

**HENDERSON COUNTY PLANNING BOARD  
MEETING SUMMARY  
July 18, 2024, at 5:30 PM**

**Planning Board Members Present:**

Hunter Marks, Chair  
Jim Miller  
Trey Ford  
Robert Griffin  
Jason Davis  
Bruce Hatfield  
Jared Ownbey  
Linda Bradley  
Bill Lapsley, BOC Liaison

**Planning Board Members Not Present:**

Rick Livingston, Vice Chair

**Staff Present:**

Autumn Radcliff, Planning Director  
Janna Bianculli, Senior Planner  
Liz Hanson, Planner I  
Matt Champion, Zoning Administrator  
Russ Burrell, County Attorney

**Meeting called to order:** Mr. Hunter Marks called the meeting to order at 5:41 pm. The meeting start date was delayed getting citizens seated and signed in for public comment.

**Roll Call:** Roll call was then taken.

**Informal Public Comment:** The Planning Board heard from one member of the public on the LDC updates, specifically concerning density, conservation subdivisions, open space requirements, and buffers. A handout of the information was provided following the meeting.

**Adjustment of Agenda:** The Board adjusted the agenda and moved rezoning application R02024-02 for Hoopers Creek to the beginning, as most of the public attending were for this item.

**Public Comment Rezoning Application (R-2024-02) Hoopers Creek:** The Planning Board heard from 9 members of the public who were concerned about the Hoopers Creek rezoning. Concerns stated included traffic and safety, the possibility of multi-family and the density allowed in R1, crime, environmental concerns with the soil from previous agricultural operations, noise, property values, flooding, and location issues. Several other residents were in attendance but did not give public comment.

**Rezoning Application (R-2024-02) Hoopers Creek:** Ms. Liz Hanson stated that rezoning application #R-2024-02, submitted on May 1<sup>st</sup>, 2024, requests that the County rezone approximately 13.27 acres of land from Residential Two Rural (R2R) to Residential One (R1). She provided the Board with an overview and presentation of the application. The TRC reviewed the application on June 4, 2024, and made a motion to forward it to the Planning Board. The Board also heard from the applicant's attorney, Mr. Jesse Swords, about the application and how it relates to the 2045 Comprehensive Plan. It was stated that the applicant is planning on developing the property for single-family residential, but all uses allowed in R1 must be considered. Staff noted that multi-family uses proposing 10 or more units require a conditional rezoning.

The Planning Board noted that a conditional rezoning application would have included a site plan and provided some assurance to the adjacent neighbors on the proposed development. The Board also noted that the property was not adjacent to any existing R1 zoning.

After some discussion, Mr. Bruce Hatfield made a motion to recommend that the Board of Commissioners deny the rezoning request. Mr. Jim Miller seconded the motion. The motion passed 7-1, with Mr. Trey Ford voting against the motion. The application will move forward for a public hearing before the Board of Commissioners.

**May 16, 2024, Meeting Summary:** No change to the meeting summary was noted.

**Text Amendment Application (TX-2024-02):** Mr. Jim Miller disclosed to the Board that he is a customer of Vulcan Materials, the applicant for the text amendment request. Other members, including Mr. Trey Ford and Mr. Jared Ownbey, also stated that they are customers. The County Attorney asked if anyone would profit from this request by Vulcan. As the answers stated were no, all members were allowed to participate in the review and recommendation of the text amendment application.

Ms. Autumn Radcliff stated that staff had received an application for a text amendment to the LDC from Vulcan to address pre-existing mining and extraction operations established before 2007. The amendment allows existing vested operations to continue to operate under their active state mining permit and will allow for the associated accessory uses to the operation. The Board was provided a presentation from the applicant, Vulcan, who explained the need for the text amendment and the impact on these pre-existing operations.

After some discussion, Mr. Trey Ford made a motion to recommend that the Board of Commissioners approve the text amendment as presented. Ms. Linda Bradley seconded the motion. All voted in favor.

**Rezoning Application (R-2024-03) Continental Divide:** Ms. Liz Hanson stated that rezoning application #R-2024-03, submitted on May 15, 2024, requests that the County rezone approximately 21.82 acres of land from the Regional Commercial (RC) to Residential Two Rural (R2R). The property is located along Continental Divide Drive. The Planning Board heard from the applicant and 2 other neighbors. Neighbors were concerned with the private road's maintenance and the property's future. The Planning Board asked questions, and after some discussion, Mr. Jim Miller made a motion to recommend that the Board of Commissioners approve the rezoning request. Mr. Jared Ownbey seconded the motion. All voted in favor.

**Presentation by the County Environmental Advisory Committee Chair:** Ms. Autumn Radcliff introduced Nancy Diaz, the Henderson County Environmental Advisory Committee (EAC) Chair. Ms. Diaz gave the Planning Board a presentation on the Environmental Advisory Committee's mission, projects, objectives, and programs. The EAC is seeking guidance from the Planning Board on future projects that the two boards could work on jointly or any other items before the Planning Board that the EAC could offer assistance. The Planning Board thanked Ms. Diaz for the presentation and information and look forward to future projects where the two Boards can coordinate efforts.

**Continued Discussion on Draft Implementation Plan (2045 Comprehensive Plan):** Ms. Janna Bianculli provided an updated Implementation Plan to the Board, noting the changes that the Board had requested at the May meeting. The Planning Board thanked staff for incorporating the changes the Board requested and commended staff on the layout and overall presentation of the plan. Mr. Jason Davis made a motion to approve the Implementation Plan. Mr. Jared Ownbey seconded the motion. All voted in favor. Staff stated that the Implementation Plan will be forwarded to the Board of Commissioners for their acceptance.

**Staff Updates:** Ms. Autumn Radcliff stated that several applications had been before the Board and thanked them for their work. She noted that the Board would review a rezoning request initiated by staff to apply zoning for a portion of the property that is being removed from the City of Hendersonville's ETJ at the August meeting. She said staff plans to provide an update on the zoning rewrite at the August meeting as well.

Mr. Jim Miller stated that the Planning Board by-laws state that elections for chair and vice-chair are to be held each September, but this has not been followed in recent years. The current chair and vice-chair were elected in May to replace the vacant position from Mr. Dozier's term completion. Staff has apologized for this oversight and will ensure it is on the September agendas moving forward.

Commissioner Lapsley provided the Board with an update on the legislative Bill concerning sewer rates which is in the rules committee. He also updated the Board on the Edneyville sewer plans, which include an agreement with the COH to accept the sewer and not require voluntary annexation to connect. Commissioner Lapsley also stated that the County is in the process of purchasing the Etowah Sewer System but will not be honoring commitments made by the current owner.

**Adjournment:** The meeting was adjourned at 8:07 pm with no further business.

## Statement for Planning Board on 7/18/24 Regarding the Land Development Codes

Good evening, and welcome to the challenge of updating the County's Land Development Codes to *operationalize* the 2045 Comprehensive Plan. As in the old telephone game, some important elements have already been left behind and others risk being weakened while you find just the right words to balance growth with retaining what makes Henderson County special.

Many have already expressed concerns about the Comprehensive Plan's population density proposals at the town level. We also need to pay attention to density at the sub-division level, where there is clear opportunity to conserve and restore natural spaces. The Conservation Subdivision concept from NC State provides excellent illustrations of how to fulfill the twin objectives of providing desirable neighborhoods while retaining and restoring natural habitat and biodiversity.

In a true Conservation Subdivision, at least 2 distinct zones are created. One or more are for "higher-density" housing. The rest is left open as buffers from traffic and other neighborhoods. The overall density may match that of a traditional subdivision; but the cost of building a Conservation Subdivision and the long-term costs of servicing it would be *much* lower. It is *different* from the suburbia this country has known since the 1950's, but harkens back to the centuries-old and world-wide tradition of villages.

Here's the rub: the LDC requires the use of Conservation Subdivision parameters, but the devil in the details predictably allows developers to ignore the intent. LDC section 42-88 literally equates "conserved space" with "open space," which developers count as any square foot of land that isn't sold or built upon. Water features, drainage ponds, enclosed partial lots, and roadway shoulders are considered "open" even though they are not **USABLE** for community purposes like picnics, club events, shared gardens or yard sales. In the new LDC, PLEASE stop giving credit for this phantom "open space"!

Instead, require actual *conservation* or *restoration* of native forest & meadow *around* subdivisions to create buffers at least 100' wide. Increase density within the neighborhood accordingly. Trends show that the demand will be there for these "non-traditional" subdivisions, which will in time take us back to having the neighborhoods and natural spaces we deserve.

Thank you.