

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: July 18, 2018

SUBJECT: Set Public Hearing for Land Development Code (LDC) Text Amendments (TX-2018-05) – Administrative Text Amendment to Flood Requirements

PRESENTER: Autumn Radcliff, Planning Director

ATTACHMENTS: 1. Draft Text Amendments

SUMMARY OF REQUEST:

Based on a recent review of the Flood requirements, Staff discovered an administrative text amendment that the Board needs to discuss per the request of the Army Corp of Engineers. (See attached text amendment). This amendment is an administrative change to clarify that a floodplain development permit is required for any new development in the floodplain regardless of any other required state or federal permits.

BOARD ACTION REQUESTED:

State law and the LDC require the Board of Commissioners to hold a public hearing prior to acting on a text amendment. Staff requests the Board set a public hearing for Wednesday, August 15, 2018 at 9:00 a.m.

Suggested Motion:

I move that the Board set a public hearing on the proposed Land Development Code Text Amendments (TX- 2018-05) for Wednesday, August 15, 2018 at 9:00 a.m.

LDC Draft Administrative Text Amendment (TX-2018-05)

Technical Clarification to the Flood Requirements

Requested changes are highlighted in red.

LDC Administrative Text Amendment: Floodplain Development Permits Section

Issue Summary: The Army Corp of Engineers and staff have identified a technical error in the current Floodplain Development Permits section of the Land Development Code that needs to be amended. This amendment would remove a current exemption for a county floodplain development permit if a state or federal permit is required. This exemption is not permissible as a floodplain development permit is required for any development in the flood fringe.

Proposed Amendment: Amend section 42-350 Floodplain Development Permits as shown below.

Section 42-350 Floodplain Development Permits

Purpose. A Floodplain Development Permit shall be required for any new development in a *Special Flood Hazard Area (SFHA)*. ~~except for watercourse alteration and streambank restoration where the same is permitted by the United States Corps of Engineers and, if applicable, the State of North Carolina (for watercourse alteration and streambank restoration where a proper and appropriate permit from the United States Corps of Engineers and, if applicable, the State of North Carolina, has been granted, no further permit from Henderson County is required).~~