

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: June 21, 2018

SUBJECT: LDC Administrative Text Amendment to Flood Requirements (TX-2018-05)

PRESENTER: Autumn Radcliff, Planning Director

ATTACHMENTS: 1. Withdrawal Letter for Flood Fringe Reduction
2. Draft Administrative Text Amendment

SUMMARY OF REQUEST:

On March 8, 2018, a request was initiated by Civil Design Concepts (CDC) to amend the Natural Resources Article VIII in the Land Development Code to amend the regulations to allow for more fill in the flood fringe to raise the elevation above the base flood elevation in keeping with State and Federal recommendations and requirements. Currently, only up to 20% of areas in the flood fringe can only be filled. The Planning Board discussed the proposed amendment at its April and May meetings and tabled its discussion. Since the May Planning Board meeting and due to recent flood events, the applicant sent a letter withdrawing their text amendment application from the Boards consideration.

Based on the review of this application, Staff discovered an administrative text amendment that that the Board needs to discuss per the request of the Army Corp of Engineers. (See attached text amendment).

BOARD ACTION REQUESTED:

The Land Development Code requires the Planning Board to make a recommendation on the proposed administrative amendment.

Suggested Motion:

I move that the Planning Board recommend the Commissioners approve the proposed LDC Administrative Text Amendment (TX- 2018-05) as discussed and that this amendment is consistent with the County Comprehensive Plan.

May 30, 2018

Mr. Steve Dozier, Chairman
Henderson County Planning Board
100 North King Street
Hendersonville, North Carolina 28792

RE: Request for Text Amendment Change to Flood Plane Development Standards

Dear Steve,

There have been several news stories in the Western North Carolina region recently related to flooding including, most recently, the mud slide in Polk County.

Given these circumstances, along with other non-related issues, we have decided to withdraw our request for the text change and, ultimately, the proposed mixed-use development on Highway 25 in Fletcher.

Elevation Real Estate and Bob Park have the utmost respect for the board and the difficult requests we had put before you. We fully understand that the request was more far-reaching than the 45 acres we were looking at for development. It is an issue that could change the face of Henderson County for many years to come and that decision cannot be taken lightly.

With that said; and given the potential growth that would benefit the county for future generations, we hope that the board will continue to review this issue to come up with guidelines that can both spur future growth while protecting the citizens and emergency responders.

The changes that we had proposed are not new to the region. As we pointed out, many of the surrounding counties allow development in up to 100% of the area and most of these regulations have been in place for many years. It's likely that these governing bodies went through similar analysis and discussions to come to their own determination.

While other area's may allow 100%, that doesn't necessarily mean the only option is to keep the regulation status quo or change to 100%. There are multiple reasons to look at something between these parameters which would allow more development but limit the extent. According to information we had received, there are approximately 10,000 acres in the flood fringe in Henderson County and much of this property is within the desirable high-traffic corridors that promote a mix of different uses.

If we can assist with input from the development perspective or recommend experts to facilitate the discussion and answer difficult questions, we would be happy to do so.

Respectfully,



Eric Sklar



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).~~