

## ARTICLE X

### DECISION-MAKING, ADMINISTRATIVE AND ADVISORY BODIES

#### §200A-271. 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 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) Special Use Permits. To grant *special use* permits deferred by the Zoning Board of Adjustment as authorized by this Chapter.
  - (10) Special Fill Permits. To grant *special fill permits* as authorized by this Chapter.
  - (11) Special Intensity Allocation. To grant special intensity allocations as authorized by this Chapter.
  - (12) 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-272. 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 Board of Commissioners 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-273. 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) Watershed Review Board. To serve as the Watershed Review 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) Notice of Civil Penalty Assessment. To provide notice of the civil penalty amount and basis for the assessment as related to the portions of this Chapter related to Soil Erosion and Sedimentation Control.
  - (7) 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*;
  - (8) Special Use Permits. To grant *special use* permits as authorized by this Chapter, or to defer the decision to the Board of Commissioners;
  - (9) Temporary Use Permits. To grant *temporary use* permits referred by the *Zoning Administrator* and as authorized by this Chapter.
  - (10) 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 §200A-335 (Variances).
  - (11) Vested Rights. To grant vested rights as authorized by this Chapter.
  - (12) 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-274. Henderson County Watershed Review Board**

- A. Powers and Duties Pursuant to This Chapter. Without limiting any authority granted to the Watershed Review Board by law or by regulations, the Watershed Review 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 *Watershed Administrator* in the enforcement of any sections of this Chapter which relate to *water supply watershed* protection.
  - (5) Special Intensity Allocation. To grant special intensity allocations as authorized by this Chapter; and to refer special intensity allocations to the Board of Commissioners as appropriate.
  - (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) Variances. To grant, in specific cases, local *variances* from the terms of this Chapter which relate to *water supply watershed* protection.
  - (9) Additional Powers and Duties. Such additional powers and duties as may be set forth for the Watershed Review Board elsewhere in this Chapter and in other laws and regulations.
- B. Membership. The Zoning Board of Adjustment shall serve as the Watershed Review Board.
- C. Rules. The Watershed Review Board shall carry out all powers and duties stated in the rules of procedure adopted by the Board of Commissioners for the Watershed Review 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 Watershed Review Board shall be open to the public.
- E. Decisions. The concurring vote of four-fifths (4/5) of the members of the Watershed Review Board shall be necessary to reverse any order, requirement or decision of the *Watershed Administrator*. The same four-fifths (4/5) vote shall be necessary to decide in favor of the *applicant* on any matter upon which the Watershed Review 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 Watershed Review Board, said board shall inform in writing all parties involved of its decisions and the reasons therefore.
- F. Records. The Watershed Review 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 Watershed Review Board therefore, all of which shall be public record.

**§200A-275. 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) Variances. To grant, in specific cases, *variances* from the terms of any sections of this Chapter which relate to flood damage prevention.
  - (5) 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-276. 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 Services, Environmental Health, Fire Marshal, Planning, Engineering, Soil Erosion and Sedimentation Control 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-277. 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-278. 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-279. 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) Interpretation. To interpret the terms and provisions of this Chapter related to flood damage prevention.
  - (2) Enforcement. To enforce the provisions of this Chapter related to 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.
  - (3) Staff Support. To provide staff support to the Flood Damage Prevention Board.
  - (4) Floodplain Development Permits. To grant *floodplain* development permits as authorized by this Chapter.
  - (5) Special Fill Permits. To issue *special fill permits* as granted by the Board of Commissioners.

- (6) Variances. To review *floodplain* development *variance* requests and make recommendations to the Flood Damage Prevention Board for final action thereon.
- (7) Record of Floodplain Permits. To keep a record of all *floodplain* development permits (and related required local, state and federal permits) on file and available for public inspection during regular office hours of the *Floodplain Administrator*.
- (8) Records of Appeals. To maintain records of all *appeal* actions and report any *variances* to *FEMA* and the State of North Carolina upon request.
- (9) Maintenance of Maps. To maintain a current map repository to include, but not limited to, the FIS Report, *FIRM* and/or other official flood maps/studies adopted under this Chapter, including any revisions thereto including LOMA, issued by state and/or *FEMA* and notify state and *FEMA* of mapping needs.
- (10) Maintenance of Letters of Map Amendment. To maintain, in the *floodplain* development permit file, a copy of all Letters of Map Amendment (LOMAs) issued from *FEMA*.
- (11) Boundary Interpretation. To interpret, as needed, the exact location of boundaries of the *Special Flood Hazard Areas*.
- (12) Obtain, Review and Reasonably Utilize Data. To 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 this Chapter (when *BFE* data has not been provided) in accordance with this Chapter. Obtain, review and reasonably utilize any *floodway* data and/or *non-encroachment area* data available from a federal, state or other source (when *BFE* data is provided but no *floodway* nor *non-encroachment area* data has been provided) in accordance with this Chapter in order to administer the provisions of this Chapter.
- (13) Notification of Alteration/Relocation of Watercourse. To 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*.
- (14) Maintenance of Altered/Relocated Watercourse. To assure that maintenance is provided within the altered or relocated portion of *watercourses* so that the flood-carrying capacity is not diminished.
- (15) Stop Work Order. To issue stop-work orders as required.
- (16) Additional Powers and Duties. 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-280. 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-281. 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.
- (5) Erosion and Sedimentation Control Permits. To grant *erosion and sedimentation control permits* as authorized by this Chapter.
- (6) Civil Penalties. To assess civil penalties per violation as authorized by this Chapter.
- (7) 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-282. Henderson County Watershed Administrator**

A. Powers and Duties Pursuant to This Chapter. The *Watershed 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.
- (2) Enforcement. To enforce the provisions of this Chapter related to water supply watershed 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 *Watershed 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 Watershed Review Board.
- (4) Watershed Permits. To administer the provisions of this Chapter relating to *water supply watershed use* permits and *watershed* protection compliance permits.
- (5) Record of Watershed Permits. To keep a record of all permits on file and available for public inspection during regular office hours of the *Watershed Administrator*.
- (6) Watershed Compliance Inspections. To administer the provisions of this Chapter relating to *watershed* compliance inspections.
- (7) Bonuses and Allocations. To review requests for *natural drainage and filtering system* bonuses.
- (2) Special Intensity Allocations. To issue special intensity allocations.
- (8) Record of Special Intensity Allocations. To keep records of the jurisdiction's utilization of the special intensity allocation provision. Records for each *watershed* shall include the total acres of noncritical *watershed* area, total acres eligible to be developed under this option, total acres approved for this

development option, and individual records for each project with the following information: location, total acres, built-upon acres and type of land use.

- (9) Calculation of Special Intensity Allocation. To calculate the acreage available for an *SIA* (by multiplying the eligible area of the *watershed* (in acres) by the factors established in the categories as listed in §200A-322 (Special Intensity Allocation (SIA)), whereby no more than ten (10) percent may initially be established for *SIA* use.
- (10) 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 Water Quality Section of the Division of Environmental Management.
- (11) Record of Water Supply Watershed Protection Amendments. To keep records of all amendments pertaining to *water supply watershed* protection.
- (12) Variance. To administer the provisions of this Chapter relating to *Watershed Variances*.
- (13) 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 Water Quality Section of the North Carolina Division of Environmental Management 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*.
- (14) Additional Powers and Duties. Such additional powers and duties as may be set forth for the *Watershed Administrator* elsewhere in this Chapter and in other laws and regulations.

**§200A-283. Reserved**

**§200A-284. Reserved**

**§200A-285. Reserved**

**§200A-286. Reserved**

**§200A-287. Reserved**

**§200A-288. 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-289. 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-290. Reserved**

**§200A-291. Reserved**

**§200A-292. Reserved**

**§200A-293. Reserved**

**§200A-294. Reserved**