



**BOARD OF COMMISSIONERS
AGENDA**

DECEMBER 3, 2012

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REVISED

Currituck County Board of Commissioners Agenda Historic Currituck County Courthouse

Date: Monday, December 03, 2012 Time: 7:00 PM

7:00 pm Call to Order

- A) Invocation
- B) Pledge of Allegiance
- C) **Renate Macchirole, Presentation of Governor's Award for Volunteer Service, The Monarch Lighthouse Club Bell Ringers**

1. **Approval of November 19, 2012 Minutes**
2. **Recognition and comments from out-going Commissioners Rorer and Etheridge and**

5 minute recess

3. **The Honorable Ray Matusko, Clerk of Superior Court, to give the oath of office for newly elected Commissioners**
4. **Election of Chairman**
5. **Election of Vice-Chairman**

5 minute recess

- D) Approval of Agenda
- E) Public Comment

Please limit comments to items not appearing on the regular agenda; please limit comments to 3 minutes.

Public Hearings

- A) **Consideration and Action:** PB 94-49 Currituck Club, Phase 1A and 8A: Request for an amended preliminary plat/special use permit extension for Phases 1A and 8A. The two phases within the planned unit development consists of 30 residential lots.
- B) **Public Hearing and Action:** PB 12-23 Corolla Wild Horse Fund: Request for a special use permit for an outdoor tour operation - horse tours. The property is located at 1129 Corolla Village Road, Tax Map 114H, Parcel B, Poplar Branch Township (Beach).
- C) **Public Hearing and Action:** PB 12-10 East Point Estates: Request for a preliminary plat/special use permit for 22 lots located on Knotts Island, 172 Marsh Causeway, Tax Map 46, Parcel 3, Fruitville Township.
- D) **Public Hearing and Action:** PB 12-20 Harbinger Land & Timber: Request for conditional zoning from Agricultural (A) and Residential (R) to Conditional District-Residential (CD-R) of 84 acres in Moyock on the west side of Poyners Road and north and south sides of Elrod Road, Tax Map 31, Parcels 1A, 1B, 1D, 15A, and 17A, Crawford Township.
- E) **Public Hearing and Action:** PB 12-05 Currituck County: Request to amend the Unified Development Ordinance Chapter 1: General Provisions, Chapter 2 Administration, Chapter 7: Environmental Protection, Chapter 9: Enforcement, and Chapter 10: Definitions and Measurement to update the Flood Damage Prevention Ordinance to remain compliant in the National Flood Insurance Program and the NC Floodplain Management Program.

Administrative Reports

- A) **Award bids for Reverse Osmosis Water Treatment Plant Southern Outer Banks Water System**

New Business

- A) **Board Appointments:**
 - 1. Appointment of Commissioner to Albemarle Commission
 - 2. Appointments to Planning Board
 - 3. Appointment to Board of Adjustment
 - 4. Appointment to Tourism Board
- B) **Consent Agenda:**
 - 1. Budget Amendments
 - 2. Resolution to declare computers issued to Commissioner Rorer and Etheridge as surplus **DELETED**

3. Approval of Financial Institution to finance the Whalehead Drainage Project, Phase III.
4. Approval of November 19, 2012 Minutes
5. Acknowledge receipt of proposed Property Tax Schedules, Standards and Rules from the Tax Assessor and call for a public hearing on January 7, 2013

C) Commissioner's Report

D) County Manager's Report

Adjourn

Special Meeting

Tourism Development Authority

Budget Amendments

Adjourn



Currituck County

Planning and Community Development Department
Planning and Zoning Division
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929
252-232-3055 FAX 252-232-3026

To: Board of Commissioners
From: Planning Staff
Date: November 26, 2012
Subject: Currituck Club, PUD, Special Use Permit Extension

On February 7, 2011, the Board of Commissioners voted to approve the amended preliminary/special use permit for Currituck Club, PUD (Phases 1A and 8A). The two phases within the planned unit development consists of 30 residential lots. The preliminary plat/special use permit approval will expire February 7, 2013.

On July, 11, 2012, Douglas E. Anderson, Currituck Associates – Residential Partnership Executive Vice President, submitted a request for a two year preliminary plat extension of the subdivision (see attached).

In accordance with the UDO Chapter 11 Section 11.10.2, the Board of Commissioners may grant an extension of the special use permit one time for a period of two years, if they conclude that:

1. The permit has not yet expired.
 - a. The special use permit has not yet expired and will expire February 7, 2013.
2. The permit recipient has proceeded with due diligence and in good faith; and,
 - a. The developer has proceeded with due diligence and in good faith.
3. Conditions have not changed so substantially as to warrant a new application. Successive extensions shall not be granted. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
 - a. There are no changes proposed in the extension request.

CURRITUCK ASSOCIATES – RESIDENTIAL PARTNERSHIP

**P. O. Box 1908
Rocky Mount, NC 27802-1908
(252) 937-2000**

July 11, 2012

Mr. Ben E. Woody, AICP
Planning Director
County of Currituck
Department of Planning
P. O. Box 70
Currituck, NC 27929-0070

RE: Project PB 94-49 Currituck Club, PUD
Special Use Permit

Dear Mr. Woody:

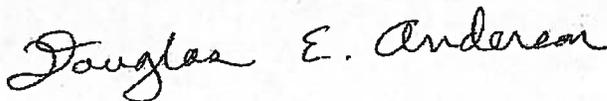
We hereby request that the above referenced Special Use Permit which expires on February 2, 2013 be extended for two years to February 2015.

Thank you for this consideration.

Sincerely,

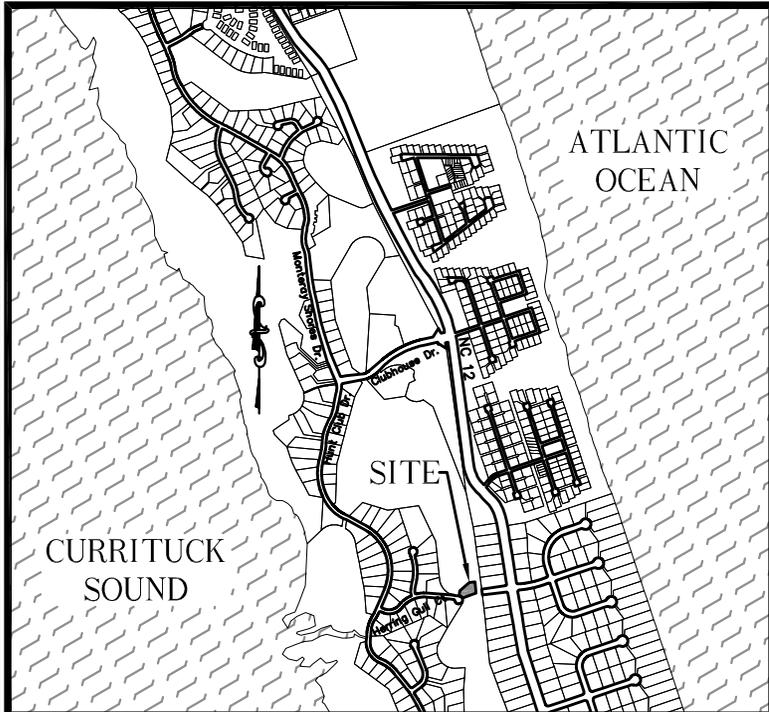
CURRITUCK ASSOCIATES – RESIDENTIAL PARTNERSHIP

By: BODDIE-NOELL ENTERPRISES, INC.
General Partner



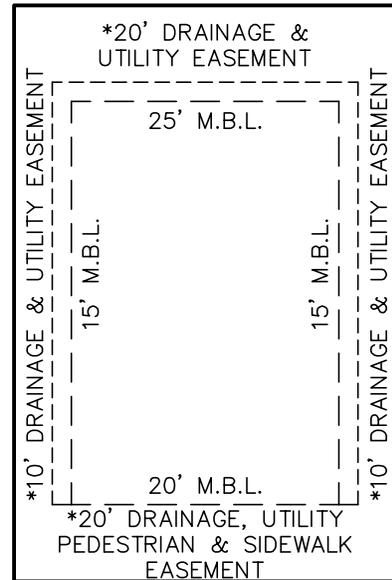
By: Douglas E. Anderson
Executive Vice President

THE CURRITUCK CLUB, P.U.D.



VICINITY MAP (Currituck Club)

1"=1,500'



TYPICAL LOT

SETBACKS & EASEMENTS

*STORMWATER PERMIT MAY REQUIRE LARGER DRAINAGE EASEMENTS

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF CURRITUCK COUNTY, THAT I HEREBY FREELY ADOPT THIS PLAT OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND I WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY AN APPROPRIATE PUBLIC AUTHORITY. ALL PROPERTY SHOWN ON THIS PLAT AS DEDICATED FOR PUBLIC USE SHALL BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE AUTHORIZED BY LAW WHEN SUCH USE IS APPROVED BY THE APPROPRIATE PUBLIC AUTHORITY IN THE PUBLIC INTEREST.

DATE _____ OWNER _____

NOTARY CERTIFICATE

I, _____ COUNTY _____, A NOTARY PUBLIC OF THE ABOVE REFERENCED COUNTY AND STATE, DO HEREBY CERTIFY THAT _____ PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL, THIS THE _____ DAY OF _____, 2010.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES : _____

REVIEW OFFICER'S CERTIFICATE

STATE OF NORTH CAROLINA
COUNTY OF CURRITUCK

I, _____, REVIEW OFFICER OF _____ COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____ DATE _____

STATEMENT OF ENVIRONMENTAL CONCERN

THIS SUBDIVISION (OR PORTION THEREOF) IS LOCATED WITHIN AN AREA OF ENVIRONMENTAL CONCERN.

LOCAL PERMIT OFFICER _____ DATE _____

SURVEYOR'S CERTIFICATE

I, _____, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED AND PLAT REFERENCE ARE SHOWN HEREON), THAT ANY LINES NOT SURVEYED ARE SHOWN AS BROKEN LINES, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+ (D.M.D.), AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 41-30 AS AMENDED.

THIS SURVEY CREATES A SUBDIVISION OF LAND IN AN AREA COVERED BY A SUBDIVISION ORDINANCE.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS THE _____ DAY OF _____, 2010.

P.L.S. _____ L - _____

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT ALL STREET SHOWN ON THIS PLAT ARE WITHIN CURRITUCK COUNTY, ALL STREETS AND OTHER IMPROVEMENTS SHOWN ON THIS PLAT HAVE BEEN INSTALLED OR COMPLETED AND THAT THE SUBDIVISION SHOWN ON THIS PLAT IS IN ALL RESPECTS IN COMPLIANCE WITH THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE AND, THEREFORE, THIS PLAT HAS BEEN APPROVED BY THE CURRITUCK COUNTY PLANNING BOARD AND SIGNED BY THE CHAIRMAN, BOARD OF COMMISSIONERS, SUBJECT TO ITS BEING RECORDED IN THE OFFICE OF THE CURRITUCK COUNTY REGISTRY WITHIN NINETY (90) DAYS OF THE DATE BELOW.

DATE _____ CHAIRMAN, BOARD OF COMMISSIONERS _____

ENGINEER CERTIFICATION OF STORMWATER IMPROVEMENTS

IN THE SUBDIVISION ENTITLED, THE CURRITUCK CLUB, P.U.D., STORMWATER DRAINAGE IMPROVEMENTS HAVE BEEN INSTALLED ACCORDING TO THE AS-BUILT PLAN SUBMITTED BY QUIBLE & ASSOCIATES, PC AND APPROVED BY THE CURRITUCK COUNTY PLANNING BOARD. CURRITUCK COUNTY ASSUMES NO RESPONSIBILITY FOR THE DESIGN, MAINTENANCE OR THE GUARANTEED PERFORMANCE OF THE STORM WATER DRAINAGE IMPROVEMENTS AND THEIR EFFECTS.

CIVIL ENGINEER - LICENSE _____ DATE _____

PUBLIC DEDICATION OF OPEN SPACE, PONDS & DRAINAGE FACILITIES

OPEN SPACE, PONDS AND DRAINAGE FACILITIES REQUIRED TO BE PROVIDED BY THE DEVELOPER IN ACCORDANCE WITH THIS ORDINANCE SHALL NOT BE DEDICATED TO THE PUBLIC EXCEPT UPON WRITTEN ACCEPTANCE BY THE COUNTY, BUT SHALL REMAIN UNDER THE OWNERSHIP AND CONTROL OF THE DEVELOPER (OR HIS SUCCESSOR) OR A HOMEOWNERS ASSOCIATION OR SIMILAR ORGANIZATION THAT SATISFIES THE CRITERIA ESTABLISHED IN THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE.

| | |
|---------------------|---|
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| DRAWN TAS | |
| CAD REF. PH8A-PP | |
| DATE 12/22/10 | |

PRELIMINARY PLAT (1 OF 2)

The Currituck Club
LOT 430 - PHASE 1A

POPLAR BRANCH TOWNSHIP CURRITUCK COUNTY
NORTH CAROLINA

0 50 100
GRAPHIC SCALE IN FEET 1"= 50

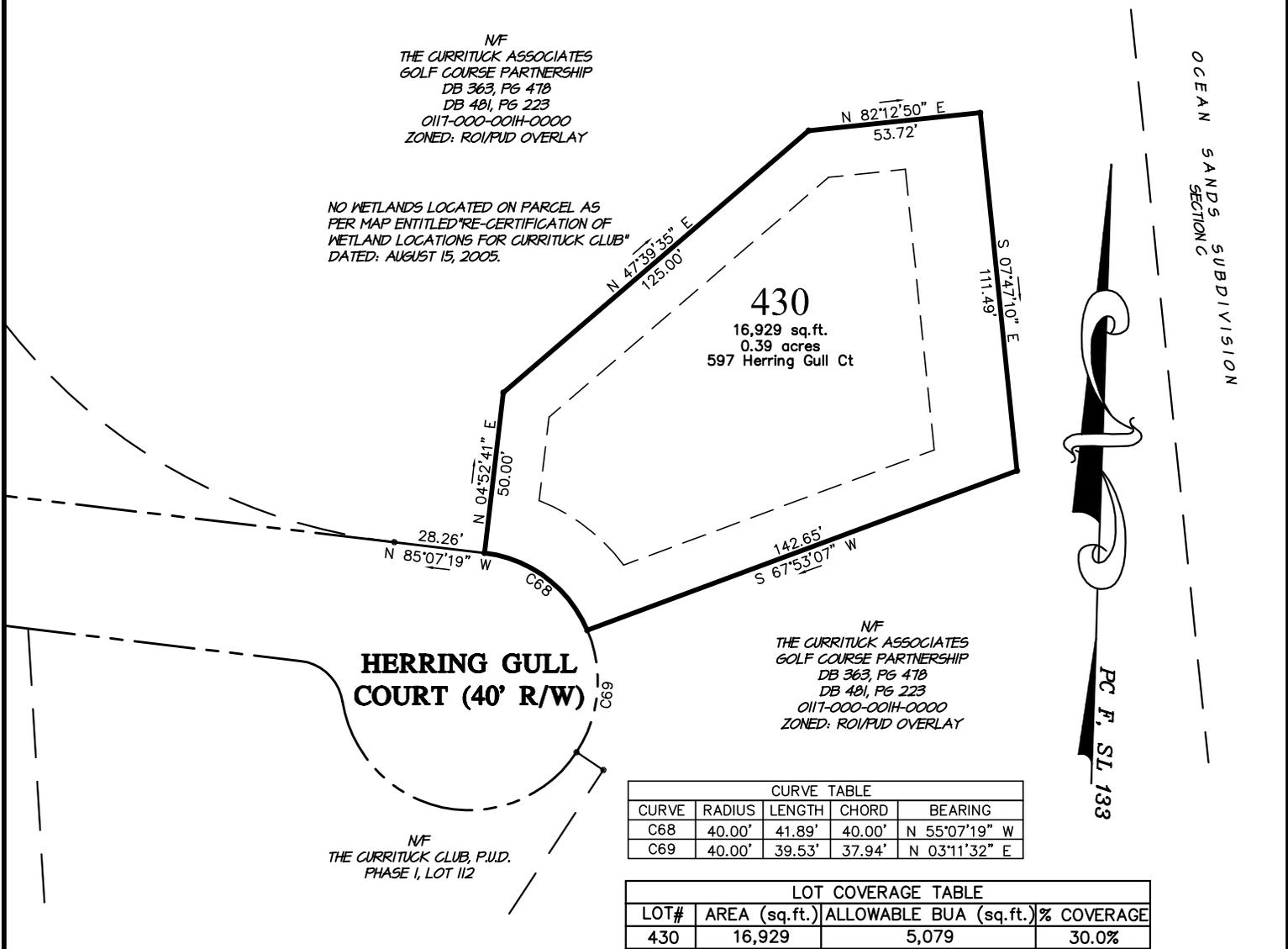
Quible SINCE 1959

& Associates, P.C.

ENGINEERING * CONSULTING * PLANNING
ENVIRONMENTAL SCIENCES * SURVEYING
NC License#: C-0208
PO Drawer 870, Kitty Hawk, NC 27949
Phone: (252) 261-3300
Fax: (252) 261-1260
E-Mail: administrator@quible.com

NF
 THE CURRITUCK ASSOCIATES
 GOLF COURSE PARTNERSHIP
 DB 363, PG 478
 DB 481, PG 223
 0117-000-001H-0000
 ZONED: RO1/PUD OVERLAY

NO WETLANDS LOCATED ON PARCEL AS
 PER MAP ENTITLED "RE-CERTIFICATION OF
 WETLAND LOCATIONS FOR CURRITUCK CLUB"
 DATED: AUGUST 15, 2005.



430
 16,929 sq.ft.
 0.39 acres
 597 Herring Gull Ct

**HERRING GULL
 COURT (40' R/W)**

NF
 THE CURRITUCK CLUB, P.U.D.
 PHASE I, LOT 112

NF
 THE CURRITUCK ASSOCIATES
 GOLF COURSE PARTNERSHIP
 DB 363, PG 478
 DB 481, PG 223
 0117-000-001H-0000
 ZONED: RO1/PUD OVERLAY

OCEAN SANDS SUBDIVISION
 SECTION C



| CURVE TABLE | | | | |
|-------------|--------|--------|--------|---------------|
| CURVE | RADIUS | LENGTH | CHORD | BEARING |
| C68 | 40.00' | 41.89' | 40.00' | N 55°07'19" W |
| C69 | 40.00' | 39.53' | 37.94' | N 03°11'32" E |

| LOT COVERAGE TABLE | | | |
|--------------------|---------------|------------------------|------------|
| LOT# | AREA (sq.ft.) | ALLOWABLE BUA (sq.ft.) | % COVERAGE |
| 430 | 16,929 | 5,079 | 30.0% |

- NOTES:**
- PROPERTY OWNERS:
 - PARCEL#: 126G-000-000D-0000
 PIN#: 9944-04-5916
 P.C. "I", SL. 354-355
 - PARCEL#: 0117-000-001H-0000
 PIN#: 9944-04-6306
 9934-88-6211
 D.B. 363, PG. 478
 D.B. 481, PG. 223
 - APPLICANT/FINANCIALLY RESPONSIBLE PARTY:
 - THE CURRITUCK ASSOCIATES RESIDENTIAL PARTNERSHIP
 c/o BODDIE-NOELL ENTERPRISES
 PO BOX 1908
 ROCKY MOUNT, NC 27802
 (252)-937-2000
 - THE CURRITUCK ASSOCIATES-GOLF COURSE PARTNERSHIP
 c/o BODDIE-NOELL ENTERPRISES
 PO BOX 1908
 ROCKY MOUNT, NC 27802
 (252)-937-2000
 - CURRENT ZONE: OUTER BANKS STANDARD RESIDENTIAL (R01) WITH PLANNED UNIT DEVELOPMENT OVERLAY ZONE (PUD)
 - TOTAL PHASE AREA: 16,929 sq.ft. - 0.39 acres
 - TOTAL LOTS PROPOSED:
 - RESIDENTIAL = 1 (16,919 sq.ft. - 0.39 acres)
 - SMALLEST LOT = 16,929 sq.ft. - 0.39 acres
 - LARGEST LOT = 16,929 sq.ft. - 0.39 acres
 - AVERAGE LOT = 16,929 sq.ft. - 0.39 acres
 - OPEN SPACE CALCULATION:
 - PUD AREA = 587.88 acres
 - OPEN SPACE REQUIRED: 587.88 acres x 35% = 205.76 acres
 LOT REDUCTION OPEN SPACE REQUIRED = 0.94 acres
 TOTAL = 206.70 acres
 - OPEN SPACE PROVIDED: 254.43 acres (43.28%)
 - ACTIVE OPEN SPACE: 220.74 acres (86.76%)
 - PASSIVE OPEN SPACE: 33.69 acres (13.24%)
 - 404 WETLANDS & COASTAL MARSH: 31.30 acres (12.30%)
 - DENSITY CALCULATION:
 - ALLOWED = 3 units/acre = 3 units x 252.29 acres = 757 units
 - PROVIDED = 658 units (2.6 units/acre)
 (658 units includes 29 new Phase 8A lots + 1 new Phase 1A lot)
 - TOTAL STREET R/W = 0 sq.ft. - 0 acres
 - BOUNDARY DATA BASED ON SURVEYS BY QUIBLE & ASSOCIATES, P.C..
 - NO WETLANDS LOCATED ON PARCELS AS PER MAP ENTITLED "RE-CERTIFICATION OF WETLAND LOCATIONS FOR CURRITUCK CLUB" DATED: AUGUST 15, 2005.
 - PROPERTY IS LOCATED IN F.I.R.M. ZONE "AE" (5').
 PANEL #3720994400J (12/16/05) NAVD '88
 -FLOOD ZONES ARE SUBJECT TO CHANGE
 -USE OF LAND WITHIN A FLOODWAY OR FLOODPLAIN IS SUBSTANTIALLY RESTRICTED BY CHAPTER 6 OF THE CURRITUCK COUNTY U.D.O.
 -NOTE TO LOT OWNERS & BUILDERS: PER CURRITUCK COUNTY PLANNING DEPT., ALL FINISHED FLOOR ELEVATIONS SHALL BE MINIMUM 18" ABOVE B.F.E.
 - ALL ELEVATIONS ARE BASED ON VERTICAL DATUM NAVD '88.
 - MINIMUM BUILDING SETBACKS:
 - FRONT - 20'
 - SIDE - 15'
 - SIDE (ST.) - 20'
 - REAR - 25'
 - DRAINAGE & UTILITY EASEMENTS:
 - FRONT - 20'
 - SIDE - 10'
 - SIDE (ST.) - 20'
 - REAR - 20'

| | | | | |
|----------------------------|---|---|--|---|
| PROJECT P92009 | COPYRIGHT © 2010 QUIBLE & ASSOCIATES, P.C. | PRELIMINARY PLAT (2 OF 2) | | Quible <small>SINCE 1959</small> |
| | | <i>The Currituck Club</i> LOT 430 - PHASE 1A | | |
| DRAWN TAS | THIS DOCUMENT IS THE PROPERTY OF QUIBLE & ASSOCIATES, PC. ALL RIGHTS ARE RESERVED. ANY RE-PRODUCTION OF THIS OR POSSESSION WITHOUT PRIOR PERMISSION OF QUIBLE & ASSOCIATES, PC WILL CONSTITUTE VIOLATION OF COPYRIGHT LAWS. VIOLATION WILL BE SUBJECT TO LEGAL ACTION | POPLAR BRANCH TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA | | ENGINEERING * CONSULTING * PLANNING ENVIRONMENTAL SCIENCES * SURVEYING NC License#: C-0208 PO Drawer 870, Kitty Hawk, NC 27949 Phone: (252) 261-3300 Fax: (252) 261-1260 E-Mail: administrator@quible.com |
| CAD REF. PH8A-PP | | 0 50 100 GRAPHIC SCALE IN FEET 1" = 50 | | |
| DATE 12/22/10 | | | | |

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION JURISDICTION OF CURRITUCK COUNTY, THAT I HEREBY FREELY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAN AS STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND I WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY AN APPROPRIATE PUBLIC AUTHORITY. ALL PROPERTY SHOWN ON THIS PLAN AS DEDICATED FOR PUBLIC USE SHALL BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE AUTHORIZED BY LAW WHEN SUCH USE IS APPROVED BY THE APPROPRIATE PUBLIC AUTHORITY IN THE PUBLIC INTEREST.

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NOTARY CERTIFICATE

_____ COUNTY

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WITNESS MY HAND AND OFFICIAL SEAL, THIS THE _____ DAY OF _____, 2010.

NOTARY PUBLIC

MY COMMISSION EXPIRES : _____

SURVEYOR'S CERTIFICATE

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WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS THE _____ DAY OF _____, 2010.

P.L.S. _____ L - _____

ENGINEER CERTIFICATION OF STORMWATER IMPROVEMENTS

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CIVIL ENGINEER - LICENSE _____ DATE _____

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STATE OF NORTH CAROLINA
COUNTY OF CURRITUCK

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REVIEW OFFICER _____ DATE _____

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DATE _____ CHAIRMAN, BOARD OF COMMISSIONERS _____

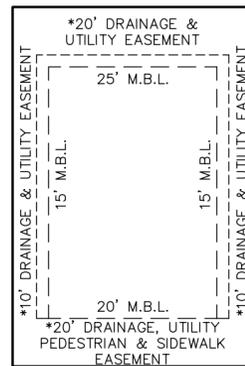
STATEMENT OF ENVIRONMENTAL CONCERN

THIS SUBDIVISION (OR PORTION THEREOF) IS LOCATED WITHIN AN AREA OF ENVIRONMENTAL CONCERN.

LOCAL PERMIT OFFICER _____ DATE _____

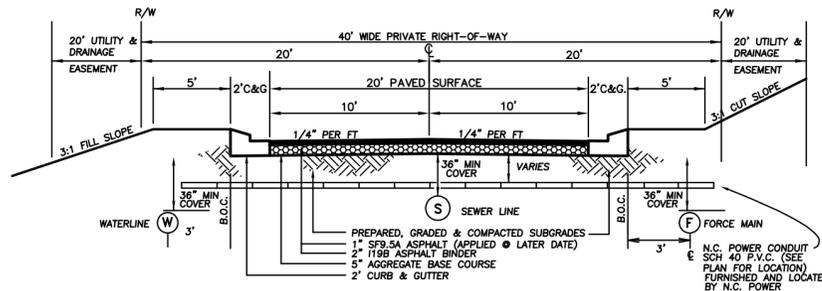
PUBLIC DEDICATION OF OPEN SPACE, PONDS & DRAINAGE FACILITIES

OPEN SPACE, PONDS AND DRAINAGE FACILITIES REQUIRED TO BE PROVIDED BY THE DEVELOPER IN ACCORDANCE WITH THIS ORDINANCE SHALL NOT BE DEDICATED TO THE PUBLIC EXCEPT UPON WRITTEN ACCEPTANCE BY THE COUNTY, BUT SHALL REMAIN UNDER THE OWNERSHIP AND CONTROL OF THE DEVELOPER (OR HIS SUCCESSOR) OR A HOMEOWNERS ASSOCIATION OR SIMILAR ORGANIZATION THAT SATISFIES THE CRITERIA ESTABLISHED IN THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE.



TYPICAL LOT SETBACKS & EASEMENTS

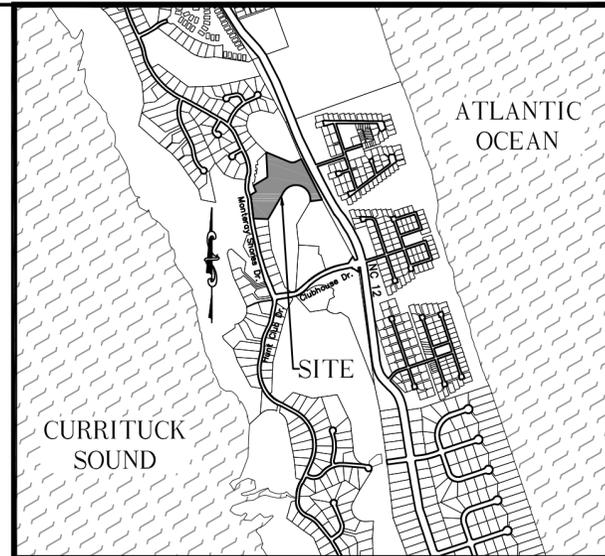
*STORMWATER PERMIT MAY REQUIRE LARGER DRAINAGE EASEMENTS



SUBDIVISION ROAD CROSS SECTION

- N.T.S.
- CONTRACTOR TO INSURE THAT WATERMAIN IS INSTALLED SO AS TO MAINTAIN LEAST 36\"/>
 - CONTRACTOR SHALL FOLLOW THE GEOTECHNICAL RECOMMENDATIONS FOR CONSTRUCTION OF ROADWAYS DEPICTED ON THESE PLANS.

| LOT# | AREA (sq.ft.) | ALLOWABLE BUA (sq.ft.) | % COVERAGE |
|-------|---------------|------------------------|------------|
| 431 | 8,102 | 2,431 | 30.0% |
| 432 | 8,172 | 2,452 | 30.0% |
| 433 | 10,273 | 3,082 | 30.0% |
| 434 | 7,520 | 2,286 | 30.0% |
| 435 | 7,743 | 2,323 | 30.0% |
| 436 | 7,929 | 2,379 | 30.0% |
| 437 | 8,703 | 2,611 | 30.0% |
| 438 | 9,140 | 2,742 | 30.0% |
| 439 | 10,875 | 3,263 | 30.0% |
| 440 | 9,052 | 2,716 | 30.0% |
| 441 | 8,994 | 2,698 | 30.0% |
| 442 | 8,261 | 2,478 | 30.0% |
| 443 | 9,509 | 2,853 | 30.0% |
| 444 | 8,152 | 2,446 | 30.0% |
| 445 | 8,152 | 2,446 | 30.0% |
| 446 | 8,152 | 2,446 | 30.0% |
| 447 | 8,152 | 2,446 | 30.0% |
| 448 | 8,078 | 2,423 | 30.0% |
| 449 | 8,017 | 2,405 | 30.0% |
| 450 | 8,144 | 2,443 | 30.0% |
| 451 | 11,317 | 3,395 | 30.0% |
| 452 | 8,023 | 2,407 | 30.0% |
| 453 | 8,827 | 2,648 | 30.0% |
| 454 | 8,653 | 2,596 | 30.0% |
| 455 | 9,113 | 2,734 | 30.0% |
| 456 | 8,400 | 2,520 | 30.0% |
| 457 | 8,275 | 2,483 | 30.0% |
| 458 | 8,905 | 2,672 | 30.0% |
| 459 | 8,896 | 2,669 | 30.0% |
| TOTAL | 268,457 | 80,537 | 30.0% |



VICINITY MAP (Currituck Club)
1"=1,500'

NOTES:

- PROPERTY OWNERS:
 - PARCEL#: 1266-000-000D-0000
PIN#: 9944-04-5916
P.C. "I", SL. 354-355
 - THE CURRITUCK ASSOCIATES RESIDENTIAL PARTNERSHIP
c/o BODDIE-NOELL ENTERPRISES
PO BOX 1908
ROCKY MOUNT, NC 27802
(252)-937-2000
 - PARCEL#: 0117-000-001H-0000
PIN#: 9944-04-6306
9934-88-6211
D.B. 363, PG. 478
D.B. 481, PG. 223
 - THE CURRITUCK ASSOCIATES-GOLF COURSE PARTNERSHIP
c/o BODDIE-NOELL ENTERPRISES
PO BOX 1908
ROCKY MOUNT, NC 27802
(252)-937-2000
- APPLICANT/FINANCIALLY RESPONSIBLE PARTY:
 - THE CURRITUCK ASSOCIATES RESIDENTIAL PARTNERSHIP
c/o BODDIE-NOELL ENTERPRISES
PO BOX 1908
ROCKY MOUNT, NC 27802
(252)-937-2000
- CURRENT ZONE: OUTER BANKS STANDARD RESIDENTIAL (R01) WITH PLANNED UNIT DEVELOPMENT OVERLAY ZONE (PUD)
- TOTAL PHASE AREA: 432,705 sq.ft. - 9.93 acres
- TOTAL LOTS PROPOSED:
 - RESIDENTIAL = 29 (268,457 sq.ft. - 6.16 acres)
 - SMALLEST LOT = 7,520 sq.ft. - 0.17 acres
 - LARGEST LOT = 10,875 sq.ft. - 0.25 acres
 - AVERAGE LOT = 8,949 sq.ft. - 0.21 acres
- OPEN SPACE CALCULATION:
 - PUD AREA = 587.88 acres
 - OPEN SPACE REQUIRED: 587.88 acres x 35% = 205.76 acres
 - LOT REDUCTION OPEN SPACE REQUIRED = 0.94 acres
 - TOTAL = 206.70 acres
 - OPEN SPACE PROVIDED: 254.43 acres (43.28%)
 - ACTIVE OPEN SPACE: 220.74 acres (86.76%)
 - PASSIVE OPEN SPACE: 33.69 acres (13.24%)
 - 404 WETLANDS & COASTAL MARSH: 31.30 acres (12.30%)
- DENSITY CALCULATION:
 - ALLOWED = 3 units/acre = 3 units x 252.29 acres = 757 units
 - PROVIDED = 658 units (2.6 units/acre)
 - (658 units includes 29 new Phase 8A lots + 1 new Phase 1A lot)
- TOTAL STREET R/W = 103,082 sq.ft. - 2.37 acres
- BOUNDARY DATA BASED ON SURVEYS BY QUILBE & ASSOCIATES, P.C..
- NO WETLANDS LOCATED ON PARCELS AS PER MAP ENTITLED "RE-CERTIFICATION OF WETLAND LOCATIONS FOR CURRITUCK CLUB" DATED: AUGUST 15, 2005.
- PROPERTY IS LOCATED IN F.I.R.M. ZONES SHADED "X", "AE" (10') & "AE" (5'). LOT 430 LOCATED IN F.I.R.M. ZONE "AE" (5'). PANEL #3720994400J (12/16/05) NAVD '88
 - FLOOD ZONES ARE SUBJECT TO CHANGE
 - USE OF LAND WITHIN A FLOODWAY OR FLOODPLAIN IS SUBSTANTIALLY RESTRICTED BY CHAPTER 6 OF THE CURRITUCK COUNTY U.D.O.
 - NOTE TO LOT OWNERS & BUILDERS: PER CURRITUCK COUNTY PLANNING DEPT., ALL FINISHED FLOOR ELEVATIONS SHALL BE MINIMUM 18" ABOVE B.F.E.
- ALL ELEVATIONS ARE BASED ON VERTICAL DATUM NAVD '88.
- MINIMUM BUILDING SETBACKS:
 - FRONT - 20'
 - SIDE - 15'
 - SIDE (ST.) - 20'
 - REAR - 25'
- DRAINAGE & UTILITY EASEMENTS:
 - FRONT - 20'
 - SIDE - 10'
 - SIDE (ST.) - 20'
 - REAR - 20'

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& Associates, P.C.
ENGINEERING * CONSULTING * PLANNING
ENVIRONMENTAL SCIENCES * SURVEYING
NC License#: C-0208
PO Drawer 870, Kitty Hawk, NC 27949
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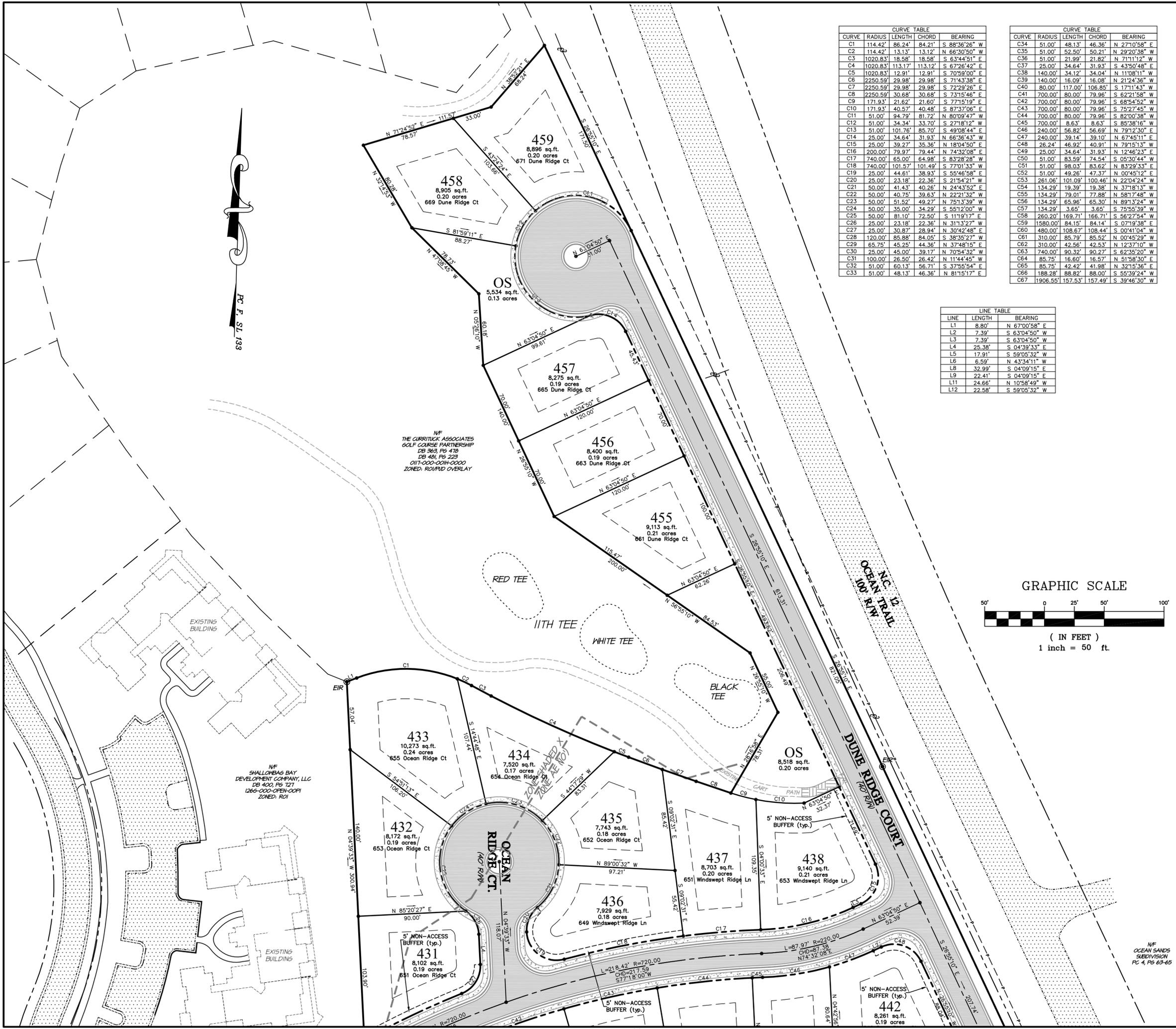
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PRELIMINARY PLAT 1 of 3
The Currituck Club
PHASE 8A
NORTH CAROLINA
POPLAR BRANCH TOWNSHIP
CURRITUCK COUNTY

| | |
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| COMMISSION NO. | P92009 |
| DESIGNED BY | DAD |
| DRAWN BY | TAS/JMH |
| CHECKED BY | DAD |
| CAD REF. | P92009-pp |
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THE CURRITUCK CLUB, P.U.D.



PC F. SL 133

NF
SHALLOPEAS BAY
DEVELOPMENT COMPANY, LLC
DB 400, PG 121
1266-000-OPEN-00P1
ZONED: R01

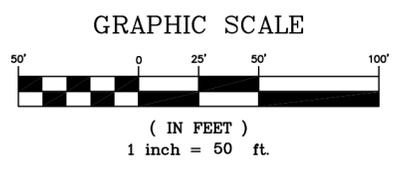
NF
THE CURRUTUCK ASSOCIATES
GOLF COURSE PARTNERSHIP
DB 363, PG 410
DB 401, PG 223
0117-000-001H-0000
ZONED: RO1/RD OVERLAY

NF
OCEAN SANDS
SUBDIVISION
PC 4, PG 63-65

| CURVE | RADIUS | LENGTH | CHORD | BEARING |
|-------|----------|---------|---------|---------------|
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PRELIMINARY PLAT 2 of 3

The Currutuck Club
PHASE 8A

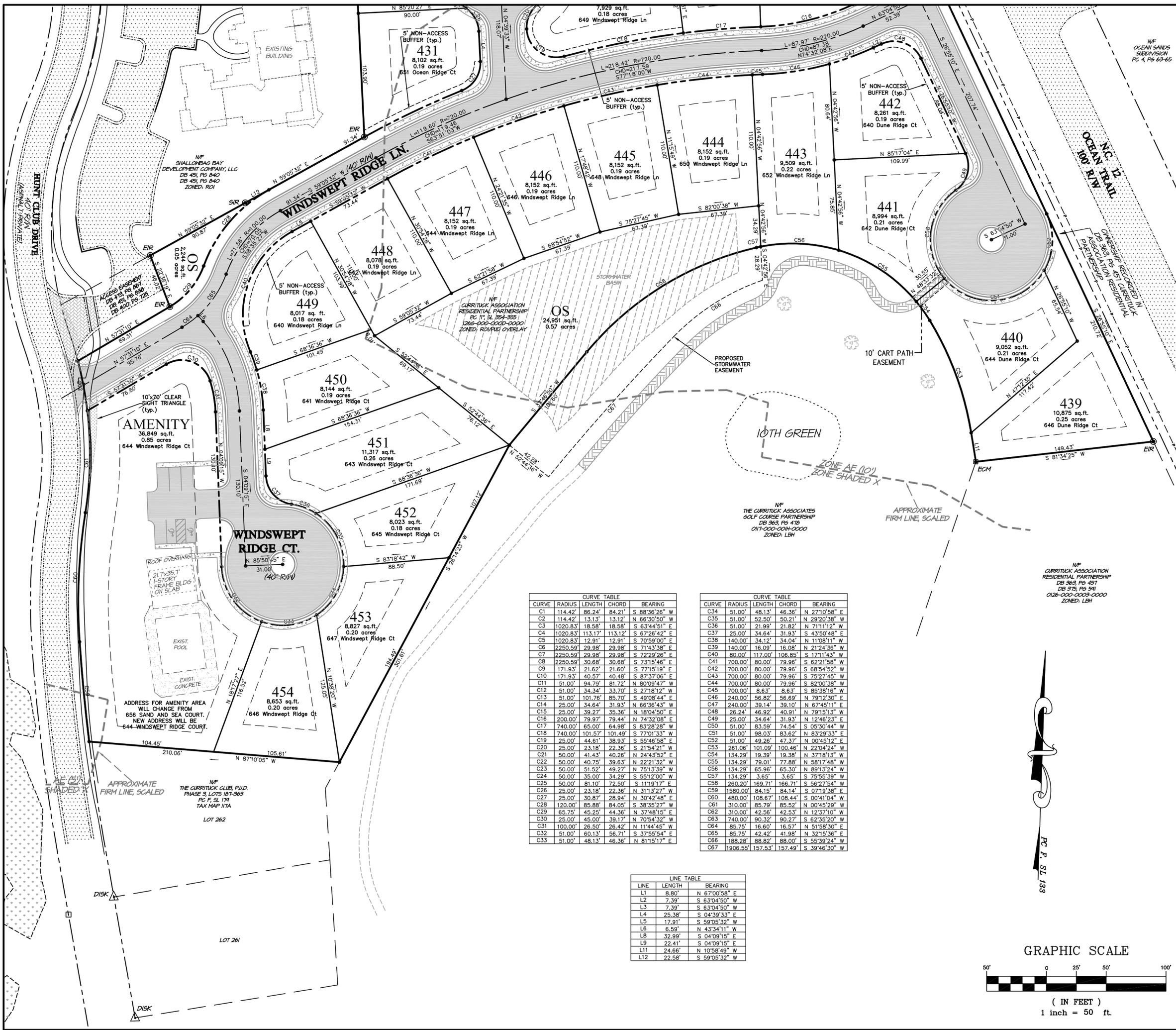
POPLAR BRANCH TOWNSHIP CURRUTUCK COUNTY NORTH CAROLINA

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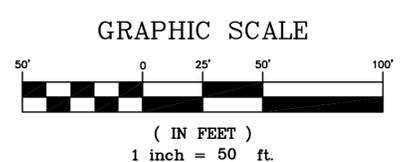
CERTIFICATION



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PRELIMINARY PLAT 3 of 3

The Currutuck Club
PHASE 8A

POPULAR BRANCH TOWNSHIP CURRUTUCK COUNTY NORTH CAROLINA

Quible & Associates, P.C.
ENGINEERING * CONSULTING * PLANNING
ENVIRONMENTAL SCIENCES * SURVEYING

PO Drawer 870, Kitty Hawk, NC 27949
Phone: (252) 261-3300 Fax: (252) 261-1280
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DESIGNED BY **DAD**

DRAWN BY **TAS/JMH**

CHECKED BY **DAD**

CAD REF. **P92009-pp**

ISSUE DATE **12/20/10**

NC License# C-0208

NC License# C-0208

CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: December 3, 2012
PB 12-23 Corolla Wild Horse Fund

ITEM: PB12-23 Corolla Wild Horse Fund – SUP Outdoor Tour Operator – Horse Tours

LOCATION: 1129 Corolla Village Road

TAX ID: 114H-000-000B-0000

ZONING DISTRICT: GB - General Business

PRESENT USE: Corolla Wild Horse Fund Horse Museum & Offices

OWNER: TFP LLC
PO Box 369
Corolla, NC 27927

APPLICANT: Corolla Wild Horse Fund
1129 Corolla Village Road
Corolla, NC 27927

LAND USE/ZONING OF SURROUNDING PROPERTY:

| | Land Use | Zoning |
|---------------|---------------------|---------------|
| NORTH: | Retail Shops | Zoned GB |
| SOUTH | Charter School | Zoned GB |
| EAST: | Real Estate Offices | Zoned GB |
| WEST: | Retail Shops | Zoned GB |

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Full Service within the Corolla subarea.

SIZE OF SITE: 1,306 sq. ft. Condo Footprint on 1 acre parcel

I. NARRATIVE OF REQUEST:

- a. The applicant seeks a Special Use Permit for Outdoor Tour Operator.
- b. The applicant previously operated from the adjacent property under Special Use Permit PB09-37; it was approved on February 15, 2010 for one (1) vehicle seating 1-5 persons.
- c. The applicant has moved locations due to the Charter School and therefore requires a Special Use Permit for the new location.
- d. The request is for two (2) tour vehicles (seating five (5) patrons) to be used for guided tours.
- e. The Board of Commissioners has considered limiting the total number of horse tour vehicles; however, no action has been taken to date.

II. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

Special use permits (SUP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the SUP procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

In order to approve a SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. Completeness of application.
Suggested Findings:
 - a. The application is complete
2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".
Suggested Findings:
 - a. Outdoor Tour Operators are permitted in the GB zoning district with a Special Use Permit.
3. The conditions proposed meet or exceed the minimum requirements of this ordinance.
Suggested Findings:
 - a. The proposed conditions include all of the provisions for Outdoor Tour Operators in Section 3.7.3 of the Unified Development Ordinance.
4. The special use will not endanger the public health or safety:
Suggested Findings:
 - a. Based on the submittal, the project will not endanger the public health or safety.
 - b. There are no proposed changes to the existing site.
5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located
Suggested Findings:
 - a. The parcel is currently in a well-established commercial area.
6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.
Suggested Findings:

The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea. The proposed use is in keeping with the policies of the plan, some of which are:

 - a. Policy ED1: new and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
 - b. Policy HP3: Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.

The Corolla Village Small Area Plan designates this site as Conservation on the Future Land Use Map.

- c. Policy ED1: Promote the growth of existing businesses and the recruitment of new businesses that are compatible with the vision of the area.
7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Suggested Findings:

- a. Approval of this request should have no impact on public facilities

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends **CONDITIONAL APPROVAL** subject to the following:

1. All tours must be guided from Memorial Day to Labor Day. Tag-a-long tours are permitted as long as the lead vehicle is operated by an employee of the tour company and subsequent vehicles are under the employee's supervision.
2. Tour/Rental vehicles shall be labeled with decals or paint markings that clearly display the company name. Label font size shall be a minimum of four inches.
3. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches and all other applicable provisions of the Currituck County Code of Ordinances. Tours shall also operate in accordance with all State and Federal laws.
4. There shall be one parking space required for every vehicle seating 1-5 persons, two parking spaces required for every vehicle seating 6-10 persons etc., and one parking space required for every two employees. If any additional activities or uses occur. Currently there is adequate on-site parking.

| Use | Parking Requirement | Quantity | Parking Total |
|--|---|---|---------------|
| Museum | 1 space per 300 sq. ft. | 964 sq. ft. | 3 spaces |
| Office | 1 space per 400 sq. ft. | 392 sq. ft. | 1 spaces |
| Horse Tour Rentals | Tour vehicle seating 1-5 persons = 1 space per vehicle | 2 vehicles | 2 spaces |
| Employees (Horse tours) | 1 space/2 employees | 2 employees | 1 spaces |
| Total Parking available to Corolla Wild Horse Fund = 7 spaces | | Total Parking Required for uses associated with Corolla Wild Horse Fund 7 spaces | |

5. Vehicles held in reserve in the event of inclement weather or breakdowns may be used as long as the parking requirements and all other conditions of this permit are met. Reserve vehicles must be stored at an approved location.
6. This special use permit shall be reviewed administratively on an annual basis and a report shall be filed with the Currituck County Board of Commissioners detailing the nature of any complaints received by the Planning Department. At the discretion of the Code

Enforcement Officer or Board of Commissioners, the special use permit shall be subject to revocation or modification by the permit issuing authority following a public hearing.

7. The Board of Commissioners may establish a maximum number of vehicles, hours of operation, and permit duration as part of the special use permit approval process.

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board *recommended approval* of PB 12-23 with the Technical Review Committee recommendations included in the case analysis.

PLANNING BOARD DISCUSSION (11-13-12)

Ms. Wells stated she would be glad to answer any questions.

MEMORANDUM

To: Karen McCalpin, Corolla Wild Horse Fund

From: Jennie Newbern

Date: October 11, 2012

Re: PB 12-23 Corolla Wild Horse Fund Special Use Permit – Outdoor Tour Operator

The following comments have been received for the October 17, 2012 TRC meeting. In order to be scheduled for the November 13, 2012 Planning Board meeting, please address all comments by 3:00 p.m. on October 22, 2012. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jennie Newbern

Reviewed

1. Provide the square footage of each of the existing uses: Museum (including retail) and Office.
2. There are three (3) proposed tour vehicles with a capacity of six (6) persons per vehicle; there must be adequate on-site parking per the UDO. (See #8 below). Is the tour guide included in the capacity?
3. The site plan on file indicates that there are seven (7) parking spaces allocated to the subject building.
4. Provide the number of employees on the largest shift
5. Provide the hours of operation
6. All tours must be guided from Memorial Day to Labor Day. Tag-a-long tours are permitted as long as the lead vehicle is operated by an employee of the tour company and subsequent vehicles are under the employee's supervision.
7. Tour/Rental vehicles shall be labeled with decals or paint markings that clearly display the company name. Label font size shall be a minimum of four inches.
8. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches and all other applicable provisions of the Currituck County Code of Ordinances. Tours shall also operate in accordance with all State and Federal laws.
9. There shall be one parking space required for every vehicle seating 1-5 persons, two parking spaces required for every vehicle seating 6-10 persons etc., and one parking space required for every two employees. If any additional activities or uses occur on-site, additional parking may be required per the Unified Development Ordinance.
10. Vehicles held in reserve in the event of inclement weather or breakdowns may be used as long as the parking requirements and all other conditions of this permit are met. Reserve vehicles must be stored at an approved location.
11. This special use permit is valid for one year from the date of approval and shall remain valid so long as the conditions under which it is granted are met.
12. The Board of Commissioners may establish a maximum number of vehicles, hours of operation, and permit duration as part of the special use permit approval process.

Currituck County Engineer, Eric Weatherly

Approved

Currituck County GIS, Harry Lee

Reviewed – None

Currituck County Building Inspections, Spence Castello

Approved

Currituck County Parks and Recreation, Jason Weeks

No Comment

NC Division of Coastal Management, Charlan Owens

No Comment

NC DENR, Land Quality, Pat McClain

No Comment

Albemarle Regional Health Services, Joe Hobbs

Reviewed

Currituck County Utilities, Pat Irwin

Reviewed

Office of State Archaeology, Lawrence Abbott

The general area has developed for commercial use. It is unlikely that a significant archaeological site will be impacted by this project. An archaeological survey is not recommended. No Comment.

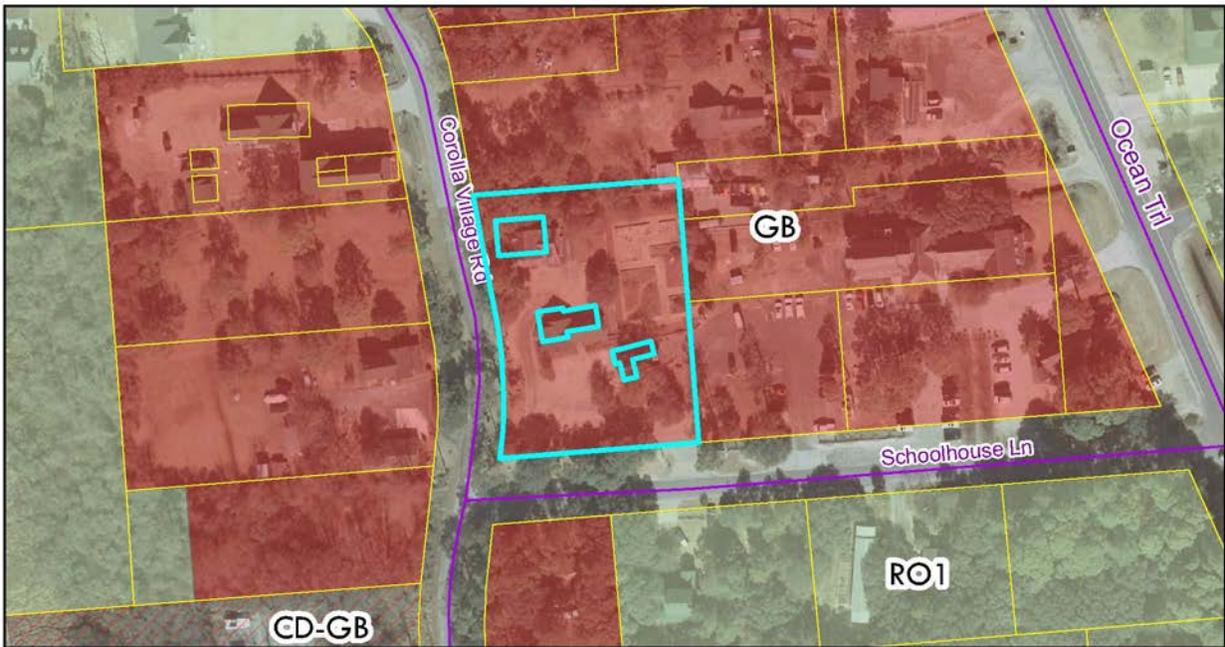
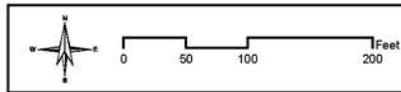
Please note that comments were not received from the following:

Currituck Soil and Water, Mike Doxey

Currituck County Emergency Management, James Mims



PB 12-23
Corolla Wild Horse Fund
Aerial

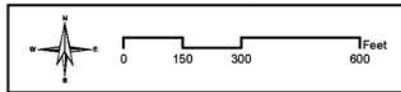


PB 12-23
Corolla Wild Horse Fund
Zoning

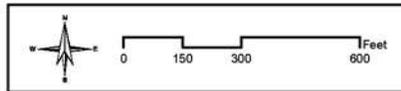




PB 12-23
Corolla Wild Horse Fund
LUP



PB 12-23
Corolla Wild Horse Fund
Corolla Village SAP FLU



CASE ANALYSIS FOR THE
Board of Commissioners
DATE: December 3, 2012
PB 12-10 East Point Estates

ITEM: PB 12-10 East Point Estates, Preliminary Plat/Special Use Permit for a 22-lot subdivision.

LOCATION: Knotts Island: 172 Marsh Causeway, Fruitville Township.

TAX ID: 0046-000-003B-0000

ZONING DISTRICT: RR (Residential Recreational)

PRESENT USE: Campground

OWNER: Currituck 34, LLC
500 Central Drive, Suite 106
Virginia Beach, VA 23464

APPLICANT: Clayton E. Massey, PE
Bowman Consulting
1561 Bradford Road, Suite 202
Virginia Beach, VA 23455

LAND USE/ZONING OF SURROUNDING PROPERTY:

| | Land Use | Zoning |
|---------------|---|---------------|
| NORTH: | Mobile Home Park/Campground | RR |
| SOUTH: | Low density residential/Farmland | A |
| EAST: | Low density residential/Mining/Farmland | A |
| WEST: | North Landing River | N/A |

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Limited Service Area within the Knotts Island and Gibbs Woods subarea.

SIZE OF SITE: 32.955 acres

NUMBER OF UNITS: 22 Residential Lots

PROJECT DENSITY: .67 units per acre

OPEN SPACE: 6.59 acres required open space (20% of total development).
7.151 acres open space provided including 20,000 square foot of water access.

UTILITIES: The individual lots will be served by private wells and on-site septic systems.

I. NARRATIVE OF REQUEST:

1. Currituck 34, LLC is requesting preliminary plat/special use permit approval of a 22 lot residential subdivision with an overall project density of .67 units per acre.
2. The proposed development includes a 20,000 square foot water access. However, the area provided is linear in shape which may reduce the overall access potential. Access is provided to an existing boat ramp.
3. The sketch plan was approved October 12, 2012.

II. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

Special use permits (SUP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the SUP procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

In order to approve a SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. Completeness of application.
Suggested Findings:
 - a. The application is complete.
2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".
Suggested Findings:
 - a. Chapter 10 of the UDO allows a major subdivision as a permissible use with a special use permit.
3. The conditions proposed meet or exceed the minimum requirements of this ordinance.
Suggested Findings:
 - a. As presented, the subdivision meets or exceeds the minimum requirements of the ordinance.
4. The special use will not endanger the public health or safety:
Suggested Findings:
 - a. The subdivisions should have little to no impact on public health or safety.
5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located
Suggested Findings:
 - a. The UDO indicates that a subdivision is allowed in the RR zoning district with a special use permit.
 - b. The proposed residential subdivision shall harmonize well with the surrounding community.

6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.

Suggested Findings:

The 2006 Land Use Plan classifies this site as Limited Services within the Knotts Island and Gibbs Woods subarea. The Limited Services area is to provide for primarily residential development at low densities. Base density should be one unit per acre but could be increased to 1.5 units per acre through overlay zoning depending upon whether service facilities are in placed or planned on the surrounding community. The policy emphasis for the developable areas of Knotts Island is to remain as low to very low density residential areas; predominantly 1 unit per 3 acres. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

POLICY KI1: The need for ACCESS TO PUBLIC TRUST WATERS in the Knotts Island area shall be met through periodic improvements to existing public facilities. The County also recognizes that private sector facilities may play a role in satisfying access needs to the water.

7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Suggested Findings:

- a. The proposed 22 lot residential subdivision will not exceed the county's ability to provide adequate public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the following plan corrections:

Planning:

1. A signed copy of the US Army Corps of Engineer's wetland delineation and jurisdictional determination shall be provided that is consistent with the preliminary determination.
2. Three full size copies of the revised open space calculations must be provided.
3. The road names must be provided and approved.
4. A hardsurfaced, ADA accessible trail system may be provided in the 22 lot residential subdivision in lieu of sidewalks on both sides of the proposed streets.

NC State Archaeology:

5. A Phase I Cultural Resources Survey was completed by Circa- Cultural Resource Management, LLC in June, 2012. Due to the sites high probability for potentially significant archaeological resources, the OSA is recommending that the project approvals include the following conditions:
 1. Prior to initiation of any ground disturbing activities within the project area, the permittee shall arrange for an archaeological survey and assessment of the entire project area. The purpose of the survey will be to locate archaeological sites within the project area and to determine if they are significant in terms of the National Register of Historic Places.
 2. If a significant site is located within the project area the permittee shall determine whether the site will be adversely affected by the project activities; and, if so, develop and implement an appropriate mitigation plan. Two copies of all resulting archaeological reports, as well as one copy of the North Carolina site forms, should be forwarded to the Office of State Archaeology for review and comment as soon as they are available and in advance of any construction or ground disturbance activities. A list of archaeological consultants who have conducted or expressed an interest in contract work in North Carolina is available at www.arch.dcr.state.nc.us/consults.htm. The archaeologists listed, or any other experienced archaeologist, may be contacted to conduct the recommended survey. All activities associated with the archaeological investigations shall be coordinated with the Office of State Archaeology prior to beginning any archaeological fieldwork.

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of 12-10 with the Technical Review Committee recommendations and notes regarding potential presence of archaeology resources on the final plat.

PLANNING BOARD DISCUSSION (11-13-12)

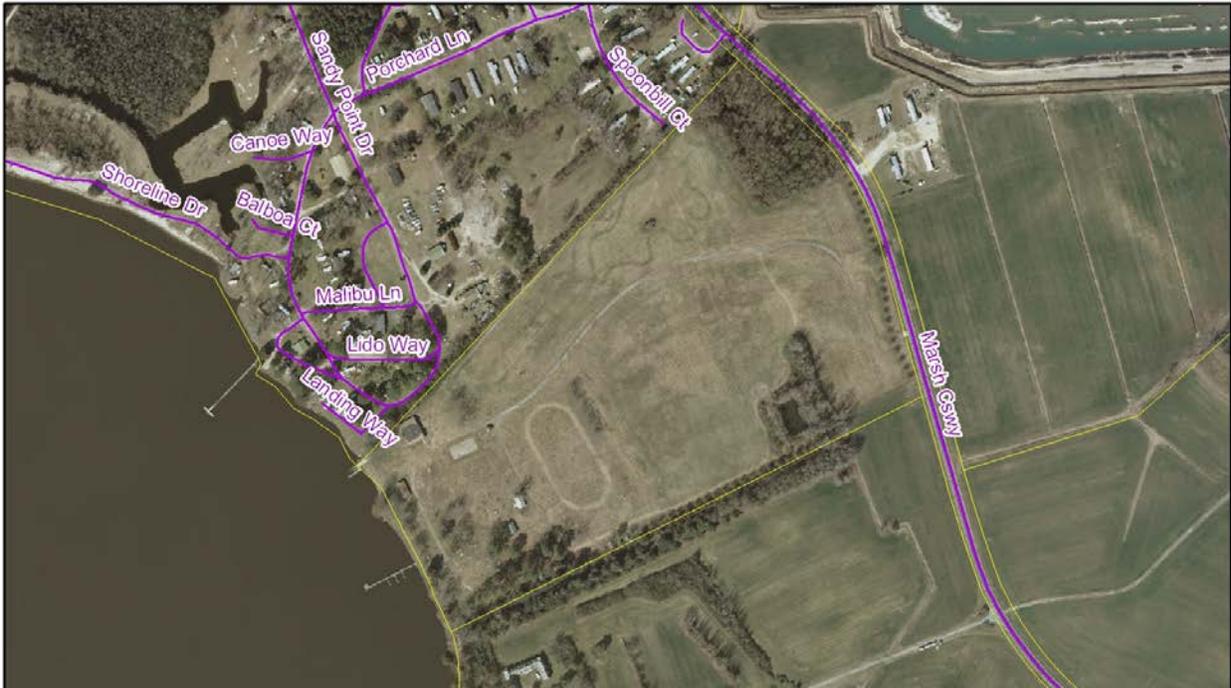
Mr. Massey thanked staff and provided an overview of the project.

Mr. Bell asked if the average person would be able to turn around at the boat ramp.

Mr. Massey stated yes.

Mr. Cooper asked about the archaeology survey.

Mr. Massey provided an overview of the Phase I survey which was completed in June, 2012.



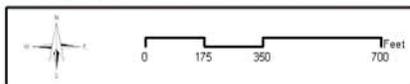
PB 12-10
East Point Estates
Aerial



 Currituck County
Planning Department



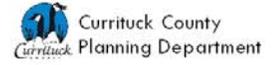
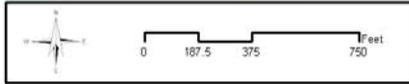
PB 12-10
East Point Estates
Zoning



 Currituck County
Planning Department



PB 12-10
 East Point Estates
 Land Use Classification



MEMORANDUM

To: Clay Massey, Bowman Consulting
Mike Sifen, Currituck 34, LLC

From: Planning Staff

Date: August 15, 2012

Re: East Point Estates, Preliminary Plat

The following comments have been received for the August 15, 2012 TRC meeting. In order to be scheduled for the September 11, 2012 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on August 20, 2012. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Donna Voliva 252-232-6032

Approved with comments

1. The plans submitted and titled Sketch Plans appear to be preliminary construction plans and not a sketch plan and contain additional information. A sketch plan (other than preconstruction plans) should be submitted and approved by August 20, 2012 in order to remain on the schedule outlined above.
2. Please provide the completed Special Use Permit application (pages 5 and 6)
3. The vicinity map must have a scale of 1"=2,000' or larger.
4. Please provide the smallest lot size on the preliminary plat. The information is provided on the plat titled sketch plan.
5. Please provide the parcel ID number on the preliminary plat. The information is provided on the plat titled sketch plan.
6. Please provide the total number of lots in the preliminary plat. The information is provided on the plat titled sketch plan.
7. All interior lots (excluding cul-de-sac lots) shall have a minimum lot width of 125' measured at the front setback line.
8. Will any portion of Pond 2 be filled?
9. All double front lots shall have a 5 foot non ingress/egress easement on the most travelled roadway (include lots 11 and 12).
10. Please identify the actual location of any 404 Wetlands as defined by the US Army Corps of Engineers.
11. Please provide suitable lot evaluations prepared by Albemarle Regional Health Services for all 22 lots.
12. The proposed reserve utility open space appears to be located in a ditch. This area must be suitable in terms of size, location, soil type, topography, and other relevant factors to accommodate a treatment area if one becomes necessary due to septic tank failure or other reasons. Specifications must be provided to the satisfaction of the county engineer and Board of Commissioners. Please clarify if the reserve utility open space is included in the Open Space B calculations.

13. The preliminary construction plans must include the location of all street identification signage and stop signs.
14. The preliminary plat shall contain the Statement of Environmental Concern found in the Development Review Process Manual.
15. The maps in the Phase I Cultural Resources Survey of East Pont Estates do not appear to reflect the actual location of the property.
16. Please correct the water body name on all documents.
17. Please correct the flood zone along the waterway to AE 6'.
18. Please provide road names and the approval form for all proposed roads in the subdivision.
19. Please provide the water access open space area calculation on the preliminary plat. The ordinance requires a minimum 20,000 square feet water access to public trust or estuarine waters.
20. Please label the CAMA Area of Environmental Concern (75' from the water's edge).
21. Please provide the surface material for the trail system.
22. All improved areas of the trail system shall maintain a 10' setback from all property lines.
23. The preconstruction plans (illustrated as sketch plan) should include the township information.
24. Street trees (small deciduous) shall be spaced 30 feet on center for the length of street frontage.
25. Please provide the basis for the 85' and 90' front setback for lots 5 and 6.

Currituck Soil and Water, Mike Doxey

Reviewed

1. Building Pad elevations (BPE) and Finished Floor elevations (FFE) should be shown on each lot. The BPE should be at or above the 10 yr 24 hr storm and the FFE is 18" above the BPE. In this case, due to soil type, proximity to the sound and elevation, if the 10yr/24hr storm is below existing ground level, there may be no need to add fill for the building pads. (the BPE will be the existing ground elevations)
2. Due to the slope on the swales heading for the shoreline the state will probably require rock check dams at every foot of elevation drop. We would require a rock check dam at the outlet end of each swale to slow the velocity and dissipate the flow into the wooded area before entering the sound.

Currituck County Engineer, Michelle Perry

Reviewed

1. Provide building pad and first floor elevations.
 2. Provide state permits.
 3. The 10yr. post development runoff shall not exceed the 10yr pre development runoff.
 4. The reserve septic field needs to be on suitable soils.
- These comments will not hold up approval of preliminary plat, but need to be addressed at pre-construction.

Currituck County Utilities, Pat Irwin

No comment

Currituck County Emergency Management, James Mims 252-264-6641

Denied/Resubmit

1. The area at the pond for the fire apparatus must be 20 feet wide and should take the measurements located in appendix d of the fire code.
2. Need to see the calculations used for the fire pond capacity. This should be in a sealed format. More detail is needed in regards to dimensions of the dry hydrant.
3. It appears that one cul-de-sac is less than 96 feet in diameter.

Currituck County Code Enforcement, Stacey Smith 252-232-6027

No comment

Currituck County Building Inspections, Spence Castello 252-232-6020

Approved

Currituck County Parks and Recreation, Jason Weeks 252-232-3007

No comment

NC Division of Coastal Management, Charlan Owens

Reviewed

1. Review of proposed land disturbance and development activities suggests that a CAMA Major Permit may be required. Please contact Ron Renaldi at 264-3901 to discuss the project.

NC State Archaeology, Lawrence Abbot

Reviewed

1. The project area is located on a tract of land overlooking the North Landing River. Other archaeological sites are located in the general vicinity of the project area in a similar setting. The project tract is considered a high probability area for potentially significant archaeological resources. As a result, we recommend that the project approvals include the following conditions:
 - a. Prior to initiation of any ground disturbing activities within the project area, the permittee shall arrange for an archaeological survey and assessment of the entire project area. The purpose of the survey will be to locate archaeological sites within the project area and to determine if they are significant in terms of the National Register of Historic Places.
 - b. If a significant site is located within the project area the permittee shall determine whether the site will be adversely affected by the project activities; and, if so, develop and implement an appropriate mitigation plan. Two copies of all resulting archaeological reports, as well as one copy of the North Carolina site forms, should be forwarded to the Office of State Archaeology for review and comment as soon as they are available and in advance of any construction or ground disturbance activities.

A list of archaeological consultants who have conducted or expressed an interest in contract work in North Carolina is available at www.arch.dcr.state.nc.us/consults.htm. The archaeologists listed, or any other experienced archaeologist, may be contacted to conduct the recommended survey. All activities associated with the archaeological investigations shall be coordinated with the Office of State Archaeology prior to beginning any archaeological fieldwork.

Albemarle Regional Health Services, Joe Hobbs 252-232-6603

Reviewed

1. Please consult with Kevin Carver, RS at 252-232-6603 concerning septic system and private well approval for each lot that will make up this proposed subdivision.

US Army Corps of Engineers, Kyle Barnes 910-251-4584

Reviewed

1. Any impacts to jurisdictional waters or wetlands of the US require prior approval from the US Army Corps of Engineers.

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 10 - 11"x17" copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.

EASEMENT/SETBACK TABLE

**NOTES—SETBACKS 20' FRONT, 15' SIDE, 25' REAR. 20' UTILITY/DRAINAGE EASEMENT ALONG ALL ROAD FRONTS, 10' UTILITY DRAINAGE EASEMENT ALONG ALL SIDES AND REAR. (SEE BELOW FOR INDIVIDUAL EASEMENT AND SETBACK INFORMATION.)

- GTE SOUTH INCORPORATED 50' X 50' EASEMENT P.C. E, PG. 303
- RELOCATED 20' INGRESS/EGRESS EASEMENT P.C. E, PG. 303
- 10' UTILITY EASEMENT P.C. E, PG. 303
- 70' x 47' CEMETERY TAKEN FROM SITE DRAWING BY McCALLUM TESTING(7/1/06)
- 10'x70' NCDOT SIGHT EASEMENT
- 5' NON-INGRESS/EGRESS LOTS 7, 11, 12 & 21
- 50' REAR SETBACK--DRAINAGE /UTILITY EASEMENT LOTS 8-11
- 75' CAMA SETBACK/EASEMENT FROM WATERS EDGE.
- 10' DRAINAGE / UTILITY EASEMENT ALL REAR AND SIDE LOT LINES.
- 15' UTILITY/DRAINAGE EASEMENT ALL RIGHT OF WAYS.
- 15' SIDE SETBACK LINE
- 20' FRONT SETBACK ALONG ALL FRONTS OF LOTS/ALONG RIGHT OF WAYS.
- 25' REAR SETBACK ALL LOTS
- 85' FRONT SETBACK LOT 5
- 90' FRONT SETBACK LOT 6

AREA TABLE

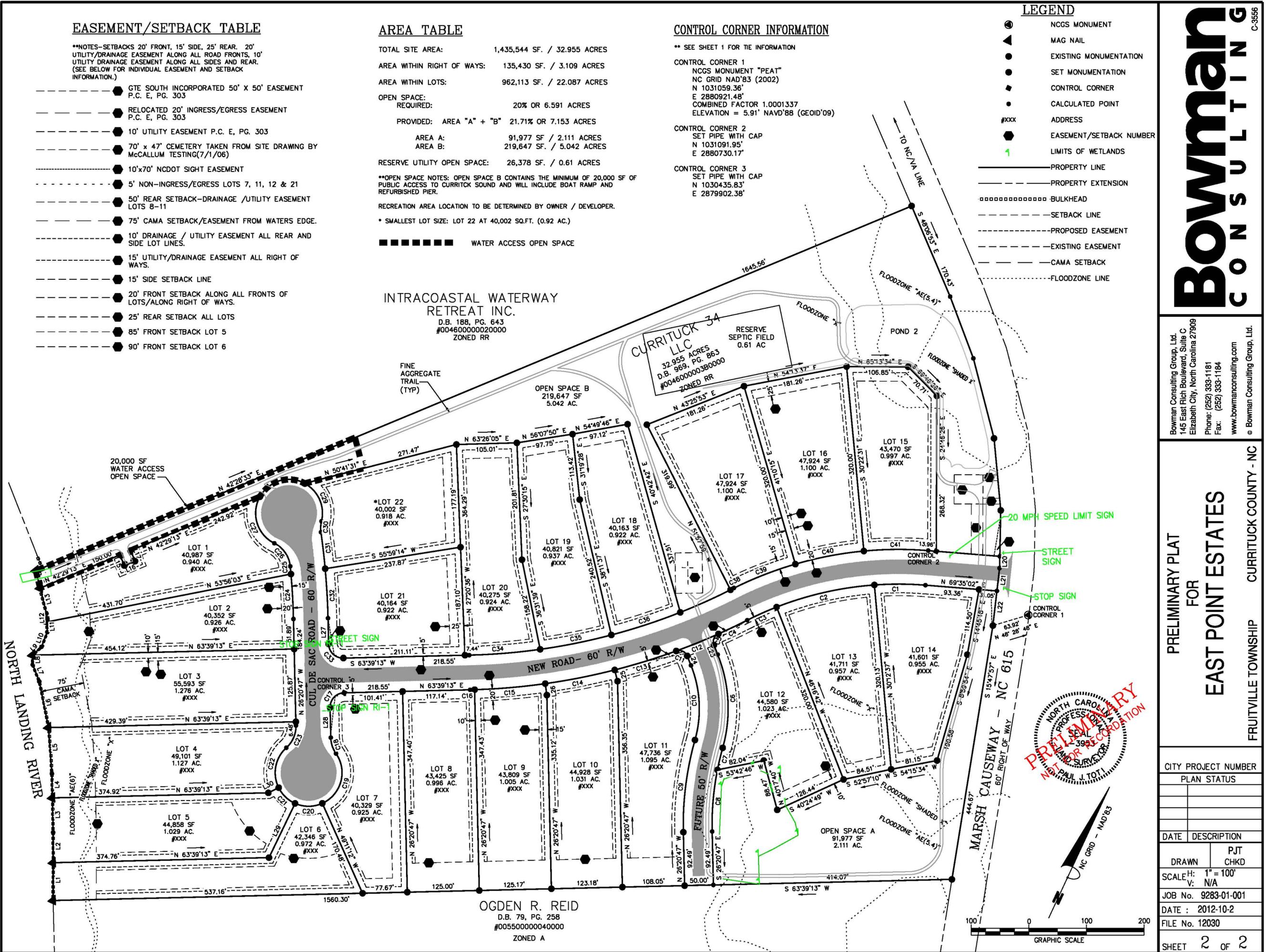
TOTAL SITE AREA: 1,435,544 SF. / 32.955 ACRES
 AREA WITHIN RIGHT OF WAYS: 135,430 SF. / 3.109 ACRES
 AREA WITHIN LOTS: 962,113 SF. / 22.087 ACRES
 OPEN SPACE: 20% OR 6.591 ACRES
 PROVIDED: AREA "A" + "B" 21.71% OR 7.153 ACRES
 AREA A: 91,977 SF. / 2.111 ACRES
 AREA B: 219,647 SF. / 5.042 ACRES
 RESERVE UTILITY OPEN SPACE: 26,378 SF. / 0.61 ACRES
 **OPEN SPACE NOTES: OPEN SPACE B CONTAINS THE MINIMUM OF 20,000 SF OF PUBLIC ACCESS TO CURRITUCK SOUND AND WILL INCLUDE BOAT RAMP AND REFURBISHED PIER.
 RECREATION AREA LOCATION TO BE DETERMINED BY OWNER / DEVELOPER.
 * SMALLEST LOT SIZE: LOT 22 AT 40,002 SQ.FT. (0.92 AC.)
 ■■■■■ WATER ACCESS OPEN SPACE

CONTROL CORNER INFORMATION

** SEE SHEET 1 FOR TIE INFORMATION
 CONTROL CORNER 1
 NCGS MONUMENT "PEAT"
 NC GRID NAD'83 (2002)
 N 1031059.36'
 E 2880921.48'
 COMBINED FACTOR 1.0001337
 ELEVATION = 5.91' NAVD'88 (GEOID'09)
 CONTROL CORNER 2
 SET PIPE WITH CAP
 N 1031091.95'
 E 2880730.17'
 CONTROL CORNER 3
 SET PIPE WITH CAP
 N 1030435.83'
 E 2879902.38'

LEGEND

- NCGS MONUMENT
- ▲ MAG NAIL
- EXISTING MONUMENTATION
- SET MONUMENTATION
- CONTROL CORNER
- CALCULATED POINT
- ADDRESS
- EASEMENT/SETBACK NUMBER
- 1 LIMITS OF WETLANDS
- PROPERTY LINE
- PROPERTY EXTENSION
- BULKHEAD
- SETBACK LINE
- PROPOSED EASEMENT
- EXISTING EASEMENT
- CAMA SETBACK
- FLOODZONE LINE



Bowman CONSULTING
 C-39556

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 Elizabeth City, North Carolina 27909
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 Fax: (252) 333-1184
 www.bowmanconsulting.com
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PRELIMINARY PLAT
 FOR
EAST POINT ESTATES
 FRUITVILLE TOWNSHIP CURRITUCK COUNTY - NC

| | |
|---------------------|-------------|
| CITY PROJECT NUMBER | |
| PLAN STATUS | |
| DATE | DESCRIPTION |
| DRAWN | PJT |
| SCALE: H: 1" = 100' | CHKD |
| V: N/A | |
| JOB No. 9283-01-001 | |
| DATE : 2012-10-2 | |
| FILE No. 12030 | |
| SHEET 2 OF 2 | |

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: December 3, 2012
PB 12-20 Harbinger Land & Timber, LLC**

Note: *The applicant requests that this case be reviewed under the existing UDO. The applicant is aware that completed applications for sketch plan and preliminary plat approval must be submitted prior to January 1, 2013 for the subdivision portion of the review to remain under the existing UDO.*

ITEM: PB 12-20 Harbinger Land & Timber, LLC request for conditional zoning from Agricultural (A) and Residential (R) to Conditional District-Residential (CD-R) of 84 acres in Moyock on the west side of Poyners Road and north and south sides of Elrod Road.

LOCATION: Moyock: Poyners Road and Elrod Road, Crawford Township.

TAX ID: 0031-000-001A-0000
0031-000-001B-0000
0031-000-001D-0000
0031-000-015A-0000
0031-000-017A-0000

OWNER: Harbinger Land & Timber, LLC
PO Box 4
Harbinger NC 27941

APPLICANT: Eddie Hyman
Hyman & Robey
PO Box 339
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

| | Land Use | Current Zoning |
|---------------|---|-----------------------|
| NORTH: | Low Density Residential/Farmland | R |
| SOUTH | Woodland/Low Density Residential/ Farmland | A |
| EAST: | Low Density Residential/Woodland | R/A |
| WEST: | Low Density Residential/Woodland | A |

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Limited Service and Conservation within the Courthouse subarea.

Areas designated as Limited Service are intended to provide for primarily residential development at low densities. With respect to residential development, Limited Service areas allow for a maximum base density of 1 unit per acre but could be increased to 1.5 units per acre depending upon the availability of service facilities and the potential impact on the surrounding community.

Areas designed as Rural are intended to provide for agriculture, forestry, and other allied uses traditionally associated with a rural area. With respect to residential development, Rural areas allow for no more than 1 unit per 3 acres.

The policy emphasis of the Land Use Plan is for the Courthouse subarea to continue to grow as a small community center. Given the existing cluster of services and local government functions here, and the sizable area of developable land adjoining the sound, it is likely that the Courthouse area will continue to see limited growth over the next decade. Residential development densities should be limited to 1-2 units per acre where on-site wastewater is proposed.

The following Land Use Plan policy statements support this request:

Policy HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type of capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services.

Policy HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include, for example, that all homes have a permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to meet NCDOT acceptance standards.

- CURRENT ZONING:** Agricultural (A) and Residential (R)
- PROPOSED ZONING:** Conditional District – Residential (CD-R)
- CURRENT USE:** Farmland and Woodland
- SIZE OF SITE:** 84 Acres
- ZONING HISTORY:** The 1989 Official Zoning Map zoned the property A and R.
- UTILITIES:** A water line runs along Poyners Road that serves this property. Individual on-site septic systems are proposed for the individual lots.
- TRANSPORTATION:** The property is accessed by Poyners Road and Elrod Road, both of which are state maintained roads.

FLOOD ZONE: The property is located in a Shaded X flood zone (500-year floodplain) and AE (BFE 5.4') flood zone.

WETLANDS: According to the NC Division of Coastal Management maps, it appears that the majority of Parcel 0031-000-017A-0000 is wetlands. Delineation by an environmental professional will be required to verify the actual wetland locations.

SOILS: The Currituck County Soils Map indicates the property contains Roanoke, Tomotley, Cape Fear, Dragston, Altavista, and Augusta soils. Septic suitability ranges from suitable and marginally suitable to unsuitable. The majority of the land appears to be marginally suitable to suitable for on-site septic.

PROPOSED DENSITY: 0.58 units per acre based on the total development site.

PROPOSED ZONING CONDITIONS:

1. The proposed use is a 54-lot single family subdivision having a minimum size of 40,000 square feet and an overall density of 0.58 dwelling units/acre.
2. Site built single family homes and a church with related church activities.

COMMUNITY MEETING:

A community meeting was held October 17, 2012 at 7:00 pm at the Moyock Library. The neighborhood concerns include the proposed 40,000 sf lot sizes being smaller than the surrounding lot sizes, traffic on Elrod Road, soil limitations for on-site septic systems, and the potential incompatibility with an existing home based seafood business.

TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

The TRC recommends approval of the request to rezone 84 acres from Agricultural (A) and Residential (R) to Conditional District – Residential (CD-R) provided the following items are addressed:

1. Since Tulls Creek Road is a Minor Collector Street, the number of driveways is limited by the UDO. Two driveways will be allowed onto Tulls Creek Road for the three lots that have frontage on Tulls Creek Road since they have a combined total of approximately 825' of street frontage. (UDO Section 9.1.5.3) Cross-access easements will be necessary for the shared driveways.
2. Double frontage lots require a non-access buffer along the most travelled road. (UDO Section 2.6.3)
3. It appears that lots 30-33 and possibly lot 19 are in the Conservation Land Use Classification in which density is limited to no more than 1 unit per 3 acres by the Land Use Plan. This may reduce the number of lots allowed in that area.
4. Correct the flood zone to AE 5.4'
5. Consider additional buffering (i.e. open space, vegetation) adjacent to approved commercial fishing use.
6. Fire hydrants must be within 500' of every inch of road frontage. Fire hydrant must be within 400' of all exterior portions of public structures (church). Access to more than two single family dwellings must be 20" capable of 75,000 lbs.
7. Contact the Water Dept. on waterline extension requirements.

PLANNING BOARD RECOMMENDATION:

The Planning Board *recommended approval* of PB 12-20 with the Technical Review Committee recommendations as presented.

PLANNING BOARD DISCUSSION (11-13-12)

Mr. Hyman stated this is a conditional zoning and they are trying to bring the concept now for everyone to see what they are proposing for the site. The allowable density is 1.5 units per acre. Mr. Hyman discussed the community meeting and is in agreement with the technical review committee recommendations. Mr. Hyman stated access will be provided to the cemetery.

Ms. Rose stated she and her family live on property adjacent to this proposed subdivision. Ms. Rose and her husband operate a commercial fishing operation that was established in 1999. Ms. Rose stated they have not received any complaints regarding their business, but at times the smell can be bad. She is concerned with the closeness of the proposed subdivision to their property. This subdivision is out of character with the surrounding area. Ms. Rose stated if the property is to be developed she would like for it to remain agricultural and residential.

Mr. Smithson is opposed to the conditional zoning request because of the density. Mr. Smithson is concerned about the infrastructure.

Mr. Hancock is concerned with the density, infrastructure, and traffic on Tulls Creek Road.

Mr. Banks stated this proposed subdivision is out of character with the surrounding area and concerned with the density.

Mr. Rose stated he owns the commercial fishing business. Mr. Rose is concerned with traffic, soil suitable for septic, and not consistent with the surrounding area.

Mr. Old stated he supports this request and it will bring jobs to the area.

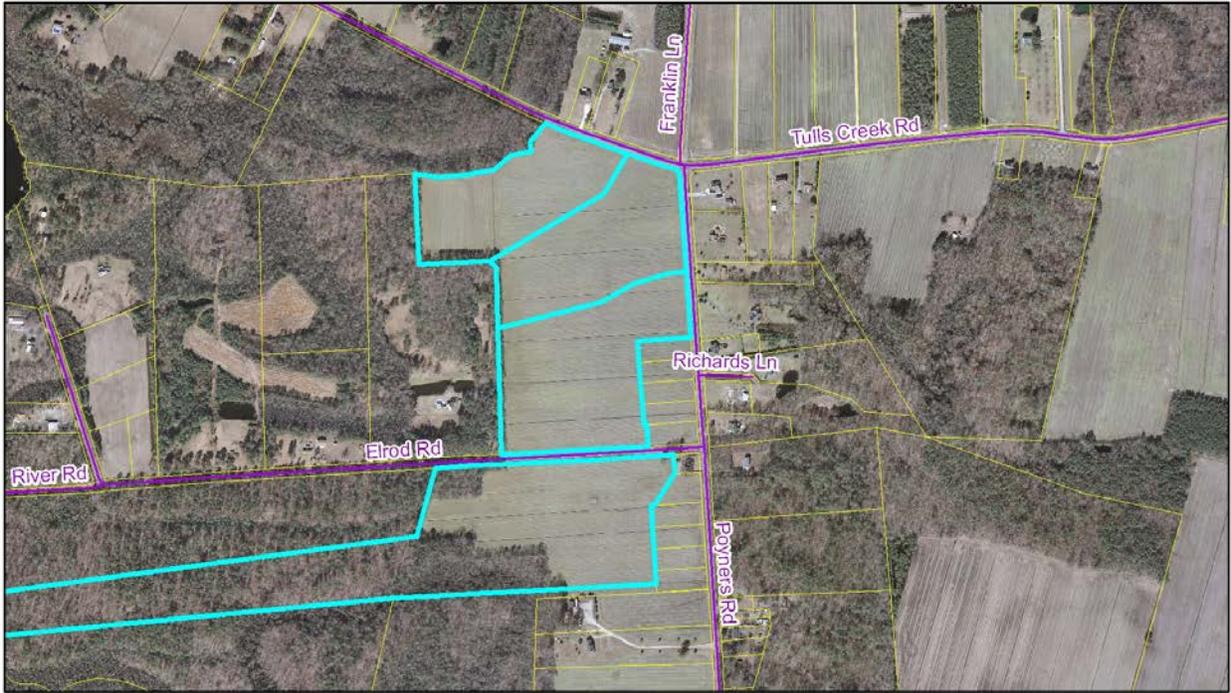
Ms. Peters stated she is concerned with the density and agrees with previous comments.

Mr. Hyman stated they plan to be compassionate to the commercial fishing business and buyers will be made aware of the business. Mr. Hyman talked about the density. The county has adequate facilities to support this subdivision. NCDOT will have a chance to review this plat as it moves forward and make any suggestions.

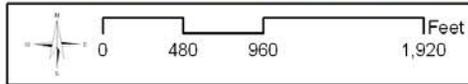
Mr. Cooper asked if anything has been decided for the proposed buffer.

Mr. Hyman stated a swale with some sort of vegetation.

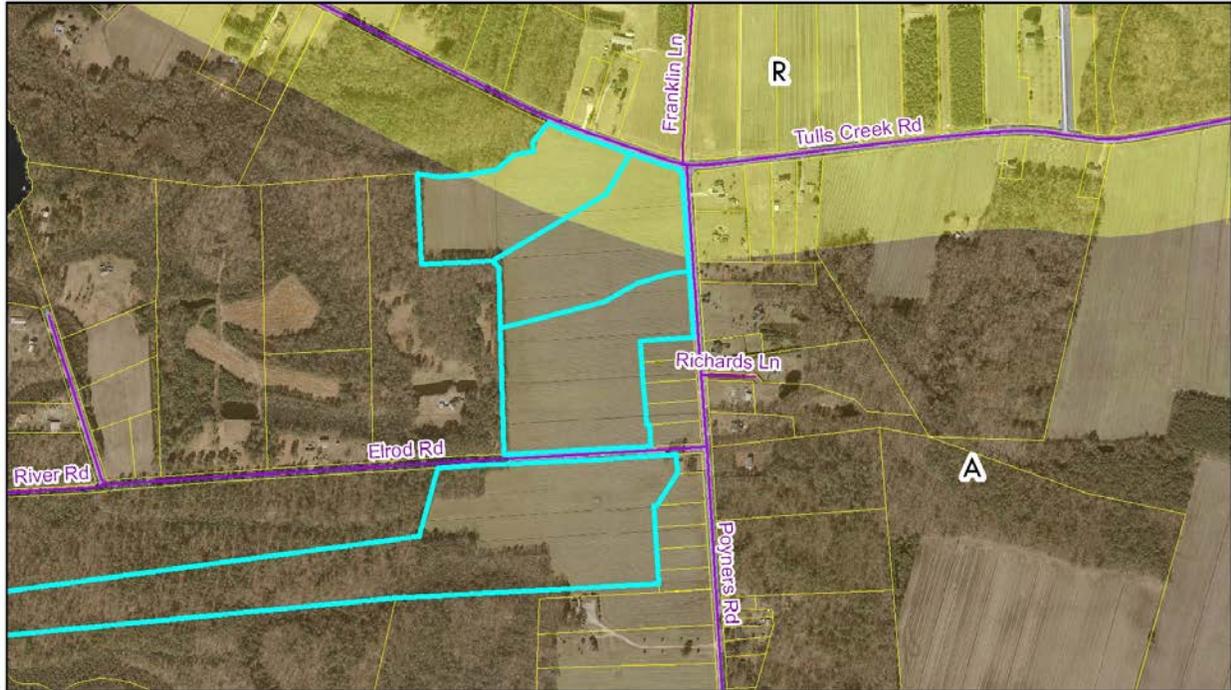
Mr. Bell asked if something could be put on the plat to notify potential buyers if a lot adjoins a commercial fishing business.



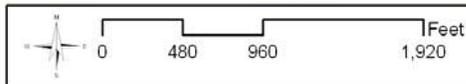
PB 12-20 Harbinger Land & Timber LLC
 Conditional Zoning
 Aerial Map



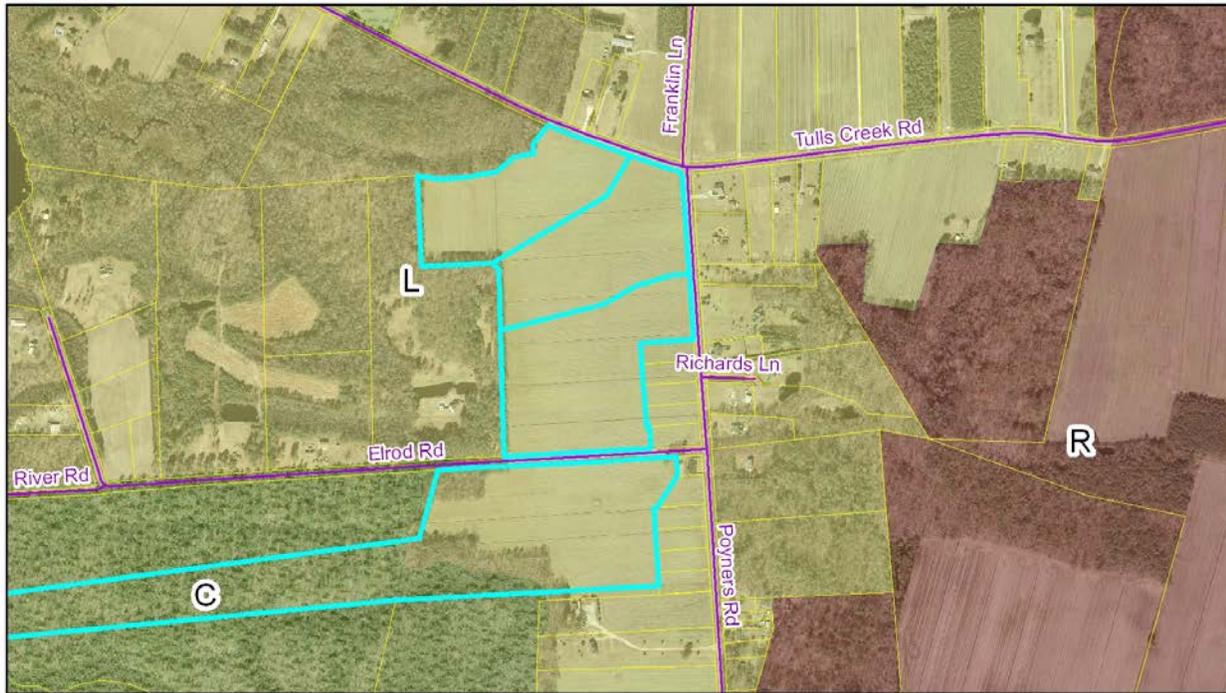
Currituck County
 Planning and
 Community Development



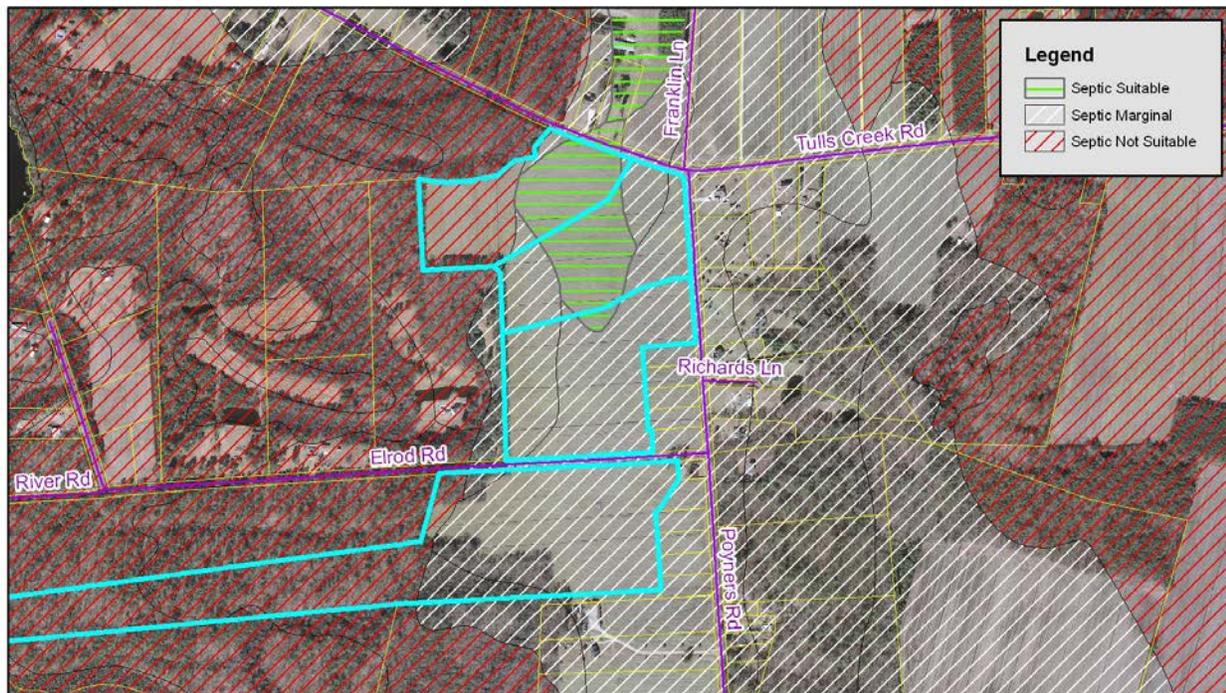
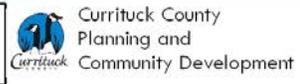
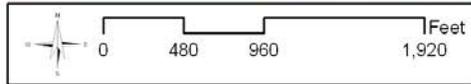
PB 12-20 Harbinger Land & Timber LLC
 Conditional Zoning
 Zoning Map



Currituck County
 Planning and
 Community Development



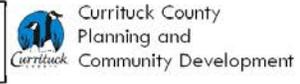
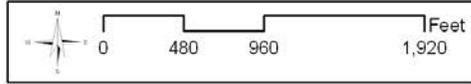
PB 12-20 Harbinger Land & Timber LLC
 Conditional Zoning
 LUC Map



Legend

- Septic Suitable
- Septic Marginal
- Septic Not Suitable

PB 12-20 Harbinger Land & Timber LLC
 Conditional Zoning
 Septic Suitability



MEMORANDUM

To: Eddie Hyman, Hyman and Robey
Gary Dunstan, Harbinger Land and Timber

From: Planning Staff

Date: August 9, 2012

Re: Harbinger Land and Timber – Conditional Zoning

The following comments have been received for the August 15, 2012 TRC meeting. Modifications of the request must be submitted by August 20, 2012 in order to remain on the September 11, 2012 Planning Board agenda. TRC comments are valid for six months from the date of the TRC meeting.

Currituck County Planning (Tammy Glave, 252-232-6025):

Reviewed with requirements and suggested conditions

Requirement:

1. Since Tulls Creek Road is a Minor Collector Street, the number of driveways is limited by the UDO. Two driveways will be allowed onto Tulls Creek Road for the six lots that have frontage on Tulls Creek Road since they have a combined total of approximately 825' of street frontage. (UDO Section 9.1.5.3) Cross-access easements will be necessary for the shared driveways.
2. Lots A12 and B6 will require a 5' non-access buffer along Poyners Road and will have to access from Elrod Road. (UDO Section 2.6.3)
3. A community meeting is required for a conditional zoning request prior to the Planning Board meeting. Please provide a copy of the mailed notice of this meeting that was sent to the adjoining property owners.

Suggested condition:

1. Set a maximum number of lots for the development.

Currituck County Code Enforcement (Stacey Smith, 252-232-6027)

Reviewed with no comment.

Currituck County Building Inspections (Spence Castello, 252-232-6020)

Approved without comment.

Currituck County Emergency Management, Fire Marshal (James Mims, 252-232-4024)

Approved with comment:

1. Fire hydrants must be within 500' of every inch of road frontage. Fire hydrant must be within 400' of all exterior portions of public structures (church). Access to more than two single family dwellings must be 20" capable of 75,000 lbs.

Currituck County Engineering (Eric Weatherly, 252-232-6034)

Approved with comments:

1. Please be aware of the differences in stormwater requirements between the Old and New UDO.
2. Contact the Water Dept. on waterline extension requirements.

Currituck County GIS (Harry Lee, 252-232-2034)

Reviewed with no comment.

Currituck County Parks and Recreation (Jason Weeks, 252-232-3007)

Reviewed with no comment.

Currituck County Soil and Water (Mike Doxey, 252-232-2769)

Approved without comment.

Currituck County Utilities (Pat Irwin, 252-232-2769)

Approved without comment.

Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)

Reviewed with comment:

1. PLEASE CONSULT WITH KEVIN CARVER R.S. AT (252)232-6603 CONCERNING SITE EVALUATION AND SEPTIC SYSTEM APPROVAL FOR EACH LOT THAT WILL MAKE UP THIS PROPOSED SUB-DIVISION. THANK YOU.

NC Division of Coastal Management (Charlan Owens, 252-264-3901)

Reviewed without comment.

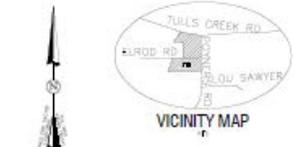
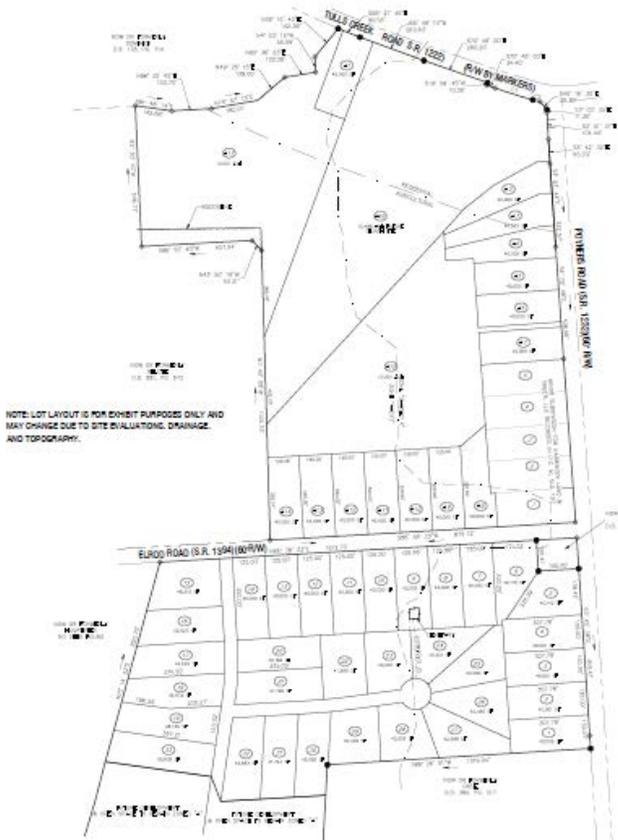
NC State Archeology (Lawrence Abbott, 919-807-6554)

Reviewed with comment:

1. It is unlikely that a significant site will be impacted by the proposed work. An archaeological survey is not recommended.

The following items are necessary for resubmittal:

- 15 - full size copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.



HYMAN ROBEY
 SOLUTIONS FROM THE COUNTRYSIDE
 1501 US Hwy 108 S.
 PO Box 200
 Camden, NC 27521
 (252) 338-0910
 (252) 338-0500 fax
 www.hymanroby.com
 License C-0256

PRELIMINARY
 IS NOT TO BE CONSIDERED
 FOR ANY DECISIONS

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 I, **THOMAS H. ROBEY**, Surveyor
 License No. 12345



CONDITIONAL
 REZONING
 EXHIBIT
 FOR
**HARBINGER
 LAND &
 TIMBER, LLC**

CRAWFORD TOWNSHIP
 CURRITOSH COUNTY
 NORTH CAROLINA

KEY PLAN

1. 0' - 100' SCALE

2. 0' - 200' SCALE

3. 0' - 400' SCALE

4. 0' - 800' SCALE

5. 0' - 1600' SCALE

6. 0' - 3200' SCALE

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185. 0' - 245199270538542217337335514014623185125675492265164800' SCALE

186. 0' - 490398541077084434674671028029246370251350944530329600' SCALE

187. 0' - 980797082154168869349342056058492740502701889060659200' SCALE

188. 0' - 1961594164308337738698684112116985481005403778121318400' SCALE

189. 0' - 3923188328616675477397368224233970962010807560242636800' SCALE

190. 0' - 7846376657233350954794736448467941924021615120485273600' SCALE

191. 0' - 15692753314466701909589472896935883848043230240970547200' SCALE

192. 0' - 31385506628933403819178945793871767696086460481941094400' SCALE

193. 0' - 62771013257866807638357891587743535392172920963882188800' SCALE

194. 0' - 125542026515733615276715783175487070784345841927764377600' SCALE

195. 0' - 25108405303146723055343156235097414156869168385552875200' SCALE

196. 0' - 50216810606293446110686312470194828313738336771105750400' SCALE

197. 0' - 100433621212586892221372624940389656627476673542211500800' SCALE

198. 0' - 20086724242517378444274524988077931325495334708442301600' SCALE

199. 0' - 40173448485034756888549049976155862650990669416884603200' SCALE

200. 0' - 80346896970069513777098099952311725301981338833769206400' SCALE



PROJECT: 1201-08
 DRAWING: 1201-08
 CLIENT: HARBINGER
 CHECKED: BTR
 APPROVED: BTR
 DATE: 08/20/2012
 SHEET: 1 OF 1
 SCALE: 1" = 200'

REVISIONS:
 DATE DESCRIPTION

SHEET TITLE:
REZONING

SHEET NUMBER:
1



Currituck County

Planning and Community Development Department
Planning and Zoning Division
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929
252-232-3055 FAX 252-232-3026

To: Board of Commissioners
From: Planning Staff
Date: November 21, 2012
Subject: PB12-05 Currituck County Text Amendment

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to amend miscellaneous sections of the Unified Development Ordinance (UDO) related to Flood Damage Prevention. The proposed amendments have been identified by staff and through extensive input by the North Carolina Floodplain Program. The proposed changes are the minimum necessary to remain compliant in the National Flood Insurance program and with the NC Floodplain Program.

By participating in the National Flood Insurance Program, residents are eligible for federally back flood insurance through FEMA. Currituck County also participates in the voluntary, Community Rating System Program. Through participation in this program, residents receive a 10% discount on flood insurance premiums. However, participation in the National Flood Insurance Program is a minimum requirement for eligibility in the Community Rating System.

The proposed amendments include:

33. Clarifying how future revisions to the flood maps are adopted
34. Clarifying the flood related duties of the Planning Director
35. Clarifying the necessary documentation required by NC Floodplain Mapping program to be present on a floodplain development permit and the length of time a floodplain permit is valid.
36. Clarification of grounds of denial for variances from the flood
37. Addition and clarification of the flood development standards
38. Clarification of the enforcement procedures for revocation of floodplain development permits
39. Addition and clarification of definitions

Many people think that if they do not live near a river or on the Outer Banks, they are not in danger of flooding. This is not true. Flooding is the nation's number one natural disaster, and it occurs inland and on the coast. Twenty to 25 percent of all flood insurance claims filed are outside of a special flood hazard area. There is also a 26 percent chance of experiencing a flood during the life of a 30-year mortgage in high-risk flood areas (A or V zones). Anywhere it rains, it can flood.

The Planning Board **recommended unanimous approval** at their November 13, 2012 meeting.

PLANNING BOARD DISCUSSION (11-13-12)

Ms. White provided an overview of the text amendment.

Currituck County
PB 12-05
UDO AMENDMENT REQUEST

Amendment to the Unified Development Ordinance Chapter 1: General Provisions, Chapter 2: Administration, Chapter 7: Environmental Protection, Chapter 9: Enforcement, and Chapter 10: Definitions and Measurement to update the Flood Damage Prevention Ordinance.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 33: That Section 1.7.2 is amended by adding the following underlined language and deleting the following strikethrough language:

1.7.2 **Incorporated by Reference**

- A.** An Official Zoning Map and all the notations thereon is incorporated herein by reference and made part of this Ordinance.
- B.** The Flood Insurance Rate Maps (FIRM) prepared by the State and the associated Flood Insurance Study (FIS) that were adopted on December 16, 2005 (as amended), are incorporated herein by reference and made part of this ordinance. Future revisions to the FIS and FIRM panels that do not change flood hazard data within the jurisdictional authority of Currituck County are also adopted by reference and declared to be part of this ordinance.

Item 34: That Section 2.2.6 is amended by adding the following underlined language and deleting the following strikethrough language:

2.2.6 **Planning Director**

The Planning Director shall have the following powers and duties:

A. **Powers and Duties**

(3) **Floodplain Administrator**

The Planning Director shall serve as the Floodplain Administrator, and shall perform the following duties:

- (a)** Review all floodplain development applications for receipt of all necessary State and Federal permits and issue floodplain development permits for all proposed development within special flood hazard areas.
- (b)** Notify adjacent communities and the North Carolina Department of 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.

- (c)** Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (d)** Prevent encroachments into floodways and non-encroachment areas unless the certification and flood damage prevention standards of Section 7.4, Flood Damage Prevention, are met.
- (e)** Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures in accordance with Section 7.4.5, Flood Certificates.
- (f)** Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and public utilities have been floodproofed, in accordance with the standards in Section 7.4.5, Flood Certificates
- (g)** Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the standards of Section 7.4.5, Flood Certificates.
- (h)** When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 7.4.5, Flood Certificates, and Section 7.4.6, Standards.
- (i)** ~~Obtain, review, and utilize any base flood elevation data, along with floodway data or non-encroachment area data available to administer the flood damage prevention provisions.~~
- (j)** Interpret 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 may appeal the interpretation in accordance with Section 2.4.17 Appeal.
- (k)** When base flood elevation data has not been provided in accordance with the standards of Section 7.4, Flood Damage Prevention, obtain, review, and reasonably utilize any base flood elevation data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 7.4.6 E, Standards for Riverine Floodplains without Established Floodways or Non-encroachment Area, in order to administer the standards of this ordinance.
- (l)** When base flood elevation data is provided but no floodway or non-encroachment area data has been provided in accordance with the standards of Section 7.4,

Flood Damage Prevention, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the standards of this ordinance.

- (m)** Permanently maintain all records that pertain to the administration of the flood damage prevention standards and make these records available for public inspection, except for any information protected by the Privacy Act of 1974.
- (n)** Make on-site inspections of work in progress, issue stop-work orders, or revoke floodplain development permits, as required.
- (o)** Make periodic inspections throughout the special flood hazard area.
- (p)** Maintain a current map repository to include, but not limited to, the FIS Report, FIRM, Letters of Map Change, and other official flood maps and studies.
- (q)** Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

Item 35: That Section 2.4.12 is amended by adding the following underlined language and deleting the following strikethrough language:

2.4.12 Floodplain Development Permit

D. Floodplain Development Permit Review Standards

A floodplain development permit shall be approved only upon a finding that all of the following standards are met:

- (1)** The permit is issued prior to the commencement of development;
- (2)** The development proposed within the special flood hazard area complies with the standards in Section 7.4, Flood Damage Prevention, and all other applicable standards in this Ordinance and the County Code of Ordinances; and
- (3)** The floodplain development permit includes:
 - (a)** A description of development to be permitted under the floodplain development permit.
 - (b)** The special flood hazard area determination for the proposed development in accordance with available data specified in Section 7.4, Flood Damage Prevention.
 - (c)** The regulatory flood protection elevation required for the reference level, all attendant utilities, and the protection of all public utilities as applicable.

- (d) All certification submittal requirements with appropriate timelines.
 - (e) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
 - (f) Flood openings requirements, if in flood zones A or AE.
- (4) ~~There will be no alteration of primary or frontal sand dunes (other than that associated with dune restoration) or fill used for structural support for development in a VE flood zone.~~

G. Expiration of Approval

~~Applicable (see Section 2.3.15). Approval of a floodplain development permit shall automatically expire if the development activity it authorizes is not commenced within six months after the date of approval.~~

Item 36: That Section 2.4.14 is amended by adding the following underlined language and deleting the following strikethrough language:

2.4.14 Variance

F. Variances from Flood Damage Prevention Standards

(3) Grounds for Denial of a Flood Damage Prevention Variance Request

All of the following factors shall be taken into account when denying a request for a flood damage prevention variance:

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity to the facility of a waterfront location as a functionally-dependent facility;
- (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the Land Use Plan and the county's floodplain management program;

- (i) The safety of access to the use property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

Item 37: That Section 7.4 Flood Damage Prevention is amended by adding the following underlined language and deleting the following strikethrough language:

7.4. FLOOD DAMAGE PREVENTION

7.4.1 Purpose and Intent

The purpose and intent of the flood damage prevention standards is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by standards designed to:

- A.** Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights, or velocities;
- B.** Require that uses vulnerable to floods be protected against flood damage at the time of initial construction;
- C.** Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D.** Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- E.** Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

7.4.2 Applicability

The standards in this section shall apply to all lands within the special flood hazard area, as depicted in the Flood Insurance Rate Maps (FIRM) for Currituck County, ~~which are included as part of the Official Zoning Map,~~ and incorporated by reference into this Ordinance.

7.4.3 Floodplain Development Permit Required

- A.** Development subject to the standards in this section shall obtain a floodplain development permit (see Section 2.4.12) prior to the commencement of construction or any land-disturbing activities.
- B.** Development subject to these standards shall not be established, extended, converted, altered, or occupied in any way without full compliance with the requirements of this section.

7.4.4 Special Flood Hazard Area Zones

All lands within the Currituck County special flood hazard area are located within one of four different special flood hazard area zones, as depicted on the county's FIRM maps. Each flood zone is a geographic area in the county subject to a unique type and severity of flood. Each flood zone has unique standards, elevation certificate requirements, or both. Applicants for development within the special flood hazard area should consult the FIRM to determine the applicable flood zone where their land is located. The different flood zones are described below.

A. VE Zone

Lands within a VE zone are areas generally adjacent to a body of water that may experience flooding as well as wave action. Lands in a VE zone are subject to the coastal high hazard zone standards in addition to the general flood damage prevention standards in Section 7.4.6, Standards.

B. AE Zone

Lands within AE zone are areas that may experience flooding, but no wave action. The FIRM maps indicate a base flood elevation in this zone below which habitable residential space is prohibited.

C. A Zone (No Base Flood Elevation)

Lands within A zones are areas that may be subject to flooding, but not subject to wave action during a storm event. Lands in an A Zone are subject to the standards for floodplains without established base flood elevations in addition to general flood damage prevention standards in Section 7.4.6, Standards.

D. AEFW Zone (Floodway)

Lands within the AEFW zone are areas adjacent to a river or stream that are located within a floodway or other non-encroachment area. Areas within the AEFW may or may not have an established base flood elevation depicted on the FIRM map, and are subject to the standards in Section 7.4.6.C, or 7.4.6.D, (as appropriate) as well as the general flood damage prevention standards in Section 7.4.6.A, General Standards.

7.4.5 Flood Certificates / Certifications

All development within a special flood hazard area shall obtain all required flood certificates or certifications in accordance with this section and Table 7.4.5, Flood Certificates.

| TABLE 7.4.5: FLOOD CERTIFICATES | | | |
|--|---|----------------------------------|---|
| CERTIFICATE TYPE | TYPE OF DEVELOPMENT SUBJECT TO REQUIREMENT | FLOOD ZONE WHERE REQUIRED | TIMING |
| Elevation Certificate | All residential and nonresidential development [1] | A, AE, VE, AEFW [3] | Under construction- within seven days of establishing reference level <u>required prior to scheduling rough in inspection;</u> As-built – required prior to occupancy |
| Floodproofing Certificate | All nonresidential development with floor area below base flood elevation [1] [2] | | Prior to start of construction |
| Foundation Certification | Manufactured home with chassis 36 inches or more above grade [4] | A, AE | Prior to placement of home on foundation <u>issuance of building permit.</u> |
| Watercourse Alteration Certification | Development seeking to alter or relocate a watercourse | A, AE, AEFW, VE | Prior to floodplain development permit |
| V-Zone Certificate | All residential and nonresidential development | VE | Required as part of Building Permit |

NOTES:

- [1] Recreation vehicles, temporary structures, and accessory structures less than 150 square feet in area in the A and AE flood zones must comply with the standards of this section, but are exempted from elevation and flood-proofing certificate requirements
- [2] Development subject to a floodproofing certificate is not required to obtain an elevation certificate
- [3] Floodproofing is not permitted within the VE zone
- [4] Manufactured homes are not permitted in the VE zone

A. Elevation Certificate (FEMA Form 81-31)

(1) Building Under Construction

- (a)** ~~Prior to scheduling rough in inspection, Within seven calendar days of establishment of the reference level elevation,~~ the applicant shall submit a certification of the elevation of the reference level, in relation to mean sea level to the Planning Director.

- (b) The Planning Director shall review the certificate and note any errors. Errors shall be corrected prior to further work proceeding. Any work done within the seven day period or prior to submission of the reference level certification shall be at the applicant's risk.
- (c) Failure to submit the certification or make required corrections shall result in issuance of a stop-work order for the development.

(2) Finished Construction

- (a) Prior to scheduling final inspection, the applicant shall submit a final as-built certification of the elevation of the reference level and all associated utilities to the Planning Director. The Planning Director shall review the certificate and note any errors.
- (b) Errors shall be corrected by the permit holder prior to occupancy of the building. In some instances, an additional certification may be required to certify the corrected as-built construction.
- (c) Failure to submit the certification or make required corrections shall delay occupancy of the building.

B. Flood-Proofing Certificate (FEMA Form 81-65)

- (1) Applicants for new nonresidential development employing floodproofing to meet regulatory flood protection elevation requirements within a special flood hazard area shall submit a certification of the floodproofed design elevation, in relation to mean sea level, with supporting data, an operational plan, and an inspection and maintenance plan, to the Planning Director prior to issuance of a floodplain development permit.
- (2) The certification of the floodproofed design elevation of the reference level and all attendant utilities in relation to mean sea level shall be prepared by a professional engineer or architect.
- (3) The Planning Director shall review the certificate, operational plan, and inspection and maintenance plan and note any errors.
- (4) Errors shall be corrected by the applicant prior to issuance of a floodplain development permit.
- (5) Failure to submit the certification or make required corrections shall result in denial of a floodplain development permit application.
- (6) Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of occupancy.

C. Foundation Certification

If a manufactured home is placed within A or AE flood zones, and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification shall be required prior to ~~occupancy of the home~~ issuance of a building permit in accordance with the standards of Section 7.4.6.4, Manufactured Homes.

D. Watercourse Alteration Certification (No-Rise)

Relocation or alteration of a watercourse shall require submittal of a map showing the location of the proposed watercourse alteration or relocation, description of the extent, and a certified report from a professional engineer on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream.

E. V-Zone Certificate

- (1)** Applicants for ~~new~~ development within coastal high hazard area (VE zone) shall submit a V-Zone certificate, prepared by a professional engineer or architect, with accompanying design plans and specifications, demonstrating the standards of this subsection are met prior to issuance of a floodplain development permit.
- (2)** Development within coastal high hazard areas shall also be required to provide an elevation certificate in accordance with subsection (A) above, where applicable.

7.4.6 Standards

A. General Standards

(1) Standards Applied to All Development

- (a)** All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (b)** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the current Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency.
- (c)** All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

- (d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the ~~base flood elevation~~ regulatory flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- (e) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (g) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (h) Nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on January 1, 2013 and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the ~~base flood elevation~~ regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance.
- (i) All developments shall be consistent with the need to minimize flood damage.
- (j) All developments shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (k) All developments shall have adequate drainage provided to reduce exposure to flood hazards.
- (l) All developments shall have received all necessary permits required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (m) When a new structure is partially located in the special flood hazard area, the entire structure shall meet the requirements in this section.
- (n) When a structure is located in multiple flood zones or in a flood zone with multiple base flood elevations, the standards for the more restrictive flood zone and the highest base flood elevation shall apply.

- (o) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the standards of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (p) New solid waste facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 2.4.14.F, Variance from Flood Protection Standards. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the standards of this ordinance.

(2) Residential Development

In addition to the general standards applied to all development in (1) above, new construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the ~~base flood elevation~~ regulatory flood protection elevation.

(3) Nonresidential Development

- (a) In addition to the general standards applied to all development in (1) above, new construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the ~~base flood elevation~~ regulatory flood protection elevation depicted on the applicable FIRM map.
- (b) Structures located in A or AE flood zones may be floodproofed to the ~~base flood elevation~~ regulatory flood protection elevation in lieu of elevation, provided that all areas of the structure, together with attendant utility and sanitary facilities, below the base flood elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- (c) A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied in accordance with Section 7.5.4.B, Flood-Proofing Certificate.

(4) Manufactured Homes

In addition to the general standards applied to all development in (1) above, new and replacement manufactured homes in a special flood hazard area shall:

- (a) Be elevated so that the reference level of the manufactured home is no lower than the ~~base flood elevation~~ regulatory flood protection elevation.
- (b) Be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15.
- (c) Be supported by reinforced piers or an engineered foundation when the chassis is elevated 36 inches or less above grade.
- (d) Be subject to a foundation certification (see Section 7.4.5) when the chassis is elevated more than 36 inches above grade.
- (e) Ensure all enclosures or skirting below the lowest floor meet the requirements of Section 7.4.6.A.8, ~~Enclosures Below the Base Flood~~ Elevated Buildings.
- (f) Be subject to an evacuation plan approved by the Planning Director and the county's Emergency Management Coordinator if located within a new, substantially improved, or substantially damaged manufactured home park or subdivision.

(5) Accessory Structures

In addition to the general standards applied to all development in (1) above, accessory structures (sheds, detached garages, etc.) in the special flood hazard area shall comply with the following standards:

- (a) Portions of an accessory structure below the base flood elevation shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (b) Portions of an accessory structure below the base flood elevation shall not be temperature-controlled;
- (c) Accessory structures shall be designed to have low flood damage potential;
- (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (e) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement;

- (f) All service facilities, such as electrical service, shall be installed to prevent water from entering or accumulating within the components; and
- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below the ~~base flood elevation~~ regulatory flood protection elevation (see Section 7.4.6.A.8, ~~Enclosures Below the Base Flood Elevation Elevated Buildings~~).

(6) Temporary Nonresidential Structures

Prior to the issuance of a floodplain development permit for a temporary nonresidential structure in the special flood hazard area, the applicant shall submit a plan for the removal of the structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification that includes the following:

- (a) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
- (b) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- (c) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- (d) The location outside the special flood hazard area where the temporary structure will be moved.
- (e) A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year.

(7) Recreational Vehicles

Recreational vehicles shall:

- (a) Be on site for fewer than 90 consecutive days, be fully licensed, and ready for highway use (i.e., be on its wheels or jacking system, be attached to the site only by quick disconnect type utilities, and have no permanently attached additions); or
- (b) Meet the requirements in this section for new residential construction.

~~(8) Enclosures Below the Base Flood Elevation Elevated Buildings~~

Any fully enclosed area of new construction or substantially improved structure, ~~any portion of which is below the base flood elevation~~ lowest floor shall:

- (a) Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises;

- (b)** Be served by access that is the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);
- (c)** Not be finished or partitioned into separate rooms, except to enclose storage areas;
- (d)** Be constructed entirely of flood resistant materials, in accordance with Technical Bulletin 2: Flood Damage Resistant Materials Requirements, at least to the ~~base flood elevation~~ regulatory flood protection elevation;
- (e)** Include flood openings, when located in the A and AE flood zones, that automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this standard, the openings must either be certified by a professional engineer or architect to meet or exceed the following minimum design criteria:
 - (i)** A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (ii)** The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
 - (iii)** If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (iv)** The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;
 - (v)** Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions;
 - (vi)** Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above; and
- (f)** Be either free of obstruction or constructed with breakaway walls, open wood latticework, or insect screening, when located in a VE zone. To meet this standard, breakaway walls shall not be part of the structural support of the building and be designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building, in accordance with the following:

- (i) Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or
- (ii) Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.

(9) Additions or Improvements to Existing Buildings

Repairs, additions, or alterations to an existing building in the special flood hazard area shall be subject to the following standards:

(a) Substantial Additions or Improvements

When a portion of a building within the special flood hazard area is subject to substantial additions or improvements, the entire building shall be made to conform with all applicable standards in Section 7.4.6, Standards, including but not limited to compliance with the base flood elevation standards.

(b) Non-Substantial Additions or Improvements

(i) Pre-FIRM Buildings

Additions or improvements to a portion of a pre-FIRM building that are not substantial are not required to comply with the standards in Section 7.4.6, Standards, but must be designed to minimize flood damage and shall not worsen any existing nonconformities with respect to the building's compliance with the flood damage prevention standards.

(ii) Post-FIRM Building Additions

(A) All additions to post-FIRM buildings shall comply with the standards for new construction.

(B) Additions to post-FIRM buildings with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

(iii) **Post-FIRM Building Improvements**

Improvements qualifying as substantial improvements or alterations that worsen an existing nonconformity must comply with the standards for new construction.

(c) **Timing of Post-FIRM Structures**

Development having a start of construction date of November 1, 1984 shall be considered as a post-FIRM structure for the purposes of these standards.

B. Standards for Coastal High Hazard Areas (VE Zones)

VE flood zones have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, all new construction and substantial ~~repairs~~ improvements or alterations shall comply with the standards in Section 7.4.6.A, General Standards, and the following requirements:

(1) **CAMA Setbacks**

Development shall comply with all applicable CAMA setback requirements, including a location landward of the mean high tideline and the first line of stable natural vegetation;

(2) **Base Flood Elevation**

Development shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the ~~base flood~~ regulatory flood protection elevation (floodproofing shall not be utilized on any structures in the VE zone);

(3) **Free of Obstruction**

Development shall ensure the space below the lowest floor remains free of obstruction so as not to impede the flow of flood waters, with the following exceptions:

(a) Open wood latticework or insect screening below the lowest floor for aesthetic purposes only provided it is designed to wash away in the event of abnormal wave action;

(b) Breakaway walls, provided they comply with the standards in Section 7.4.6.A.8, ~~Enclosures Below the Base Flood Elevation~~ regulatory flood protection elevation; or

- (c) Development constructed at grade when the grade elevation exceeds the applicable ~~base flood elevation~~ regulatory flood protection elevation, provided it utilizes grade-beam or pile-supported slab construction.

(4) Foundations

- (a) Development shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
- (b) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the standards in this section.
- (c) In determining the load calculations:
 - (i) Water loading values used shall be those associated with the base flood.
 - (ii) Wind loading values used shall be those required by the current edition of the North Carolina State Building Code.

(5) Use of Fill

Fill shall not be used for structural support. Limited non-compacted and non-stabilized fill may be used outside the perimeter of a building, provided it is demonstrated through coastal engineering analysis that the proposed fill would not result in any increase in the base flood elevation and not cause any adverse impacts by wave ramping or deflection to the subject structure or adjacent properties.

(6) Alteration of Dunes

There shall be no alteration of sand dunes which would increase potential flood damage.

(7) Allowed Uses

- (a) No manufactured homes shall be permitted in the coastal high hazard flood zone.
- (b) Recreational vehicles are permitted in the coastal high hazard flood zone, subject to the standards in Section 7.4.6.A.7, Recreational Vehicles.

C. Standards for Floodplains without Established Base Flood Elevations

The following standards shall apply to all development within A Flood zones where no base flood elevation data has been provided by FEMA:

- (1) The standards in Section 7.4.6.A.1, Standards Applied to All Development.

- (2) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within an area located 20 feet from top of a stream bank or five times the width of the stream, whichever is greater, unless a professional engineer certifies the encroachment shall not increase flood levels during the occurrence of the base flood discharge.
- (3) The base flood elevation used in determining the minimum regulatory flood protection elevation shall be determined based on the following:
 - (a) When base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable standards of this Ordinance and shall be elevated or floodproofed in accordance with standards in Section 7.4.6.A, General Standards.
 - (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements in Sections 7.4.6.A.2-9, and 7.4.6.D, Standards for Floodways and Non-encroachment Areas.
 - (c) All development of more than five acres, 50 lots, or 50 dwelling units shall provide base flood elevation data that will be used in implementing these standards.

D. Standards for Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment can be extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. Development within these areas shall comply with the following standards:

- (1) The standards in Section 7.4.6.A, ~~General Standards: Flood Damage Prevention~~, all other applicable standards in this ordinance, and the Currituck County Administrative Manual;
- (2) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented prior to issuance of floodplain development permit; or
 - (b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

E. Standards for Riverine Floodplains without Established Floodways or Non-encroachment Areas

All development along rivers and streams where base flood elevation data is available but floodway and non-encroachment areas are not identified on the FIRM or in the FIS report, shall comply with the following standards:

- (1)** The standards in Section 7.4.6.A, General Standards;
- (2)** No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted until:
 - (a)** A regulatory floodway or non-encroachment area is designated; or
 - (b)** Certification is provided by a registered professional engineer that the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Item 38: That Chapter 9: Enforcement is amended by adding the following underlined language and deleting the following strikethrough language:

9.5.4 Enforcement Procedure

A. Investigation of Complaint

On receiving a written complaint, the Planning Director shall investigate the complaint and determine whether a violation of this Ordinance exists.

B. Notice of Violations

- (1)** On finding that a violation of this Ordinance exists, whether from an investigation of a written complaint or otherwise, the Planning Director shall provide written notification of the violation, by personal service or first class mail, to the owner of the property on which the violation exists and the person causing or maintaining the violation. Such notification shall:
 - (a)** Describe the location and nature of the violation;
 - (b)** State the actions necessary to abate the violation; and

- (c) Order that the violation be corrected within a specified reasonable time period stated in the notice of violation.
- (d) For the purposes of floodplain management, order that the violation be corrected within a specified reasonable time period stated in the notice of violation but in no case shall that exceed 180 days.

9.6.1 Remedies

F. Revocation of Permit or Approval

No person may continue to make use of land or buildings in the manner authorized by a zoning permit, special use permit, conditional use permit, floodplain development permit, or sign permit approved prior to January 1, 2013, after such permit has been revoked in accordance with this section, or a use permit, zoning compliance permit, floodplain development permit, or sign permit approved after January 1, 2013. The Planning Director may revoke any such permit or approval in accordance with the following.

(4) Floodplain Development Permit

- (a) The Planning Director may revoke a floodplain development permit by notifying the permit holder in writing for any of the following reasons:
 - (i) Substantial departure from the approved application, plans, and specifications;
 - (ii) Refusal or failure to comply with the requirements of State or local laws;
 - (iii) False statements or misrepresentations made in securing the permit; or
 - (iv) Floodplain development permit mistakenly issued in violation of an applicable State or local law.

Item 39: That Section 10.5: Definitions is amended by adding the following underlined language and deleting the following strikethrough language:

10.5 DEFINITIONS

AREA OF SPECIAL FLOOD HAZARD

See “special flood hazard area (SFHA)”

BASE FLOOD ELEVATION (BFE)

A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the base flood elevation has not been provided in a “special flood hazard area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with freeboard, establishes the regulatory flood protection elevation.

CHEMICAL STORAGE FACILITY

For the purposes of Flood Damage Prevention, a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

DESIGN FLOOD ELEVATION

See regulatory flood protection elevation (RFPE)

FLOOD HAZARD BOUNDARY MAP (FHBM)

An official map issued by FEMA where the boundaries of the special flood hazard areas have been defined as Zone A. ~~showing the boundaries of the special flood hazard area.~~

FLOODPLAIN DEVELOPMENT PERMIT

A type of development permit for development within a special flood hazard area reviewed and approved or denied by the Planning Director in accordance with Section 2.4.12, floodplain development permit prior to the commencement of development activity.

FLOOD-RESISTANT MATERIAL

Any building product (material, component, or system) capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

FREEBOARD

The height added to base flood elevation to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The base flood elevation plus the freeboard establishes the regulatory flood protection elevation (RFPE).

HAZARDOUS WASTE MANAGEMENT FACILITY

For the purposes of Flood Damage Prevention, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste, as defined in NCGS 130A, Article 9.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement) ~~of a habitable structure.~~ An unfinished or flood resistant enclosure, usable solely for parking of , building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

MANUFACTURED HOME PARK OR SUBDIVISION

For the purposes of Flood Damage Prevention, means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL

The National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which base flood elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used. Refer to each FIRM panel to determine datum used.

PRINCIPALLY ABOVE GROUND

~~A portion of a building that a~~ At least 51 percent of the actual cash value of the structure is above ground.

REGULATORY FLOOD PROTECTION ELEVATION

The base flood elevation plus the freeboard. In special flood hazard areas where base flood elevations have been determined, this elevation shall be the base flood elevation plus one foot of freeboard. In special flood hazard areas where no base flood elevation has been established, this elevation shall be at least two feet above the highest adjacent grade.

SOLID WASTE DISPOSAL FACILITY

For the purposes of Flood Damage Prevention, any facility involved in the disposal of solid waste, as defined in NCGS 130A-290 (a)(35).

SOLID WASTE DISPOSAL SITE

For the purposes of Flood Damage Prevention, any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

VARIANCE

A development application reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 2.4.14, Variance.

For the purposes of Flood Damage Prevention, a grant of relief from the requirements of this ordinance. -

Item 40: The standards of this Ordinance are severable and if any of its standards or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining standards which can be given effect without the invalid provision or application.

Item 41: This ordinance amendment shall be in effect from and after the _____ day of _____, 2012.

Board of Commissioners' Chairman
Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES _____NAYS _____

.....
PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES _____NAYS _____

ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____



Eric T. Weatherly, P.E.
County Engineer

Currituck County

153 Courthouse Road, Suite 302
Currituck, North Carolina 27929
252-232-6035
FAX 252-232-3298

Eric.Weatherly@CurrituckCountyNC.Gov

MEMORANDUM

Date: November 26, 2012

To: County of Currituck Board of Commissioners
Daniel F. Scanlon, II, County Manager

From: Eric Weatherly, P.E., County Engineer

RE: Recommendation of Award
Bids for - Reverse Osmosis Water Treatment Plant Expansion
Southern Outer Banks Water System

On November 15, 2012 bids were opened for the Phase I Expansion for the RO water plant located at SOBWS. This project includes the construction of new 0.75 mgd RO treatment housed in a new building addition and new 0.25 mgd of conventional treatment housed in the existing building. The low bid for the water plant expansion was submitted by Geo. Raper & Son, Inc. of Elizabeth City in the amount of \$3,648,932.

On November 1, 2012 bids were opened for the Reverse Osmosis membranes which supply the treatment. The low bid for the membranes was submitted by Harn R/O Systems, Inc. of Venice, Florida in the amount of \$782,054. This bid is included in the bid from Geo. Raper & Son as an allowance.

Attached are a copy of the consulting engineers bid tabulation sheet for the bids and their recommendation of award. Funds are available for this project through the acquisition of the privately owned water systems on the Outer Banks.

Staff recommends award of the Phase I Expansion of the SOBWS RO water plant (including treatment and membranes) to Geo. Raper & Son in the amount of \$3,648,932. With Board of Commissioner approval, staff will move forward with award of the project, execution of contracts and construction of the facility.

November 20, 2012

Mr. Eric T. Weatherly
County Engineer
Currituck County
153 Courthouse Road, Suite 302
Currituck, NC 27929

Re: Southern Outer Banks Water Treatment Plant
Phase 1 Expansion
Recommendation of Award

Dear Mr. Weatherly:

On November 15, 2012, the Currituck County received four bids for the Phase 1 Expansion project at the Southern Outer Banks Water Treatment Plant. All bids are believed to be both responsive and competitive as set forth in the attached Bid Tabulation.

The lowest responsive bid submitted for the Total Base Bid was submitted by Geo. Raper & Son, Inc. in the amount of \$3,298,203.00. Bid amounts were also submitted for four add alternates, as shown on the enclosed certified Bid Tabulation. Following discussions with the County staff, we understand there is a preference for proceeding with all four Add Alternates. Consequently, the bids were evaluated on the Total Base Bid amount plus the four alternates. The lowest combination of prices submitted for the Total Base Bid and the alternates was submitted by Geo. Raper & Son, Inc. in the amount of \$3,648,932.00.

The Total Base Bid submitted by Geo. Raper & Son, Inc. includes an allowance for the Membrane System. On November 1, 2012, three proposals/bids were received for the membrane system and were opened. A certified tabulation of these bids is attached. Harn R/O Systems was the low, responsive bidder and was selected as the Membrane System Supplier for this project.

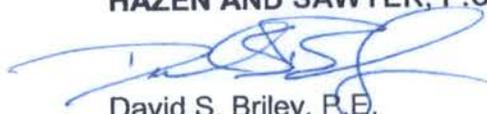
We have reviewed the documentation submitted by Geo. Raper & Son, Inc. and have personal knowledge of the character of their work as well as their capacity to perform. Based on this, we recommend that Currituck County award the project to Geo. Raper & Son, Inc. contingent upon regulatory approval from the NC Public Water Supply Section.

HAZEN AND SAWYER

If you have any questions or need any additional information from us, please do not hesitate to contact us.

Very truly yours,

HAZEN AND SAWYER, P.C.



David S. Briley, P.E.
Associate

Copies: Patrick Irwin, Currituck County
Maggie Hennessy, Hazen and Sawyer

BID TABULATION
SOUTHERN OUTER BANKS WATER TREATMENT PLANT PHASE 1 EXPANSION PROJECT
 Bid Opening: Thursday, November 15, 2012 at 2:00 pm

| | | | | Geo. Raper & Son, Inc. 404 Interpath Pkwy Elizabeth City, NC 27909 | DeVere Construction Company 1030 DeVere Drive Alpena, MI 49707 | State Utility Contractors, Inc. 4417 Old Charlotte Hwy Monroe, NC 28110 | T.A. Loving Construction Company 400 Patetown Road Goldsboro, NC 27530 | | | | |
|---------------------------------------|---|------|-----|--|--|---|---|------------|----------------|---------|------------|
| Bid Bond | | | | Bond, 5% | Bond, 5% | Bond, 5% | Bond, 5% | | | | |
| Addenda Acknowledged | | | | 1, 2 | 1, 2 | 1, 2 | 1, 2 | | | | |
| BASE BID | | | | | | | | | | | |
| No. | Description | Unit | QTY | | | | | | | | |
| 1 | Total Single Prime Lump Sum Base Bid | LS | 1 | \$2,187,089.00 | \$2,350,000.00 | \$2,404,841.00 | \$2,581,716.00 | | | | |
| | | | | Unit Price | Extended Total | Unit Price | Extended Total | Unit Price | Extended Total | | |
| 2 | Asphalt Repair | SY | 155 | \$36.00 | \$5,580.00 | \$79.00 | \$12,245.00 | \$75.00 | \$11,625.00 | \$50.00 | \$7,750.00 |
| 3 | Membrane System Allowance | LS | 1 | \$754,054.00 | \$754,054.00 | \$754,054.00 | \$754,054.00 | | | | |
| 4 | SCADA Integration Allowance | LS | 1 | \$318,980.00 | \$318,980.00 | \$318,980.00 | \$318,980.00 | | | | |
| 5 | Quality Control Testing Allowance | LS | 1 | \$25,000.00 | \$25,000.00 | \$25,000.00 | \$25,000.00 | | | | |
| 6 | Sales Tax Allowance | LS | 1 | \$7,500.00 | \$7,500.00 | \$7,500.00 | \$7,500.00 | | | | |
| TOTAL BASE BID | | | | \$3,298,203.00 | \$3,467,779.00 | \$3,522,000.00^B | \$3,695,000.00 | | | | |
| BID ALTERNATES | | | | | | | | | | | |
| No. | Description | Unit | QTY | | | | | | | | |
| 1 | Furnishing and Installing One Greensand Filter System | LS | 1 | \$101,920.00 ^A | \$225,000.00 | \$209,000.00 | \$225,000.00 | | | | |
| 2 | Furnishing and Installing One Ion Exchange System | LS | 1 | \$213,840.00 | \$286,000.00 | \$258,000.00 | \$275,000.00 | | | | |
| 3 | Furnishing and Installing Encore 700 Metering Pumps | LS | 1 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | | | | |
| 4 | Furnishing and Installing Allen Bradley VFDs | LS | 1 | \$35,000.00 | \$37,000.00 | \$38,500.00 | \$40,000.00 | | | | |
| TOTAL BASE BID PLUS ALTERNATES | | | | \$3,648,963.00 | \$4,015,779.00 | \$4,027,500.00 | \$4,235,000.00 | | | | |

NOTES:

- A In accordance with Specification Section 00100 Paragraph 8.2, in the case of conflict between the price in words and the equivalent shown in numerals, the words will take precedence
- B Denotes corrected sum.

CERTIFICATION

The Bids tabulated herein were opened and read aloud at 2:00 p.m. on the 1st day of November 2012, at the office of Currituck County, 153 Courthouse Road, Currituck, NC 27929. The tabulation is correct in that it contains the bid prices as presented on the original Bid Form of each Bidder.

HAZEN AND SAWYER
 Environmental Engineers & Scientists

HAZEN AND SAWYER, P.C.
 David S. Briley, P.E.
 Associate



BID TABULATION

SOUTHERN OUTER BANKS WATER TREATMENT PLANT PHASE 1 EXPANSION PROJECT
 Bid Opening: Thursday, November 1, 2012 at 2:00 pm

| | | | | Harn R/O Systems, Inc. 310 Center Court Venice, FL 34285 | Aerex Industries, Inc. 3504 Industrial 27th Street Fort Pierce, FL 34946 | H ₂ O Innovation USA, Inc. 1048 La Mirada Court Vista, CA 92081 |
|-----------------------------|---------------------------------------|------|-----|--|--|--|
| Bid Bond | | | | Yes - 5% Bid Bond | Yes - 5% Cashier's Check | Yes - 5% Bid Bond |
| Addenda Acknowledged | | | | 1 | 1 | 1 |
| BASE BID | | | | | | |
| Item No. | Description | Unit | QTY | | | |
| 1 | Lump Sum Bid - one 0.75-mgd RO system | LS | 1 | \$ 692,479.00 | \$ 755,654.00 | \$ 792,500.00 |
| 2 | Lump Sum Bid - clean-in-place system | LS | 1 | \$ 89,575.00 | \$ 67,346.00 | \$ 79,500.00 |
| TOTAL BASE BID | | | | \$ 782,054.00 | \$ 823,000.00 | \$ 872,000.00 |

CERTIFICATION

The Bids tabulated herein were opened and read aloud at 2:00 p.m. on the 1st day of November 2012, at the office of Hazen and Sawyer at 4011 WestChase Boulevard, Suite 500, Raleigh, NC 27607. The tabulation is correct in that it contains the bid prices as presented on the original Bid Form of each Bidder.



HAZEN AND SAWYER, P.C.

David S. Briley, P.E.
Associate





Tracey Johnson
Board Chair

Bert Banks
Executive Director

November 9, 2012

Dan Scanlon, Manager
Currituck County
153 Courthouse Road
Suite 101
Currituck, NC 27929

Dear Mr. Scanlon:

Currituck County's representative on the Albemarle Commission Board is John Rorer who I understand did not get reelected as a county commissioner. Our bylaws state the county appointee has to be a county commissioner.

If you would bring this before your Board and have them consider a replacement for Mr. Rorer, it would be appreciated. The term for the new appointee will be a two year term from January 2013 to January 2015.

Written confirmation from your office is required.

Thank you for your consideration of this request.

Sincerely,

Ruth Mengel
Clerk to the Board

CC: Currituck County Clerk to the Board



Currituck County

Planning and Community Development Department
Planning and Zoning Division
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929
252-232-3055 FAX 252-232-3026

To: Board of Commissioners
From: Ben E. Woody, Planning & Community Development Director
Date: October 1, 2012
Subject: Planning Board Term Expirations

The following Planning Board member term will expire December 31, 2012; however they have only served one term and are eligible to be appointed for a second term.

At Large – Paul O’Neal
John Wright

The following Planning Board member will complete two successive terms on December 31, 2012 and consideration should be given to replacing them.

District 5 – Marion Gilbert
Joe Kovacs

PLANNING BOARD
3 Year Terms

| Incumbent | Nominated by | New Appointee | Nominated by | Date of Appointment | End of Term |
|----------------------|--------------------------|---------------|-----------------------|---------------------|--------------------------------|
| James Clark | District 1 | | Vance Aydlett | January 2012 | 2nd Term 12/31/2014 |
| Suzanne Everhart | District 2 | | John Rorer | January 2012 | 1st Term 12/31/2014 |
| John Cooper | District 3 | | Butch Petrey | January 2012 | Unexpired Term 12/31/2014 |
| Daniel Cartwright | District 4 | | Owen Etheridge | January 2012 | 1st Term 12/31/2014 |
| Joe Kovacs* | District 5 | | Marion Gilbert | January 2010 | 2nd Term 12/31/2012 |
| Fannie Newbern | At-Large | | Paul Martin | January 2012 | 2nd term 12/31/2014 |
| John Wright** | At-Large | | Paul O'Neal | January 2010 | 1st Term 12/31/2012 |
| Lynne Wilson | Outer Banks Alternate | | Vance Aydlett | January 2012 | 2nd term 12/31/2014 |
| Bobby Bell | Mainland Alternate | | Paul O'Neal | January 2012 | 2nd term 12/31/2014 |

* To be Replaced

** May Be Reappointed

BOARD OF ADJUSTMENT

| Incumbent | Nominated by | New Appointee | Nominated by | Date of Appointment | End of Term |
|-------------------------|--------------|---------------|----------------|---------------------|----------------------------|
| Christian Conner* | District 1 | | Vance Aydlett | 12/7/2009 | 1st Term 12/31/2012 |
| Bryan Bass** | District 2 | | John Rorer | 12/7/2009 | 2nd Term 12/31/2012 |
| Theresa Dozier | District 3 | | Butch Petrey | 3/7/2011 | 1st Term 12/31/2013 |
| David Palmer | District 4 | | Owen Etheridge | 4/18/2011 | 1st Term 12/1/2013 |
| Cameron Tabor-Alternate | District 5 | | Marion Gilbert | 2/21/2011 | 1st Term 12/31/2013 |
| Mike Painter-Alternate | At Large | | Paul Martin | 8/20/12 | Unexpired Term 1/1/2015 |
| Vivian Simpson | At-Large | | Paul O'Neal | 1/17/2012 | 1st Term 1/1/2015 |

* May Be Reappointed

** To Be Replaced

TOURISM ADVISORY BOARD
3 Year Terms

| Incumbent | Nominated by | New Appointee | Nominated by | Date of Appointment | End of Term |
|-------------------|-----------------|---------------------|--------------------|-------------------------|---------------------------------|
| Petrina Ramey | District 1 | | Vance Aydlett | 4/4/2011 | November 2013 |
| Shearl Bell | District 2 | | John Rorer | 5/21/2012 | Unexpired Term November 2012 |
| Ted Jagucki | District 3 | | Butch Petrey | Appointed 11/21/11 | November 2014 |
| Paul Robinson | District 4 | | Owen Etheridge | Reappointed 11/21/11 | November 2014 |
| Janice Farr | District 5 | | Marion Gilbert | Appointed 6/18/12 | May 2013 |
| Don Cheek* | At-Large | Mike Martine | Paul Martin | 11/16/09 | November 2012 |
| Leslie Daughtry | At-Large | | Paul O'Neal | Appointed 1/3/2012 | January 2015 |

*** To Be Replaced**

Commissioner O'Neal



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 10-28-2012

Name: Michael C. Martine

Address: 113 Simms Road

Moyock, NC 27958

Phone: 252-435-2763 **Email:** mmartine@eyecandydv.com

Board(s) or Committee(s) on which you would like to serve:

Please check

- | | |
|--|--|
| <input type="checkbox"/> ABC Board | <input type="checkbox"/> Library Board |
| <input type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input type="checkbox"/> Airport Advisory Board | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Economic Development Board | <input type="checkbox"/> Senior Citizens Advisory Board |
| <input type="checkbox"/> Fire & EMS Advisory Board | <input type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input checked="" type="checkbox"/> Tourism Advisory Board |
| <input type="checkbox"/> Jury Commission | <input type="checkbox"/> Whalehead Preservation Trust |
| <input type="checkbox"/> Land Transfer Tax Appeals Board | <input type="checkbox"/> Workforce Development Board |

Qualifications and reasons you would like to serve:

Serving on the Tourism Advisory Board will give me a greater understanding of the needs, wants, and the challenges we as a county encounter from the ground up. I have been involved with the Department of Tourism for the last four years. My company and I currently work with the Tourism Department as an Independent Contractor. As a experienced media buyer and broadcast television producer we buy the television media for the region as well as create all the video production for the Department of Tourism. With my experience in tourism as well as my constant desire to help make the county we live in a better place are just a couple of reasons why I would like to serve on the Tourism Advisory Board.

Please return to **County Manager's Office153**
Courthouse Road, Suite 204
Currituck, NC 27929
Gwen.Keene@CurrituckCountyNC.gov

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of December, 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

| <u>Account Number</u> | <u>Account Description</u> | <u>Debit</u> | <u>Credit</u> |
|-----------------------|--------------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 50550-592012 | COA Apron/Taxiway | \$ 23,846 | |
| 50390-495051 | T F - School Construction Fund | | \$ 2,385 |
| 50330-448000 | State Aide to Airports | | \$ 21,461 |
| | | <u>\$ 23,846</u> | <u>\$ 23,846</u> |

Explanation: County Governmental Construction - Airport (50550) - Increase appropriations for increase in NC DOA grant 36244.10.5.1 for the COA Airport Apron and Taxiway. This will be funded through 90% grant funds and 10% local funds. The local match was appropriated as part of the COA building construction project.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$23,846.

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Clerk to the Board

BUDGET AMENDMENT

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|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10531-545000 | Contracted Services | \$ 4,000 | |
| 10531-514000 | Travel | \$ 4,000 | |
| 10531-532000 | Supplies | \$ 12,625 | |
| 10330-445000 | Emergency Management | | \$ 20,625 |
| | | <u>\$ 20,625</u> | <u>\$ 20,625</u> |

Explanation: Emergency Management (10531) - Increase appropriations for 2012 Emergency Management Performance Grant (EMPG), which will be utilized for various Emergency Management related projects throughout this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$20,625.

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Clerk to the Board

BUDGET AMENDMENT

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|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10640-532004 | FCS Supplies | \$ 4,411 | |
| 10640-514000 | Travel | \$ 250 | |
| 10330-449900 | Miscellaneous Grants | | \$ 4,661 |
| | | <u>\$ 4,661</u> | <u>\$ 4,661</u> |

Explanation: Cooperative Extension (10640) - To increase appropriations for the Medicare Counseling (SHIP) grant funding.

Net Budget Effect: Operating Fund (10) - Increased by \$4,661.

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|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10640-532004 | FCS Supplies | \$ 284 | |
| 10640-516100 | Building Supplies | \$ 180 | |
| 10380-484001 | Insurance Recovery | | \$ 180 |
| 10380-485002 | Miscellaneous Supplies | | \$ 284 |
| | | <u>\$ 464</u> | <u>\$ 464</u> |

Explanation: Cooperative Extension (10640) - To increase appropriations for a donation to the Food and Consumer Science program and to replace damaged mailbox.

Net Budget Effect: Operating Fund (10) - Increased by \$4,661.

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Clerk to the Board

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|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10531-532000 | Supplies | \$ 1,992 | |
| 10330-445000 | Emergency Management Grant | | \$ 1,992 |
| | | <u>\$ 1,992</u> | <u>\$ 1,992</u> |

Explanation: Emergency Management (10531) - Increase appropriations to record grant for supplies for the Community Emergency Response Team (CERT).

Net Budget Effect: Operating Fund (10) - Increased by \$1,992.

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|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10790-545000 | Contract Services | \$ 624 | |
| 10790-516000 | Repairs & Maintenance | | \$ 624 |
| | | <u>\$ 624</u> | <u>\$ 624</u> |

Explanation: Library (10790) - Transfer funds for a copier lease at the Corolla library.

Net Budget Effect: Operating Fund (10) - Increased by \$1,992.

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|-----------------------|-----------------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 50460-596100 | Professional Services | \$ 37,185 | |
| 50390-495051 | T F - School Construction Fund | | \$ 37,185 |
| 51848-587050 | T T - County Govt Facilities Fund | \$ 37,185 | |
| 51848-597000 | Primary School South | | \$ 37,185 |
| | | <u>\$ 74,370</u> | <u>\$ 74,370</u> |

Explanation: County Governmental Facilities - Bus Garage (50460); School Facilities - Jarvisburg Elementary School (51848) - Transfer residual funds from Jarvisburg Elementary School Construction for design, permitting and bidding to relocate the school bus garage to the Maple Commerce Park property.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$37,185.
School Facilities Fund (51) - No change.

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Clerk to the Board

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|-----------------------|-----------------------------------|---|---|
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| 50460-596100 | Professional Services | \$ 37,185 | |
| 50390-495051 | T F - School Construction Fund | | \$ 37,185 |
| 51848-587050 | T T - County Govt Facilities Fund | \$ 37,185 | |
| 51848-597000 | Primary School South | | \$ 37,185 |
| | | <u>\$ 74,370</u> | <u>\$ 74,370</u> |

Explanation: County Governmental Facilities - Bus Garage (50460); School Facilities - Jarvisburg Elementary School (51848) - Transfer residual funds from Jarvisburg Elementary School Construction for design, permitting and bidding to relocate the school bus garage to the Maple Commerce Park property.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$37,185.
School Facilities Fund (51) - No change.

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|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 51848-598001 | Central Elem Parking | \$ 76,755 | |
| 51848-597000 | Primary School South | | \$ 76,755 |
| | | <u>\$ 76,755</u> | <u>\$ 76,755</u> |

Explanation: School Facilities - Central Elementary Parking (51848) -Transfer residual funds from the Jarvisburg Elementary School construction for design, administration, permitting and bidding to rework the parking, driveway and bus loop at Central Elementary school.

Net Budget Effect: School Facilities Fund (51) - No change.

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|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 60808-545001 | Contract Services | \$ 13,000 | |
| 60808-590001 | Capital Outlay | | \$ 13,000 |
| | | <u>\$ 13,000</u> | <u>\$ 13,000</u> |

Explanation: Ocean Sands Water and Sewer (60808) - Transfer funds for material and installation of a fence for the Ocean Sands sewer facilities.

Net Budget Effect: Ocean Sands Water and Sewer Fund (60) - No change.

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|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10550-503500 | Temporary Services | \$ 3,006 | |
| 10550-502000 | Salaries - Regular | | \$ 3,006 |
| | | <u>\$ 3,006</u> | <u>\$ 3,006</u> |

Explanation: Airport (10550) - Transfer residual funds from salaries, due to unpaid leave, to temporary services and authorize hiring temporary employees to supplement the part-time staff due to employees on FMLA and other vacancies. This will authorize up to 220 hours of temporary services for the remainder of this fiscal year.

Net Budget Effect: Operating Fund (10) - No change.

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Clerk to the Board

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|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10420-589000 | Board OSD Projects | \$ 3,000 | |
| 10350-468000 | Sale of Fixed Assets | | \$ 3,000 |
| | | <u>\$ 3,000</u> | <u>\$ 3,000</u> |

Explanation: Governing Body (10420) - Increase appropriations to provide funding for the County Christmas luncheon. Funding will be from revenues received from selling capital assets on Gov Deals.

Net Budget Effect: Operating Fund (10) - Increased by \$3,000.

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|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10796-503000 | Salaries - Part-time | \$ 1,085 | |
| 10796-502000 | Salaries - Regular | | \$ 933 |
| 10796-507000 | Retirement | | \$ 152 |
| | | <u>\$ 1,085</u> | <u>\$ 1,085</u> |

Explanation: Rural Center (10796) - Transfer funds for position reclassification from part-time to full-time budgeted for an effective date of 9/1/2012. Transfer did not actually become effective until 10/1/2012.

Net Budget Effect: Operating Fund (10) - No change.

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|-----------------------|-----------------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10480-590000 | Capital Outlay | \$ 22,500 | |
| 10480-532000 | Supplies | \$ 1,969 | |
| 10480-502000 | Salary | | \$ 14,000 |
| 10480-505000 | FICA | | \$ 1,071 |
| 10480-507000 | Retirement | | \$ 1,648 |
| 10480-557303 | Archives & Records Management Fee | | \$ 7,750 |
| | | <u>\$ 24,469</u> | <u>\$ 24,469</u> |

Explanation: Register of Deeds (10480) - Transfer funds to Capital Outlay to replace the Register of Deeds server and workstations and to supplies for items needed for new Register of Deeds. This will be funded through the salary difference of the Register of Deeds and the Archives & Records Management Fee that was budgeted but has been suspended for this fiscal year by the State.

Net Budget Effect: Operating Fund (10) - No change.

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Clerk to the Board

BUDGET AMENDMENT

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| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|--------------------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 56868-590001 | RO & Conventional WTP Expansion | \$ 1,848,932 | |
| 56868-587066 | T T - Southern Outer Banks Operating | | \$ 584,689 |
| 56868-590002 | .25 MGD Conventional Treatment | | \$ 500,000 |
| 56868-590003 | 1.5 MG Water Storage | | \$ 117,674 |
| 56868-590006 | Carolina Water Purchase | | \$ 155,157 |
| 56868-590007 | Pine Island Water Purchase | | \$ 31,377 |
| 56868-590008 | Paint Existing Tank | | \$ 860 |
| 56868-596100 | Professional Services | | \$ 360,000 |
| 56868-588000 | Contingency | | \$ 99,175 |
| | | <u>\$ 1,848,932</u> | <u>\$ 1,848,932</u> |

Explanation: Southern Outer Banks Water Construction Fund (56868) - Transfer residual funds from completed projects and contingency to award contract to George Raper & Son Inc of Elizabeth City in the amount of \$3,648,932 for the expansion of the Reverse Osmosis and Conventional Water Treatment Plants at the Southern Outer Banks Water System.

Net Budget Effect: Southern Outer Banks Water Construction Fund (56) - No change.

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Clerk to the Board

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|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10510-539000 | Unemployment Compensation | \$ 13,156 | |
| 10511-539000 | Unemployment Compensation | \$ 13,583 | |
| 10530-539000 | Unemployment Compensation | \$ 7,408 | |
| 10640-539000 | Unemployment Compensation | \$ 1,101 | |
| 10960-539000 | Unemployment Compensation | | \$ 30,000 |
| 10380-482000 | Miscellaneous Revenue | | \$ 5,248 |
| | | <u>\$ 35,248</u> | <u>\$ 35,248</u> |

Explanation: Sheriff (10510); Jail (10511); EMS (10530); Cooperative Extension (10640); Central Services (10960)- Transfer and increase appropriations for unemployment charges for the year ending July 31, 2012.

Net Budget Effect: Operating Fund (10) - Increased by \$5,248.

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Clerk to the Board

BUDGET AMENDMENT

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|-----------------------|--------------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10430-514801 | Fees Paid to Precint Officials | \$ 7,000 | |
| 10430-521000 | Rent | \$ 640 | |
| 10390-499900 | Appropriated Fund Balance | | \$ 7,640 |
| | | <u>\$ 7,640</u> | <u>\$ 7,640</u> |

Explanation: Elections (10430) - Increased appropriations for costs associated with the November 2012 election.

Net Budget Effect: Operating Fund (10) - Increased by \$7,640.

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R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on December 3, 2012, authorized the following, pursuant to GS 160A and 270(b), that the computers listed below be given to outgoing commissioners Rorer and Etheridge.

| <u>Asset Tag</u> | <u>Description</u> | <u>Serial Number</u> |
|------------------|-------------------------------------|----------------------|
| 6965 | Laptop computer issued to Etheridge | CL88QH1 |
| 6968 | Laptop computer issued to Rorer | DL88QH1 |

ADOPTED, this 3rd day of December 2012.

Currituck County Board of
Commissioners

ATTEST:

Gwen H. Keene, CMC

Clerk to the Board

CURRITUCK COUNTY
NORTH CAROLINA
November 19, 2012

The Board met prior to the regular meeting at 6:00 p.m. to review the Moyock Small Area Plan.

The Board of Commissioners met at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman John Rorer, Vice-Chair Marion Gilbert, Commissioners O'Neal, Etheridge, Martin, Aydlett and Petrey.

A) Invocation

B) Pledge of Allegiance

Reverend Paul Bopp, Truth Alive Church, was present for the invocation.

C) Approval of Agenda

Commissioner Gilbert moved to approve the agenda to include the deletion of Outgoing Comments. Commissioner O'Neal seconded the motion. Motion carried.

D) Public Comment

Please limit comments to items not appearing on the regular agenda; please limit comments to 3 minutes.

Chairman Rorer opened the public comment period.

Mary Etheridge, Elections Director, thanked the precinct workers during the last election. There were 11,350 voters which is 64%.

Tommy Hardison, Shingle Landing, stated that the work promised has not been done and the approval for Phase II should not be allowed.

Ben Woody, Planning Director, stated that the condition for Phase II was that drainage and shoulders be completed.

Ike McRee, County Attorney, stated that the permit can be revoked and begin the citation for violation of permit.

November 19, 2012 BOC Meeting

Commissioner Gilbert requested that the Board revoke permit and begin citation request.

Commissioner O'Neal questioned who will complete the work on shoulder, drainage and the railroad issues.

Commissioner Martin stated that the HOA should not be responsible for the railroad problem. We have a nursing home and a boat ramp. The developer should move forward with completion.

Terry Wadleigh, stated that if the railroad fee has not been paid by December 1st, we cannot use the road.

Commissioner Aydlett stated that this is a public safety issue and we need to insure the road is not blocked.

Mary Waller, requested if there could be another road constructed out of the subdivision.

Donna and Adam Benson, Tulls Bay, stated that this is the 3rd time they have appeared to request that an abandoned boat be removed by the county.

Commissioner O'Neal questioned why this boat cannot be removed.

Ike McRee, County Attorney, stated he will get with zoning to move forward with removing the boat.

Denise Hall, thanked the citizens for voting her in as the new Register of Deeds and also thanked Charlene Dowdy for her many years of service.

Susan Davis, Shingle Landing, questioned the option of another road out of subdivision.

John Snowden, Maple, questioned the resolution in the consent agenda supporting Virginia opposing uranium mining. He stated that Virginia Beach has not supported Currituck County with water quality in the Sound.

Commissioner Etheridge, stated that the County has gone to congress and the Corps of Engineer and have worked on these issues

November 19, 2012 BOC Meeting

for many years. We need to open up a line of communication with Virginia.

Commissioner Etheridge also expressed concerns on the paving project by DOT on US 158.

Commissioner Aydlett, thanked the citizens and friends for their support during his illness.

There being no further comments, Chairman Rorer closed the public comment period.

Public Hearings

A) Public Hearing and Action: PB 12-05 Currituck County: Request to amend the new Unified Development Ordinance to correct and clarify language in the following chapters: Chapter 1: General Provisions, Chapter 2: Administration, Chapter 3: Zoning Districts, Chapter 5: Development Standards, and Chapter 10: Definitions and Measurement.

Ben Woody, Planning Director, reviewed the request.

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to amend miscellaneous sections of the new Unified Development Ordinance (UDO). The proposed amendments have been identified by staff as we continue to use and test the new UDO, which is effective January 1, 2013. The proposed amendments include:

23. Clarifying setback encroachments.
24. Deleting the provision of requiring lots bordering the farmland compatibility vegetated buffer to be twice the minimum lot size.
25. Clarifying minimum lot/unit size for multifamily developments in the MXR district.
26. Clarifying planned development dimensional standards.
27. Clarifying PUD transitional standards.
28. Exempting development adjacent to property zoned LB, GB, LI, of HI from the community compatibility standards.
29. Not requiring a conceptual plan to be submitted for zoning map amendments for pre-application conferences.
30. Clarifying commercial design standards.
31. Correcting expiration of development approvals.
32. Deleting redundancy among the variance findings.

The Planning Board **recommended approval** of PB 12-05 as presented on October 9, 2012.

PLANNING BOARD DISCUSSION (October 9, 2012)

Mr. Cooper asked if the letters sent out to Adjoining Property Owners for a zoning map amendment required a conceptual drawing.

Mr. Schuler stated it did not.

PLANNING BOARD ACTION

Ms. Wilson moved to approve PB 12-05 due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Ms. Everhart seconded the motion. Motion carried unanimously.

**Currituck County
PB 12-05
UDO AMENDMENT REQUEST**

Amendments to the Unified Development Ordinance Chapter 2: Administration, Chapter 3: Zoning Districts, Chapter 5: Development Standards, and Chapter 10: Definitions and Measurement.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 23: That Chapter 10: Definitions and Measurement is amended by adding the following underlined language and deleting the strikethrough language:

Section 10.3.4.B General Setback Requirements

(1) Setback Exemptions

(c) Handicap ramps may encroach into a required setback.

Section 10.3.4.C Allowable Setback Encroachments

(1) Building Features

(a) Flagpoles, birdhouses, fences, walls, well houses, pump covers, arbors, residential mechanical equipment, water-dependent features, and other nonhabitable structures of 25 square feet in size or less may be located within a required setback, but may not be located within a required sight triangle.

(b) Building eaves, gutters, canopies, chimneys, bay windows, and steps, uncovered porches, decks, patios, handicap ramps, or sidewalks extending more than 12 inches above the ground that prevent infiltration of rainwater may encroach into a required setback up to three feet.

- (c) Uncovered porches, decks, patios, steps, ~~handicap ramps~~, or sidewalks extending 12 inches above ground or less that allow infiltration of rainwater may encroach into a required setback by up to five feet.
- ~~(d) Arbors may be located within 20 feet of a major arterial street.~~

Item 24: That Chapter 5: Development Standards is amended by deleting the strikethrough language and renumbering accordingly:

5.11.5 Farmland Compatibility Standards

~~C. Lot Size Configuration~~

~~Except for lots in a conservation subdivision, lots bordering the vegetated buffer shall maintain a minimum lot area twice the minimum lot area required by the base zoning district where the subdivision is located.~~

Item 25: That Chapter 3: Zoning Districts is amended by adding the underlined language and deleting the strikethrough language:

3.4.6 Mixed Residential (MXR) District

D. DIMENSIONAL STANDARDS

| | Single-Family Detached | Other Residential | Nonresidential | |
|---|------------------------|------------------------------|----------------|---|
| Min. Lot Area/Dwelling Unit (sq ft) [1] | 20,000 | 10,000 <u>N/A</u> | 20,000 | 1 |

Item 26: That Chapter 3: Zoning Districts is amended by adding the underlined language and deleting the strikethrough language:

3.7.3 Planned Development - Residential (PD-R) District

B. DIMENSIONAL STANDARDS

| | |
|--|-------------------------|
| Nonresidential square footage , <u>land area</u> maximum (% of district total) | 40 |
| Land area occupied by a s Single housing type, (% of district total) <u>maximum (% of units)</u> | 60 <u>85</u> |

C. DEVELOPMENT STANDARDS

| | |
|--------------------------|---|
| Open space set-aside [3] | Modifications prohibited 30% |
|--------------------------|---|

NOTES:

[3] ~~Where a PD-R district includes nonresidential or mixed-use development, t~~ The required percentage of open space set-aside shall be calculated based on the total amount of land used for residential, nonresidential, or mixed-use purposes, respectively district area

3.7.4 Planned Development – Mixed (PD-M) District

| B. DIMENSIONAL STANDARDS | |
|--|----|
| Residential square footage, land area maximum (% of district total) | 35 |

| C. DEVELOPMENT STANDARDS | |
|--------------------------|---|
| Open space set-aside [3] | Modifications prohibited 20% |

NOTES:

[3] ~~Where a PD-R district includes nonresidential or mixed-use development, t~~ The required percentage of open space set-aside shall be calculated based on the total amount of land used for residential, nonresidential, or mixed-use purposes, respectively district area

3.7.5 Planned Development – Outer Banks (PD-O) District

| B. DIMENSIONAL STANDARDS | |
|---|--------|
| Nonresidential square footage, land area maximum (% of district total) | 10 |
| Land area occupied by a s Single housing type, (% of district total) maximum (% of units) | 75 [2] |

| C. DEVELOPMENT STANDARDS | |
|--------------------------|---|
| Open space set-aside [3] | Modifications prohibited 30% |

NOTES:

[4] ~~Where a PD-R district includes nonresidential or mixed-use development, t~~ The required percentage of open space set-aside shall be calculated based on the total amount of land used for residential, nonresidential, or mixed-use purposes, respectively district area

Item 27: That Chapter 1: General Provisions is amended by adding the underlined language and deleting the strikethrough language.

1.8.6 Approved Planned Unit Development District Overlays and Sketch Plans

B. An owner of a parcel proposed for redevelopment, vacant parcel, or phase of a planned unit development subject to an approved sketch plan may submit a development application or application to amend the approved sketch plan or special use permit consistent with the applicable conditions of approval and compliance with the following:

(1) Bulk and Dimensional Requirements

Development applications or modifications to an approved sketch plan shall comply with the standards in Table 1.8.6.A, Bulk and Dimensional Standards.

| TABLE 1.8.6.A: BULK AND DIMENSIONAL STANDARDS | |
|---|--|
| SITE CHARACTERISTIC | STANDARD |
| Minimum Lot Area (square feet) | 10,000 with central sewer [1]; 20,000 without central sewer |
| Minimum Open Space Set-Aside (%) | 35 [+2] |
| Maximum Building Square Footage <u>Land Area</u> Occupied by Commercial <u>development</u> Uses (%) | 10 |

NOTES:

[1] May be reduced in accordance with Section 3.2.2, Zero Lot Line Development or if lot size reduction is added to the minimum open space set-aside.

[+2] No modification to an approved sketch plan shall result in a planned development with less than 35 percent of its land area occupied by open space.

(2) Allowable Uses

The range of principal uses allowed on a site subject to a modified sketch plan shall be limited to the following:

~~allowable uses for the PD-O district listed in Table 4.1.1, Summary Use Table.~~

- (a) Land designated for residential development shall be limited to the allowable uses for the SFO district listed in Table 4.1.1, Summary Use Table.
- (b) Land designated for commercial or multi-family development shall be limited to the allowable uses for the PD-O district listed in Table 4.1.1, Summary Use Table.
- (c) Airports, major utilities, wind energy facilities, outdoor recreation/ entertainment uses, and vehicle sales and services require approval of a use permit.

(3) Development Standards

Development associated with a development application or modified sketch plan shall comply with the following development standards in this Ordinance Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure, and Chapter 7: Environmental Protection provided compliance with the standards does not have the effect of decreasing the type, density, or intensity of land designations contained in the approved master plan establishing the planned unit development.:

- (a) ~~Off-street parking and loading standards in Section 5.1;~~
- (b) ~~Landscaping standards in Section 5.2;~~
- (c) ~~Exterior lighting standards in Section 5.4;~~
- (d) ~~Community form standards in Section 5.6;~~
- (e) ~~Multi-family design standards in Section 5.7;~~
- (f) ~~Nonresidential design standards in Section 5.8;~~
- (g) ~~Shopping center design standards in Section 5.9;~~
- (h) ~~Community compatibility standards in Section 5.10;~~
- (i) ~~Signage in Section 5.12;~~

- (j) ~~Tree protection standards in Section 7.2;~~
 - (k) ~~Stormwater management standards in Section 7.3, (unless the planned unit development is already subject to a stormwater management plan);~~
 - (l) ~~Flood damage prevention standards in Section 7.4; and~~
 - (m) ~~Sedimentation and erosion control in Section 7.5.~~
- C. Sketch plan amendment applications that comply with the land designations contained in the approved master plan establishing the planned unit development and development applications that comply with Subsection (B) above may be approved by the Planning Director shall not be required to obtain special use permit approval.
- D. To the extent a landowner proposes development that is different than that allowed in the sketch plan or Subsection (B) above, the land requires approval of an amended sketch plan and use permit (see Section 2.4.6, Use Permit) ~~zoning map amendment (see Section 2.4.3, Zoning Map Amendment), or planned development (see Section 2.4.5, Planned Development).~~

Item 28: That Chapter 5: Development Standards is amended by adding the underlined language.

5.10.2 Applicability

E. Exemptions

Commercial, industrial, mixed-use, and multi-family development located on land adjacent to or across a local street from a single-family detached dwelling on property zoned LB, GB, LI, or HI, or on a ten acre lot or larger is exempt from these standards.

Item 29: That Chapter 2: Administration is amended by adding the underlined language.

2.3.3 Pre-Application Conference

C. Required Information Submitted Prior to Conference

- (1) Except for a pre-application conference associated with a text amendment and zoning map amendment, the applicant shall submit

conceptual drawings that show the location, general layout, and main elements of the development to be proposed as part of the application.

Item 30: That Chapter 5: Development Standards and Chapter 10: Definitions and Measurement are amended by adding the underlined language, deleting the strikethrough language, and renumbering accordingly.

Section 5.7.3.C Building Design

(3) Roof Form

- (a) Development shall incorporate sloped roofs greater than or equal to one foot of vertical rise for every four feet of horizontal run (3:12), and less than or equal to one foot of vertical rise for every one feet of horizontal run (12:12), ~~roof pitches between 3:12 and 12:12~~, or shall incorporate a three-foot parapet with a dimensional cornice around a flat roof. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.

Section 5.8.3.B Building Placement

(4) Fronting Streets

- (a) ~~The façade of all buildings in view from a public right of way, shall contain substantially the same building articulation, features and elements that are used on the façade which comprises the primary entrance to the building (see Figure 5.8.3.B.1, Comparable Façade Design).~~

Section 5.8.3.C Design Features

(1) Design Features

Front building facades and facades facing streets shall provide a minimum of three of the following six design features (see Figure 5.8.3.C.1, Required Building Design Features):

(4) Prohibited Materials

Metal siding shall not be used on front building facades and facades facing streets.

10.5 DEFINITIONS

FRONT (OR PRIMARY) FAÇADE

The side or elevation of a structure that contains the structure's architectural front including the primary customer entrance. ~~, or the portion of the structure facing the street from which the structure derives its street address.~~

ROOF, FLAT

A roof with a slope of less than one foot of vertical rise for every four feet of horizontal run (3:12).

Item 31: That Chapter 2: Administration is amended by adding the underlined language, deleting the strikethrough language.

2.4.6 Use Permit

G. Expiration of Development Approval

A use permit shall automatically expire if any of the following is not obtained within two years of the date of use permit approval:

- (3) ~~Approval of construction drawings~~ Submittal of a complete application for approval of a final plat, if the use requires approval of a preliminary plat.

Section 2.4.8.E.4.D Expiration of Development Approval

- (i) Approval of a type I or type II preliminary plat shall automatically expire if a complete application for approval of a final plat is not submitted within two years after the date of approval of the type I or type II preliminary plat.

Item 32: That Chapter 2: Administration is amended by deleting the strikethrough language.

2.4.6 Variance

D. Variance Review Standards

A variance shall be approved on a finding the applicant demonstrates all of the following standards are met:

- (2) The alleged hardship is suffered by the applicant as a result of the application of this Ordinance, ~~and the same hardship is not shared by neighbors or the general public;~~

Item 33: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Chairman Rorer opened the public hearing. There were no comments so he closed the public hearing.

Commissioner Aydlett moved to approve due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Commissioner Gilbert seconded the motion. Motion carried.

B) Public Hearing and Action: PB 12-18 Currituck County Unified Development Ordinance Administrative Manual: Request to approve the Administrative Manual for the new Unified Development Ordinance.

Ben Woody, Planning Director, reviewed the request.

The purpose of the administrative manual is to assist in the administration of the new Unified Development Ordinance (UDO). It is similar to the development review process manual of the current UDO. The administrative manual's primary goal is to explain the review procedures of development applications established in the UDO. The manual contains, among other things: application forms, staff review checklist, planting details, and submittal and fee schedules. The manual consolidates information in the development review process, and helps applicants understand the procedures and requirements. The intent of the manual is more specifically to:

- A. Establish a process that is clear and understandable to all interested parties, applicants and staff;
- B. Clarify the standards and procedures for submitting complete and relevant information for development applications;
- C. Provide information and tools to assist applicants during the review process;
- D. Provide official interpretations of the UDO; and
- E. Establish planting standards that promote health and survival of landscaping installed in the county.

The administrative manual is divided into three parts:

1. Introduction

The introduction provides background on the manual and its purpose, and recognizes it as part of the UDO.

2. Procedures and Applications

Contains detailed review processes, applications, and design and submittal checklists for all development applications established in the UDO.

3. Appendices

Contain standards that are applicable to all development applications, specifically, flood damage prevention, planting standards, and official interpretations. Also included are items that may assist applicants in the development review process including links to useful tools (UDO, Land Use Plan, online mapping) and staff review checklist. Finally, the appendices establish submittal and fee schedules for development applications.

The administrative manual will be available on the county's website for review. The direct link will be emailed to you once it is posted. Should you have any questions on the manual, please contact Brad Schuler, Planner I, at 232-6033 or Brad.Schuler@CurrituckCountyNC.gov.

The Planning Board **recommended approval** of PB 12-18 as presented due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development.

The Board of Commissioners **continued** PB 12-18 at their October 15, 2012 meeting in order to give them ample time to review the document.

November 19, 2012 BOC Meeting

PLANNING BOARD DISCUSSION (September 11, 2012)

No discussion.

PLANNING BOARD ACTION

Ms. Newbern moved to approve PB 12-18 as presented due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Ms. Everhart seconded the motion. Motion carried unanimously.

Chairman Rorer opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Martin moved to approve due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Commissioner Petrey seconded the motion. Motion carried.

C) Public Hearing and Action on Resolution to approve an application with NC Local Government Commission for financing Phase III of the Whalehead Storm Water Drainage Project

Dan Scanlon, County Manager, reviewed the resolution.

Chairman Rorer opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Gilbert moved to adopt the resolution. Commissioner Aydlett seconded the motion. Motion carried.

RESOLUTION

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the County of Currituck, North Carolina desires to construct the Whalehead Subdivision Drainage and Watershed Improvements - Phase III (the "Project"), the final phase of a project to better serve the citizens of the Whalehead Watershed Service District, Corolla, NC ; and

WHEREAS, the County of Currituck desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Currituck, North Carolina, meeting in regular session on the 19th day of November, 2012, make the following findings of fact:

1. The proposed contract is necessary or expedient to correct drainage deficiencies within the Whalehead Service District, which comprises an area of land subdivided in 1972 and constructed without stormwater management facilities.
2. The proposed contract is preferable to a bond issue for the Project because the County desires to borrow an amount not to exceed \$3,800,000, which would be bank qualified debt, for seven (7) to fifteen (15) years, depending on rates received, and it is more economical for the County to do an installment purchase contract for this amount rather than increase the borrowing costs with the costs associated with a referendum and issuance of bonds.
3. The cost of financing under the proposed contract is less than to the cost of holding a referendum and issuing general obligation bonds. Further, the process of holding a bond referendum and the approval process would delay the Project by six to eight months and therefore the County desires to move forward with the installment purchase contract.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the County has established a service district with a tax rate of nine cents per One Hundred Dollars of property valuation, which will meet the debt obligations for this installment purchase agreement.
5. The County of Currituck's debt management procedures and policies are good because the County has identified revenue sources to make debt payments and invests and monitors all funds to assure that debt payments are made when due.
6. The County does not anticipate increasing taxes for this new debt.
7. The County of Currituck is not in default in any of its debt service obligations.
8. The attorney for the County of Currituck has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to act on behalf of the County of Currituck in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

- D) **Consideration and Action: PB 07-09 Currituck Reserve, Planned Unit Development: Request for a sketch plan/special use permit extension of a planned unit development consisting of 688 units located between Caratoke Highway and Tulls Creek Road, North of Guinea Road, Moyock Township.**

Ben Woody, Planning Director, reviewed the request.

On January 8, 2008, the Board of Commissioners voted to approve the sketch plan/special use permit for Currituck Reserve, PUD. This is a planned unit development consisting of 688 units located between Caratoke Highway and Tulls Creek Road, north of Guinea Road. The sketch plan/special use permit approval was due to expire on January 8, 2010. The North Carolina General Assembly passed a law that suspended the vesting period for development approvals that were valid at any time during January 1, 2008 through December 31, 2010. With the law in effect the preliminary plat expiration date is January 1, 2013.

On October 17, 2012 Eric L. Smith, AH Currituck Reserve, LLC submitted a request for a two year preliminary plat extension of the subdivision citing economic reasons (see attached).

In accordance with the UDO Chapter 11 Section 11.10.2, the Board of Commissioners may grant an extension of the special use permit one time for a period of two years, if they conclude that:

1. The permit has not yet expired.
 - a. The special use permit has not yet expired and will expire January 1, 2013.
2. The permit recipient has proceeded with due diligence and in good faith; and,
 - a. The developer has proceeded with due diligence, however, due to the economy have not been able to proceed as desired.
3. Conditions have not changed so substantially as to warrant a new application. Successive extensions shall not be granted. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
 - a. There are no changes proposed in the extension request.

Commissioner O'Neal moved to approve. Commissioner Martin seconded the motion. Motion carried.

New Business

A) Board Appointments:

1. Appointments to Nursing Home Advisory Board

Commissioner Etheridge moved to reappoint the following:
Commissioner Gilbert seconded the motion. Motion carried.

Diane Bray
Barbara Courtney
Florence Scaff
Rosalie Rose
Bobbie O'Hara

B) Consent Agenda:

1. Approval of ECBH September 30 Fiscal Monitoring report
2. Resolution Recognition of John Barnes, School Board Member
3. Resolution Opposing the Mining of Uranium in Virginia
4. Resolution Authorizing the Purchase of Additional 800 MHz Radio Communications System Equipment from Gately Communications and Motorola Through Sole Source Purchase
5. Approval of November 5, 2012 Minutes

Commissioner Petrey moved to approve. Commissioner Martin seconded the motion. Motion carried.

**RESOLUTION OF RECOGNITION
JOHN E. BARNES**

WHEREAS, the citizens of Currituck County have long recognized the historic link between education and a strong, free nation; and

WHEREAS, the Currituck School System has enabled generations of Currituck families to build upon the lessons of the past to achieve the dreams of tomorrow; and

WHEREAS, John E. Barnes has been a member of the Currituck County Board of Education since 1976; and

WHEREAS, with 36 years of service, John E. Barnes is currently the longest serving school board member in the state of North Carolina; and

WHEREAS, Mr. Barnes has earned the respect and confidence of his fellow board members as evidenced by his serving as Chairman from January 1981 until January 1994 and alternating between Chairman and Vice-Chairman in the following years; and

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WHEREAS, Mr. Barnes has always made decisions which were in the best interest of the students; and

WHEREAS, Mr. Barnes has devoted countless hours of his time, his energy and his talents to this county and its children and has provided experience and sound judgment on its behalf with integrity, dignity and thoughtful reflection; and

WHEREAS, Mr. Barnes is retiring from the Board of Education, with his last official meeting being November 20, 2012;

NOW, THEREFORE BE IT RESOLVED, the Currituck County Board of Commissioners and County Staff do hereby express our deep gratitude and sincere appreciation to John E. Barnes for his leadership and dedicated, distinguished service to the citizens of Currituck County and extend to him our best wishes for a long and well-deserved retirement.

**RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY,
NORTH CAROLINA, OPPOSING THE MINING OF URANIUM IN THE
COMMONWEALTH OF VIRGINIA**

WHEREAS, as the "Land of the Wild Goose," Currituck County has traditionally recognized the critical importance of a healthy environment and water supply to the safety, health and economic well-being of its citizens; and

WHEREAS, Currituck County maintains continuing opposition to any proposed efforts which would jeopardize the quality of life of its citizens, visitors, and neighbors, as evidenced by its years of opposition to the United States Navy's proposal to locate an Outlying Landing Field in the Hales Lake area of Camden County, North Carolina; and

WHEREAS, Currituck County has learned that there is proposed a uranium mining and milling operation at Coles Hill in Pittsylvania County, Virginia, requiring the lifting of a 30 year ban on such operations in Virginia; and

WHEREAS, on February 1, 2011, the City of Virginia Beach released the findings of its study of impacts of proposed uranium mining and milling on its Lake Gaston water supply concluding that in the event of a mill tailing confinement area failure, the radioactive tailings will be washed downstream and significantly impact water quality in Kerr Reservoir and Lake Gaston, resulting in radiation levels in the water 10 to 20 times above Safe Drinking Water Act levels; and

WHEREAS, the proposed uranium milling and mining operation will be located within the Roanoke River Basin, which serves as a drinking water source for over one million people and is

the source of at least one-half of the Albemarle Sound water supply critical to fishing, hunting, tourism and the economic well-being of Northeastern North Carolina; and

WHEREAS, the risk, no matter how slight, to waters of the Roanoke River Basin and Albemarle Sound brought on by a uranium mine and mill at Coles Hill outweighs any benefit that may be derived from uranium mining and milling.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County, North Carolina, that Currituck County opposes lifting the ban on uranium mining in the Commonwealth of Virginia and supports the effort of organizations and localities to protect the people of North Carolina and Virginia from the environmental, quality of life and health impacts that could result from lifting the ban on uranium mining.

RESOLUTION AUTHORIZING THE PURCHASE OF ADDITIONAL 800 MHz RADIO COMMUNICATIONS SYSTEM EQUIPMENT FROM GATELY COMMUNICATIONS AND MOTOROLA THROUGH SOLE SOURCE PURCHASE

WHEREAS, by resolution adopted on June 18, 2012 the Board of Commissioners for the Count of Currituck authorized the county to enter into a contract in the amount of \$963,150.00 with Gately Communications for the sole source purchase of material, equipment, supplies and services necessary to establish a 800 MHz radio communication system; and

WHEREAS, there is now identified additional material, equipment, supplies and services necessary for the construction and establishment of the 800 MHz communication system set forth in a proposal spread sheet from Motorola dated October 11, 2012 which spread sheet is incorporated herein by reference; and

WHEREAS, N.C. Gen. Stat. §143-129(e)(6) authorizes a unit of local government to purchase from a sole source “when a needed product is available from only one source of supply”, and

WHEREAS, in order that the county’s 800 MHz radio system is compatible with the State of North Carolina’s VIPER radio system it is necessary to obtain the additional P-25 radio compliant equipment which is currently only manufactured by Motorola; and

WHEREAS, Gately Communications is the only Motorola representative capable of providing the county with material, equipment and supplies to establish an 800 MHz radio communications system that is P-25 radio compliant and compatible with the state’s VIPER system.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County, North Carolina as follows:

Section 1. The County of Currituck is authorized to enter into a contract in the amount of \$543,267.34 with Gately Communications and/or Motorola for the sole source purchase of

additional material, equipment, supplies and services necessary to establish a 800 MHz radio communications system and in accordance with the sole source provision requirements set forth by N.C. Gen. Stat. §143-129(e)(6). Further, the county manager is authorized to execute the agreement with Gately Communications and/or Motorola for acquisition and installation of the material, equipment or supplies and services necessary for installation.

C) Commissioner's Report

Commissioner Martin wanted to recognize John Barnes for his years of service as a Board of Education Member.

The Board wished all a happy and safe Thanksgiving.

Commissioner Petrey reminded everyone of the Christmas Parade December 1.

Commissioner Aydlett, requested a letter to WRC on the Brumley Road boating access.

Commissioner O'Neal requested at a future meeting a discussion on the Currituck Sound Study.

D) County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned.

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 3rd day of December, 2012 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

| | | Debit | Credit |
|-----------------------|----------------------------|---|---|
| <u>Account Number</u> | <u>Account Description</u> | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 15447-545002 | Historic Preservation | \$ 55,583 | |
| 15320-415000 | Occupancy Tax | | \$ 55,583 |
| | | \$ 55,583 | \$ 55,583 |

Explanation: Occupancy Tax - Tourism Related Expenditures (15447) - Increase appropriations for interior work on the Jarvisburg Colored School renovations.

Net Budget Effect: Occupancy Tax Fund (15) -Increased by \$55,583.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 3rd day of December, 2012 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 15447-516001 | Signs | \$ 13,880 | |
| 15320-415000 | Occupancy Tax | | \$ 13,880 |
| | | <u>\$ 13,880</u> | <u>\$ 13,880</u> |

Explanation: Occupancy Tax - Tourism Related Expenditures (15447) - Increase appropriations for 16 "NO WAKE" signs.

Net Budget Effect: Occupancy Tax Fund (15) -Increased by \$13,880.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 3rd day of December, 2012 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 15442-539000 | Unemployment Compensation | \$ 3,971 | |
| 15320-415000 | Occupancy Tax | | \$ 3,971 |
| | | <u>\$ 3,971</u> | <u>\$ 3,971</u> |

Explanation: Occupancy Tax - Tourism Promotion (15442) - Increase appropriations for unemployment charges for the year ending July 31, 2012.

Net Budget Effect: Occupancy Tax Fund (15) -Increased by \$3,971.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 3rd day of December, 2012 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 15442-526200 | Promotional Efforts | \$ 9,997 | |
| 15442-545000 | Contract Services | \$ 8,250 | |
| 15320-415000 | Occupancy Tax | | \$ 18,247 |
| | | <u>\$ 18,247</u> | <u>\$ 18,247</u> |

Explanation: Occupancy Tax - Tourism Promotion (15442) - Increase appropriations costs associated with the NCDOT meeting and video.

Net Budget Effect: Occupancy Tax Fund (15) -Increased by \$18,247.

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Clerk to the Board