

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: October 4, 2021

SUBJECT: 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
4. Certification of Public Notice
5. Resolution of Consistency

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.

PUBLIC NOTICE:

The required public notice of this hearing was published in the Hendersonville Lightning on September 22nd, 2021, and September 29th, 2021 (See attached Certification of Public Notice).

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.

Suggested Motion:

*I move that the Board adopt the attached resolution regarding the consistency with the CCP,
and
I move that the Board adopt the proposed text amendments to the LDC (#TX-2021-04).*

**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: Haynes International Phone: 828 393 1225
Address: 158N. 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 JULY 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.

Certification of Notice of Public Hearing

In accordance with NCGS 160D-323 and 160D-343 the Planning Department certifies notices of the October 4th, 2021 hearing regarding the proposed Henderson County Land Development Code Text Amendments (TX-2021-04), were:

1. Submitted to the Hendersonville Lightning on September 15, 2021 to be published on September 22, 2021 and September 29, 2021 by Matt Champion;

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

1. 

STATE OF North Carolina

COUNTY OF Henderson

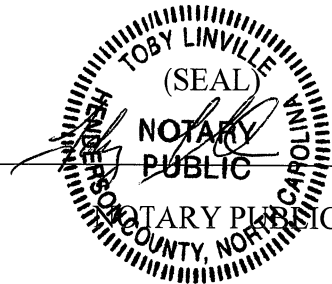
I, Toby Linville, a Notary Public, in and for the above County and State, do hereby certify that Matt Champion

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

WITNESS my hand and notarial seal, this the 17th day of September, 2021.

My commission expires:

6/29/26





RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §160D, Article 1, the Henderson County Board of Commissioners exercises regulations relating to development within the County’s jurisdiction; and

WHEREAS, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

WHEREAS, the Board desires to update and revise the regulations of the LDC; and

WHEREAS, the Planning Department and Planning Board provided recommendations regarding the proposed text amendments with case #TX-2021-04; and

WHEREAS, pursuant to N.C. General Statute §160D-601, the Planning Department provided the prescribed public notice and the Board held the required public hearing on October 4, 2021; and

WHEREAS, N.C. General Statute §160D-605 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed text amendments related to (#TX-2021-04 to the Land Development Code) and finds that it reasonable, in the public interest and it is consistent with the principles and goals of County Comprehensive Plan and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed text amendments provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 4th day of October, 2021.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
WILLIAM LAPSLEY, Chairman
Henderson County Board of Commissioners

ATTEST:

DENISA LAUFFER
Clerk to the Board of Commissioners

[COUNTY SEAL]