

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: September 7, 2021

SUBJECT: Set Public Hearing for Land Development Code (LDC) Text Amendments (TX-2021-04)

PRESENTER: Autumn Radcliff, Planning Director
Matt Champion, Zoning Administrator

ATTACHMENTS: 1. Application
2. Draft Text Amendment
3. Guidelines for Solar Array Projects

SUMMARY OF REQUEST:

Henderson County Planning Department received a text amendment application from Jim Honeycutt with Haynes International to amend the supplemental requirements for SR 2.12 Solar Panels. Currently, solar collectors as an accessory use are not permitted in a *Special Flood Hazard Area*. The proposed text amendment would allow solar collectors to be located within the 100-year and 500-year *floodplain* with an approved *Floodplain* Development Permit.

Attached is the draft amendment requested and guidelines for solar array projects in a *Special Flood Hazard Area* prepared by the Site Development Director, Natalie Berry.

The Henderson County Planning Board discussed the draft text amendment and voted to send forward a favorable recommendation.

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 Monday, October 4, 2021 at 5:30 p.m.

Suggested Motion:

I move that the Board set a public hearing on the proposed Land Development Code Text Amendment (TX- 2021-04) for Monday, October 4, 2021 at 5:30 p.m.

**HENDERSON COUNTY
TEXT AMENDMENT APPLICATION FORM**

GENERAL INFORMATION

Date of Application: 7-14-2021

Previously Submitted (Circle One): Yes No

Date of Pre-Application Conference: 06/18/2021

INFORMATION ABOUT THE PROPOSED TEXT AMENDMENT REQUEST

A. Will the proposed amendment(s):

1. Change one or more existing sections of the Land Development Code? Yes No

2. Add one or more new sections to the Land Development Code? Yes No

B. Number(s) and titles(s) of the section(s) proposed to be amended. LDC 42-62 Supplemental Requirements to the Table of Permitted and Special Uses; 2. Accessory Uses; SR 2.12 Solar Panels

C. Proposed amendment which explains the purpose for the amendment. To allow solar panels as an accessory use to be located within the 100- & 500-Year Flood Hazard Areas

D. Attached is a copy of the proposed text change(s): Yes No

CONTACT INFORMATION

Applicant:

Name: Hynes International Phone: 828 393 1225
Address: 158 N. Egerton Road City, State, and Zip: Hendersonville, NC 28758

Agent:

Name: Tim Honeycutt Phone: Same
Address: Same City, State, and Zip: Same

Agent Form (Circle One): Yes No

I certify that the information shown above is true and accurate and is in conformance with the Land Development regulations of Henderson County.

Tim Honeycutt
Print Applicant (Or Agent)

[Signature]
Signature Applicant (Or Agent)

01 JUL '2021
Date

County Use Only

Fee: \$ 400 Paid: _____ Method: _____ Received by: _____

SR 2.12. Solar Panels

(1) Location. Panels:

- a. May be placed on the roof of a residential, commercial or industrial *structure*;
- b. Shall be placed on the *lot* on which a *structure* is located;
- c. Shall be designed to produce no more than 150 percent of the on site use's energy consumption.
- d. *Special Flood Hazard Area. Only solar collectors may be located within the 100-year and 500-year floodplain, and only with an approved Floodplain Development Permit.*



Guidelines for Solar Array Projects

Solar array project sites often encompass extensive areas, and it is economically desirable to minimize land costs. As a result, many sites that meet these 2 criteria are within flood prone areas.

When considering a site for a potential solar project, contact the Local Floodplain Administrator to learn of special flood hazard areas (SFHA) that impact the project site.



It's usually not necessary to avoid flood prone areas, however certain design considerations are necessary within flood prone areas.

The design requirements should be discussed with design team, and the methods to meet these requirements need to be shown on the site construction plans.

Basic design requirements include:

1. Determination of all regulatory floodplains areas impacting the project site.
2. Elevation of the lowest edge of all photovoltaic panels 2 foot above the 100-year base flood elevation (BFE) or higher when at full-tilt.
3. The following must be elevated 2 foot above the 100-year base flood elevation (bfe) or higher:
 - a. electrical service equipment;
 - b. bottom of finished floor of temporary construction trailers;
 - c. inverter skid platforms; and
 - d. finished floor of permanent structures.



4. Certain improvements, especially structures, may require erosion protection.
5. Using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy during a 100-year event.
6. Fencing to provide for flow-through of 100-year flood waters.
7. Access drives to be constructed at grade.
8. Grading along site boundaries shall be compatible with the upstream and downstream conditions.
9. If Regulated Floodways are present on the site, these areas should be avoided.
10. no fill whatsoever shall be allowed except on parcels of land, the boundaries of which are of record in the Henderson County Registry as of the original date of adoption of these regulations (July 5, 2005) , and then only upon no more than 20 percent of the total of the *flood fringe* area contained in each such parcel, except that additional fill may be permitted in the *flood fringe* pursuant to a *special fill permit* (See §42-355 (Special Fill Permits).
11. Any fill material on which a structure is located shall:
 - a) Be extended to grade ten (10) feet beyond the limits of the structure foundation;
 - b) Be graded to drain;
 - c) Be protected against erosion;
 - d) Have a side slope no steeper than two (2) feet horizontal to one (1) foot vertical;
 - e) Not contain any contaminated, toxic or hazardous materials; and
 - f) Be approved before placement.
12. For most projects, a Floodplain Use Permit will be required.