

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: November 20, 2024

SUBJECT: LDC Text Amendment (TX-2024-03), Helene Recovery – Temporary Housing and Temporary Debris Storage and Reduction Sites (TDSR's)

PRESENTER: Autumn Radcliff, Planning Director

ATTACHMENTS: 1. Draft Text Amendment
2. Certification of Public Notice
3. Plan Consistency Resolution

SUMMARY OF REQUEST:

Due to ongoing recovery efforts from Hurricane Helene, the LDC needs to be amended to allow for temporary uses to address temporary housing due to Helene and Temporary Debris Storage and Reduction sites (TDSRs) as part of Henderson County's recovery. The amendment would allow for Henderson County to permit these uses in all zoning districts as part of the Federal Disaster Declaration for a temporary period. The temporary use would be allowed for 18 months from the declaration with the possibility of two, 1-year extensions. The amendment would add these uses to the Table of Permitted and Special Use's as a temporary use along with the Supplemental Requirements (SR's).

The Planning Board will review the proposed text amendment on November 14, 2024, during a special called meeting and make a formal recommendation to the Board of Commissioners.

PUBLIC NOTICE:

A public notice for this hearing was submitted to be advertised in the Hendersonville Lightning on Wednesday, November 13th, 2024, and Wednesday, November 20th, 2024, 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-2024-03 with any changes as discussed and find that these changes are reasonable and consistent with the 2045 Comprehensive Plan with the approval of the resolution statement.

Text Amendment Summary: Amend the LDC to allow for the following temporary uses in all zoning districts in response to ongoing recovery efforts from Hurricane Helene and the Federal Disaster Declaration. These amendments would allow for temporary housing and Temporary Debris Storage and Reduction Sites (TDSRs). The amendment would add these uses to the Table of Permitted and Special Use's as a temporary use and the Supplemental Requirements (SR's).

Amendment 1: 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 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 following an 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 recreational vehicles (RV's), travel trailers, park model recreational vehicles, modular homes, or manufactured homes.
- (B) 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.
- (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.
- (D) Manufactured home parks 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.
- (F) Approved temporary housing units may be permitted for a period of eighteen (18) 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.
- (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.
- (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 FEMA or County 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 20 feet from the perimeter of the site and shall not located within any 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.

Amendment 2: County Contracted Temporary Debris Storage and Reduction Sites (TDSRs) Post Federal Disaster Declaration

Temporary debris storage and reduction sites following natural disasters.

The County, in compliance with the requirements of NCDEQ and FEMA as they may exist at the time, may establish sites for temporary debris storage and reduction sites (TDSRs) following a declared disaster. The proposed location shall be within a area with specifically defined boundaries and under specific conditions as determined by a Federal Disaster Declaration where public or individual assistance is made available.

- (A) Approved TDSR's shall be approved by NCDEQ and shall meet all applicable setbacks and regulations under federal and state laws.
- (B) A Zoning Permit is required for all approved TDSR's. A sketch plan showing the general location and setbacks shall be submitted to the Zoning Administrator.
- (C) Approved TDSR's shall be used for debris storage and reduction sites for a period of eighteen (18) months with up to two (2), 1-year extension requests provided that the NCDEQ permit remains in effect.

Certification of Notice of Public Hearing

In accordance with NCGS 160D-323 and 160D-343 the Planning Department certifies notices of the November 20, 2024, hearing regarding the proposed Henderson County Land Development Code Text Amendments (TX-2024-03)), were:

1. Submitted to the Hendersonville Lightning on November 8, 2024, to be published on November 13, 2024, and November 20, 2024, by Autumn Radcliff;

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

1. Autumn Radcliff

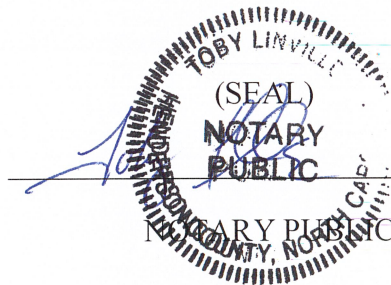
STATE OF North Carolina

COUNTY OF Henderson

I, Toby Linville, a Notary Public in and for the above County and State, do hereby certify that Autumn Radcliff personally appeared before me this day and acknowledged the due execution of the foregoing instrument. WITNESS my hand and notarial seal, this the 8th day of November 2024.

My commission expires:

6/29/26





BOARD OF COMMISSIONER ENACTMENT 2024-_____

RESOLUTION OF CONSISTENCY WITH THE 2045 COMPREHENSIVE PLAN

Text Amendment #TX-2024-03,

Helene Recovery – Temporary Housing and Temporary Debris Storage and Reduction Sites (TDSR's)

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, on November 14, 2024, the Planning Board reviewed and provided recommendations regarding the proposed text amendment for application #TX-2024-03; and

WHEREAS, pursuant to N.C. General Statute §160D-601, the Planning Director provided the prescribed public notice, and the Board held the required public hearing on November 20, 2024; and

WHEREAS, N.C. General Statute §160D-605 requires the Board to adopt a statement of consistency with the 2045 Comprehensive Plan;

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

1. The Board determined that TX-2024-03 is reasonable, in the public interest, and is consistent with the 2045 Comprehensive Plan located therein because of the following:
 - The plan states that the County should coordinate efforts between Emergency Services and the Planning Department regarding emergency response and critical infrastructure.
 - The plan states that to ensure the Land Development Code is consistent with state and federal regulations which allow for temporary uses following a Federal Disaster Declaration.
2. The Board determined that the proposed amendment provides for the sound administration of the Land Development Code while balancing property rights and promoting reasonable growth within the County during a natural disaster, and
3. This Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

2024-_____

THIS, the 20th day of November 2024.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
Rebecca McCall, Chair

ATTEST:

Denisa Lauffer, Clerk to the Board

[COUNTY SEAL]