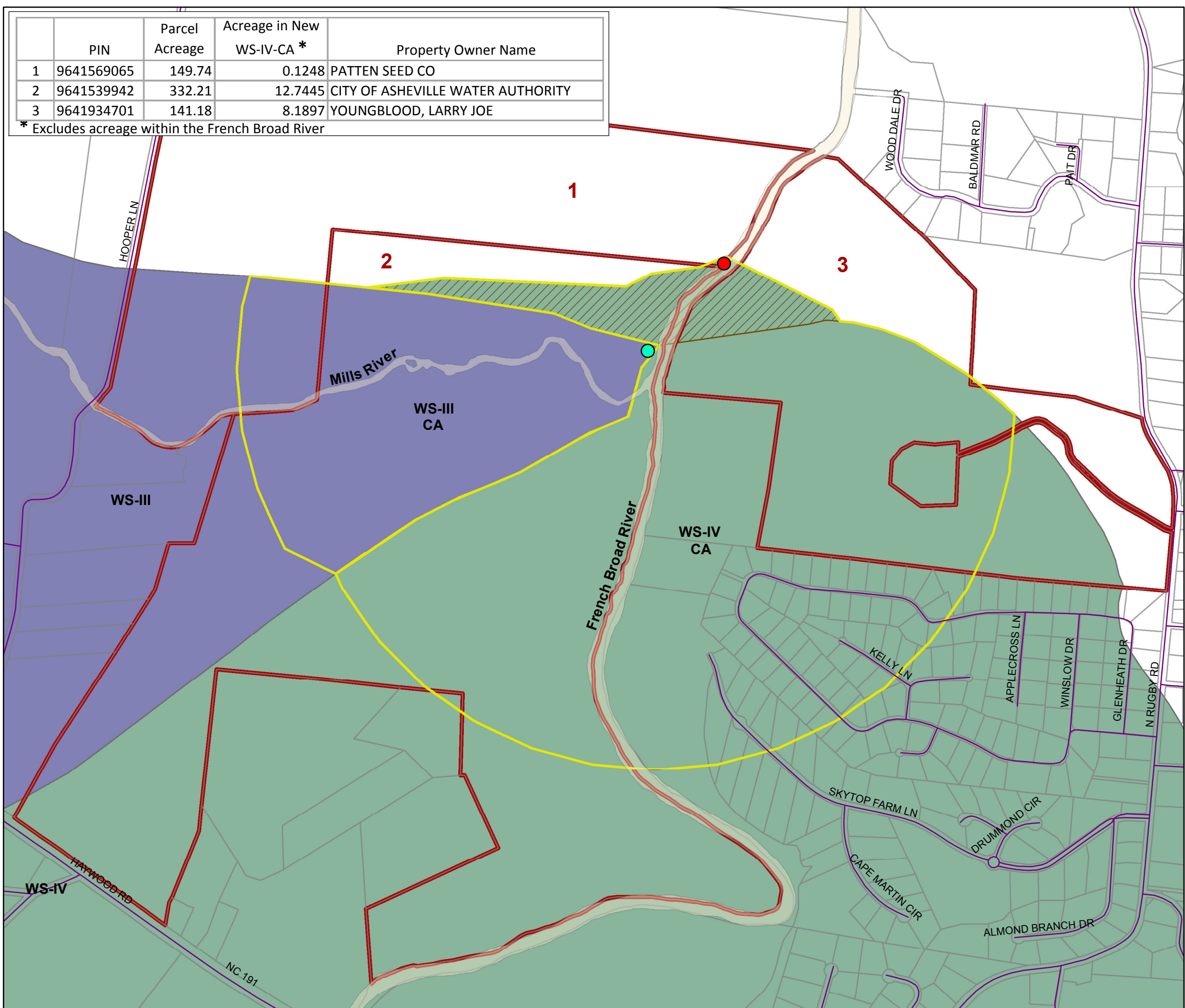


Henderson County Water Supply Watershed Map New WS-IV-CA

(As Approved December 1, 2011 by NCEMC)

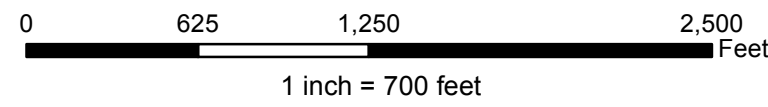
	PIN	Parcel Acreage	Acreage in New WS-IV-CA *	Property Owner Name
1	9641569065	149.74	0.1248	PATTEN SEED CO
2	9641539942	332.21	12.7445	CITY OF ASHEVILLE WATER AUTHORITY
3	9641934701	141.18	8.1897	YOUNGBLOOD, LARRY JOE

* Excludes acreage within the French Broad River



Legend

- City of Hendersonville Proposed Surface Water Intake
 - City of Asheville Surface Water Intake
 - Streets
- #### Water Supply Watersheds
- Bradley Creek
 - Colt Creek
 - Lower Mills River
 - North Fork Mills River
 - Upper French Broad River
 - Upper Mills River
 - Critical Areas (1/2 mile from intake)
 - Affected Parcels
 - New WS-IV Critical Area (approx. 22.49 acres)
 - Rivers/Streams



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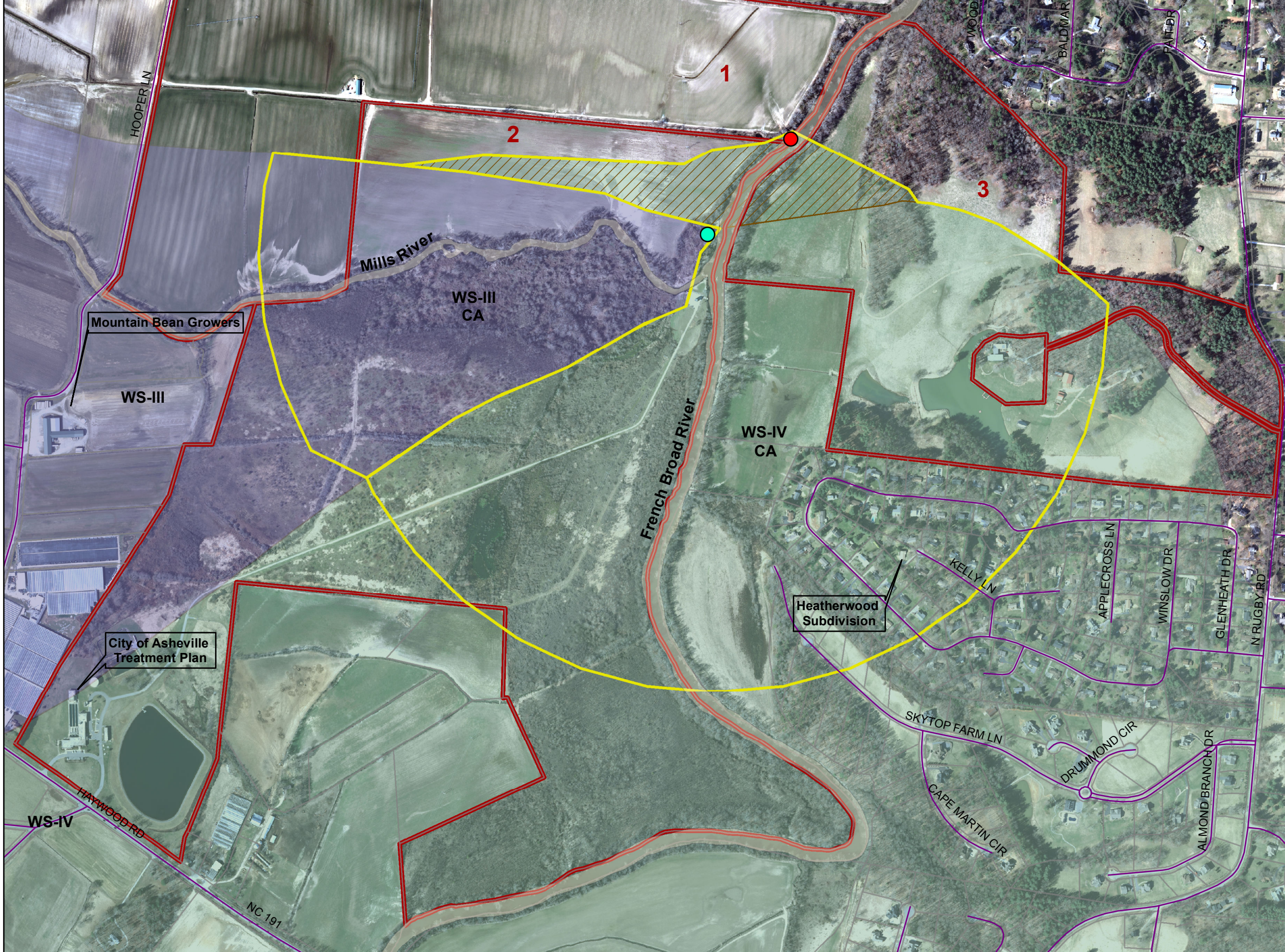


Henderson County Water Supply Watershed Map New WS-IV-CA

(As Approved December 1, 2011 by NCEMC)

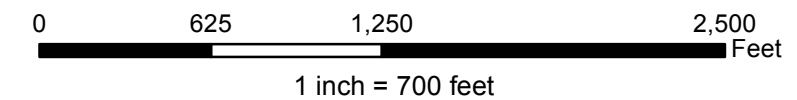
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**Henderson County
Water Supply Watershed Acreage Table**

State Stream Name	Name	Watershed	Class	Acreage
Bradley Creek	Bradley Creek	WS I	CA	3,126.39
North Fork Mills River	North Fork Mills River	WS I	CA	6,269.55
Mills River	Upper Mills River	WS II	CA	171.81
Colt Creek	Colts Creek	WS II	BW	155.30
Mills River	Upper Mills River	WS II	BW	18,531.18
Mills River	Lower Mills River	WS III	CA	97.29
Mills River (Asheville)	Lower Mills River	WS III	BW	1,520.57
French Broad River (Asheville)	Upper French Broad River	WS IV	CA	*268.85
French Broad River (Asheville)	Upper French Broad River	WS IV	PA	18,019.49
Total				47,891.58

*Includes 22.49 acres classified by the State for the City of Hendersonville's intake

State Required Water Supply Watershed Map Updates



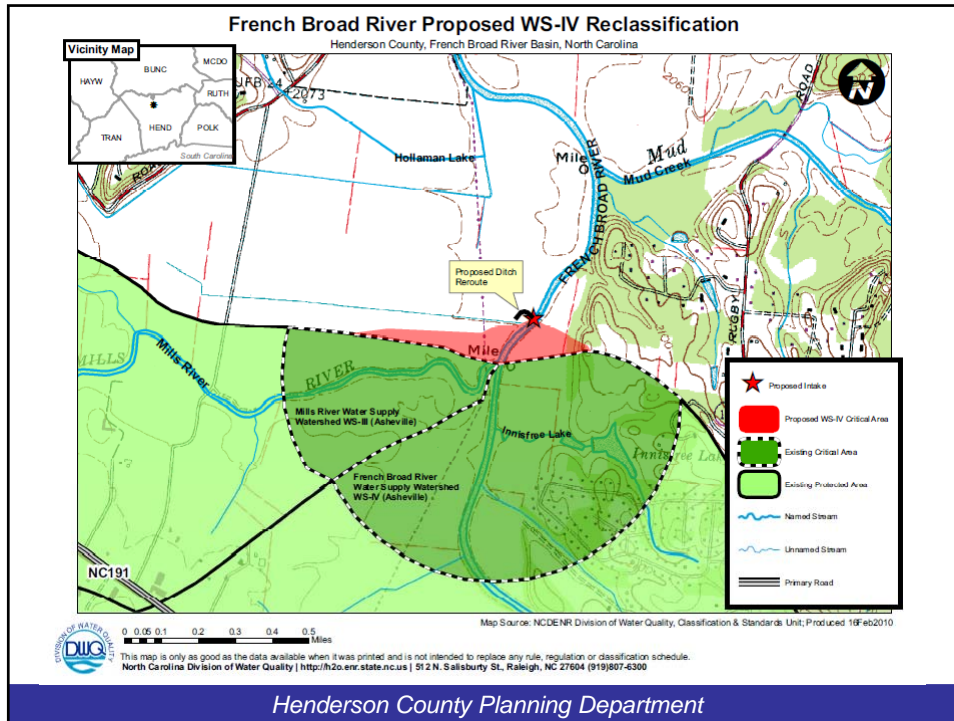
Henderson County Board of Commissioners Meeting
Wednesday, February 15, 2012
Presentation by: Autumn Radcliff, Senior Planner

Henderson County Planning Department

State Required Updates

- City of Hendersonville requested a surface water intake on the French Broad River.
- DWQ requires expansion of the water supply watershed boundary for the proposed intake.
- NCDENR-Public Water Supply Section requires relocation of the drainage ditch to a point downstream of the intake.
- Engineering data show the relocated ditch will not impact the intake.
- DWQ accepted this data and provided a map of the proposed WS-IV-CA (Approximately 22.49 acres).

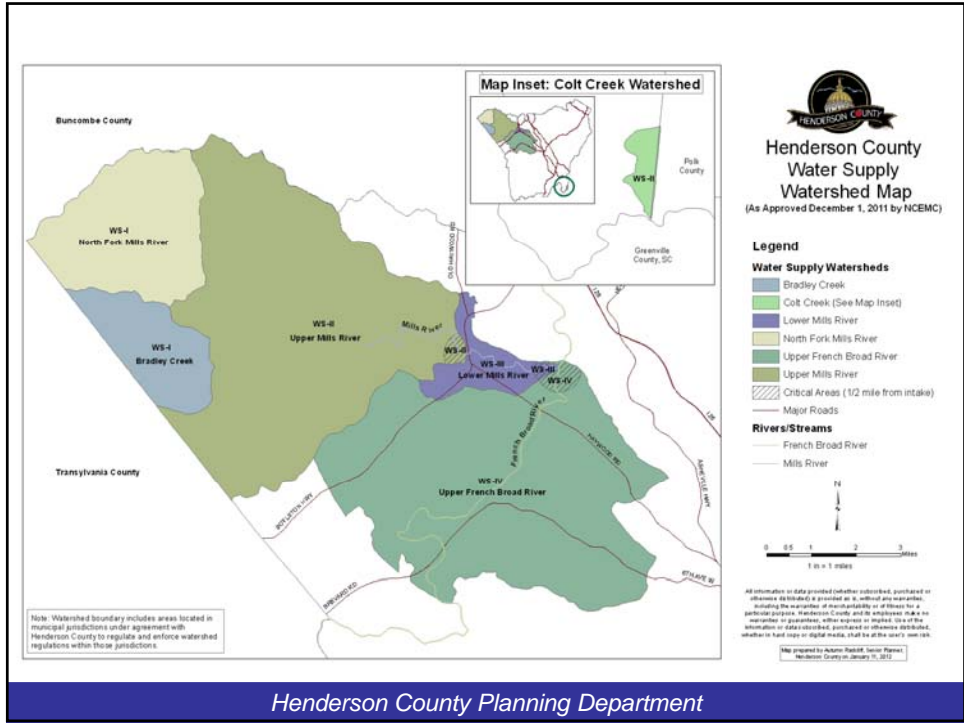
Henderson County Planning Department



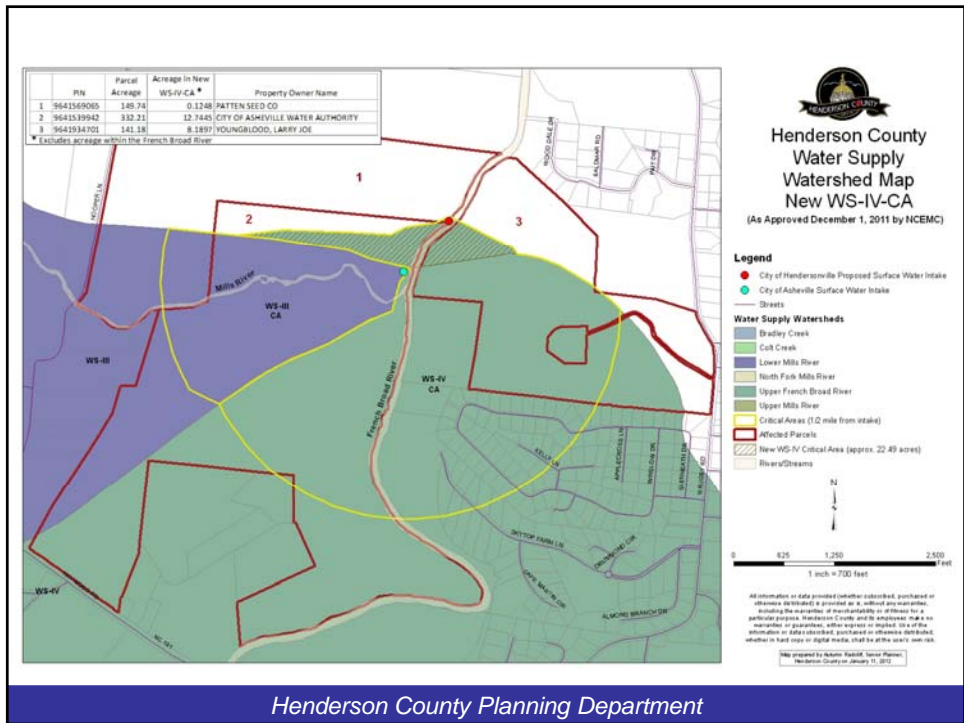
State Required Updates

- April 21, 2010, BOC adopted a resolution of support for the new intake & classification of approx. 22.49 acres
- December 1, 2011, NCEMC classified the 22.49 acres segment on the FBR to a WS-IV-CA.
- County has until August 27th to update the water supply watershed map.
- Public hearing & notification is not required if the BOC incorporates the minimum requirements of the NCEMC.
- Proposed watershed boundaries match the minimum requirements of the NCEMC.

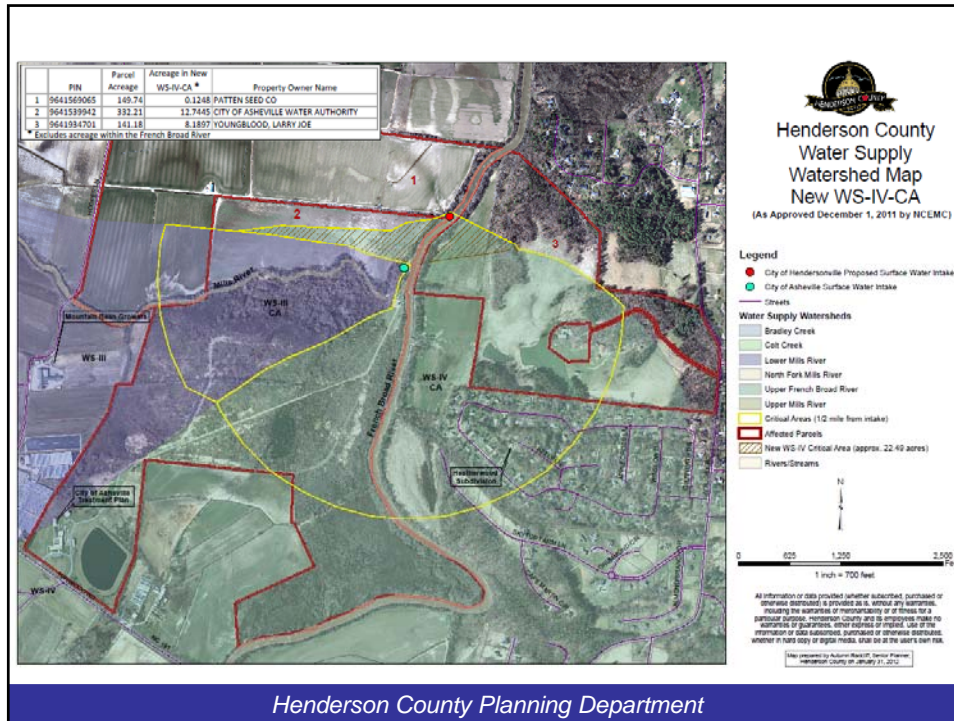
Henderson County Planning Department



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Henderson County Planning Department



Next Steps

- The Board of Commissioners may:
 - Adopt the minimum requirements of the NCEMC.
 - or
 - Elect to hold a public hearing, but is required to adopt the minimum requirements by August 27, 2012. (Staff notified the 3 property owners affected by the new WS-IV-CA State classification.)

Henderson County Planning Department