

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 4, 2025

SUBJECT: LDC Text Amendment (TX-2025-04), Helene Recovery – Temporary Housing

PRESENTER: Autumn Radcliff, Planning Director

ATTACHMENTS: 1. Draft Text Amendment
2. Certification of Public Notice
3. 2045 Comprehensive Plan Consistency Statement

SUMMARY OF REQUEST:

On November 20, 2024, the Board of Commissioner approved amendment to address temporary housing post disaster declaration due to ongoing recovery efforts from Hurricane Helene. The amendment that was adopted allowed Henderson County to permit temporary housing for residents that were impacted by the disaster. The proposed amendment would extend the temporary housing provision to include disaster relief workers assisting local organization with the repairs and clean up.

The Planning Board reviewed the proposed text amendment on June 19, 2025, and voted unanimously to send forward a favorable recommendation on the amendment to the Board of Commissioners.

PUBLIC NOTICE:

A public notice for this hearing was submitted to be advertised in the Hendersonville Lightning on Wednesday, July 23, 2025, and Wednesday, July 30, 2025, to meet the requirements of NCGS §160D-601 (see attached certification of public notice).

BOARD ACTION REQUESTED:

The Board of Commissioners must hold a public hearing before adopting any amendments to the Land Development Code. Action by the Board of Commissioners to approve the proposed text amendment is requested.

Suggested Motion:

I move that the Board of Commissioners approve the proposed text amendment #TX-2025-04 with any changes as discussed and find that these changes are reasonable and consistent with the 2045 Comprehensive Plan.

Text Amendment Summary:

On November 20, 2024, the Board of Commissioner approved amendment to address temporary housing post disaster declaration due to ongoing recovery efforts from Hurricane Helene. The amendment that was adopted allowed Henderson County to permit temporary housing for residents that were impacted by the disaster. The proposed amendment would extend the temporary housing provision to include disaster relief workers assisting local organization with the repairs and clean up. The use would be temporary allowed in all zoning districts, and the same provisions in the Supplemental Requirements (SR 11.8) would apply.

SR 11.8: Temporary Housing Post Federal Disaster Declaration

Temporary housing following natural disasters.

The purpose of temporary housing units following a disaster is to have safe, sanitary and secure housing for individuals impacted by the disaster **or disaster relief workers** for a temporary period. The Federal Emergency Management Agency ("FEMA") or the County may establish a temporary housing site of approved structures or may temporarily expand existing Manufactured Home Parks or Recreational Vehicle Parks to house displaced **individuals or disaster relief workers** following a declared disaster. The location of the temporary housing units shall be within the boundaries of the Federally and locally declared disaster area, under specific conditions as determined by the Federal Disaster Declaration where public or individual assistance is made available. Individuals whose homes have been impacted by the disaster may also place temporary housing units on parcels in the county while repairs or construction on their home impacted by the disaster is actively taking place.

- (A) Approved temporary housing units include but are not necessarily limited to recreational vehicles (RV's), travel trailers, park model recreational vehicles, modular homes, or manufactured homes each of which provide safe, sanitary and secure housing for individuals impacted by the disaster **or disaster relief workers** for a temporary period of time not to exceed initial period of thirty-six (36) months and may receive a maximum of two (2), 1-year extension request upon application and upon showing that repairs or construction on the home affected by the disaster is activity taking place. Addition extensions shall be considered by the County on a case-by-case basis.
- (B) A property owner or lessee thereof, FEMA, or the County may establish a designated site of approved temporary units, may temporarily expand an existing Manufactured Home Park or Recreational Vehicle Park, or place the temporary structure on an individual's property. FEMA or the County shall retain ownership of such approved temporary structures that either FEMA or the County owned and allowed to be used as approved temporary units.
- (C) Individuals that have homes within the Federally and locally declared disaster area that have been impacted by the disaster may place an approved temporary structure on property in the county while repairs or construction on the home impacted by the disaster is actively taking place.

Draft LDC Text Amendment #TX-2025-04, Amendment to Temporary Housing Post Disaster Declaration

- (D) Manufactured home park owners may allow recreational vehicles and park model recreational vehicles as a temporary use within the park.
- (E) A Zoning Permit is required for all approved units that will be utilized as a temporary housing unit. Henderson County will maintain a database of these units' location, owner, and permit expirations. The County shall not impose any fee for any said permit or application thereof.
- (F) Approved temporary housing units may be permitted for a period of thirty-six (36) months and may receive a maximum of two (2), 1-year extension requests upon application and upon a showing that repairs or construction on the home affected by the disaster is actively taking place. Any time within the said period, occupancy of the said unit may transfer from the initial occupant(s) to another impacted individual or family without additional application or approval of the County. Additional extensions shall be considered by the County on a case-by-case basis. Should any said unit be relocated, the permitting requirements shall apply.
- (G) Approved temporary housing units must adhere to all applicable local, state, and federal laws and must obtain all applicable permits or approvals including public or private utilities (power, water, or sewer), wells, septic systems, and NCDOT driveway permits and encroachments. All County imposed permit fees are waived.
- (C) Approved temporary housing units shall be removed from the site where temporarily permitted upon the sooner to occur of the date 30 calendar days after completion of the rehabilitation work or the expiration. Recreational vehicles or travel trailers may remain on individual's property but shall be disconnected from utilities and registered as a vehicle.
- (G) For any established site for temporary housing units in a community or group setting, the following shall apply:
 - a. Approved units shall be set back a minimum of 10 feet from the perimeter of the site and shall not located within any deeded right-of-way.
 - b. A sketch plan showing the general location and estimated number of dwelling units, parking, ingress and egress, and provisions for utilities including power, water supply, wastewater disposal, stormwater management, and solid waste management. This plan shall be submitted to the Zoning Administrator and shall be followed in the siting of the approved temporary housing units on the property.

Certification of Public Hearing Notice

In accordance with NCGS 160D-323 and 160D-343 the Planning Department certifies notices of the August 4, 2025, hearing regarding the proposed Henderson County Land Development Code Text Amendments (TX-2025-04)), were:

1. Submitted to the Hendersonville Lightning on July 18, 2025, to be published on July 23, 2025, and July 30, 2025, by Matt Champion;

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

1. Matt Champion

STATE OF North Carolina

COUNTY OF Henderson

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

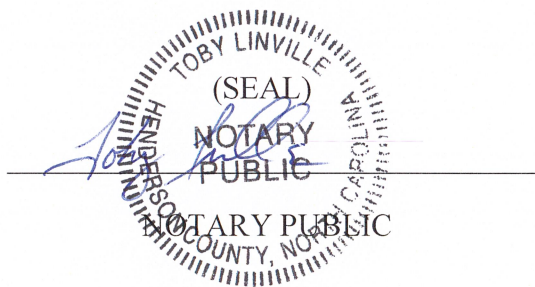
and State, do hereby certify that Matt Champion

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

WITNESS my hand and notarial seal, this the 18th day of July 2025.

My commission expires:

6/29/26





LAND DEVELOPMENT CODE TEXT AMENDMENT
#TX-2025-04, Amendment to Temporary Housing Post Disaster Declaration
COMPREHENSIVE PLAN STATEMENT

Related to LDC Text Amendment #TX-2025-04, the Comprehensive Plan states the following:

- **Plan Goal 3: Improve Resiliency of the Natural and Built Environments**
 - Rec 3.2: (B): Coordinate efforts between Emergency Services and the Planning Department regarding emergency response and critical infrastructure.

The Board should determine if the proposed amendment provides for the sound administration of the Land Development Code while balancing property rights and promoting reasonable growth within the County.