

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 15, 2018

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

PRESENTER: Autumn Radcliff, Planning Director

ATTACHMENTS: 1. Draft Amendments – TX-2018-05
2. Certification of Public Notice
3. Resolution of Consistency with County Comprehensive Plan
4. PowerPoint

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.

At the June 21, 2018 meeting, the Planning Board reviewed the draft text amendment and voted to send forward a favorable recommendation.

PUBLIC NOTICE:

The required public notice of this hearing was published in the Hendersonville Times News on August 4, 2018 and August 11, 2018 (see attached Certification of Notice of Public Hearing).

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 and adopt a written statement of consistency with the County Comprehensive Plan.

Suggested Motion:

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

I move that the Board adopt the proposed LDC text amendment as discussed.

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

Administrative Amendment 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).~~

Certification of Notice of Public Hearing

In accordance with NCGS 153A-323 and 153A-343 the Planning Department certifies notices of the August 15th, 2018 hearing regarding the proposed Henderson County Land Development Code Text Amendments (TX-2018-04, and TX-2018-05), were:

1. Submitted to the Hendersonville Times News on August 1, 2018 to be published on August 4, 2018 and August 11, 2018 by Autumn Radcliff;

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

1. Autumn Radcliff

STATE OF North Carolina

COUNTY OF Henderson


I, Lisa N Stepp, a Notary Public, in and for the above County and State, do hereby certify that Autumn Radcliff

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 1st day of August, 2018.

My commission expires:

September 5, 2021


Lisa N Stepp
NOTARY PUBLIC



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 Department and Planning Board provided recommendations regarding the proposed text amendments with case TX-2018-04 and TX-2018-05; and

WHEREAS, pursuant to N.C. General Statute §153-323, the Planning Department provided the prescribed public notice and the Board held the required public hearings on August 15, 2018; 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 LDC text amendment (TX-2018-04 and TX-2018-05) and finds that it reasonable, in the public interest and it is consistent with the principles and goals of County Comprehensive Plan and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed text amendments 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 15th day of August, 2018.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
MICHAEL EDNEY, Chairman
Henderson County Board of Commissioners

ATTEST:

TERESA L. WILSON
Clerk to the Board of Commissioners

[COUNTY SEAL]

Land Development Code Text Amendment TX-2018-05 – Administrative Text Amendment to Flood Requirements

Henderson County Planning Department

Land Development Code Text Amendment (TX-2018-05)

Issue:

Army Corp of Engineers identified a clarification needed in our ordinance. 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.

Henderson County Planning Department

Land Development Code Text Amendment (TX-2018-05)

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).~~

Henderson County Planning Department

Questions or Discussion

Henderson County Planning Department