

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Wednesday, October 15, 2008

SUBJECT: Chapter 200A, Land Development Code, Flood Damage Prevention Regulations
State Requested Text Modification

ATTACHMENTS: None

SUMMARY OF REQUEST:

Text Amendment #TX-2008-02, which was initiated by Henderson County Planning Staff on April 2, 2008, requested that the County adopt the finalized Flood Insurance Rate Maps (FIRMs) and make the necessary associated amendments to the flood damage prevention regulations of Chapter 200A, Land Development Code. The Board approved Text Amendment #TX-2008-02 at its meeting on Monday, July 7, 2008. This action was required for Henderson County in order to maintain its status in the National Flood Insurance Program (NFIP).

The approved text amendments to the LDC were reviewed by the North Carolina Floodplain Management Branch prior to the July 7, 2008 meeting in order to ensure compliance with the State Model Flood Damage Prevention Ordinance and consistency with the new FIRMs. On July 15, 2008, Staff provided official copies of the approved text of Chapter 200A, Land Development Code to the NC Floodplain Management Branch for its final review and approval. The NC Floodplain Management Branch is requesting additional text modifications, which are technical in nature, to the flood damage prevention regulations of Chapter 200A, Land Development Code to ensure compliance with the State and Federal Emergency Management Agency (FEMA). The following modifications were requested by the State of North Carolina:

1. §200A-203.6 A.(1) (Floodway and Nonencroachment Area): Removal of “or” at end of the line consistent with the originally adopted Flood Damage Prevention Ordinance.
2. §§200A-200 (Statutory Authorization, Findings of Fact, Purpose and Objectives) and 202 (Administration): Cross referencing should be corrected to read §200A-336 (Variances (Flood Damage Prevention)) instead of §200A-338 (Variances (Flood Damage Prevention)).
3. §200A-359 (Definitions): To the definition of “Structure (Flood Damage Prevention)” add the following: “a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.”

BOARD ACTION REQUESTED:

Staff recommends approval of the State of North Carolina Floodplain Management Branch requested text modifications to Chapter 200A, Land Development Code in order to ensure compliance with the State and FEMA and consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

Suggested Motion:

I move that the Board approve the State of North Carolina Floodplain Management Branch requested text modifications to ensure compliance with the State of North Carolina and FEMA and further move that this approval is consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.