

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: February 2, 2015

SUBJECT: Public Hearing for the Lower Mills River-Asheville Watershed (WS-III-BW)
Boundary Change

PRESENTER: Autumn Radcliff, Senior Planner

ATTACHMENTS:

1. Approval Letter from NCDENR
2. WGLA Engineering Methodology
3. Map of Proposed WS-III-Balance of Watershed
4. Resolution of Consistency with CCP
5. Notice of Public Hearing
6. Certification of Notification of Public Hearing
7. Power Point Slides

SUMMARY OF REQUEST:

On November 6, 2014, the North Carolina Department of Environment and Natural Resources (NCDENR) approved a request to adjust the Lower Mills River-Asheville Watershed (WS-III-BW) boundary. Henderson County Planning Department Staff submitted a revised map to NCDENR on behalf of the Town of Mills River and WGLA Engineering.

WGLA Engineering discovered the existing WS-III-BW boundary did not drain into the Mills River as previously depicted in the current watershed map. The area in question is located near NC Highway 280 in the Town of Mills River municipal limits. The proposed WS-III-BW boundary would remove approximately 117 acres from the existing WS-III-BW boundary. A total of 31 parcels would be affected by the proposed WS-III-BW boundary change, with 24 parcels being removed entirely and 7 parcels seeing a reduction in the WS-III-BW boundary on their property. The proposed WS-III-BW boundary does not affect any new parcels that are not already found in the existing WS-III-BW boundary nor increase the existing water supply watershed boundaries.

All local government's critical and protected area boundaries must be approved by the Division of Energy, Mineral, and Land Resources (DEMLR) prior to adoption by the local government. DEMLR, a division of NCDENR, approved the proposed modification on November 6, 2014.

The Henderson County Planning Board considered the proposed WS-III-BW boundary change during its regularly scheduled meeting on December 18, 2014 and voted to send forth a favorable recommendation.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-314(C) and §42A-337(B) of the Henderson County Land Development Code and State Law, notices of the February 2, 2015, public hearing regarding the proposed WS-III-BW boundary change were published in the Hendersonville Tribune on January 15, 2015 and January 22, 2015. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to

the Subject Area and the subject area property owner on January 26, 2015 and posted signs advertising the hearing on the Subject Area on January 26, 2015.

BOARD ACTION REQUESTED:

After holding the required hearing, Planning Staff recommends that the Board of Commissioners approve the proposed Lower Mills River-Asheville Watershed (WS-III-BW) boundary as approved by the NCDEMLR. State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution is provided.

Suggested Motion:

I move that the Board adopt the attached resolution regarding the consistency with the CCP.

I move that the Board adopt the proposed water supply watershed map amendment.



North Carolina Department of Environment and Natural Resources
Division of Energy, Mineral, and Land Resources

Tracy E. Davis, PE, CPM
Director

Pat McCrory, Governor
John E. Skvarla, III, Secretary

November 6, 2014

Autumn Radcliff
Henderson County Planning Department
100 North King St.
Hendersonville, NC 28792

Subject: Approval of Water Supply Watershed Map Change

Dear Ms. Radcliff:

The purpose of this letter is to inform you that the Division of Energy, Mineral and Land Resources (DEMLR) has reviewed and approved the proposed modifications to Henderson County's Watershed Map received by our office on September 26, 2014. DEMLR approved the map in accordance with North Carolina General Statute 143-214.5 and North Carolina Administrative Code 15A NCAC 2B .0100 and .0200. Specifically, 15A NCAC 2B .0104(o) requires that all revisions to the Environmental Management Commission's (EMC) or the local government's critical and protected area boundaries be approved by the EMC (or its designee) prior to adoption by the local government.

Henderson County submitted the revised map in response to a request from the Town of Mills River and its residents to adjust the watershed boundary of the Lower Mills River - Asheville watershed (Class WS-III-BW) near NC Highway 280. WGLA Engineering (previously William G. Lapsley & Associates) discovered through the course of their work that an area along the east side of NC 280 does not drain to the Mills River as depicted on the county's existing watershed map. Aerial topographic survey information, NCDOT Lidar topographic information and field visits were used to create the revised watershed map. We agree that the revised map you submitted for approval does represent the location of the Lower Mills River WS-III-BW watershed boundary more accurately than the existing map.

Amendments to North Carolina Administrative Code 15A NCAC 2B .0304 (French Broad River Basin) will not be required in this case. However, we will need to update our centralized map to reflect this revised boundary. Please provide us with a GIS shapefile and hard copy of the county's final map upon its adoption.

Lastly, please be advised that new development projects in the area removed from the WS-III-BW may now be subject to NPDES Phase 2 stormwater requirements.

Thank you for your assistance with this process. Please let me know if you have any questions.

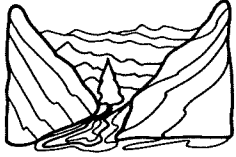
Sincerely,

A handwritten signature in cursive script that reads "Julie Ventaloro".

Julie Ventaloro
WSWP Program Coordinator

Attachment: Approved Watershed Map, dated September 26, 2014

cc: Jaime Laughter, Town Mgr, Town of Mills River, 124 Town Center Drive, Mills River, NC 28759
Laura Herbert, NC DEMLR, Asheville Regional Office



WGLA Engineering, PLLC

Civil Engineers and Land Planners

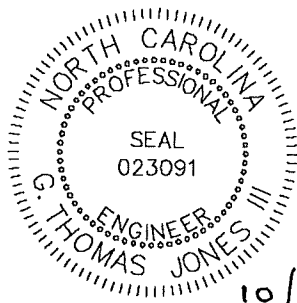
October 10, 2014

Matthew L. Champion, MPA
Henderson County Planning Department
100 North King Street
Hendersonville, NC 28792

Dear Matt:

Our firm, WGLA Engineering (previously William G. Lapsley & Associates) has worked on numerous projects in the Mills River area of Henderson County. Through the course of our work, we discovered an error in the Mills River WS III Water Supply Watershed. There is a relatively large area located along the east side of NC Highway 280 that does not drain into the Mills River. We created a "Revised Watershed Map" showing a more accurate location for the WS III boundary.

To create the revised boundary, we used aerial topographic survey information from past projects, NCDOT Lidar topographic information, and field visits. The purpose of the field visits was to determine whether any cross pipes along NC 280 affect the watershed area. Using the topographic information, we used a "water drop" method to determine which direction water flows when it falls at any given location. Based on this method, the area removed from the boundary flows to un-named tributaries of the French Broad River, the stream from Hollaman Lake (DWQ Stream Index 6-56), and ultimately the French Broad River (not the Mills River). Please let me know if you have any questions or need any additional information.



Sincerely,

G. Thomas Jones III
Project Manager / Principal

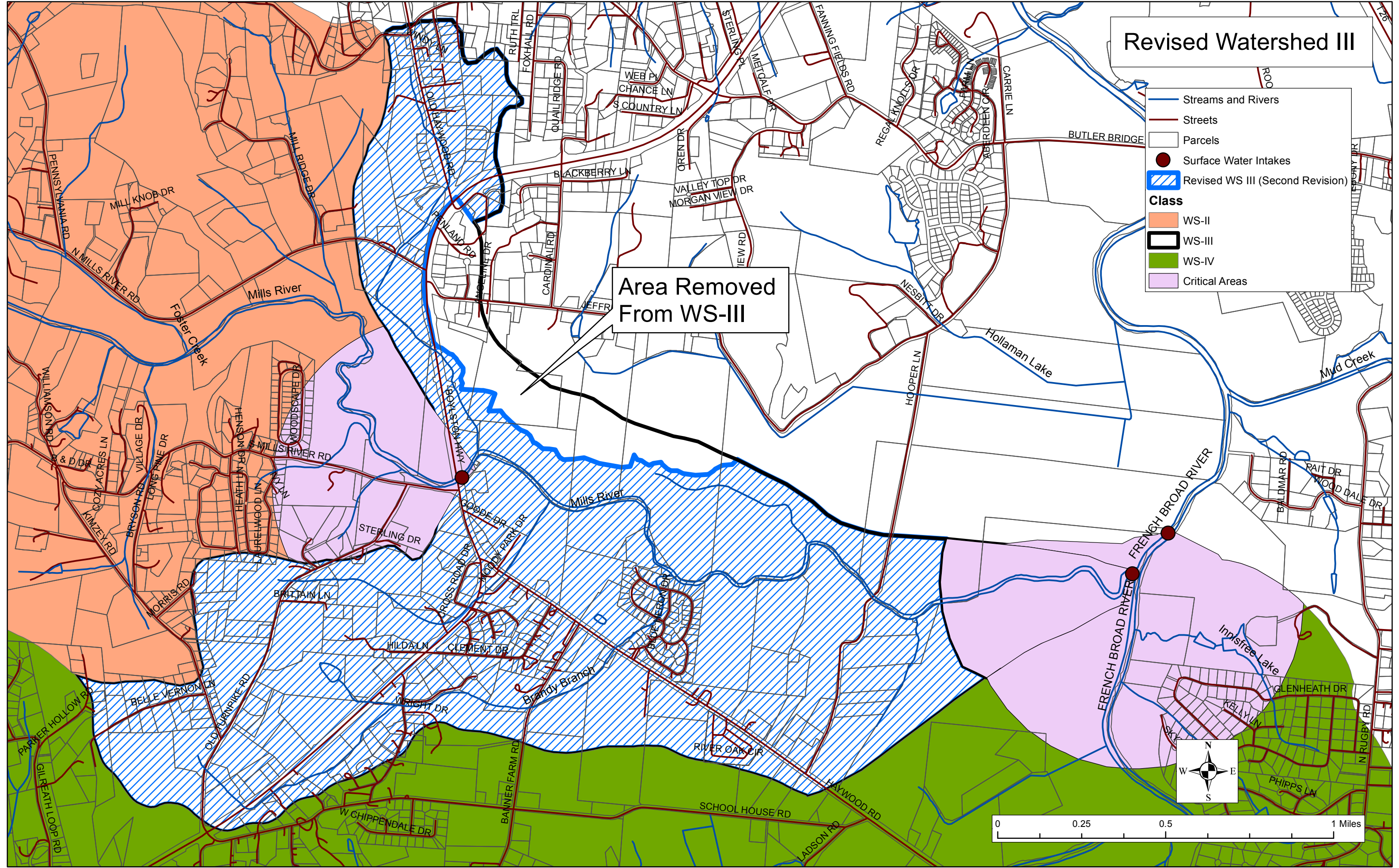
Revised Watershed III

— Streams and Rivers
— Streets
▭ Parcels
● Surface Water Intakes
▨ Revised WS III (Second Revision)

Class

- WS-II
- WS-III
- WS-IV
- Critical Areas

Area Removed From WS-III





RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

WHEREAS, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

WHEREAS, the Board desires to update and revise the regulations of the LDC; and

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed water supply watershed map amendment with WS-III-BW boundary change; and

WHEREAS, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on February 2, 2015; and

WHEREAS, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed water supply watershed map amendment (WS-III-BW) and finds that it reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 2nd day of February, 2015.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
TOMMY THOMPSON, Chairman

ATTEST:

Terry Wilson, Clerk to the Board

[COUNTY SEAL]

**NOTICE OF PUBLIC HEARING
ON PROPOSED WATER SUPPLY WATERSHED MAP AMENDMENT
LOWER MILLS RIVER-ASHEVILLE WATERSHED (WS-III-BW)**

The Henderson County Board of Commissioners will hold a public hearing for a proposed map amendment to the Official Water Supply Watershed Map of Henderson County, North Carolina.

On November 6, 2014, the North Carolina Department of Environment and Natural Resources (NCDENR) approved a request to adjust the Lower Mills River-Asheville Watershed (WS-III-BW) boundary. Henderson County Planning Department Staff submitted a revised map to NCDENR on behalf of the Town of Mills River and WGLA Engineering.

WGLA Engineering discovered the existing WS-III-BW boundary did not drain into the Mills River as previously depicted in the current watershed map. The area in question is located near NC Highway 280 in the Town of Mills River municipal limits. The proposed WS-III-BW boundary would remove approximately 117 acres from the existing WS-III-BW boundary. A total of 31 parcels would be affected by the proposed WS-III-BW boundary change, with 24 parcels being removed entirely and 7 parcels seeing a reduction in the WS-III-BW boundary on their property. The proposed WS-III-BW boundary does not affect any new parcels that are not already found in the existing WS-III-BW boundary nor increase the existing water supply watershed boundaries.

The public hearing will be held on Monday, February 2, 2015, at 5:30 P.M., in the Board of Commissioners Meeting Room located in the Henderson County Historic Courthouse, at 1 Historic Courthouse Square, in Hendersonville, NC. The public is invited to attend and comment on the proposed amendment.

Written comments addressed to the Henderson County Board of Commissioners, 1 Historic Courthouse Square, Suite 1, Hendersonville, NC 28792, will be accepted prior to the hearing. Information about the proposed amendment is available for review in the Henderson County Planning Department, 213 1st Avenue East, Hendersonville, NC, between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, or on the Henderson County Website at www.hcplanning.org. For more information, call the Planning Department at (828) 697-4819.

Please note that after considering public hearing comments, the Board of Commissioners may discuss other options or make changes to the proposed amendments before taking final action. The Henderson County 2020 Comprehensive Plan will be updated and amended, as necessary, to reflect the action of the Board of Commissioners.

Terry Wilson
Clerk to the Board
Henderson County Board of Commissioners

For publication in the Hendersonville Tribune on Thursday, January 15, 2015 and Thursday, January 22, 2015.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the February 2, 2015 hearing regarding Lower Mills River-Asheville Watershed (WS-III-BW) boundary change were:

1. Submitted to the Hendersonville Tribune on January 13, 2015 to be published on January 15, 2015 and January 22, 2015 by Matt Champion;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on January 26, 2015 by Matt Champion;
3. Sent, via first class mail, to the property owners on January 26, 2015 by Matt Champion; and
4. Signs will be posted on the Subject Area(s) on January 26, 2015 by Chris Todd.

The signatures herein below indicate that such notices were made as indicated herein above:

1. Matthew Champion
2. Christopher Todd

STATE OF NC

COUNTY OF GUILFORD

I, Toby Linville, a Notary Public, in and for the above County

and State, do hereby certify that

Matthew Champion, and Christopher Todd

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 9 day of January, 2015.

My commission expires:

5-25-16

(SEAL)
Toby Linville

NOTARY PUBLIC

Lower Mills River-Asheville Watershed (WS-III-BW) Boundary Change



Henderson County Board of Commissioners
Monday, February 2, 2015
Presentation by: Autumn Radcliff, Senior Planner

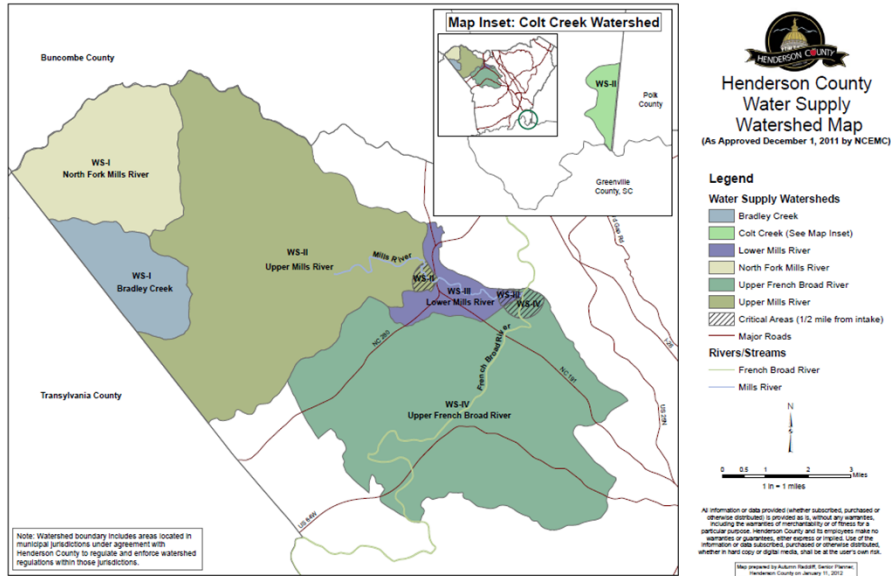
Henderson County Planning Department

WS-III Boundary Change

- Proposed WS-III boundary submitted on behalf of the Town of Mills River and WGLA Engineering.
- NCDENR approved the request on November 6, 2014.
- Approximately 117 acres removed from existing WS-III boundary and 31 parcels affected.

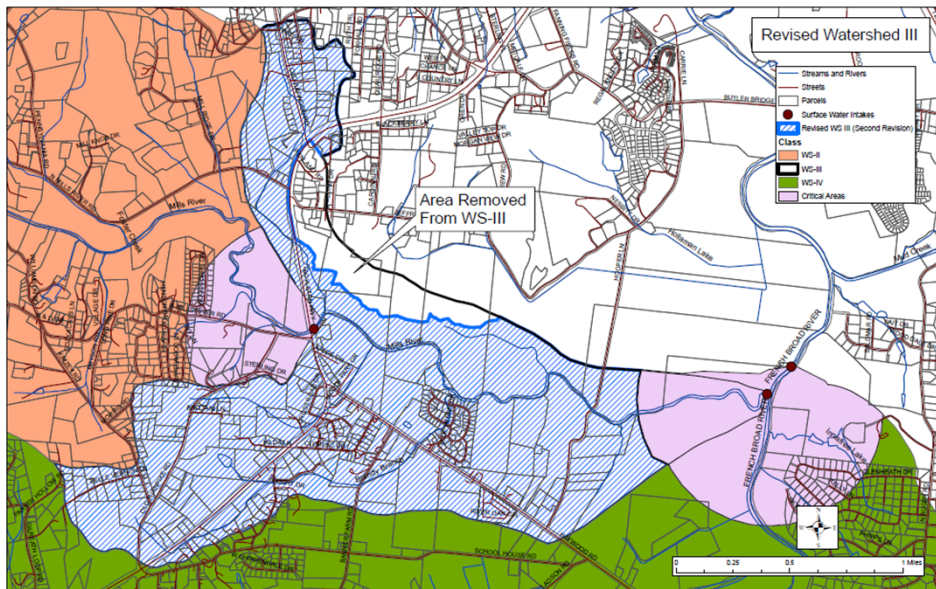
Henderson County Planning Department

Existing Water Supply Watershed Map



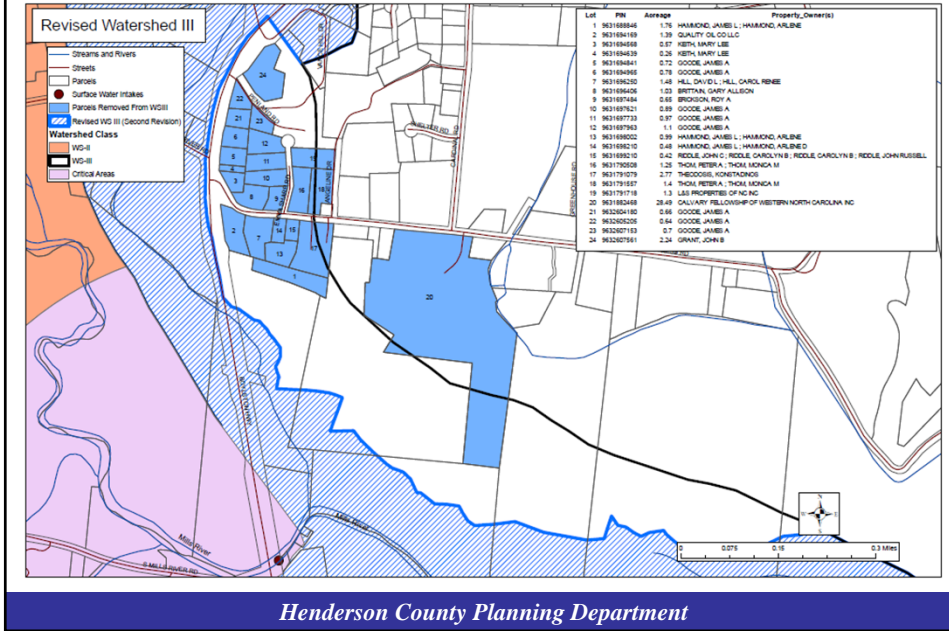
Henderson County Planning Department

Proposed WS-III Boundary

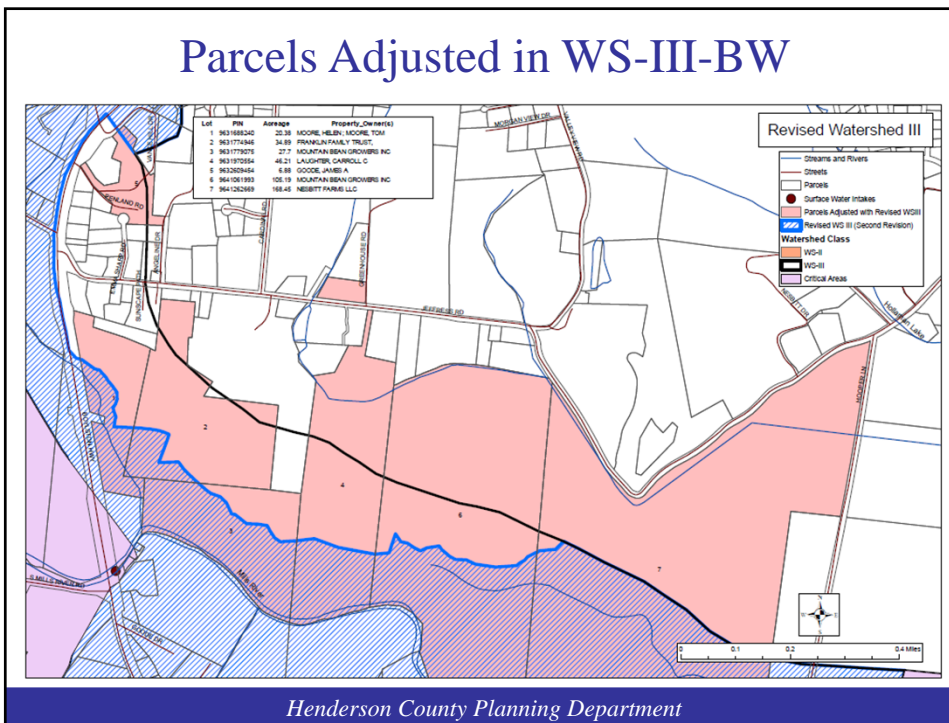


Henderson County Planning Department

Parcels Removed from WS-III-BW



Parcels Adjusted in WS-III-BW



WS-III-BW Boundary Change

Public Hearing Comments



Henderson County Planning Department

WS-III-BW Boundary Change

State Law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution is provided.

Suggested Motion:

I move that the Board adopt the attached resolution regarding the consistency with the CCP

I move that the Board adopt the proposed water supply watershed map amendment.



Henderson County Planning Department