ARTICLE X
DECISION-MAKING, ADMINISTRATIVE AND ADVISORY BODIES

§200A-303. Henderson County Board of Commissioners

A. Powers and Duties Pursuant to This Chapter. Without limiting any authority granted to the Henderson County Board of Commissioners by law or by regulations, The Board of Commissioners shall have the following powers and duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

(1) Land Use Plans. To adopt a Comprehensive Plan and other land use plans for the County and to amend such plans as appropriate.

(2) Administrative Amendments. To initiate administrative amendments to the Comprehensive Plan by submittal to the Planning Director; and to adopt administrative amendments proposed by any individual or agency as appropriate.

(3) Substantive Amendments. To initiate substantive amendments to the Comprehensive Plan; and to adopt substantive amendments proposed by any individual or agency as appropriate and following review by the Planning Board.

(4) Text Amendments. To initiate text amendments to this Chapter by adopted motion and submittal to the Planning Director; and to adopt any text amendment proposed by any individual or agency as appropriate.

(5) Map Amendments. To initiate map amendments to the Official Zoning Map by adoption of a motion; and to adopt any map amendment proposed by any individual or agency as appropriate.

(6) Plan Review. To approve, approve conditionally or deny any plan for a subdivision for which it is the reviewing agency and any plan referred to it by another reviewing agency.

(7) Water Supply Watershed Regulation Text and Map Amendments. To initiate text amendments related to the water supply watershed regulations of this Chapter; to initiate map amendments related to the water supply watershed on the Official Zoning Map; and to adopt any text or map amendment related to the water supply watershed as appropriate.

(8) Fees. To establish fees for permits and approvals related to the administration of this Chapter.

(9) Additional Powers and Duties. Such additional powers and duties as may be set forth for the Board of Commissioners elsewhere in this Chapter and in other laws and regulations.

§200A-304. Henderson County Planning Board (See Also §6-11 Of the Henderson County Code)

A. Powers and Duties Pursuant to This Chapter. Without limiting any authority granted to the Henderson County Planning Board by law or by regulations, the Planning Board shall
have the following powers and duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

(1) Studies and Surveys. To perform studies and surveys of the present conditions and probable future development of the County and its environs.

(2) Administrative Amendments. To initiate administrative amendments to the Comprehensive Plan by adopted motion and submittal to the Planning Director.

(3) Substantive Amendments. To initiate and review substantive amendments to the Comprehensive Plan and make recommendations to the Board of Commissioners for final action thereon.

(4) Text Amendments. To initiate text amendments to this Chapter by adopted motion and submittal to the Planning Director; and to review any proposed text amendment and make recommendations to the Board of Commissioners for final action thereon.

(5) Map Amendments. To initiate map amendments to the Official Zoning Map by adopted motion; and to review any proposed map amendment and make recommendations to the Board of Commissioners for final action thereon.

(6) Plan Review. To approve, approve conditionally or deny any plan for a subdivision for which it is the reviewing agency and any plan referred to it by another reviewing agency.

(7) Special Fill Permits. To review special fill permit applications and make recommendations to the Flood Damage Prevention Board for final action thereon.

(8) Additional Powers and Duties. Such additional powers and duties as may be set forth for the Planning Board elsewhere in this Chapter and in other laws and regulations.

B. Membership. Nine (9) members appointed by the Board of Commissioners.

C. Terms. Overlapping terms of three (3) years.

D. Vacancies. Any vacancy shall be filled for the unexpired term in the same manner as the initial appointment.

E. Officers. The Planning Board shall elect a Chair and Vice-Chair from its members, who shall serve for one (1) year or until reelected or until their successors are elected. The Planning Board shall appoint a secretary who may be a County officer, an employee of the County or a member of the Zoning Board of Adjustment.

F. Rules. The Planning Board shall adopt rules and bylaws in accordance with the provisions of this Chapter, NCGS §153A-345 and the Henderson County Planning Board Rules of Procedure.

G. Meetings. Meetings of the Planning Board shall be held at the call of the Chair (or in his/her absence, the Vice-Chair), or the Planning Director and at such other times as the Planning Board may determine. The Chair (or in his/her absence, the Vice-Chair) may administer oaths and compel the attendance of witnesses by subpoena. All meetings or hearings of the Planning Board shall be open to the public.
H. Records. The Planning Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact.

§200A-305.  Henderson County Zoning Board of Adjustment

A. Powers and Duties Pursuant to This Chapter. Without limiting any authority granted to the Zoning Board of Adjustment by law or by regulations, the Zoning Board of Adjustment shall have the following powers and duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

1. Text Amendments. To initiate text amendments to this Chapter by adopted motion and submittal to the Planning Director.

2. Map Amendments. To initiate map amendments to the Official Zoning Map by adopted motion.

3. Flood Damage Prevention Board. To serve as the Flood Damage Prevention Board.

4. Water Quality Board. To serve as the Water Quality Board.

5. Administrative Review. To hear and decide appeals where it is alleged there is error in an order, requirement, decision, determination or interpretation made by an Administrator in the enforcement of this Chapter.

6. Communication Facility Permits. To review and approve the granting of a communication facility permit by the Communication Facilities Administrator for any category three (3) communication facility;

7. Special Use Permits. To grant special use permits as authorized by this Chapter;

8. Temporary Use Permits. To grant temporary use permits referred by the Zoning Administrator and as authorized by this Chapter.

9. Variances. To hear and decide applications for approval of zoning variances from the terms of this Chapter, in accordance with the procedures and standards set forth in §42-267 (Variances).

10. Vested Rights. To grant vested rights as authorized by this Chapter.

11. Additional Powers and Duties. Such additional powers and duties as may be set forth for the Zoning Board of Adjustment elsewhere in this Article and in other laws and regulations.

B. Membership. Five (5) regular members and five (5) alternate members appointed by the Board of Commissioners. Members shall be citizens of Henderson County and shall serve without pay. Alternative members may serve on individual matters based on a regular member’s temporary disqualification. Vacant seats and disqualified members are not considered in calculating a 4/5 vote if there are no qualified alternates.

C. Terms. Overlapping terms of three (3) years.

D. Vacancies. Any vacancy shall be filled for the unexpired term in the same manner as the initial appointment.
E. Officers. The Zoning Board of Adjustment shall elect a Chair and Vice-Chair from its members, who shall serve for one (1) year or until reelected or until their successors are elected. The Zoning Board of Adjustment shall appoint a secretary, who may be a County officer, an employee of the County or a member of the Zoning Board of Adjustment.

F. Rules. The Zoning Board of Adjustment shall adopt rules and bylaws in accordance with the provisions of this Chapter, NCGS §153A-345 and the Zoning Board of Adjustment Rules of Procedure.

G. Meetings. Meetings of the Zoning Board of Adjustment shall be held at the call of the Chair (or in his/her absence, the Vice-Chair) and at such other times as the Zoning Board of Adjustment may determine. The Chair (or in his/her absence, the Vice-Chair) may administer oaths and compel the attendance of witnesses by subpoena. All meetings or hearings of the Zoning Board of Adjustment shall be open to the public.

H. Decisions. The concurring vote of four-fifths (4/5) of the members of the Zoning Board of Adjustment shall be necessary to reverse any order, requirement or determination of the approving official or agency, or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter, or to affect any variation of this Chapter. On all appeals, applications and other matters brought before the Zoning Board of Adjustment, said Board shall inform those making appeal or application of its decisions and the reasons therefore. Such notification shall be in writing.

I. Records. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact. Final disposition of appeals shall be by order indicating the reasons of the Zoning Board of Adjustment therefore, all of which shall be a public record.

§200A-306. Henderson County Water Quality Board

A. Powers and Duties Pursuant to This Chapter. Without limiting any authority granted to the Water Quality Board by law or by regulations, the Water Quality Board shall have the following powers and duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

(1) Text Amendments. To initiate text amendments to this Chapter by adopted motion and submittal to the Planning Director.

(2) Map Amendments. To initiate map amendments to the Official Zoning Map by adopted motion.

(3) Watershed Map Review. To interpret the official watershed maps and pass decisions upon disputed questions of lot lines or district boundary lines.

(4) Administrative Review. To hear and decide appeals from any decision or determination made by the Water Quality Administrator in the enforcement of any sections of this Chapter which relate to water supply watershed protection and stormwater management.

(5) Stormwater Management Permits. To grant stormwater management permits as authorized by this Chapter.
(6) Water Supply Watershed Use Permits. To grant water supply watershed use permits as authorized by this Chapter.

(7) Watershed Protection Compliance Permits. To grant watershed protection compliance permits as authorized by this Chapter.

(8) Watershed High-Density Development Permits. To grant watershed high-density development permits as authorized by this Chapter.

(9) Variances. To grant, in specific cases, Watershed Local Variances from the terms of this Chapter which relate to water supply watershed protection.

(10) Additional Powers and Duties. Such additional powers and duties as may be set forth for the Water Quality Board elsewhere in this Chapter and in other laws and regulations.

B. Membership. The Zoning Board of Adjustment shall serve as the Water Quality Board.

C. Rules. The Water Quality Board shall carry out all powers and duties stated in the rules of procedure adopted by the Board of Commissioners for the Water Quality Board. Any changes (other than to the meeting time and place) to such rules of procedure must be approved by the Board of Commissioners.

D. Meetings. All meetings or hearings of the Water Quality Board shall be open to the public.

E. Decisions. The concurring vote of four-fifths (4/5) of the members of the Water Quality Board shall be necessary to reverse any order, requirement or decision of the Water Quality Administrator. The same four-fifths (4/5) vote shall be necessary to decide in favor of the applicant on any matter upon which the Water Quality Board is required to pass under any sections of this Chapter which relate to water supply watershed protection or to affect any variation of those sections of this Chapter which relate to water supply watershed protection. On all appeals, applications and other matters brought before the Water Quality Board, said board shall inform in writing all parties involved of its decisions and the reasons therefore.

F. Records. The Water Quality Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact. Final disposition of appeals shall be by recorded order indicating the reasons of the Water Quality Board therefore, all of which shall be public record.

§200A-307. Henderson County Flood Damage Prevention Board

A. Powers and Duties Pursuant to This Chapter. Without limiting any authority granted to the Flood Damage Prevention Board by law or by regulations, the Flood Damage Prevention Board shall have the following powers and duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

(1) Administrative Review. To hear and decide appeals from any decision or determination made by the Floodplain Administrator in the enforcement of any sections of this Chapter which relate to flood damage prevention.

(2) Text Amendments. To initiate text amendments to this Chapter by adopted motion and submittal to the Planning Director.
(3) Map Amendments. To initiate map amendments to the Official Zoning Map by adopted motion.

(4) Special Fill Permits. To grant special fill permits as authorized by this Chapter.

(5) Variances. To grant, in specific cases, variances from the terms of any sections of this Chapter which relate to flood damage prevention.

(6) Additional Powers and Duties. Such additional powers and duties as may be set forth for the Flood Damage Prevention Board elsewhere in this Chapter and in other laws and regulations.

B. Membership. The Zoning Board of Adjustment shall serve as the Flood Damage Prevention Board.

C. Rules. The Flood Damage Prevention Board shall carry out all powers and duties stated in the rules of procedure adopted by the Board of Commissioners for the Flood Damage Prevention Board. Any changes other than to the meeting time and place to such rules of procedure must be approved by the Board of Commissioners.

D. Meetings. All meetings or hearings of the Flood Damage Prevention Board shall be open to the public.

E. Decisions. The concurring vote of four-fifths (4/5) of the members of the Flood Damage Prevention Board shall be necessary to reverse any order, requirement or decision of the Floodplain Administrator. The same four-fifths (4/5) vote shall be necessary to decide in favor of the applicant on any matter upon which the Flood Damage Prevention Board is required to pass under any sections of this Chapter which relate to flood damage prevention or to affect any variation of any sections of this Chapter which relate to flood damage prevention. On all appeals, applications and other matters brought before the Flood Damage Prevention Board, said board shall inform in writing all parties involved of its decisions and the reasons therefore.

F. Records. The Flood Damage Prevention Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact. Final disposition of appeals shall be by order indicating the reasons of the Flood Damage Prevention Board therefore, all of which shall be public record.

§200A-308. Henderson County Technical Review Committee

A. Established. A Technical Review Committee is hereby established pursuant to NCGS §160A-361.

B. Powers and Duties Pursuant to This Chapter. Without limiting any authority granted to the Technical Review Committee by law or by regulations, the Technical Review Committee shall have the following powers and duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

(1) Manufactured Home Park Site Plan Review. To approve, approve conditionally or deny all manufactured home park site plans.

(2) Site Plan Review. To approve, approve conditionally or deny all major site plans.
(3) Plan Review. To approve, approve conditionally or deny any plan for a subdivision for which it is the reviewing agency; and to review and make recommendations to the Planning Board on any plan for a subdivision for which the Planning Board is the reviewing agency. The Technical Review Committee shall reserve the right to refer any subdivision to the Planning Board for approval.

(4) Text Amendments. To review text amendments to this Chapter and make recommendations to the Planning Board for recommendation thereon.

(5) Map Amendments. To review map amendments to the Official Zoning Map and to make recommendations to the Planning Board for recommendation thereon.

(6) Technical Review. To provide for a continuing, coordinated and comprehensive review of the technical aspects of this Chapter.

(7) Special Use Permits. To review special use permit applications and make recommendations to the Zoning Board of Adjustment for final action thereon.

(8) Additional Powers and Duties. Such additional powers and duties as may be set forth for the Henderson County Technical Review Committee elsewhere in this Chapter and in other laws and regulations.

C. Membership. The Technical Review Committee may consist of up to seven (7) regular members. Department heads, or their designated representative(s), from the following County offices shall be appointed as regular members of the Technical Review Committee: Building Inspections, Environmental Health, Fire Marshal, Planning, Engineering, Soil Erosion and Sedimentation Control/Stormwater and Zoning. The Board of Commissioners may choose to appoint an ex officio member to the Technical Review Committee as a citizen representative. The Technical Review Committee also may request, at the discretion of the Chair, participation from the following department heads and staff, or their designated representatives: County Attorney, EMS Director, Henderson County School Superintendent, NCDOT Representative, Parks and Recreation Director, Sheriff, Soil and Water Conservationist, Utilities Provider Representative, and/or other department heads/staff/representatives.

D. Officers. The Planning Director shall chair the Technical Review Committee. The Chair shall be in charge of all proceedings before the TRC and shall take such action as shall be necessary to procure order and the integrity of these proceedings.

E. Rules. The Technical Review Committee shall adopt rules and regulations governing procedure, as necessary or advisable, and in accordance with the provisions of this Chapter and of NCGS §153A-345.

F. Decisions. The Technical Review Committee may approve, approve conditionally or deny any application in accordance with this Chapter. On all applications brought before the Technical Review Committee, said Committee shall inform those making application of its decisions and recommendations and the reasons therefore. Such notification shall be in writing.

G. Records. The Technical Review Committee shall keep record of its proceedings including written comments issued to applicants by permanent and advisory members.
§200A-309.  Henderson County Zoning Administrator

A.  Powers and Duties Pursuant to This Chapter. The Zoning Administrator shall have the following duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

(1) Interpretation. To interpret the terms and provisions of this Chapter.

(2) Enforcement. To enforce the provisions of this Chapter related to zoning regulations including properly investigating complaints from persons who allege that violations of this Chapter have occurred and initiating appropriate action as necessary to prevent, enjoin, abate or remove any violations found. The Zoning Administrator, or his/her duly authorized representative, may enter any building, structure or premises, as provided by law, to perform any duty imposed upon him/her by this Chapter.

(3) Staff Support. To provide staff support to the Zoning Board of Adjustment.

(4) Membership on the Technical Review Committee. To serve as a member of the Technical Review Committee.

(5) Communication Facilities Administrator. To serve as the Communication Facilities Administrator.

(6) Manufactured Home Park Administrator. To serve as the Manufactured Home Park Administrator.

(7) Site Plan Review. To approve, approve conditionally or deny all minor site plans;

(8) Text Amendments. To initiate text amendments to this Chapter by submittal to the Planning Director.

(9) Map Amendments. To initiate map amendments to the Official Zoning Map.

(10) Sign Permits. To grant sign permits as authorized by this Chapter.

(11) Temporary Use Permits. To grant temporary use permits, administer the provisions of this Chapter related to temporary use permits and, at the discretion of the Zoning Administrator, refer applications for temporary use permits to the Zoning Board of Adjustment for approval.

(12) Zoning Permits. To grant zoning permits as authorized by this Chapter.

(13) Zoning Compliance Inspections. To administer the provisions of this Chapter relating to zoning compliance inspections.

(14) Variances. To review variance requests and make recommendations to the Zoning Board of Adjustment for final action thereon.

(15) Statutory Vested Rights. To administer the provisions of this Chapter relating to Vested Rights for which he/she is the approving official.

(16) Additional Powers and Duties. Such additional powers and duties as may be set forth for the Zoning Administrator elsewhere in this Chapter and in other laws and regulations.
§200A-310. Henderson County Communication Facilities Administrator

A. Powers and Duties Pursuant to This Chapter. The Communication Facilities Administrator shall have the following duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

1. Communication Facility Site Plan Review. To approve or deny all communication facility site plans.
2. Communication Facility Permits. To grant communication facility permits as authorized by this Chapter.
3. Additional Powers and Duties. Such additional powers and duties as may be set forth for the Communication Facilities Administrator elsewhere in this Chapter and in other laws and regulations.

B. Appointment. The Zoning Administrator shall serve as the Communication Facilities Administrator.

§200A-311. Henderson County Floodplain Administrator

A. Powers and Duties Pursuant to This Chapter. The Floodplain Administrator shall have the following duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

1. Administer. To administer and implement the provisions of Article VIII (Natural Resources) Subpart A (Flood Damage Prevention).
2. Interpretation. To interpret the terms and provisions of this Article VIII (Natural Resources) Subpart A (Flood Damage Prevention).
3. Enforcement. To enforce the provisions of this Article VIII (Natural Resources) Subpart A (Flood Damage Prevention) including properly investigating complaints from persons who allege that violations of this Chapter have occurred and initiating appropriate action as necessary to prevent, enjoin, abate or remove any violations found. The Floodplain Administrator, or his/her duly authorized representative, may enter any building, structure or premises, as provided by law, to perform any duty imposed upon him/her by this Chapter.
4. Staff Support. To provide staff support to the Flood Damage Prevention Board.
5. Maintenance of Maps, LOMAs and Records.
   a. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and/or other official flood maps/studies adopted in accordance with Article VIII (Natural Resources) Subpart A (Flood Damage Prevention), including any revisions thereto including Letters of Map Amendment (LOMA), issued by State and/or FEMA. Notify State and FEMA of mapping needs.
   b. Maintain, in the Floodplain Development Permit file, a copy of all Letters of Map Amendment (LOMAs) issued from FEMA.
   c. Maintain, permanently, all records that pertain to the administration of Article VIII (Natural Resources) Subpart A (Flood Damage Prevention)
and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

(6) Coordinate Revisions to FIS Reports and FIRMs. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision on Fill (LOMR-F) and Letters of Map Revision (LOMR).

(7) Alteration/Relocation of Watercourses.
   a. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
   b. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

(8) Interpret Boundaries. Interpret, as needed, the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided by §42-379 (Appeals).

(9) Inspections of the Special Flood Hazard Area. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of Henderson County. In exercising this power, the Floodplain Administrator (or his/her designee) has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of Henderson County at any reasonable hour for the purposes of inspection or other enforcement action.

(10) Prevent Encroachments. Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of §42-235.6 (Floodways or Non-Encroachment Areas) are met.

(11) Consider Effects of Proposed Artificial Obstructions. Consider the effects of a proposed artificial obstruction in a floodplain in creating danger to life and property, prior to the issuance of any permit, by: (1) water which may be backed up or diverted by such obstruction; (2) the danger that the obstruction will be swept downstream to the injury of others; and (3) the injury or damage to the site of the obstruction itself. For this purpose, the Floodplain Administrator may take into account anticipated development in the foreseeable future which may be adversely affected by the obstruction, as well as existing development.

(12) Review Applications and Issue Permits. Review all floodplain development applications and issue permits (floodplain development and special fill permits) for all proposed development within Special Flood Hazard Areas to assure that the requirements of Article VIII (Natural Resources) Subpart A (Flood Damage Prevention) have been satisfied.
(13) Advise of Other Permits. Advise permittee that additional Federal or State permits (i.e., Wetlands, Endangered Species, Riparian Buffers, Mining, etc.) may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the Floodplain Development Permit (see §42-350 (Floodplain Development Permits)).

(14) Advise of LOMA Option. Advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA, when the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in the Special Flood Hazard Area are above the Base Flood Elevation (BFE).

(15) Obtain Actual Elevations. In accordance with the provisions of §42-350 (Floodplain Development Permits) C (2) (Certification Requirements), obtain actual elevation (in relation to mean sea level):

a. Of the reference level (including basement) and all attendant utilities of all new or substantially improved structures;

b. To which all new and substantially improved structures and all utilities have been floodproofed; and

c. Of all new public utilities (also in accordance with the provisions §42-235.2 (Specific Standards) B (Nonresidential Construction)).

(16) Obtain Certifications. Obtain certifications from a registered professional engineer or architect in accordance with the provisions of §42-350 (Floodplain Development Permits) C (2) (Certification Requirements) and §42-235.2 (Specific Standards) B (Nonresidential Construction), when floodproofing is utilized for a particular structure.

(17) Obtain, Review and Utilize BFE Data. Obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data and/or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article VIII (Natural Resources) Subpart A (Flood Damage Prevention), when BFE data have not been provided in accordance with §42-233.2 (Basis for Establishing the Special Flood Hazard Areas), in order to administer the provisions of Article VIII (Natural Resources) Subpart A (Flood Damage Prevention).

(18) Obtain, Review and Utilize Floodway/Non-Encroachment Area Data. Obtain, review and reasonably utilize any floodway data, or non-encroachment area data available from a Federal, State, or other source, when Base Flood Elevation (BFE) data are provided but no floodway nor non-encroachment area data have been provided, in accordance with §42-233.2 (Basis for Establishing the Special Flood Hazard Areas) in order to administer the provisions of Article VIII (Natural Resources) Subpart A (Flood Damage Prevention).

(19) Inspection of Work In-Progress. Make on-site inspections of work in progress, or of any location for which a permit under this Subpart A has been either been applied or granted. As the work pursuant to a Floodplain Development Permit progresses, the Floodplain Administrator shall make as many inspections of the work as necessary to ensure that the work is being done according to provisions of
Subpart A and the terms of the permit. In exercising this power, the Floodplain Administrator (or his/her designee) has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of Henderson County at any reasonable hour for the purposes of inspection or other enforcement action.

(20) Stop-Work Orders. Whenever a structure or part thereof is being constructed, reconstructed, altered, or repaired in violation of Article VIII (Natural Resources) Subpart A (Flood Damage Prevention), the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(21) Revoke Floodplain Development Permits. The Floodplain Administrator may revoke and require the return of the Floodplain Development Permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any Floodplain Development Permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(22) Certificates of Compliance. Issue certificates of compliance for permitted projects once as-built certifications have been received and approved and once final inspections have been completed.

(23) Variances. Review flood damage prevention variance requests and make recommendations to the Flood Damage Prevention Board for final action thereon and to report any flood damage prevention variances to FEMA and the State of North Carolina upon request.

(24) Corrective Procedures. Follow through with corrective procedures of §42-378 (Violations of Article VIII (Natural Resources) Subpart A (Flood Damage Prevention)).

(25) Require Statements, Certificates, and Certifications. Require written statements, certificates and certifications or the filing of reports under oath, with respect to pertinent questions relating to complaints or alleged violations of Article VIII (Natural Resources) Subpart A (Flood Damage Prevention).

(26) Records of Appeals. To maintain records of all appeal actions.

(27) Additional Powers and Duties. Perform such additional powers and duties as may be set forth for the Floodplain Administrator elsewhere in this Chapter and in other laws and regulations.

§200A-312. Henderson County Manufactured Home Park Administrator

A. Powers and Duties Pursuant to This Chapter. The Manufactured Home Park Administrator shall have the following duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:
(1) Interpretation. To interpret the terms and provisions of this Chapter related to manufactured home parks.

(2) Enforcement. To enforce the provisions of this Chapter including properly investigating complaints from persons who allege that violations of this Chapter have occurred and initiating appropriate action as necessary to prevent, enjoin, abate or remove any violations found. The Manufactured Home Park Administrator, or his/her duly authorized representative, may enter any building, structure or premises, as provided by law, to perform any duty imposed upon him/her by this Chapter.

(3) Manufactured Home Park Site Plan Review. To review manufactured home park site plans and make recommendations to the Technical Review Committee for final action thereon;

(4) Manufactured Home Park Construction Permits. To grant manufactured home park construction permits as authorized by this Chapter.

(5) Manufactured Home Park Completion of Improvements Permits. To grant manufactured home park completion of improvements permit as authorized by this Chapter.

(6) Additional Powers and Duties. Such additional powers and duties as may be set forth for the Manufactured Home Park Administrator elsewhere in this Chapter and in other laws and regulations.

B. Appointment. The Zoning Administrator shall serve as the Manufactured Home Park Administrator.

§200A-313. Henderson County Soil Erosion and Sedimentation Control Administrator

A. Powers and Duties Pursuant to This Chapter. The Soil Erosion and Sedimentation Control Administrator shall have the following duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

(1) Interpretation. To interpret the terms and provisions of this Chapter related to soil erosion and sedimentation control.

(2) Enforcement. To enforce the provisions of this Chapter related to soil erosion and sedimentation control regulations including properly investigating complaints from persons who allege that violations of this Chapter have occurred and initiating appropriate action as necessary to prevent, enjoin, abate or remove any violations found. The Soil Erosion and Sedimentation Control Administrator, or his/her duly authorized representative, may enter any building, structure or premises, as provided by law, to perform any duty imposed upon him/her by this Chapter.

(3) Membership on the Technical Review Committee. To serve as a member of the Technical Review Committee.

(4) Erosion and Sedimentation Control Plan Review. To review and approve erosion and sedimentation control plans as authorized by this Chapter.
Civil Penalties. To assess civil penalties per violation as authorized by this Chapter.

Additional Powers and Duties. Such additional powers and duties as may be set forth for the Soil Erosion and Sedimentation Administrator elsewhere in this Chapter and in other laws and regulations.

§200A-314. Henderson County Water Quality Administrator

A. Powers and Duties Pursuant to This Chapter. The Water Quality Administrator shall have the following duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

(1) Interpretation. To interpret the terms and provisions of this Chapter related to water supply watershed protection and stormwater management. Any person may request a stormwater management interpretation by submitting a written request to the Water Quality Administrator, who shall respond in writing within 30 days.

(2) Enforcement. To enforce the provisions of this Chapter related to water supply watershed protection and stormwater management regulations including properly investigating complaints from persons who allege that violations of this Chapter have occurred and initiating appropriate action as necessary to prevent, enjoin, abate or remove any violations found. The Water Quality Administrator, or his/her duly authorized representative, may enter any building, structure or premises, as provided by law, to perform any duty imposed upon him/her by this Chapter.

(3) Record of Written Interpretation. To keep on file a record of all written interpretations of provisions of this Chapter related to stormwater management.

(4) Staff Support. To provide staff support to the Water Quality Board.

(5) Application Requirements. To establish requirements for the content and form of all applications; amend and update application requirements from time to time; establish schedules for submittal and review of applications and appeals; review and make recommendations to the Water Quality Board.

(6) Submission Schedule. To establish a submission schedule with deadlines by which complete applications must be submitted for the purpose of ensuring there is adequate time to review applications, and that the various stages in the review process are accommodated.

(7) Stormwater Management Permits. To grant stormwater management permits as authorized by this Chapter.

(8) Watershed Permits. To administer the provisions of this Chapter relating to water supply watershed and grant water supply watershed use permits, watershed protection compliance permits, and watershed high-density development permits.

(9) Record of Watershed Permits. To keep a record of all permits on file and available for public inspection during regular office hours of the Water Quality Administrator.
(10) Watershed Compliance Inspections. To administer the provisions of this Chapter relating to watershed compliance inspections.

(11) Bonuses and Allocations. To review requests for natural drainage and filtering system bonuses.

(12) Plan Review. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to the stormwater management regulations of this Chapter.

(13) Stormwater Management Inspections. To enter and inspect any land, building, structure, or premises to ensure compliance with the stormwater management regulations of this Chapter, upon presentation of proper credentials.

(14) Amendments to Water Supply Watershed Protection Regulations. To provide copies of all amendments to the water supply watershed protection regulations of this Chapter (upon adoption) to the North Carolina Division of Environment and Natural Resources (NCDENR) Division of Water Quality (DWQ).

(15) Record of Water Supply Watershed Protection Amendments. To keep records of all amendments pertaining to water supply watershed protection.

(16) Variance. To administer the provisions of this Chapter relating to Watershed Variances.

(17) Record of Variances. To keep a record of variances to the sections of this Chapter dealing with water supply watershed protection. This record shall be submitted for each calendar year to the NCDENR DWQ on or before January 1 of the following calendar year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

(18) Monitoring Land Use Activities. The Water Quality Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality. Where such activities are found, the Water Quality Administrator shall take any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

(19) Stormwater Management Administrative Manual. To compile the application requirements, submission, schedule, fee schedule, a copy of the regulations, and information on how and where to obtain the Stormwater BMP Manual in a Stormwater Management Administrative Manual, which shall be made available to the public and persons filing applications required under the stormwater management regulations of this Chapter.

(20) Maintenance. To maintain records, maps, forms and other official materials as relate to the adoption, amendment, enforcement, and administration of the stormwater management regulations of this Chapter.

(21) Additional Powers and Duties. Such additional powers and duties as may be set forth for the Water Quality Administrator elsewhere in this Chapter and in other laws and regulations.

§200A-315. Reserved
§200A-320. **Henderson County Planning Director**

A. Powers and Duties Pursuant to This Chapter. The Planning Director shall have the following duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

1. Administrative Amendments. To initiate *administrative amendments* to the Comprehensive Plan and draft any *administrative amendment* proposed by any individual or agency.

2. Substantive Amendments. To initiate *substantive amendments* to the Comprehensive Plan.

3. Text Amendments. To initiate *text amendments* to this Chapter.

4. Map Amendments. To initiate *map amendments* to the Official Zoning Map.

5. Statutory Vested Rights. To administer the provisions of this Chapter relating to Vested Rights for which he/she is the approving official.

6. Staff Support. To provide staff support, reports and recommendations to the Planning Board and to the Board of Commissioners on planning and land development issues.

7. Membership on the Technical Review Committee. To serve as a member and Chair of the Technical Review Committee.

8. Subdivision Administrator. To serve as the Subdivision Administrator.

9. Maintenance of Official Copies. To maintain the official copy of the land development code, *zoning map*, *watershed map* and other such records and official materials as may relate to the adoption, amendment, enforcement or administration of this Chapter.

10. Additional Powers and Duties. Such additional powers and duties as may be set forth for the Planning Director elsewhere in this Chapter and in other laws and regulations.

§200A-321. **Henderson County Subdivision Administrator**

A. Powers and Duties Pursuant to This Chapter. The Subdivision Administrator shall have the following duties with respect to this Chapter, to be carried out in accordance with the terms of this Chapter:

1. Subdivision Applications. To review and process *subdivision* applications; and to approve, approve conditionally or deny applications for *subdivisions* for which he/she is the approving official.
(2) Enforcement. To enforce the provisions of this Chapter related to subdivision regulations including properly investigating complaints from persons who allege that violations of this Chapter have occurred and initiating appropriate action as necessary to prevent, enjoin, abate or remove any violations found. The Subdivision Administrator, or his/her duly authorized representative, may enter any premises, as provided by law, to perform any duty imposed upon him/her by this Chapter. The Subdivision Administrator, or his/her duly authorized representative, may enter any premises, as provided by law, to inspect any improvements made in relation to a subdivision application.

(3) Site Plan Review. To review major site plans and make recommendations to the Technical Review Committee for final action thereon.

(4) Plat Review. To review plats and make recommendations to the appropriate reviewing agency for final action thereon.

(5) Additional Powers and Duties. Such additional powers and duties as may be set forth for the Subdivision Administrator elsewhere in this Chapter and in other laws and regulations.

B. Appointment. The Planning Director shall serve as the Subdivision Administrator.

§200A-322. Reserved
§200A-323. Reserved
§200A-324. Reserved
§200A-325. Reserved
§200A-326. Reserved