

CURRITUCK COUNTY
NORTH CAROLINA
July 15, 2013

The Board of Commissioners met at 5:30 p.m. in the Historic Courthouse Conference Room for a presentation by Ben Woody, Director of Planning and Community Development, regarding the reorganization of his department, followed by a tour of the renovated Permitting and Inspections Offices.

The Board of Commissioners met at 6:00 p.m. for a work session in the Historic Courthouse Board Meeting Room with Ben Woody regarding planned development such as Elan Vacations, Inc., which was on the regular agenda.

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

- A) Invocation**
- B) Pledge of Allegiance**

Reverend Keith Hamm, Powells Point Christian Church, was present to give the invocation and lead the Pledge of Allegiance.

- C) Approval of Agenda**

Chairman O'Neal added Item 5. Resolution to Surplus Administration/Governing Body Vehicle and Item 6. Budget Amendment to Replace Administration/Governing Body Vehicle, under Consent Agenda. Commissioner Aydlett moved to approve the Agenda as amended. Commissioner Gilbert seconded the motion. Motion carried.

APPROVED AGENDA

Work Sessions

5:30 PM Presentation and Tour of Permitting and Inspections

6:00 PM Elan Vacations, Inc.

7:00 pm Call to Order

- A) Invocation – Reverend Keith Hamm, Powells Point Christian Church
- B) Pledge of Allegiance
- C) Approval of Agenda
- D) Public Comment

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

Public Hearings

- A) **Public Hearing and Action:** PB 13-08 Elan Vacations, Inc. – Request to amend the Unified Development Ordinance

Chapter 6: Required Infrastructure, Chapter 10: Definitions and Measurement, and Chapter 4: Use Standards to revise existing sewage system requirements for planned developments and multifamily developments.

- B) **Public Hearing and Action:** PB 13-07 Elan Vacations, Inc. – Request to rezone from General Business (GB) to Planned Development - Mixed (PD-M) located at 138 West Mobile Road, Harbinger, Tax Map 131, Parcels 95A and 97, Poplar Branch Township.
- C) **Consideration and Action:** PB 08-03 Backwoods Hideaway: Request for a preliminary plat extension for a 16 lot residential subdivision, Moyock Township.
- D) **Public Hearing and Action:** PB 13-06 Currituck County – Request to amend the Unified Development Ordinance Chapter 2: Administration, Chapter 6: Subdivision & Infrastructure Standards, Chapter 7: Environmental Protection, and Chapter 10: Definitions and Measurement to revise existing stormwater requirements and establish a Currituck County Stormwater Manual.
- E) **Public Hearing and Action** - Request for No Wake Signs in Canals in Waterview Shores Subdivision

New Business

- A) **Consideration of Offer to Purchase Real Property**
- B) **Board Appointments:**
 - 1. Appointment to Game Commission
 - 2. Appointment to Senior Citizen Advisory Board
- C) **Consent Agenda:**
 - 1. Approval of July 1, 2013 Minutes
 - 2. Request to dispose of records for Finance and DSS
 - 3. Request to dispose of records for Planning & CD
 - 4. Request to dispose of records in County Manager's Office
 - 5. Resolution to Surplus Administration/Governing Body Vehicle
 - 6. Budget Amendment to Replace Administration/Governing Body Vehicle
- D) Commissioner's Report
- E) County Manager's Report Adjourn

D) Public Comment

Chairman O'Neal opened the public comment period.

Mary Etheridge, Shawboro, stated she had been involved in litigation with the County for two years concerning illegal spot zoning. Although the courts had ruled in her favor, the County did not pay her legal fees. She wanted to prevent this same thing from happening to anyone else. She stated this was no game to her family and that the Board had disregarded all recommendations to deny the spot zoning. Ike McRee, County Attorney, explained why payment of legal fees were not mandatory. The Court did not consider the decision arbitrary and capricious.

Jim Crowley, Moyock, expressed appreciation for decision to build a new animal shelter and requested it be built to the size of the original feasibility study.

P. J. Hobert, Currituck, stated she was proud of the County and wanted to be proud of the new animal shelter building.

Ann Pitts, Moyock, requested that the animal shelter please be built adequately to represent the values of community.

Clel Holmes, Coinjock, thanked the Board members for their time. He was excited about a new animal shelter and asked for their support to build it to adequate size.

Delaine Spruill, Moyock, was a volunteer at the animal shelter. She was thankful for the

proposed new shelter and stressed the importance of building for the future.

Caroline Spruill, Moyock, was an animal shelter volunteer and asked for support for a modern and spacious building large enough to accommodate the animals.

Bryan Bass, Moyock, emphasized the growth of the county and asked that the new animal shelter be built per the original feasibility study. He noted that, due to inflation, adding on to the building later would cost more.

Beverly Belcher, Currituck, was an animal shelter volunteer. Volunteers care for the animals until they get new homes. She supported showing that Currituck loves animals.

Ginger Sikes, Currituck, noted that since the County is close to getting a new shelter, it needs to be sure to build 10,000+ square feet for future growth. She invited all to visit the shelter.

Kayce Seamster, Moyock, had adopted two dogs from the animal shelter. She was looking forward to a new building and expressed the need for Animal Control and the animal shelter to communicate better.

Chairman O'Neal announced the County Manager would be making a presentation at the next meeting to give a status report on the Request for Proposals for the new animal shelter.

Commissioner McCord also noted the need for Animal Control and animal shelter to work together.

Commissioner Petrey stated the Board has a tough job but they want to make the best decision for all.

Commissioner Gilbert thanked all for coming and expressed her appreciation for the volunteers.

Commissioner Martin also stated the need to build for the future.

Chairman O'Neal stated he had not seen a design for the new shelter, but would wait until the next meeting.

There being no further comments, Chairman O'Neal closed the public comment period.

Public Hearings

- A) Public Hearing and Action: PB 13-08 Elan Vacations, Inc. – Request to amend the Unified Development Ordinance Chapter 6: Required Infrastructure, Chapter 10: Definitions and Measurement, and Chapter 4: Use Standards to revise existing sewage system requirements for planned developments and multifamily developments.**

Ben Woody, Planning and Community Development Director, reviewed the request and Planning Board action.

The following text amendment submitted by Landmark Engineering & Environmental, P.C. is intended to amend the sewage disposal standards for planned developments. The Unified Development Ordinance currently requires that

planned unit developments or planned developments be connected and serviced by a package tertiary treatment plant. The proposed amendment creates an alternative to this requirement by allowing the County Engineer to approve a decentralized wastewater system.

Planned developments create opportunities for mixed use development and diverse housing types, which is supported in the 2006 Land Use Plan. However, due to the initial cost and long-term maintenance expenses associated with a centralized package tertiary treatment plant, most small acreage planned developments are not feasible without the flexibility provided by this proposed amendment. The proposed amendment establishes standards for decentralized wastewater systems to ensure a similar level of environmental protection. In reviewing the proposed amendment, it may be appropriate for the Board of Commissioners to place more emphasis on centralized management as opposed to centralized treatment.

The proposed amendment includes minor text changes intended to clarify terminology and review procedures, as well as revised definitions that accurately describe types of wastewater systems.

Planning staff recommends **approval** because the proposed text amendment is consistent with the land use plan; addresses a demonstrated community need to promote mixed use development and affordable housing; and would not result significantly adverse impacts on the natural environment.

The Planning Board recommended unanimous approval at their June 11, 2013 meeting.

PLANNING BOARD DISCUSSION (6-11-13)

Mr. White stated the condition of staff not agreeing with the applicant as far as the efficient use of wastewater; stated the reason they are looking at doing individual phase wastewater is to keep the cost down and to provide high levels of treatment to waste generated by either the commercial or residential phase. Mr. White is asking staff to change the word "consistency" to "compatible" in #3 under Master Plan. Mr. White stated that under the Master Plan, #1 states to show vehicular interconnectivity between Phase IIA and IIB. Mr. White does have a concern with this statement, if Phase IIB is a commercial development then he would like to provide pedestrian access and feel the vehicular access can be served from the street right-a-way. Mr. White's main concern is to keep any further commercial traffic to a minimum in the residential area. Typically the centralized wastewater systems are permitted through the Division of Water Quality, where as septic systems through the Division of Environmental Health Wastewater System.

Mr. Craddock asked Mr. White, when it comes to wastewater management is the applicant believing individual septic systems on this property is better than a centralized wastewater systems.

Mr. White talked about individual septic systems vs. a centralized wastewater system. Mr. White stated the reason is to tailor the individual septic systems for a particular use. Mr. White stated all the stormwater will be going to the Division of Water Quality for a state permit. Does not know if the state will require one permit and a modification to the permit for each phase, or individual permits for each phase.

The Planning Board discussed advantages and disadvantages of having individual septic systems vs. a centralized wastewater system.

Ms. Bell asked what the planned use for the 39 residential units will be and will they be sold or used as rentals for vacationers.

Mr. Bibeau stated he is the owner of Elan Vacation. Mr. Bibeau stated Currituck is in need of affordable housing. The town homes will be 2-3 bedrooms, swimming pool, tennis courts, and basketball court. These units will be used as rentals as an overflow from the beach and as short term housing for school teachers, firefighters, and police officers. Mr. Bibeau's intention is not to sell these units.

Mr. Craddock stated the board has concerns about the amount of traffic on Caratoke Highway. According to NC Department of Transportation (DOT) this particular area has an average, daily car count of approximately 15,000 cars per day. Mr. Craddock talked about the concerns regarding the ingress and egress on West Mobile Road. Mr. Craddock asked if any other options have been given to the applicant about changing how people go in and out.

Mr. White explained access would be towards the north.

Mr. Clark asked if the applicant has considered hiring a private traffic consultant to do a survey.

The Planning Board discussed interconnectivity between Phase IIA and Phase IIB.

Mr. Watkins stated he is concerned with the affect the town houses will have on property values and traffic safety. It is difficult to understand the site plan and what type of materials will be used in the commercial and residential development. Mr. Watkins does not support this request.

Mr. Craddock stated that the Planning Board has concerns with traffic safety, town homes that would be rental property similar to time share, and thanked Mr. Watkins for representing his community.

Mr. Crank stated what repercussion if the centralized wastewater system would fail, and what affect it would have on surrounding property owners. Mr. Crank stated he was not aware of any other meetings pertaining to the request. Mr. Crank asked what is considered small acreage in a planned development.

Ms. Glave stated 10 acres is the minimum acreage for a planned development.

Ms. Watkins stated she is concerned with lighting, parking spaces per unit, traffic, and the development being served adequately by public facilities.

Mr. Lee stated he is concerned with the septic tank issue and what affect this will have on their water, traffic, and access road.

Mr. White stated he received a list of addresses from the planning department and notices were sent informing of the community meeting. Mr. White talked about the wastewater and

septic tank management. Mr. White stated they will be using county water for this development.

Mr. Cooper asked if the architectural standards are part of the Master Plan. Ms. Glave provided an overview.

PLANNING BOARD ACTION

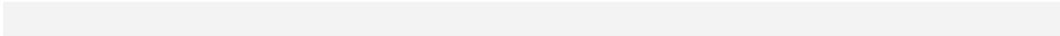
Mr. Craddock moved to approve PB 13-08 as presented with staff recommendations. Mr. Cooper seconded the motion. Motion carried unanimously.

**PB 13-08
UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 6: Required Infrastructure, Chapter 10: Definitions and Measurement, and Chapter 4: Use Standards to revise existing sewage system requirements for planned developments and multifamily developments.

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 1: That Section 6.2.3 Utility Standards is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:



(1) Sewage System Required

(a) Every principal use and every buildable lot in a subdivision shall be served by a ~~sewage disposal~~ wastewater system that complies with all Albemarle Regional Health Services and State standards.

(b) All principal uses and buildable lots within a multi-family development, ~~planned unit development,~~ or ~~planned~~ development shall be connected and serviced by a ~~package tertiary treatment plant~~ centralized wastewater system. The County Engineer may approve a decentralized wastewater system upon finding that the proposed development:

(i) Is not located within the service area of an existing centralized wastewater system;

(ii) Is subject to a wastewater operation and maintenance plan prepared by a registered engineer that establishes siting standards, performance and monitoring requirements, and a routine maintenance program; and

(iii) Provides tertiary treatment of sewage if cumulative wastewater flows exceed 3,000 gallons per day.

~~(c) The applicant shall provide a statement from service providers that sewer will be available to serve the proposed development at the time of preliminary plat.~~

~~(d) All multi-family and townhouse development of fifty or more units shall be served by a central waste water system. The system may include a central shared drainfield, if necessary.~~

(2) Sewage System Requirements

(a) ~~No sewage treatment wastewater system shall discharge into surface waters.~~

(b) No centralized wastewater system shall be located within an Area of Environmental Concern (AEC).

(c) ~~When lots in a residential major subdivision are to be served by septic tanks or other ground absorption sewage on-site or clustered wastewater systems, no preliminary plat shall be approved until Albemarle Regional Health Services has certified that each lot on the preliminary plat has been inspected and found provisionally suitable or suitable for an on-site sewage wastewater system capable of serving dispersing at least a three-bedroom house 360 gallons per day per lot.~~

~~(d) Final plat approval for a residential subdivision to be served by septic tanks or other ground absorption sewage systems shall not be granted until Albemarle Regional Health Services certifies each lot is suitable for an on-site sewage system capable of serving the intended use on the lot. The certification provided as part of the preliminary plat is sufficient provided there is no substantial change in the proposed use following of the preliminary plat.~~

(e) Development permits issued for a development using a sewage treatment wastewater system not subject to the regulatory jurisdiction of Albemarle Regional Health Services shall be contingent upon:

(i) The ability to obtain all necessary approvals for the sewage treatment wastewater system from the appropriate regulatory agencies;

(ii) Proper installation of the system;

(iii) Operation of the system to the satisfaction of the County Engineer; and

(iv) Tertiary treatment of sewage.

(f) Except for conservation subdivisions or other developments employing a clustered or centralized sewage treatment wastewater system, all required septic on-site wastewater system improvements and requirements

including, but not limited to the septic tank, drain lines, repair area, and pumps shall be located on the individual lot they are designed to serve.

(3) Reserve Area Required

- (a) Subdivisions of 20 or more lots or dwelling units served by ~~septic tanks on-site wastewater systems~~ shall reserve an area, suitable in terms of size, location, soil type, topography, and other relevant factors to accommodate a ~~community sewage treatment facility clustered or centralized wastewater system~~ if one becomes necessary in the future due to septic tank failure or other health or safety reasons.
- (b) This area is referred to as reserve utility open space, and shall be encumbered by a reserve area easement.
- (c) Lots classified by ~~ARHS Albemarle Regional Health Services~~ as suitable for an on-site ~~sewage wastewater~~ system are not required to be included in the reserve area calculation.
- (d) The developer shall provide plans and specifications, prepared by a qualified professional, including a soil analysis and an analysis of loading rate, depending on the disposal method for an adequate reserve utility open space to the satisfaction of the County Engineer and Board of Commissioners.

(4) Sewage Treatment System

- (a) Proposed development seeking to utilize an existing ~~sewage treatment plant centralized wastewater system~~ shall furnish a letter from the utility owner and the Division of Water Quality indicating the plant has sufficient capacity to serve the development at the time of preliminary plat or site plan, as appropriate.
- (b) When a development proposes a new ~~package treatment plant or centralized sewer wastewater~~ system, the following information shall be provided:
 - (i) State approval of the proposed wastewater system;
 - (ii) A wastewater operation and maintenance plan prepared by a registered engineer that establishes performance and monitoring requirements, a routine maintenance program, and a detailed explanation of who shall be responsible for the perpetual maintenance and upkeep of the facility; and
 - (iii) The expected life of the ~~facility wastewater system~~ and the establishment of a reserve fund to support the continued maintenance, upkeep and replacement of the ~~facility system~~.

Whenever a private water and/or ~~sewer treatment wastewater~~ system is utilized to service a development, a water and/or sewer district shall be established in accordance with state law encompassing the boundaries of the development. The district shall be established prior to the first final plat or site plan approval and shall be structured in a manner that will ensure the long term viability of the water and /or ~~sewer treatment wastewater~~ system.

~~(1)~~ **Discharges Prohibited**

Except discharges performed by a governmental agency or approved under a state stormwater permit or in emergency situations, no discharge of water, chemicals, treated water, backwash from reverse osmosis systems, or other wastewater discharge shall be deposited directly or indirectly into the waters of Currituck Sound, Albemarle Sound, or their adjoining tributaries, rivers, streams, creeks, canals or other connecting water ways.

Item 2: That Section 10.5: Definitions is amended by adding the following underlined language, deleting the strikethrough language, and reordering alphabetically:

CENTRALIZED WASTERWATER SYSTEM

A managed system consisting of collection sewers and a single treatment plant used to collect and treat wastewater from an entire service area.

CLUSTERED WASTERWATER SYSTEM

A wastewater collection and treatment system under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on a suitable site near the dwellings or buildings.

DECENTRALIZED WASTERWATER SYSTEM

An onsite or clustered system used to collect, treat, and disperse or reclaim wastewater from a small service area.

ON-SITE WASTERWATER SYSTEM

An on-site system relying on natural processes and/or mechanical components to collect, treat, and disperse wastewater from a single dwelling or building.

TERTIARY TREATMENT

Advanced cleaning of wastewater that goes beyond the secondary or biological stage, removing nutrients such as phosphorus, nitrogen, and most biochemical oxygen demand and suspended solids.

~~PACKAGE TREATMENT PLANT~~

~~A privately or publicly owned facility, other than a conventional residential septic tank system, that is constructed for the purpose of treating sewage and discharging treated effluent.~~

~~WASTERWATER TREATMENT, PRIMARY~~

~~Wastewater treatment consisting of raw sewage discharges, screened and/or settled sewage discharges and biological treatment which does not include final clarification except that naturally aerated~~

~~waste stabilization lagoons will be considered secondary treatment.~~

~~WASTEWATER TREATMENT, SECONDARY~~

~~Wastewater treatment consisting of biological treatment followed by clarification, but includes waste stabilization lagoons.~~

~~WASTEWATER TREATMENT, TERTIARY~~

~~Wastewater treatment consisting of treatment for the removal of fine suspended solids from secondary facility effluents.~~

Item 3: That Section 4.1.1 Explanation of Use Table Structure is amended by deleting the strikethrough language and renumbering accordingly:

- (1) A blank cell in the use table indicates that the corresponding use category or use type is prohibited in the corresponding zoning district. Use types with a blank cell are not allowable in a corresponding planned development district, and shall not be included in the planned development master plan.
- (2) The following activities or use types are not identified in Table 4.1.1, but are prohibited in all zoning districts in the county.
 - (a) Use of a parked motor vehicle to buy, sell, or store goods or services, except as allowed in Section 4.3 Accessory Use Standards or Section 4.4, Temporary Use Standards;
 - ~~(b) Package treatment plant waste water disposal systems that discharge to surface waters;~~
 - (c) Use of a boat, houseboat, or other floating structure as a temporary or permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily docked while in transit on navigable waters);
 - (d) Use of a travel trailer as a permanent residence or use of a travel trailer as a temporary residence;
 - (e) Operation of a principal (non-accessory) commercial use located solely on the beach strand (uses simply transporting customers to the beach from an approved off-beach location are exempted); and
 - (f) Manufactured home parks or private campgrounds as a principal use.

Item 4: 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.

Commissioners questioned acreage, number of houses, disposal and maintenance to which Mr. Woody responded.

Chairman O'Neal opened the Public Hearing.

Victor White, Landmark Engineering and Environmental, PC, had made the application on behalf of his client and was present to answer questions.

Commissioner Aydlett asked if the system failed, who would be responsible. Mr. White responded compliance would be required by the Health Department as well as State Utilities.

There being no further comments, Chairman O'Neal closed the Public Hearing.

Commissioner Petrey moved to approve PB 13-08 as presented due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest. Commissioner Gilbert seconded the motion. Motion carried unanimously.

B) Public Hearing and Action: PB 13-07 Elan Vacations, Inc. – Request to rezone from General Business (GB) to Planned Development - Mixed (PD-M) located at 138 West Mobile Road, Harbinger, Tax Map 131, Parcels 95A and 97, Poplar Branch Township.

Ben Woody, Director of Planning and Community Development, presented the request, Technical Review Committee recommendations and Planning Board action.

**CASE ANALYSIS FOR THE
Board of
Commissioners
DATE: July 15, 2013
PB 13-07 Elan Vacations**

ITEM:	PB 13-07 Elan Vacations, Rezoning from General Business (GB) to Planned Development - Mixed (PD-M)
LOCATION:	138 West Mobile Road, Harbinger, Poplar Branch Township.
TAX ID:	0131-000-095A- 0000 0131-000- 0097-0000
OWNER/ APPLICANT:	Elan Vacations 8624 Caratoke Hwy Powells Point NC 27966

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential/Commercial	AG/GB
SOUTH	Residential/Commercial	AG/GB
EAST:	Warehouse/Active Farmland	GB
WEST:	Residential/Horse Farm	AG

LAND USE PLAN

**CLASSIFICATION/
CONSISTENCY**

The 2006 Land Use Plan classifies the site as Limited Service within the Point Harbor subarea. The policy emphasis for the Point Harbor area is to allow the area to continue to evolve as full service community, but with better attention to the planning needed to protect residential areas and the natural features that make the area so attractive. The proposed plan 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.
Policy HN5: Currituck County recognizes that there are many types of housing, in addition to manufactured housing that are often overlooked in meeting the affordable housing needs of young families, workers of modest income, senior citizens, and others.
Policy CD 8: Mixed-use developments, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. 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.

CURRENT ZONING: General Business (GB)

PROPOSED ZONING: Planned Development – Mixed (PD-M)

CURRENT USE: Telecommunications Tower

SIZE OF SITE: 26.051 acres

ZONING HISTORY: The property was zoned GB on the 1989 zoning map.

UTILITIES: County water will service the site and the applicant is proposing on-site advanced wastewater treatment systems (Reference Text Amendment PB 13-08).

TRANSPORTATION: Access to the development will be provided by two streets on Caratoke Highway (US 158) and one street on West Mobile Road (SR 1109).

FLOOD ZONE: X, Shaded X, AE 6.3, and AE 7.1

WETLANDS: There are no wetlands identified by NC Coastal Management.

SOILS: Suitable and marginally suitable

COMMUNITY MEETING:

A community meeting was held on February 25, 2013 at the Powells Point Senior Center.

MASTER PLAN

The applicant proposes to develop the Planned Development according to the attached master plan.

TERMS AND CONDITIONS

The applicant proposes to develop the Planned Development according to the attached Terms and Conditions document.

DIMENSIONAL AND DEVELOPMENT STANDARDS

The applicant proposes to develop the Planned Development according to the attached dimensional and development standards.

ENVIRONMENTAL STANDARDS

The environmental protection standards in Chapter 7 of the UDO may not be modified by a planned development.

ZONING MAP AMENDMENT REVIEW STANDARDS

Staff suggests that this PD-M map amendment is consistent with the following review standards:

1. It is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of the UDO;
2. Is not in conflict with any provisions of the UDO or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
6. Does not adversely impact nearby lands;
7. Would result in a logical and orderly development pattern;
8. Would not result in significant adverse impacts on the natural environment – including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
9. Would result in the development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);
10. Would not result in significantly adverse impacts on the land values in the surrounding area; and,
11. Would not conflict with the public interest, and is in harmony with the purpose and intent of the UDO.

COMPLIANCE WITH DISTRICT PURPOSE

Staff agrees that the application meets the following district purposes:

1. It reduces or diminishes the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;

2. It allows greater freedom in selecting the means of providing access, open space, and design amenities;
3. It allows greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
4. It promotes quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees.

TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

TRC recommends approval of the planned development subject to additional or revised conditions related to the PD-M master plan or PD-M terms and conditions as follows:

MASTER PLAN

1. Provide building elevations for each building type to show compatibility between each phase of the development. (Planning)
2. That commercial areas provide pedestrian oriented amenities such as plazas, outdoor seating, etc. to promote internal pedestrian connectivity. (Planning)
3. That the multi-family amenities package is completed by the time 50% of the townhome units (19 units) receive Certificates of Compliance from the building inspector. (Planning)

TERMS AND CONDITIONS

Staff does not agree that the applicant meets the following district purpose:

1. It provides for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing cost. *Staff recommends that all utilities and infrastructure, including sewer and stormwater, be designed and integrated to serve the development as a whole and avoid managing utilities and infrastructure individually for each separate phase.*

SITE PLAN FOR EACH PHASE

1. At the time of site plan submittal for each phase, stormwater will be reviewed to the standards in effect at that time. (Engineer)
2. Structures greater than 30' in height will require additional requirements for ladder truck access. (Fire Marshal)
3. Please indicate location of Fire Department Connections (FDC). It appears that as indicated the residential units including the club house will require a fire sprinkler system designed to NFPA 13R. (Fire Marshal)
4. Fire apparatus must be able to be within 150' of all exterior portions of all structures. (Fire Marshal)
5. Fire apparatus must not be required to back greater than 150'. Please indicate access track including turning radius in commercial structure area. (Fire Marshal)
6. Fire hydrants must be within 400' of all exteriors of structures other than one and two single family dwellings. (Fire Marshal)
7. Any gates must be at least 20' wide clear opening. Methods of emergency access must be approved by local fire chief. The gate must be ANSI rated.
8. Please propose Street Names for all interior streets.
9. Proposed community pool will need to be reviewed and permitted. (Environmental

Health)

10. This project has more than one acre of planned disturbance. Therefore, an erosion and sedimentation control plan must be submitted to and approved by the WaRO of NCDENR prior to initiating and land disturbance. (Land Quality)
11. Project will require State Stormwater permitting, NPDES permitting, may potentially require 401 permitting if 404 permits are issued by Army Corps. (Water Quality)

PLANNING BOARD RECOMMENDATION:

The Planning Board *recommended denial* of the request to rezone from General Business (GB) to Planned Development – Mixed (PD-M).

PLANNING BOARD DISCUSSION (6-11-13)

Mr. White stated the condition of staff not agreeing with the applicant as far as the efficient use of wastewater; stated the reason they are looking at doing individual phase wastewater is to keep the cost down and to provide high levels of treatment to waste

generated by either the commercial or residential phase. Mr. White is asking staff to change the word “consistency” to “compatible” in #3 under Master Plan. Mr. White stated that under the Master Plan, #1 states to show vehicular interconnectivity between Phase IIA and IIB. Mr. White does have a concern with this statement, if Phase IIB is a commercial development then he would like to provide pedestrian access and feel the vehicular access can be served from the street right-a-way. Mr. White’s main concern is to keep any further commercial traffic to a minimum in the residential area. Typically the centralized wastewater systems are permitted through the Division of Water Quality, whereas septic systems through the Division of Environmental Health Wastewater System.

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Mr. Bibeau stated he is the owner of Elan Vacation. Mr. Bibeau stated Currituck is in need of affordable housing. The town homes will be 2-3 bedrooms, swimming pool, tennis courts, and basketball court. These units will be used as rentals as an overflow from the beach and as short term housing for school teachers, firefighters, and police officers. Mr. Bibeau’s intention is not to sell these units.

Mr. Craddock stated the board has concerns about the amount of traffic on Caratoke

Highway. According to NC Department of Transportation (DOT) this particular area has an average, daily car count of approximately 15,000 cars per day. Mr. Craddock talked about the concerns regarding the ingress and egress on West Mobile Road. Mr. Craddock asked if any other options have been given to the applicant about changing how people go in and out.

Mr. White explained access would be towards the north.

Planning Board discussed interconnectivity between Phase IIA and Phase IIB.

Mr. Clark asked if the applicant has considered hiring a private traffic consultant to do a survey. The Watkins stated he is concerned with the affect the town houses will have on property values and traffic safety. It is difficult to understand the site plan and what type of materials will be used in the commercial and residential development. Mr. Watkins does not support this request.

Mr. Craddock stated that the Planning Board has concerns with traffic safety, town homes that would be rental property similar to time share, and thanked Mr. Watkins for representing his community.

Mr. Crank stated what repercussion if the centralized wastewater system would fail, and what affect it would have on surrounding property owners. Mr. Crank stated he was not aware of any other meetings pertaining to the request. Mr. Crank asked what is considered small acreage in a planned development.

Ms. Glave stated 10 acres is the minimum acreage for a planned development.

Ms. Watkins stated she is concerned with lighting, parking spaces per unit, traffic, and the development being served adequately by public facilities.

Mr. Lee stated he is concerned with the septic tank issue and what affect this will have on their water, traffic, and access road.

Mr. White stated he received a list of addresses from the planning department and notices were sent informing of the community meeting. Mr. White talked about the wastewater and septic tank management. Mr. White stated they will be using county water for this development.

Mr. Cooper asked if the architectural standards are part of the Master Plan.

Ms. Glave provided an overview.

PLANNING BOARD ACTION

Mr. Clark moved to deny PB 13-07 due to traffic and community concerns, and construction standards. Mr. Craddock seconded the motion. Ayes: Mr. Craddock, Mr. Bell, Mr. Wright, Ms. Bell, Ms. Newbern, and Mr. Clark. Nays: Mr. Cooper.

Commissioners discussed several concerns regarding access to Mobile Road, phases of construction, whether plans presented would be the end result, providing a tree buffer, building amenities before completion of residential, and density, to which Mr. Woody responded.

Chairman O'Neal opened the Public Hearing.

Emmett McMillen, Grandy, had purchased 10 acres adjoining the property to be rezoned. He planned to keep livestock on his property once his house was built and was concerned about having 39 homes so near. He was also concerned about traffic and drainage.

Thom Watkins, Grandy, was concerned for his property values due to construction of apartments. He also had concerns about landscaping, provisions and conditions for architectural standards, use of the apartments, and safety concerns at W. Mobile Road. He was opposed to a connector road to his subdivision.

Brett A. Lee, Grandy, had drainage concerns, whether the units would be temporary rentals, and traffic enforcement.

Carolyn Hickok, Dare County, supported the request.

Victor White, Landmark Engineering and Environmental, PC, noted that affordable housing is not low income, addressed the traffic issues and stated amenities would be completed before the mid-point of residential construction.

Norman Bibeau, owner of Elan Vacations, was agreeable to a wider buffer and construction of one building, five units, to start. He noted there was a possibility of some short-term rentals.

There being no further comments, Chairman O'Neal closed the Public Hearing.

Commissioner Griggs moved to approve PB 13-07 with staff recommendations, due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest with the following conditions:

- The district is limited to a total of 39 multi-family units. Additional multi-family units must be approved by the Board of Commissioners.
- A 25' undisturbed buffer shall be provided along the western property line.
- There shall be no ingress or egress from West Mobile Road.

C) Consideration and Action: PB 08-03 Backwoods Hideaway: Request for a preliminary plat extension for a 16 lot residential subdivision, Moyock Township.

Ben Woody, Planning and Community Development Director, reviewed the request.

Backwoods Hideaway is a 16 lot residential subdivision located off Northwest Backwoods Road, Moyock Township. On July 18, 2011, the Board of Commissioners voted to approve the preliminary plat/special use permit. The preliminary plat is due to expire on July 18, 2013.

On June 26, 2013, Edward T. Hyman, Jr., surveyor, submitted a request for a two year preliminary plat extension of the subdivision citing economic reasons.

In accordance with the UDO Chapter 2, Section 2.4.8. E. (4) (d), the Board of Commissioners may grant an extension of the preliminary plat one time for a period of two years, for good cause.

Commissioner Gilbert moved to approve PB 08-03, Commissioner Petrey seconded the motion. Motion carried unanimously.

D) Public Hearing and Action: PB 13-06 Currituck County – Request to amend the Unified Development Ordinance Chapter 2: Administration, Chapter 6: Subdivision & Infrastructure Standards, Chapter 7: Environmental Protection, and Chapter 10: Definitions and Measurement to revise existing stormwater requirements and establish a Currituck County Stormwater Manual.

Eric Weatherly, County Engineer, presented the request, outlined the Stormwater Manual as well as minor and major stormwater plan requirements, and requested approval effective September 1.

The following 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 stormwater management. The amendment is accompanied by the draft stormwater manual, which is intended to provide design guidance and be used in conjunction with the stormwater ordinance.

The purpose of the proposed stormwater ordinance is to prevent nuisance flooding and to:

1. Distinguish between hydrologic, soil, and topographic conditions by establishing stormwater management zones.
2. Establish county-wide performance standards for controlling stormwater runoff from development sites and promoting water quality.
3. Manage how fill material may be placed on a lot to avoid negative flooding impacts on adjacent lots.
4. Establish maintenance standards for landowners, homeowners or property owners associations related to stormwater management devices.

The purpose of the stormwater manual is to provide stormwater management guidance to developers, design professionals, and citizens, and to:

1. Demonstrate proper application of the adopted stormwater ordinance.
2. Provide guidance in appropriate best management practice (BMP) selection.
3. Promote and facilitate the use of low impact development (LID) techniques.
4. Provide information and tools to assist applicants during the development review process.
5. Establish standard procedures for the design, construction, and maintenance of stormwater management devices.

Planning staff recommends **approval** because the proposed text amendment is consistent with the land use plan; addresses a demonstrated community need to better manage stormwater; and, results in a logical and orderly development pattern.

The Planning Board **recommended unanimous approval** at their June 11, 2013 meeting.

PLANNING BOARD DISCUSSION (6-11-13)

Mr. Craddock stated that at the last meeting Mr. Weatherly and Mr. Doxey did an excellent job in explaining the material.

PLANNING BOARD ACTION

Ms. Newbern moved to approve PB 13-06 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. Mr. Craddock seconded the motion. Motion carried unanimously.

**PB 13-06
UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 2: Administration, Chapter 6: Subdivision & Infrastructure Standards, Chapter 7: Environmental Protection, and Chapter 10: Definitions and Measurement to revise existing stormwater requirements.

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 1: That Section 7.3 Stormwater Management is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:

7.3 Stormwater Management

7.3.1 Purpose and Intent

- A. The purpose of this section is to establish the standards for stormwater management in the county that are required in conjunction with development to prevent nuisance flooding and promote water quality protection of Currituck Sound, Albemarle Sound, the North River, and their tributaries.
- B. More specifically, it is the intent of this section to:
 - (1) Distinguish between hydrologic, soil, and topographic conditions by establishing stormwater management zones; and
 - (2) Establish county-wide performance standards for controlling stormwater runoff from development sites and promoting water quality; and
 - (3) Better control how fill material may be placed on a lot to avoid negative flooding impacts on adjacent lots; and
 - (4) Establish maintenance standards for landowners, homeowners or property owners associations related to stormwater management devices.

7.3.2 Applicability

A. General

Unless exempted in accordance with Section 7.3.2.E, Exemptions, all development in the county shall comply with the stormwater management standards in this section.

B. Time of Review

Review for compliance with these standards shall occur as part of review of a site plan (see Section 2.4.7), subdivision (see Section 2.4.8), or zoning compliance permit (see Section 2.4.9), as appropriate.

C. Existing Development or Redevelopment

Development or redevelopment of an existing site subject to the standards of this section shall manage stormwater from all previously developed portions of the lot, to the maximum extent practicable.

D. Stormwater Management Zones

In order to distinguish between hydrologic, soil, and topographic conditions the county is divided into the following stormwater management zones depicted in the Currituck County Stormwater Manual:

(1) Mainland Stormwater Management Zone

Areas of the county not directly connected to the Outer Banks characterized by expansive areas of wetlands and land areas under cultivation, with narrow ridges exhibiting topographic relief and soils more conducive to drainage.

(2) Outer Banks Management Zone

The barrier island portion of the county characterized by predominantly sandy, porous soils with high connectivity between surface waters and groundwater table.

E. Exemptions**(1) The standards in Section 7.3.3.B shall not apply to the following: Mainland Stormwater Management Zone**

(a) Minor site plans;

(b) Minor subdivisions;

(c) The division of five or fewer additional lots with an average lot size greater than three acres located within a single-family residential subdivision platted prior to January 1, 2013; or

(d) Development or expansion on a nonresidential, multi-family, or mixed-use lot by less than 5,000 square feet of impervious surface or resulting in less than 10 percent total lot coverage. This exemption does not include multiple, incremental expansions that result in a reduction of stormwater management standards.

(2) Outer Banks Stormwater Management Zone

- (a) Minor site plans, excluding single-family detached dwellings on lots resulting in more than 10,000 square feet of total impervious surface; or
- (b) Development or expansion on a nonresidential, multi-family, or mixed-use lot by less than 5,000 square feet of impervious surface or resulting in less than 10 percent total lot coverage. This exemption does not include multiple, incremental expansions that result in a reduction of stormwater management standards.

7.3.3 Stormwater Plan

To ensure compliance with the standards of this section, a stormwater plan demonstrating how stormwater will be managed on a development site shall be included with any application for site plan, subdivision, or zoning compliance permit, as appropriate. The Currituck County Stormwater Manual includes additional information and plan requirements for persons submitting applications for development review under the standards of this section.

7.3.4 Stormwater Management Standards

A. Drainage Requirements

- (1) To the maximum extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.
- (2) To the maximum extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.
- (3) No surface water may be channeled or directed into a sanitary sewer.
- (4) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.
- (5) All developments shall be constructed and maintained so that adjacent lands are not unreasonably burdened with surface waters as a result of such developments. More specifically:
 - (a) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and,
 - (b) No development may be constructed or maintained so that surface waters from such development are unreasonably

collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

- (6) Existing ditches located totally or partially within a development and utilized for drainage or stormwater management shall be cleaned to remove drainage impediments.
- (7) All subdivisions shall **provide side lot line swales with a minimum average depth of 12 inches and side slopes not to exceed 3:1 (three feet horizontal run for every one foot vertical rise)**, unless the County Engineer approves an equivalent drainage alternative.
- (8) **Major subdivisions and major site plans shall provide minimum building pad elevations required to prevent flooding from the 24-hour storm event with a 10-year recurrence interval. The finished floor elevation for all principal structures shall be 18 inches above the minimum building pad elevation or above the 100-year regulatory flood protection elevation, whichever is greater, and shall be depicted on construction drawings and final plats.**
- (9) **Finished floor elevations shall be at least six inches above septic system fill.**
- (10) Development subject to these standards shall provide maintenance access drainage easements in accordance with Section 6.2.3.B, Utility Easements and the following standards:
 - (a) Twenty-five-foot-wide easements measured from top of embankment shall be provided along both sides of waterway conveyance systems that drain more than five acres.
 - (b) Fifty-foot-wide easements measured from top of embankment shall be provided along both sides of the following waterway conveyance systems:
 - (i) Hog Bridge Ditch;
 - (ii) Guinea Mill;
 - (iii) Upper Guinea Mill;
 - (iv) Lateral "A";
 - (v) Lateral "B";
 - (vi) Lateral "C";
 - (vii) Haywood Ditch;
 - (viii) Rowland Creek Canal;
 - (ix) Eagle Creek Canal (also known as Western Canal); and
 - (x) Shingle Landing Creek Canal.

B. Stormwater Detention Requirements

- (1) In the Outer Banks Stormwater Management Zone, minor subdivisions or single-family detached dwellings on lots resulting in more than 10,000 square feet of total impervious surface shall implement adequate stormwater practices to capture and infiltrate stormwater runoff from all impervious surfaces from the first four inches of rain from any rainfall event.
- (2) Major subdivisions subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 10-year recurrence interval down to the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site with Type A hydrologic soils.
- (3) All other development subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 5-year recurrence interval down to the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site with Type A hydrologic soils.

C. Fill and Other Land Disturbance Requirements

- (1) Unless stated otherwise in this Ordinance, the provisions of this section shall apply to any land disturbance activity regardless of the size of the disturbed area, or when filling or grading above any adjacent grade is proposed.
- (2) Fill and land disturbing activities, excluding clearing, grubbing and landscaping, shall not be permitted within ten feet from any lot line with the exception of drainage and stormwater improvements as approved by the County Engineer, underground utilities, and exemptions or encroachments as allowed in Section 10.3.4, Required Setbacks. Improvements permitted within this area are allowed as long as they do not impede the flow of stormwater.
- (3) A lot shall not be filled or graded higher than the average adjacent grade of the first 30 feet of adjoining property. Through approval of an alternative stormwater plan in accordance with Section 7.3.5.B.3, Additional Fill or Land Disturbance Activities, the following exceptions are permitted: :
 - (a) When Albemarle Regional Health Services (ARHS) determines that fill is necessary for a septic system to function properly. The maximum fill area shall be limited to the septic system and drainfield areas and shall not exceed 24 inches. An additional 12 inches of fill above the septic system and drainfield may be

allowed for the house pad to ensure adequate flow from the building to the septic system.

- (b) In the Mainland Stormwater Management Zone when fill is required to raise the lot elevation to the regulatory flood protection elevation.
 - (c) In the Outer Banks Stormwater Management Zone when fill is required to raise the lot elevation to the regulatory flood protection elevation, not to exceed a maximum of three feet.
 - (d) When fill is essential to meet the required building pad elevation as shown on approved construction drawings or stormwater plans.
 - (e) When fill is located at least 100 feet from all lot lines (an alternative stormwater plan shall not be required).
- (4) All fill shall be established at a slope not to exceed 3:1 (three feet horizontal run for every one foot vertical rise). The toe of the slope shall meet the ten-foot setback requirement from all lot lines. A permanent ground cover, sufficient to prevent erosion, must be established on all fill slopes as follows:
- (a) Prior to issuance of the certificate of occupancy for construction projects; or
 - (b) For projects where land disturbance activity has ceased for more than six months, whichever occurs first.
- (5) Bulkheads or retaining walls shall not be allowed as a method to stabilize or contain fill, except for the purposes of shoreline protection, septic repair, and as otherwise permitted by the County Engineer. This shall not include retaining walls used to stabilize or contain existing natural grade when a driveway or walkway is cut into a lot at an elevation lower than existing natural grade.
- (6) Any lot subject to filling shall install erosion and sediment control measures to prevent sediment from leaving the site. The erosion and sediment control measures shall be implemented on the site prior to the commencement of land disturbing activities and shall be continuously maintained during the land disturbance phase of development.
- (7) A fill permit issued by the North Carolina Division of Water Quality shall be required to fill any 401 wetlands.
- (8) A fill permit issued by the U.S. Army Corp of Engineers shall be required to fill any 404 wetlands.

D. Maintenance Requirements

- (1) The subdivider or developer shall be responsible for the maintenance of stormwater management devices until maintenance responsibility is transferred to a landowner, homeowners or property owners association.

- (2) Stormwater management devices shall be maintained in accordance with the standards of this section, the Currituck County Stormwater Manual, and approved stormwater plans.
- (3) The landowner, homeowners or property owners association shall perform routine maintenance inspections of stormwater management devices using the Inspection Checklist included in the Currituck County Stormwater Manual.
 - (a) Stormwater management devices that receive runoff from less than five acres shall be inspected at least once every three years.
 - (b) Stormwater management devices that receive runoff from more than five acres shall be inspected annually by a registered engineer, licensed surveyor or landscape architect.
- (4) The Planning Director may request copies of inspection checklists or conduct inspections of stormwater management devices in accordance with Section 9.5.3, Inspections. Failure to maintain stormwater management devices is a violation of this Ordinance subject to the remedies and penalties in Chapter 9: Enforcement.

7.3.5 Alternative Stormwater Plans

A. General

The County Engineer is authorized to approve an alternative stormwater plan for development that proposes to deviate from the standards of this section. The alternative plan shall be prepared by a registered engineer and certify that the proposed development provides equal or better performance as required by these standards and will not create flooding or nuisance conditions on adjacent lots. The Currituck County Stormwater Manual includes additional information and plan requirements for persons submitting alternative stormwater plans for review under the standards of this section

B. Allowable Deviations

- (1) Increased Lot Coverage

A maximum 15 percent increase in lot coverage may be allowed for single-family detached and duplex dwellings on lots in subdivisions that have a state permitted and functional stormwater management system that specifies allowable lot coverage, or for a single-family detached or duplex dwelling on an individual lot that implements adequate stormwater practices to capture and infiltrate stormwater runoff from all impervious surfaces from the first four inches of rain from any rainfall event.
- (2) Reduced Stormwater Detention Requirements

Development subject to the standards in Section 7.3.3.B may reduce the design capacity of required stormwater management devices provided:

- (a) An Alternative Stormwater Runoff Storage Analysis demonstrates the on-site soils have adequate storage capacity to capture and infiltrate stormwater runoff from all impervious surfaces; or
 - (b) An Alternative Downstream Drainage Capacity Analysis demonstrates the downstream drainage capacity exceeds the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site with Type A hydrologic soils.
- (3) Additional Fill or Land Disturbance Activities
- (4) A lot may be filled or graded higher than the average adjacent grade of the first 30 feet of adjoining property or to improve drainage for performance of stormwater management devices, provided adequate stormwater practices are implemented to capture and infiltrate stormwater runoff from all impervious surfaces from the first four inches of rain from any rainfall event. Low Impact Development
- The use of low impact development techniques, including but not limited to pervious pavements, cisterns, green roofs, and bio-retention islands may be used to reduce stormwater detention requirements or lower impervious surface percentages.

Item 2: That Section 2.4.7 Site Plan is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:

C. Site Plans Distinguished

There are two different types of site plans under this section: minor site plans and major site plans.

(1) Minor Site Plans

The following development shall be reviewed as a minor site plan:

- (a) New single-family detached dwellings, including individual manufactured homes and duplexes;
- (b) Additions or expansions of a single-family detached dwelling;
- (c) Accessory uses or structures serving an existing principal use; or
- (d) Development or expansion of a nonresidential, multi-family, or mixed-use building's gross floor area, impervious surface, disturbed land area, and other use area, by less than 5,000 square feet.

(2) Major Site Plans

All other development shall be reviewed as a major site plan.

Item 3: That Section 6.1.4.D Documentation Requirements is amended by adding the following underlined language:

D. Documentation Requirements

The association documents submitted to the county for review and approval shall include, but not be limited to, the following:

- (1) A declaration of all restrictive covenants;
- (2) A declaration of all deed restrictions;
- (3) A declaration that the association is responsible for liability insurance and all applicable taxes;
- (4) A declaration of common ownership and maintenance responsibilities of all on-site improvements not dedicated to a local or state agency, including but not limited to streets, drainage systems, wastewater systems, open space areas, recreational facilities, and private infrastructure;

Item 4: That Section 6.2.3.B Utility Easements is amended by adding the following underlined language and deleting the strikethrough language:

B. Utility Easements

- (1) Each subdivision shall provide utility easements in accordance with the following standards:
 - (a) Ten-foot-wide easements shall be provided along all rear and side lot lines.
 - (b) Fifteen-foot-wide easements shall be provided along all front lot lines.
 - (c) Alternative easement locations may be considered by the Planning Director as part of a planned development, conservation subdivision, or zero lot line development.

Item 5: That Section 10.3.3 Lots is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:

A. Definitions/Measurement

- (1) Building Pad

The building pad is the lowest established grade adjoining the building. For pile or crawl space construction the building pad shall include the area beneath the building.

Item 6: That Section 10.3.4 Required Setbacks is amended by adding the following underlined language and deleting the strikethrough language:

B. General Setback Requirements

- (1) Setback Exemptions
 - (a) Fill and land disturbance setbacks shall not apply to fill necessary for installation of driveways, subject to approval by the County Engineer.
 - (b) Lots served by a shared driveway are exempted from the side setbacks in the proximity of the driveway. In no instance shall this provision exempt structures from compliance with applicable Fire Code requirements.
 - (c) Handicap ramps, fences, walls, water-dependent features, landscaping features (arbors, trellises, ornamental pools, etc.), public utility lines, pump or well covers, residential HVAC equipment, flagpoles, mailboxes, or other non-habitable structures of 25 square feet in size or less may encroach into a required setback, but shall not impede the flow of stormwater.
- (2) Setbacks Following Government Acquisition of Land

Where land acquisition for a public purpose reduces the distance between an existing legally-established structure and an adjacent lot line to an amount less than the minimum required, the resulting distance shall be deemed the minimum setback for the lot.
- (3) Sight Triangles

Regardless of the setbacks applied in a district, no structures shall be permitted within a required sight triangle.

C. Allowable Setback Encroachments

- (1) Building and Site Features
 - (a) Eaves, gutters, canopies, chimneys, bay windows, and similar building features that do not impede the flow of stormwater may encroach into a required setback up to three feet.
 - (b) Uncovered porches, decks, patios, steps, sidewalks, and similar at-grade site features that do not impede the flow of stormwater may encroach into a required setback by up to:
 - (i) **Three feet for impervious site features; or**
 - (ii) **Five feet for pervious site features.**

Item 7: That Section 10.5: Definitions is amended by adding the following underlined language and deleting the strikethrough language:

BUILDING PAD

The area of a lot, outside of required setbacks, on which principal use improvements are located.

WATERWAY CONVEYANCE SYSTEM

A natural or man-made drainage channel, structure, or feature designed, intended, or used to collect and

convey stormwater runoff.

Item 8: 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.

Commissioner Martin asked about impact on developers. Mr. Weatherly and Mike Doxey, Soil and Water Conservation, responded larger ponds may be required but could be in open space.

Commissioner Griggs questioned compliance. Mr. Weatherly responded state inspections would be required.

Chairman O'Neal opened the Public Hearing.

There being no comments, Chairman O'Neal closed the Public Hearing.

Commissioner Martin moved to approve PB 13-06 as presented due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest. Commissioner Gilbert seconded the motion. Motion carried 5-2 with Chairman O'Neal and Commissioner Aydlett voting no.

E) Public Hearing and Action – Request for No Wake Signs in Canals in Waterview Shores Subdivision

County Manager Dan Scanlon explained that Waterview Shores Property Owners Association had requested no wake signs for the canals within their subdivision.

Chairman O'Neal opened the Public Hearing.

There being no comments, Chairman O'Neal closed the Public Hearing.

Commissioner Martin moved for approval of the request and to submit application and documentation to the Wildlife Resources Commission for investigation and action. Commissioner Gilbert seconded the motion. Motion carried unanimously.

**RESOLUTION FOR "NO WAKE" SIGNS
WATERVIEW SHORES SUBDIVISION**

WHEREAS, under authority of North Carolina General Statutes Section 15A NCAC 10-F.0340 of the North Carolina Administrative Code, any subdivision of the State of North Carolina may at any time, after public notice, make formal application to the NC Wildlife Resources Commission for special rules and regulation with reference to the safe and reasonable operation of vessels of any water within its territorial limits; and

WHEREAS, Currituck County has given public notice of its intention to make a formal application to the Wildlife Resources Commission for special rules and regulation with reference to the safe and reasonable operation of vessels at Waterview Shores Subdivision in Grandy, North Carolina, located in

Currituck County, the pertinent substance of which proposed regulations is as follows:

To designate as "No Wake" Zones all canals in Waterview Shores Subdivision to include the following:

- Canals running the length of Waterview Drive (Waterview South) and Dowdys Bay Road (East to West) on the South side of subdivision
- Canals running on North side at the back of N. Mallard Court and N. Widgeon Court (East to West)
- Canal at Park at the end of Woodhouse Drive
- Canals between:
 - Scoter and Seahawk
 - Seahawk and Teal Court
 - Teal and S. Goosewing Court
 - S. Goosewing Court and S. Widgeon Court
 - S. Widgeon Court and S. Mallard Court
 - N. Mallard Court and N. Widgeon Court
 - N. Widgeon Court and N. Goosewing Court

New Business

A) Consideration of Offer to Purchase Real Property

Dan Scanlon, County Manager, stated the North Carolina Department of Transportation had made an offer to purchase for \$8,900 approximately 0.070 acres as a right of way for proposed Currituck Visitor and Welcome Center at the Knotts Island Ferry.

Mike Doxey noted this was an integral ditch to drainage.

Mr. Scanlon explained there had been no conversation on closing the ditch. He recommended approval of the sale.

Commissioner Petrey moved for approval. Commissioner Martin seconded the motion. Motion failed 3-4 with Chairman O'Neal, Commissioners McCord, Aydlett and Griggs voting no.

Mr. Scanlon was directed to request NCDOT attendance at a future meeting.

B) Board Appointments:

1. Appointment to Game Commission

Commissioner Gilbert moved to reappoint Willie Austin. Motion carried.

2. Appointment to Senior Citizen Advisory Board

Commissioner Griggs moved to reappoint Edith Meekins. Motion carried.

C) Consent Agenda:

1. Approval of July 1, 2013 Minutes

2. Request to dispose of records for Finance and DSS
3. Request to dispose of records for Planning & CD
4. Request to dispose of records in County Manager's Office
5. Resolution to Surplus Administration/Governing Body Vehicle
6. Budget Amendment to Replace Administration/Governing Body Vehicle

Commissioner Gilbert moved to approve the Consent Agenda. Commissioner McCord seconded the motion. Motion carried unanimously.

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 July 15, 2013 authorized the following, pursuant to GS 160A and 270(b) that the property listed below be disposed of as follows:

Asset#	Description	Serial#
TO BE SOLD ON GOV DEALS		
5506	2001 Ford Windstar	2FMZA52461BB17546

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of County of Currituck reserves the right to reject any and all bids.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease Expense
10410 590000	Capital Outlay	\$ 28,127	
10350 464000	Rents		\$ 28,127
		\$ 28,127	\$ 28,127

Explanation: *Administration (10410)* - Increase appropriations to replace the Administration/Governing Body 2001 van.

Net Budget Effect: Operating Fund (10) - Increased by \$28,127.

D) Commissioner's Report

Commissioner McCord expressed condolences for the families of Johnny Wheeler and Anthony Forbes.

Commissioner Griggs noted the Moyock ABC Store renovation was complete and impressive.

Commissioner Martin had no report.

Commissioner Aydlett had no report.

Commissioner Petrey had no report.

Commissioner Gilbert had no report.

Chairman O'Neal announced the Foreign Trade Zone bill had passed the House but faced problems in the Senate committee. It would be attached to another bill for concurrence.

E) County Manager's Report

Dan Scanlon, County Manager, congratulated Corolla Fire and Rescue on 30 years of service.

Adjourn

There being no further business, Commissioner Martin moved to adjourn. Commissioner Gilbert seconded the motion. The meeting was adjourned.