

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: March 20, 2025

SUBJECT: LDC Text Amendment – #TX-2025-01, Flood Related Amendments

PRESENTER: Autumn Radcliff, Planning Director

ATTACHMENTS: 1. Draft Amendment

SUMMARY OF REQUEST:

The Board of Commissioners adopted changes to the flood regulations in October of 2023 that amended the special fill requirements for the floodways and non-encroachment areas. The state ordinance allows for fill within the floodway if an applicant obtains a certification by a registered professional engineer proving that the anticipated encroachment will not result in any increase in the elevation of the regulatory flood during an occurrence of the base flood.

The current LDC allows for 20% of the flood fringe to be filled and allows for an applicant to seek a special fill permit from the Board of Commissioners when exceeding the 20% fill threshold if certification can be obtained. With the amendment that passed in October of 2023, the LDC now also allows for an applicant to fill in the floodway with a special fill permit. The same certification and standards also apply.

The Board of Commissioners requested that the Planning Board review the flood regulations and make a recommendation on removing the special fill option in the floodway, and any other flood related amendments. The Planning Board briefly discussed the issues at its February meeting and tabled the item until the March meeting.

BOARD ACTION:

The Board is asked to continue its discussion of flood related amendments, and direct staff to changes they wish to see incorporated for discussion. The Board of Commissioners must hold a public hearing prior to adopting any amendments to the Land Development Code, and the Planning Board is required to make a recommendation on any amendments to the Board of Commissioners.

Suggested Motion: None.

Remove Changes Adopted in October of 2023.

Section 42.234. Flood Hazard Reduction

42-234.1 General Standards.

In all *Special Flood Hazard Areas* the following provisions are required.

A. In the *flood fringe* area as indicated on the *FIRM*, no more than 20 percent of the total of the *flood fringe* area may be filled, except that additional fill may be permitted in the *flood fringe* pursuant to a *special fill permit* (See §42-354 (Special Fill Permits)).

~~B. In the *floodway* area as indicated on the *FIRM*, fill may be permitted in the *floodway* pursuant to a *special fill permit* (See §42-354 (Special Fill Permits)).~~

§42-354. Special Fill Permits

A. Purpose. *Special Fill Permits* in the ~~*flood fringe special flood hazard area*~~ may be granted by the Board of Commissioners only in Conditional Zoning Districts where particular cases meeting specific community need and subject to appropriate conditions and safeguards.

B. Permit Issuance. The Board of Commissioners shall have the power to grant permits for special fill in the ~~*flood fringe special flood hazard area*~~. In order to grant a Special Fill Permit, the Board of Commissioners must conclude that the application meets the requirements under 42-354.