

Buncombe County Agenda Item Information Sheet

<p>AGENDA ITEM: Authorize all remedies available in Sec. 34-38 of Buncombe County’s Flood Damage Prevention Ordinance, including assessment of civil penalties in the amount of \$5,000 per day, and Sec. 78-31 of Buncombe County’s Watershed Protection Ordinance, including assessment of civil penalties in the amount of \$100 per day, regarding Coates Property located at 63 Poverty Branch Road.</p>	
<p>MEETING DATE: March 21, 2017</p>	
<p>REQUESTED BY: Buncombe County’s Watershed Administrator, Debbie Truempy, and Floodplain Ordinance Administrator, Cynthia Barcklow</p>	
<p>Background Information: In 1980, Buncombe County agreed to participate in the National Flood Insurance Program (NFIP) and to adopt and enforce the County’s Flood Damage Prevention Ordinance in order to protect, among other things, human life, safety, and health. The Ordinance regulates special flood hazard areas within the jurisdiction of the County of Buncombe’s unincorporated areas and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.</p> <p>Additionally, Buncombe County adopted the watershed protection ordinance in July of 1998 in order to protect the public health, safety, and general welfare of its citizenry. The ordinance regulates all development within the County’s water supply watersheds.</p> <p>Bernard and Katheryn Coates have stored material on tax Lot PIN 9775-56-7748, 63 Poverty Branch Road, in violation of the Flood Damage Prevention Ordinance and have placed impervious cover on the property without obtaining a water supply watershed protection permit.</p>	
<p>Pro’s: Utilizing the remedies contained in Sec. 34-38; and 78-31 could incentivize the property owners to comply with the law.</p>	<p>Con’s:</p>
<p>Funds required in current budget: No additional funds required.</p>	
<p>Funds required in future budgets: No additional future funds required.</p>	
<p>Alternatives:</p>	
<p>Action Recommended: Authorize all remedies available in Section 34-38 of Buncombe County’s Flood Damage Prevention Ordinance, including assessment of civil penalties in the amount of \$5,000 per day, regarding Coates Property located at 63 Poverty Branch Road.</p>	