

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: July 20, 2005

SUBJECT: Flood Damage Prevention Ordinance Fees

ATTACHMENTS: 1. Fee Schedule Comparison Table
2. Fee Schedule adopted July 5, 2005

SUMMARY OF REQUEST:

Staff contacted the City of Hendersonville, the City of Asheville, Buncombe County and Transylvania County to find out what fees each jurisdiction has associated with administering their flood damage prevention ordinances (flood ordinances). Hendersonville and Buncombe County charge minor review fees ranging from fifty to one hundred fifty dollars. The City of Asheville and Transylvania County incorporate flood ordinance fees into the building permit costs.

When staff drafted the fee schedule adopted at the July 5, 2005 meeting, other equivalent costs associated with other Henderson County ordinances were given more weight than fees charged by other jurisdictions. In order to provide additional information regarding the basis for setting the fees as proposed, a chart comparing these and other Henderson County land use regulation-related permit application fees is attached.

Because Henderson County's flood ordinance establishes a Special Fill Permit process not found in other jurisdictions, and because fill is restricted to a certain percentage of the floodway fringe, also a restriction not commonly found elsewhere, staff established the application fees for these and other processes by comparing the review, processing and enforcement costs to application procedures currently established in other Henderson County land use regulations.

The variance procedure outlined in the flood ordinance is comparable to the variance procedures found in the communication tower, subdivision and zoning ordinances, therefore, the flood ordinance variance application fee was set the same. The Special Fill Permit application process and the Floodplain Development Permit for development in the floodway are comparable in required staff time and expertise to a rezoning, special use permit, or permit for a group 4, 5, or 6 level communication tower, therefore, the application fees are similar. Finally, the Floodplain Development Permit for development in the floodway fringe is most comparable to a major subdivision review process.

These fees will be used to support the permitting, application review, inspection, and enforcement procedures required to effectively administer the flood ordinance. These fees will also be used to cover salary, continued training necessary to maintain

floodplain administrator certification and other costs associated with the flood ordinance and participation in the National Flood Insurance Program (NFIP).

COUNTY MANAGER’S RECOMMENDATION/BOARD ACTION REQUESTED:

I recommend that the Board leave the fee schedule as adopted on July 5, 2005, and direct staff to review the fees versus ordinance administration costs and have staff report back to the Board in six (6) months to determine if the fees are appropriate.

**Henderson County Land Use Ordinances
 Fee Comparison Table
 Fees effective July 1 and July 15, 2005**

7/13/2005

Application Type	Fee
VariANCES	
Flood Ordinance	250 + expenses*
Communications Tower Ordinance	250 + expenses**
Manufactured Home Park Ordinance	250
Subdivision Ordinance	250
Zoning Ordinance	250
Permits	
Floodplain Development Permit (Floodway)	500 + expenses*
Floodplain Development Permit (Floodway Fringe)	250
Special Fill Permit	600 + expenses*
Communication Tower Permit (Groups 4-6)	400-600 + expenses**
Manufactured Home Park Construction Permit (30 or more spaces)	400
Major Subdivision:	
Master Plan	200 flat fee
Development Plan	200 flat fee
Combined Master & Development Plan	400 flat fee
Final Plan/Plat	200 + 15 per lot
Combined Development & Final Plan/Plat	400 + 15 per lot
Vested Rights	400
Special Use Permit	400
Conditional Use Permit	400
Zoning Map Amendment	400

*The term expenses refers to all reasonable and necessary costs associated with the processing, issuance or denial of any application or variance. Such expenses may include advertising, postage for hearing notices, etc.

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**Fee Schedule for the
Henderson County Flood Damage Prevention Ordinance
(FY 2005-2006)**

Item	Proposed Fee
Flood Development Permit for property located in the Floodway	\$500 + expenses
Flood Development Permit for property located in the 100-Year Floodplain	\$250
Special Fill Permit application	\$600 + expenses (does not include floodplain development permit should application be granted)
Variance	\$250 + expenses (does not include floodplain development permit should variance be granted)
Appeal	No Fee

Note: The term "expenses" refers to all reasonable and necessary costs associated with the processing, issuance or denial of any application or variance. Such expenses may include advertising, postage for hearing notices, etc.