



**BOARD OF COMMISSIONERS
AGENDA**

October 6, 2014

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Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, October 06, 2014

Time: 7:00 PM

Work Session

6 PM Soil Engineering

7:00 pm Call to Order

- A) Invocation-Reverend Brian Wingo, Pilmoor United Methodist Church
- B) Pledge of Allegiance- Rev. Brian Wingo, Pilmoor United Methodist Church
- C) Approval of Agenda
- D) Public Comment

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

Administrative Reports

- A) **Representative Bob Steinburg, NC State House of Representatives-
Legislative Update**

Public Hearings

- A) **Public Hearing and Action: PB 14-15 Saddlebrook Estates** PB 14-15
Saddlebrook Estates: Request for preliminary plat/use permit for a 28 lot conservation subdivision located in Moyock on the south side of South Mills Road, directly across the street from Crown Point Estates, Tax Map 6, Parcel 1N, Moyock Township.
- B) **Public Hearing and Action: PB 04-48 Indian Ridge Estates** PB 04-48
Indian Ridge Estates, Phase 2: Request for a preliminary plat/amended use permit for five additional lots in an existing conservation subdivision located in Shawboro on the south side of Shawboro Road, Tax Map 34, Parcel 24J, Crawford Township.

- C) Public Hearing and Action: PB 14-20 Shingle Landing Townhomes**
PB 14-20 Shingle Landing Townhomes: Request a conditional rezoning of 4.03 acres from General Business (GB) to Conditional District – Mixed Residential (C-MXR) on property located in Moyock on the north side of Moyock Landing Drive, Tax Map 9, Parcel 029T, Moyock Township.

New Business

- A) Deed of Easement for Through the Fence Operations by Brady Landing, Maple**
- B) Resolution Authorizing Upset Bid Process-Garage/Workshop located at 167 Maple Road, Maple**
- C) Airports Block Grant-Fuel System Improvements and Upgrades**
- D) Board Appointments:**
1. Whalehead Trust, Library, and Tourism Advisory Board
- E) Consent Agenda:**
1. Approval of Minutes for September 15, 2014
 2. Budget Amendments
 3. CDBG Monthly Status Report
 4. Letter in Support of the Appointment of Janet Rose to the Marine Fisheries Commission
 5. Community Rating System-Annual Recertification
 6. Resolution of Intent to Consider Permanent Closure of a Portion of Coral Lane, Walnut Island Subdivision, Block 2, Section 7
 7. Ordinance for Condemnation of Property: 135 Alberta Street, Jarvisburg
 8. Resolution Opposing the Proposed Changes to the Rule Defining "Waters of the US"
- F) Commissioner's Report**
- G) County Manager's Report**

Adjourn



Currituck County Agenda Item Summary Sheet

Agenda Item Title

PB 14-15 Saddlebrook Estates: Request for preliminary plat/use permit for a 28 lot conservation subdivision located in Moyock on the south side of South Mills Road, directly across the street from Crown Point Estates, Tax Map 6, Parcel 1N, Moyock Township.

Brief Description of Agenda Item

Saddlebrook Estates of LLC is requesting preliminary plat/use permit approval for a proposed 28 lot conservation subdivision. The proposed lots will be served by a community water system and on-site septic tanks. The proposed development density is .49 units per acre based on the gross acreage of the tract.

Planning Board Recommendation:

Mr. Craddock moved to approve PB 14-15 due to its consistency with the 2006 Land Use Plan and consistent with the goals, objectives, and policies of the Moyock Small Area Plan, and in the public interest and promotes orderly growth and development with the following condition:

- The recorded easement that runs along the southside of the property and northside of the ditch, the developer shall allow the other subdivisions to have a right to this easement be allowed to enter from Derby Drive.

Mr. Cartwright seconded the motion and motion carried unanimously.

Board Action Requested

Action

Person Submitting Agenda Item

Ben Woody

Presenter of Agenda Item

Ben Woody

CASE ANALYSIS FOR THE
Board of Commissioners
DATE: October 6, 2014
PB 14-15 Saddlebrook Estates

ITEM: PB 14-15 Saddlebrook Estates request for preliminary plat – use permit approval for a 28 residential lot conservation subdivision.

LOCATION: Moyock – South Mills Road, Moyock Township.

TAX ID: 0006-000-01N-0000

ZONING DISTRICT: Agricultural (AG)

PRESENT USE: Active Farmland/Wetlands

**APPLICANT/
OWNER:** Saddlebrook Estates LLC
Justin Old
422A Caratoke Highway, Suite 2
Moyock, NC 27958

ENGINEER: Bissell Professional Group
P.O. Box 1068
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Low density residential	AG
SOUTH	Farmland	AG
EAST:	Low density residential/Farmland	AG
WEST:	Farmland	AG

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Rural within the Moyock subarea. The Moyock Small Area Plan also classifies the site as Rural.

SIZE OF SITE: 56.73 acres

NUMBER OF UNITS: 28 lots

PROJECT DENSITY: 0.49 units per acre

**RECREATION AND
PARK AREA**

DEDICATION: The required recreation and park area dedication for the proposed development is .714 acres. The Technical Review Committee determined that the land dedication meets the criteria in Section

6.5.4 of the UDO; therefore, a payment in lieu of the dedication in the amount of \$3,616 shall be collected based on the land's assessed value.

UTILITIES: The proposed development will be served by a community water system and individual on-site wastewater.

I. NARRATIVE OF REQUEST:

1. The applicant is requesting preliminary plat approval and a use permit for a 28 residential lot conservation subdivision off of South Mills Road in Moyock.
2. A conservation subdivision provides additional development flexibility to build on smaller lots when additional open space set-asides are provided. The development is designed and located in a way that protects agricultural activities or natural and historic features on the site. The developer plans to conserve 61.35% of the property. The majority of the conserved land is wetlands.
3. All 28 lots will be serviced by a community well located at the northern portion of the open space along South Mills Road. A community water service area will consist of these 28 lots plus a proposed 20 lot subdivision to be known as Backwoods Reserve across the street from this proposal.
4. No lot will have a direct connection to South Mills Road. All lots will connect to an interior street.
5. Road interconnectivity is being provided to the property to the east.
6. Similar subdivisions, Crown Point Estates, Quail Pointe, and Duck Ridge, are located near this proposal.

II. QUESTION(S) BEFORE THE BOARD:

Use Permit Criteria and Staff Findings:

Use permits (UP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the UP 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 UP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. The use will not endanger the public health or safety.

Suggested Findings:

- a. The subdivision should have little to no negative impact on public health or safety.

2. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Suggested Findings:

- a. The minimum lot size for the proposed development is 28,500 square feet, and is consistent with residential densities in the surrounding area.
- b. The development should not injure the value of adjoining or abutting lands and be in harmony with the area.

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

Suggested Findings:

- a. The UDO indicates that a Type II conservation subdivision is allowed in the AG zoning district with a use permit.

The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The policy emphasis of the Land Use Plan is for the Moyock subarea to properly manage the increased urban level of growth that this area is sure to experience. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. Clustered housing developments will need to be encouraged. The proposed use is in keeping with the policies of the Land Use Plan, some of which are:

POLICY ES2: NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species.

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.

POLICY WQ4: RUNOFF AND DRAINAGE from development, forestry and agricultural activities shall be of a quality and quantity as near to natural conditions as possible. Post-development runoff shall not exceed pre-development volumes.

The 2014 Moyock Small Area Plan also classifies this site as Rural. The policy emphasis of the Moyock Small Area Plan is to provide for low density, scattered residential, institutional, agricultural, or other traditional rural uses such as small scale farm operations. Residential densities in this designation are low at less than one unit per acre. Access to public water, fire protection, and emergency services is limited but available. The proposed use is in keeping with the policies of the Moyock Small Area Plan, some of which are:

POLICY IS 4: Ensure that stormwater runoff, soil erosion, and sedimentation is properly managed to reduce nuisance flooding and pollution of sensitive environmental areas.

POLICY CC 1: Encourage and foster development that is compatible with rural atmosphere, transitional areas, and a small town, main street feel consistent with the vision, policies, and future land use map of this plan.

4. 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 28 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 and the findings of fact, the Technical Review Committee recommends approval as noted:

1. The Needed Fire Flow (NFF) of new construction cannot exceed the available fire flow at the location. Calculations are taken from the ISO method. (Fire Marshal)
2. At construction drawing submittal, the developer may be asked to install a larger water main along South Mills Road to support future growth of the county water system. The 6" main is being installed to support the community water system to be shared by Saddlebrook Estates and Backwoods Reserve Subdivision. (Planning)
3. There is an existing 40' drainage easement along the southern property line that contains a significant drainage ditch for Crown Point Estates. There must be a 25' working area between the ditch and the start of the required farmland buffer. Tree planting alignment may need to be altered to accommodate the work area. (Soil Conservation)

IV. PLANNING BOARD RECOMMENDATION:

Mr. Craddock moved to approve PB 14-15 due to its consistency with the 2006 Land Use Plan and consistent with the goals, objectives, and policies of the Moyock Small Area Plan, and in the public interest and promotes orderly growth and development with the following condition:

- The recorded easement that runs along the southside of the property and northside of the ditch, the developer shall allow the other subdivisions to have a right to this easement be allowed to enter from Derby Drive.

Mr. Cartwright seconded the motion and motion carried unanimously.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm

BOARD OF COMMISSIONERS (9/15/14)

The board tabled the request so additional information from the applicant regarding water quality of the community water system.

PLANNING BOARD DISCUSSION (8/12/14)

Mr. Bissell provided an updated map which showed the conservation and development land in the subdivision. In the open space area there will be two stormwater ponds. There is an existing easement that provides drainage from Crown Point Estates into the open space. The 40' drainage easement in Crown Point will actually be within the 50' farmland buffer. The blue area in the northwest corner of the map shows the water supply wells. The community water system will go there and the state has approved it. Onsite septic systems have been approved by the health department for all the lots.

Mr. Cooper asked what the well depth is.

Mr. Bissell said around 115 feet.

Mr. Cooper asked if the drainage system will have a combination of stormwater ponds and drainage to the wetlands; or is there a main outlet leaving the property.

Mr. Bissell said there is a main outlet running along the southern property line; and the northern half of the subdivision will drain to the stormwater ponds.

Mr. Clark asked if there is any flooding that takes place on the property now.

Mr. Bissell said a couple of lots.

Mr. Craddock said that drainage would go towards the street and towards both ends of the subdivision, the east and west end, in order to get into the retention ponds.

Mr. Bissell said that is correct.

Mr. Garrett said he does not have a problem with the subdivision, but has questions about a privately owned water plant which will be controlled by the Homeowners Association. Once the plant is controlled by the Homeowners Association, does the county have the ability to force them to maintain the plant which is costly to run yearly? Mr. Garrett asked what the recovery rate on the wells is. Mr. Garrett suggested maybe a bond be required to maintain the water plant twenty years out. Mr. Garrett understood that the outlet road going across the drainage ditch was going to the Walston farm and not east. Mr. Garrett can't believe the water quality is so good that it does not require filtration.

Mr. Woody said when a developer proposes a community water system before the final plat is recorded they have to establish a water district. A water district is a political boundary which encompasses the users. The water district gives the Board of Commissioners the authority to tax these users to make necessary repairs if needed.

Mr. Cooper asked if the state is involved in any way.

Mr. Woody said this system will need to be permitted through the state.

Mr. Bissell said the state will regulate it and monthly reports to the state will be required. The state requires a water system management plan; which will have a financial plan with the operating costs, due structure, and reserves that will be required.

Mr. Garrett asked what the price range of the homes will be.

Mr. Bissell said he does not have this information.

Mr. Kennedy said he lives directly across from the subdivision in Crown Point. Mr. Kennedy is concerned that the subdivision will decrease property values, stormwater drainage, set aside land for the future widening of South Mills Road, size of lots, and not in harmony with the surrounding area.

Mr. Hanson said he is the HOA President for Crown Point representing the homeowners. Mr. Hanson said Hyman and Robey just did a survey for them and the easement which runs through the middle of the property is not on the southside of the ditch, but on the northside. This drainage ditch does go into the Guinea Mill water shed, it does not go into the marsh area, which the association does pay taxes. Mr. Hanson said access to the easement, you will see where the houses are built along this ditch and they will need access. There is a culvert where the ditch meets South Mills Road, just east of the main access to the Crown Point subdivision, this culvert needs to stay because this is how they maintain the drain. The maintenance of this drain needs to be a shared responsible. Mr. Hanson talked about the density and it would impact the value of their property. Every home in Crown Point has a filtration system because of the high levels of iron in the water. Mr. Hanson said their biggest concerns are the drainage and easement.

Mr. Elliott supports what Mr. Hanson said.

Ms. Black said she is there to represent the Rosa Walston Estate. Ms. Black said there needs to be a back-up system on South Mills Road in terms of water rate. Ms. Black said she is not confident there is enough water to supply these developments ten or fifteen years out. She does not want to raise taxes.

Mr. Bissell said they did two test wells and the water samples were suitable without filtration. The drainage design has been reviewed by the county engineering staff and Mike Doxey and approved. The drainage plan is complying with the new county stormwater rules. Mr. Bissell said they have provided a 40' strip of land between the road and lots for future road widening. The house range will be between \$200,000 to \$300,000.

Mr. Craddock said the recorded easement that runs along the southside of the property and northside of the ditch, would the developer allow the other subdivisions that have a right to this easement be allowed to enter from Derby Drive.

Mr. Bissell said yes.

Mr. Cartwright said with the new county stormwater rules in affect you are getting a better product, than when Crown Point was done.

Mr. Hanson asked since Crown Point and the new subdivision will be sharing the ditch, what will be in place for maintaining it between the two subdivisions.

Mr. Woody said that since the new subdivision is draining into the ditch, they do have an obligation to provide maintenance.

Mr. Bissell said this can be worked out.

Mr. Cartwright asked what the typical depth of a well in Currituck is.

Ms. Glave said 30' to 45'.

Mr. Craddock said when an appraisal takes place on a piece of real estate and you have a home that is on three acres, 2,500 or 3,500 sq. ft., brick home; the appraiser will not be looking at a home that may exist across the street that is 1,800 to 2,000 sq. ft. on a half-acre lot. This would not be a good comparable. Therefore, these properties will not affect your property values negatively because you have a different type of property.

Mr. Cooper said in regards to the existing 40' drainage easement there are trees buffer in there. Is this part of the requirement?

Ms. Glave said it is an ordinance requirement.

Mr. Woody said given the information that has been received regarding the easement and Crown Points rights this needs to be reviewed by staff.

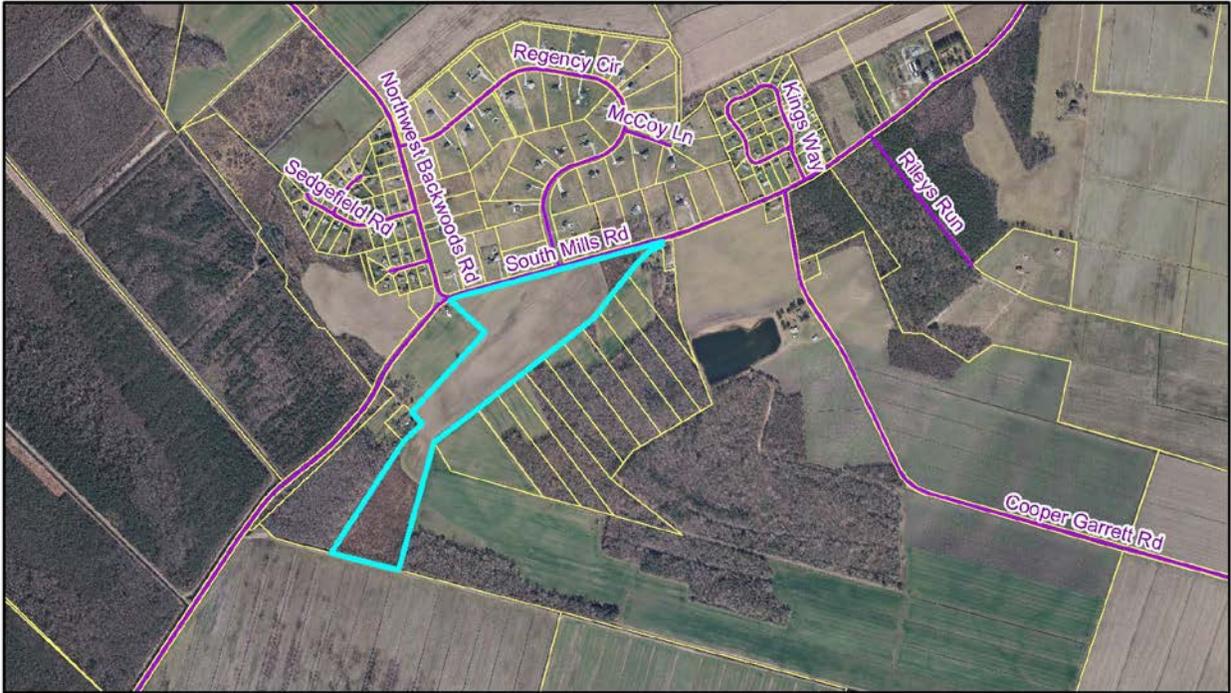
Mr. Clark closed the public hearing.

ACTION

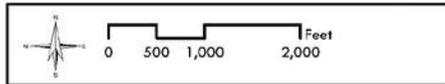
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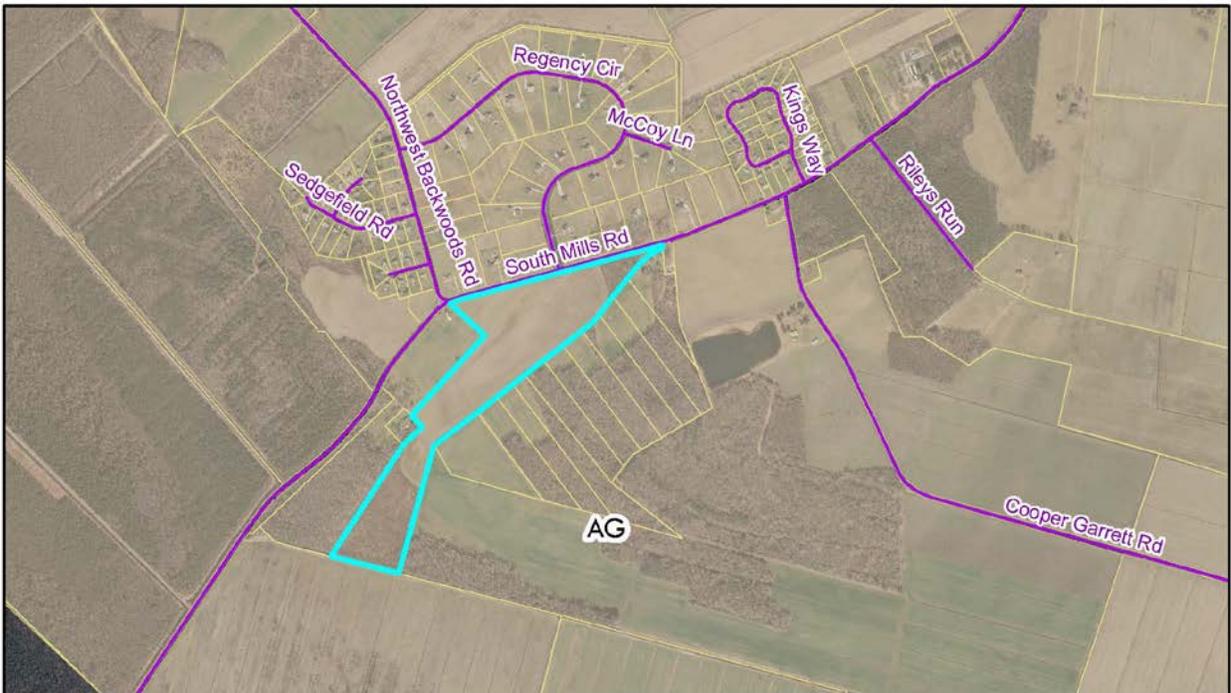
Mr. Cartwright seconded the motion and motion carried unanimously.



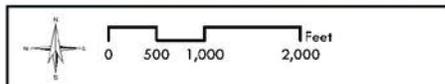
PB 14-15 Saddlebrook Estates
 Preliminary Plat - Use Permit
 2012 Aerial Photography



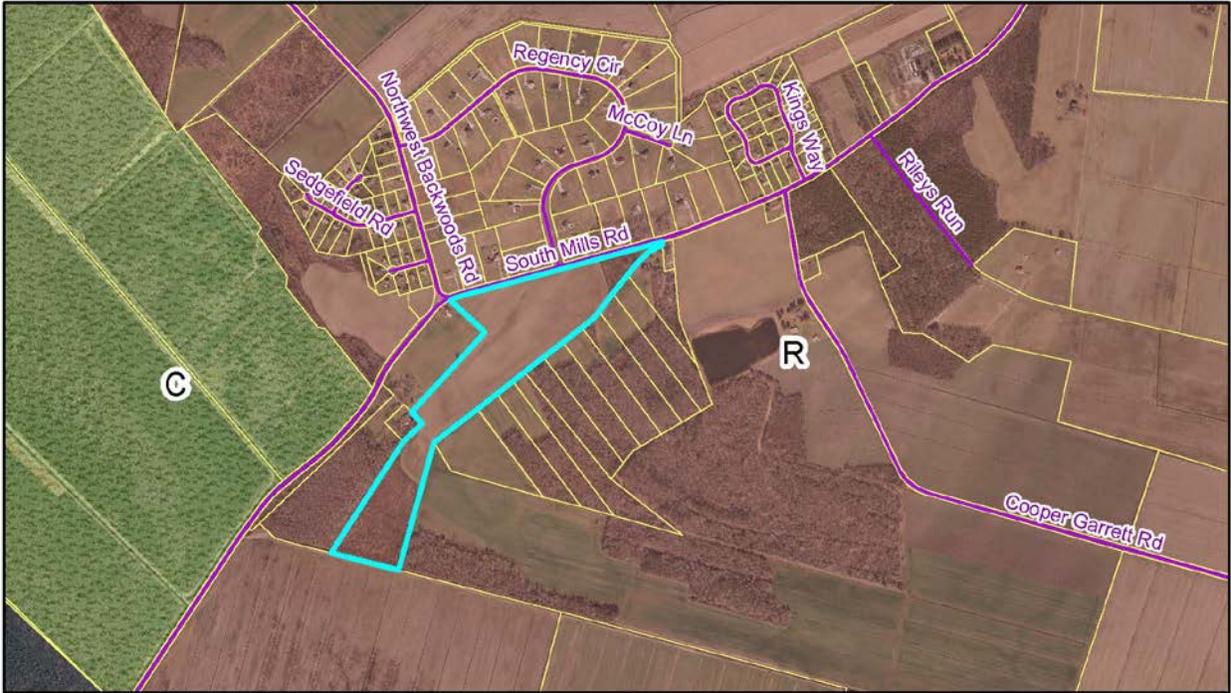
Currituck County
 Planning and
 Community Development



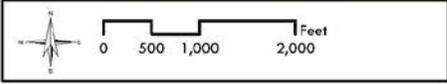
PB 14-15 Saddlebrook Estates
 Preliminary Plat - Use Permit
 Zoning



Currituck County
 Planning and
 Community Development



PB 14-15 Saddlebrook Estates
 Preliminary Plat - Use Permit
 Land Use Classification



Currituck County
 Planning and
 Community Development

MEMORANDUM

To: Mark Bissell
Saddlebrook Estates, LLC
Margaret Garrett

From: Tammy Glave, Planner II

Date: July 10, 2014

Re: Saddlebrook Estates, Preliminary Plat/Use Permit, TRC Comments

The following comments have been received for the July 16, 2014 Technical Review Committee meeting. Modifications of the request must be submitted by July 21, 2014 in order to remain on the August 12, 2014 Planning Board agenda. TRC comments are valid for six months from the date of the TRC meeting.

Planning, (Tammy Glave, 252-232-6025)

Approved with comments:

1. Provide Army Corp verification letter/signed map. (Administrative Manual) (Mark notified on July 3rd of Incomplete application – if not received by July 15th, will be pulled from July 16th TRC Agenda)
2. Call out the preliminary plat as a conservation subdivision.
3. Show utility easements on each lot. Can be shown on typical lot detail. (Administrative Manual)
4. Zoning conditions do not apply to this development (see first note #5).
5. There are two “Note 5s” on the preliminary plat.
6. Label the typical lot detail as the minimum dimensional standards and call out minimum lot size.
7. Please make sure client is aware that all new utilities must be underground (UDO Section 6.2.3)
8. The county does not wish to accept the dedicated portion of land for parkland; therefore, the fee-in-lieu must be paid. Fee-in-lieu is \$3,616. (Total tax value \$287,300/56.73 acres = \$5,064 per acre x .714 (28 lots x .0255) = \$3,616)
9. No more than 24” of fill for septic system. (UDO Section 7.3.3)
10. Title development area map as such and clearly delineate the difference between primary conservation areas and secondary conservation areas. (UDO Sections 6.4.3 and 6.4.5)
11. Title conservation and development plan as such. (6.4.3)
12. For future reference, the Moyock Small Area Plan mentions that NCDOT recommends South Mills Road be widened to a four lane major thoroughfare, with paved shoulders in the Currituck County Transportation Improvements Plan.

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

Approved without comment.

Currituck County Engineer (Eric Weatherly/Michelle Perry, 252-232-6035/Currituck Soil and Water (Mike Doxey, 252-232-3360)

Approved without comment.

Currituck County Fire and Emergency Management (James Mims, 252-232-6641)

Reviewed with comment:

1. The Needed Fire Flow (NFF) of new construction cannot exceed the available fire flow at the location. Calculations are taken from the ISO method.

Currituck County GIS (Harry Lee, 252-232-4039)

Denied/Resubmit:

1. Cannot use the street name Appaloosa Dr (Appaloosa already reserved by another subdivision)
2. Briarcliffe Ln OK
Canterbury Ct OK
Derby Dr OK
3. Applicant can call GIS to determine a usable street name. Please resubmit plat with approved street name. Addresses will be assigned by GIS after resubmittal.

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

Approved with comment:

1. Suggest fee-in-lieu of parkland dedication.

Currituck County Utilities (Pat Irwin, 252-232-6061)

Approved without comment.

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

Approved with comment:

1. Please consult with Kevin Carver RS at 252-232-6603 concerning septic system approval for each lot that makes up this proposed subdivision.

NC Department of Transportation (Brent Bass, 252-331-4737)

Reviewed with comment:

1. From a DOT standpoint there is nothing "unsafe" about either two subdivisions. Both are 90 degree entrances to the road and are 200 FT or more from any intersection. Regarding turn lanes and traffic analysis, both subdivisions have a low number of lots, so it would not be required. I understand the public viewpoint of South Mills Rd. but even if you add the two subdivisions together the lot number is still not enough to warrant a traffic impact analysis.

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. One site, 31CK53, is located in the southeast corner of the development. This site has been determined ineligible for inclusion on the National Register of Historic Places. No further work is recommended. An archaeological survey is not recommended.

US Postal Service, Moyock Postmaster

1. Please contact the local postmaster (Moyock) to determine the mode of delivery and type of delivery equipment.

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 12- 11"x17" copy of all revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised or new documents and plans.



Currituck County Agenda Item Summary Sheet

Agenda Item Title

PB 04-48 Indian Ridge Estates, Phase 2: Request for preliminary plat/amended use permit for five additional lots in an existing conservation subdivision located in Shawboro on the south side of Shawboro Road, Tax Map 34, Parcel 24J, Crawford Township.

Brief Description of Agenda Item

These five lots received sketch plan/use permit approval on August 3, 2004. Because of soil conditions, these lots were removed from the final plat approval for Phase 1 to allow time to address septic issues.

Planning Board Recommendation:

Mr. Bell moved to approve PB 04-48 with the findings of fact and Technical Review Committee recommendations included in the case analysis. Mr. Cartwright seconded the motion and motion carried unanimously.

Board Action Requested

Action

Person Submitting Agenda Item

Ben Woody

Presenter of Agenda Item

Ben Woody

CASE ANALYSIS FOR THE
Board of Commissioners
DATE: October 6, 2014
PB 04-48 Indian Ridge Estates, Phase 2

Note: *Since this phase of the subdivision has use permit approval under the previous UDO, it must comply with the standards of that ordinance.*

ITEM: PB 04-48 Indian Ridge Estates request for preliminary plat/amended use permit approval for a 5 lot residential conservation subdivision.

LOCATION: Shawboro – Algonquin Trail within Indian Ridge Estates, Crawford Township.

TAX ID: 0034-000-024J-0000

ZONING DISTRICT: Agricultural (AG)

PRESENT USE: Vacant

OWNER: James H Ferebee Jr
PO Box 110
Shawboro NC 27973

APPLICANT: Hyman & Robey
PO Box 339
Camden NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Low Density Residential	AG
SOUTH	Low Density Residential/Active Farmland	AG
EAST:	Low Density Residential	AG
WEST:	Active Farmland	AG

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Rural within the Shawboro-Crawford subarea.

SIZE OF SITE: 3.80 acres this phase; 248.50 acres for entire subdivision.

NUMBER OF UNITS: 5 lots this phase; 34 lots for entire subdivision.

PROJECT DENSITY: .14 units per acre

**RECREATION AND
PARK AREA**

DEDICATION: Not required under previous UDO (active recreation installed with Phase I)

UTILITIES: The proposed development will be served by the county water system and individual on-site wastewater.

I. NARRATIVE OF REQUEST:

1. The applicant is requesting preliminary plat/amended use permit approval for an additional five lots in an existing residential conservation subdivision off of Shawboro Road in Shawboro.
2. These five lots received sketch plan/use permit approval on August 2, 2004.
3. Because of soil conditions, these five lots were removed from the final plat approval for Phase 1 to allow time to address septic issues.
4. A conservation subdivision provides additional development flexibility to build on smaller lots when additional open space set-asides are provided. The development is designed and located in a way that protects agricultural activities or natural and historic features on the site. The developer conserved approximately 47% of the property. The majority of the conserved land remains in active farmland.

II. QUESTION(S) BEFORE THE BOARD:

Use Permit Criteria and Staff Findings:

Use permits (UP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the UP 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 UP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. *The use will not endanger the public health or safety.*
Based on the suggested finding provided by the applicant, staff has determined it is probably true that the use will not endanger the public health or safety.

Suggested Findings:

- a. The use will adhere to county health and safety standards and will not endanger the public health or safety.
2. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
Based on the suggested findings provided by the applicant, staff has determined it is probably true that the use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Suggested Findings:

- a. The minimum lot size for the proposed development is 30,501 square feet, and is consistent with the lot sizes and residential densities in the surrounding area.
3. The use will be in conformity with the Land Use Plan or other officially adopted plan. Based on the suggested findings, staff has determined it is probably true that the use will be in conformity with the Land Use Plan or other officially adopted plans.

Suggested Findings:

- a. The UDO indicates that a conservation subdivision is allowed in the AG zoning district.

The 2006 Land Use Plan classifies this site as Rural within the Shawboro-Crawford subarea. The policy emphasis of the Land Use Plan is for the Shawboro-Crawford subarea to encourage the preservation of agriculture and open space whenever possible. Residential development should bear some direct relationship to agricultural activity so as to minimize land use conflicts between farm operations and nearby residents. The proposed use is in keeping with the policies of the Land Use Plan, some of which are:

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

- 1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.

POLICY AG1: ACTIVE AGRICULTURAL LANDS having a high productive potential, and especially those removed from infrastructure and services, should be conserved for continued agricultural use.

POLICY AG2: Farms and woodlands shall be recognized as in integral part of the county's OPEN SPACE SYSTEM. Efforts to keep these areas viable as part of the area's resource-based economic sector shall be encouraged.

- 4. 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).

Based on the suggested findings, staff has determined it is probably true that the 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.

Suggested Findings:

- a. The proposed development will have the following impact on schools:
 - i. Elementary: 1 student
 - ii. Middle: 0 student
 - iii. High: 0 student

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance and the findings of fact, the Technical Review Committee recommends approval as presented.

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board *recommended approval* of the preliminary plat/amended use permit with the findings of fact and Technical Review Committee recommendations.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm

PLANNING BOARD DISCUSSION (9/9/14)

Mr. Hyman provided a brief overview of the request.

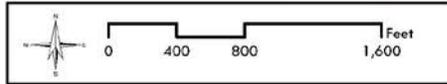
Mr. Clark closed the public hearing.

ACTION

Mr. Bell moved to approve PB 04-48 with the findings of fact and Technical Review Committee recommendations included in the case analysis. Mr. Cartwright seconded the motion and motion carried unanimously.



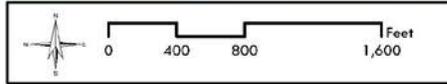
PB 04-48 Indian Ridge Estates
 Preliminary Plat
 Aerial Photography



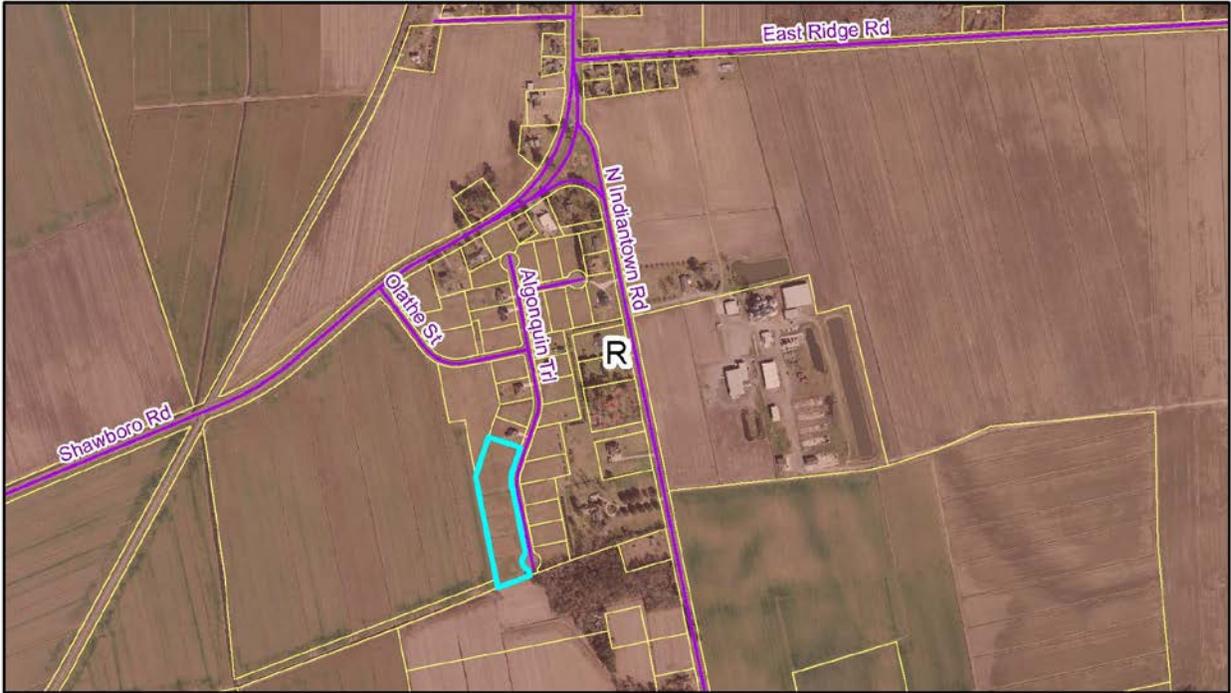
Currituck County
 Planning and
 Community Development



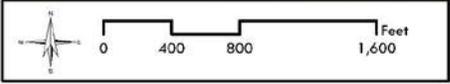
PB 04-48 Indian Ridge Estates
 Preliminary Plat
 Zoning



Currituck County
 Planning and
 Community Development



PB 04-48 Indian Ridge Estates
Preliminary Plat
LUC



 Currituck County
Planning and
Community Development

MEMORANDUM

To: Doug Abbot, Hyman & Robey
Jimmy Ferebee

From: Tammy Glave, Planner II

Date: August 14, 2014,

Re: Indian Ridge Estates, Phase 2, Preliminary Plat, TRC Comments

The following comments have been received for the August 20, 2014 Technical Review Committee meeting. Modifications of the request must be submitted by August 25, 2014 in order to remain on the September 9, 2014 Planning Board agenda. TRC comments are valid for six months from the date of the TRC meeting.

Planning, (Tammy Glave, 252-232-6025)

Approved with comments:

1. This property and surrounding property is zoned AG.
2. Native Pine or Cedar trees called out for the street trees are not an acceptable species.
For a complete list of allowable street trees, please refer to the Administrative Manual.

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

Approved with comment:

1. Soil test may be required.

Currituck County Engineer (Eric Weatherly/Michelle Perry, 252-232-6035/Currituck Soil and Water (Mike Doxey, 252-232-3360)

Approved without comment.

Currituck County Fire and Emergency Management (James Mims, 252-232-6641)

Approved without comment.

Currituck County GIS (Harry Lee, 252-232-4039)

Reviewed with comment:

1. Address Assignemnt:
 - Lot 30 = 118 Algonquin Trl
 - Lot 29 = 120 Algonquin Trl
 - Lot 28 = 122 Algonquin Trl
 - Lot 27 = 124 Algonquin Trl
 - Lot 26 = 126 Algonquin Trl

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

Reviewed without comment.

Currituck County Utilities (Pat Irwin, 252-232-6061)

Approved without comment.

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

Reviewed with comment:

1. Consult with Kevin Carver RS at 252-232-6603 concerning septic system approval for each lot which makes up this subdivision.

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. There are no previously recorded archaeological sites within the project area. An archaeological survey is not recommended.

US Postal Service, Shawboro Postmaster

1. Please contact the local postmaster (Shawboro) to determine the mode of delivery and type of delivery equipment.

The following items are necessary for resubmittal:

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



Currituck County Agenda Item Summary Sheet

Agenda Item Title

PB 14-20 Shingle Landing Townhomes: requests a conditional rezoning of 4.03 acres from General Business (GB) to Conditional District – Mixed Residential (C-MXR) on property located in Moyock on the north side of Moyock Landing Drive, Tax Map 9, Parcel 029T, Moyock Township.

Brief Description of Agenda Item

The applicant is requesting conditional rezoning of 4.03 acres located in Moyock on Shingle Landing Drive. The proposed development is a townhome development consisting of 16 dwelling units. The applicant proposes to connect to the Moyock Central Sewer System and offers the following zoning conditions:

1. Maximum density of 4 units/acre utilizing sustainability bonus units to be served with public sewage.
2. Existing wooded areas to be retained except where minor stormwater drainage is required.

A community meeting was held on July 14, 2014 at Moyock Library and the property owners in attendance did not approve of the development suggesting that a development of the proposed nature will lower home values.

Planning Board Recommendation:

Mr. Wright moved to approve PB 14-20 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, additional staff comments, and the following condition:

- The units share exterior architectural design elements with the Shingle Landing subdivision.
- Mr. Bell seconded the motion and motion carried unanimously.

Board Action Requested

Action

Person Submitting Agenda Item

Ben Woody

Presenter of Agenda Item

Ben Woody

**CASE ANALYSIS FOR THE
Board of Commissioners
October 6, 2014
PB 14-20 Shingle Landing Townhomes**

ITEM: PB 14-20 Shingle Landing Townhomes: a conditional rezoning of 4.03 acres from General Business (GB) to Conditional District – Mixed Residential (C-MXR).

LOCATION: Moyock – Moyock Landing Drive, Moyock Township.

TAX ID: 0009-000-029T-0000

OWNER: CTX, Inc.,
PO Box 310
Moyock, NC 27958

APPLICANT: Jerry Old and Don Williams
PO Box 44
Currituck, NC 27929

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Undeveloped	LI
SOUTH	Low density residential	GB
EAST:	Assisted living	GB
WEST:	Railroad/Undeveloped	GB

**LAND USE PLAN
CLASSIFICATION:**

The 2006 Land Use Plan classifies the site as Full Service within the Moyock subarea.

The policy emphasis of the Moyock sub-area is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other county services are limited, development density should be limited to 1-2 units per acre. However in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas support it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.

MOYOCK SAP:

The Moyock Small Area Plan classifies the property as Full Service.

The full service designations are focal points in the community where high amounts of activity occur. Mixed use development with both residential and commercial components will be present in these areas. In addition, clustered or planned commercial and residential areas with diversity in housing types are preferred. Typical densities in full service designations range from 1.5 – 3 units per acre depending on surrounding land uses. All development should encourage human scale development and interconnected transportation systems that support both vehicles and pedestrians.

Policies supporting the request include:

Policy FLU 1 Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design and includes larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk step downs, or other architectural and site planning measures that encourage harmony.

- CURRENT ZONING:** General Business (GB)
- PROPOSED ZONING:** Conditional District – Mixed Residential (C-MXR)
- CURRENT USE:** Undeveloped
- SIZE OF SITE:** 4.03 acres
- ZONING HISTORY:** Agricultural (A) – 1989 Zoning Map
General Business (GB) – Rezoned 2/6/2006
- UTILITIES:** County water is available to serve this development. The developer is requesting connection to the Moyock central sewer system.
- TRANSPORTATION:** The proposed development is served by Moyock Landing Drive which is publicly dedicated and currently maintained by the developer and the Shingle Landing HOA. Moyock Landing Drive contains an existing railroad crossing.
- FLOOD ZONE:** The proposed development is predominately located in the Shaded X flood zone (500-year floodplain) and AE (100-year floodplain).
- WETLANDS:** The county wetland inventory maps indicate the property does not contain wetland characteristics. The wetland inventory maps do not provide any assurances of the existence or non-existence of wetlands on the property.
- SOILS:** The proposed development is located on Roanoke soils, which are considered poorly drained. The development is proposing to manage wastewater through off-site treatment and disposal.

PROPOSED ZONING CONDITIONS:

1. Maximum density of four units per acre utilizing sustainability bonus units to be served with public sewage.
2. Existing wooded areas to be retained except where minor stormwater drainage is required.

COMMUNITY MEETING:

A community meeting was held on July 14, 2014 at the Moyock Library. Mel Hopkins summarized the proposed project. Generally, the property owners in attendance did not approve of the development suggesting that a development of the proposed nature will lower home values.

TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

The conditional zoning process provides an opportunity for an applicant to propose use limitations or development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. The TRC recommends approval of the proposed request. The conditional zoning request is consistent with the goals, objectives, and policies of the Land Use Plan and Moyock Small Area Plan, and is the appropriate zoning district for the proposed land use.

Additional Staff Comments:

The county has limited areas of multi-family development and it is important that site design and building elevation maintain residential character to ensure compatibility with the community. With the limited building elevations (photos) submitted, it is unclear if the proposed design will be considered compatible with the community. Staff recommends the dwelling units located along Moyock Landing Drive be designed and located so that a residential character is preserved.

The proposed development will be accessed by a public street that is maintained privately. Until such time as NCDOT assumes maintenance of the road, the proposed development should be included in road maintenance.

The proposed development site is adjacent to the railroad right-of-way to the west, the assisted living to the east, open space to the south, and undeveloped land to the north that is proposed as a conservation subdivision with a development density of 2 du/acre. The proposed development densities are in keeping with the LUP. Although the applicant submitted building elevations (photos) for quad-plex style homes, CTX will most likely develop duplex and triplex style homes. Significant deviations to building elevations and conceptual development plans will be considered as an amendment to the conditional rezoning and will require board approval.

PLANNING BOARD RECOMMENDATION:

Mr. Wright moved to approve PB 14-20 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, additional staff comments, and the following condition:

- The units share exterior architectural design elements with the Shingle Landing subdivision.
- Mr. Bell seconded the motion and motion carried unanimously.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
<http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm>

PLANNING BOARD DISCUSSION (9/9/14)

Ms. Overstreet asked if the proposed development will be one or two stories.

Ms. Voliva stated originally they were proposing one story, but now they are looking at doing both.

Mr. Craddock asked if it was known if it would be a condo or townhome scenario.

Ms. Voliva stated it could be either one, but most likely townhomes.

Mr. Clark asked if it was a guarantee that the Department of Transportation (DOT) will take over the road.

Ms. Voliva said there has been a request for DOT to assume maintenance of the roads in the Shingle Landing subdivision. An assessment of the roads has been done by DOT and a punch list was given to the developer, which many have been completed, but there are still some outstanding items. One is the railroad crossing which requires approval from multiple railroad agencies.

Mr. Hopkins said he would answer any questions the board may have.

Mr. Wright asked about drainage.

Mr. Hopkins said the property is very flat and the drainage will be directed to the west.

Mr. Old said Moyock is a good area for this concept; and if this type of development is something the Planning Board and Board of Commissioners would approve.

Mr. Craddock asked if it will be townhomes or condos, and if they will be rentals or for sale.

Mr. Old said at this time he did not know because a lot of things need to be work out. The first is if the county would allow this type of development.

Mr. Hopkins said the building elevations (photos) for quad-plex style homes, but most likely will develop duplex and triplex style homes.

Mr. Craddock said all visible façades from the roadway should maintain the character of the community.

Mr. Old said he will work with the county on how to design them to make them aesthetically pleasing.

Mr. Crocker said he is a resident of the Shingle Landing subdivision. When they bought their home they were promised a walking trail, which they never got. They have a black top road which was never finished and is in terrible condition. They were supposed to have a Homeowners Association, but this never came through. Mr. Crocker is concerned that this request is not in harmony with the surrounding area, will decrease property values, drainage issues, water pressure issues, sewer issues, safety and traffic issues, and will affect the quality of life.

Ms. Voliva said the county water department has been out to check the water pressure a few years ago in this area. Generally water pressure does decrease in a cul-de-sac. Single Landing subdivision does have a Homeowners Association (HOA) which was recorded, but did not initiate an active association in the beginning, meaning they didn't mandate meetings or dues. Although they mandated membership it never really functioned.

Mr. Crocker said he is concerned that the HOA for Shingle Landing did not have an active one so this request may not have an active HOA either.

The Planning Board discussed the HOA for Shingle Landing subdivision.

Mr. Craddock said this project would not affect property values because it is a totally different kind of property.

Mr. Clark closed the public hearing.

Mr. Wright asked how it would be worded for architectural standards or details similar to the existing community.

Ms. Voliva said it could be added into the motion, but would need to be agreed upon by the developer. Ms. Voliva said the goal for staff is to make sure the exterior appearance from Moyock Landing Drive would look like a single family dwelling.

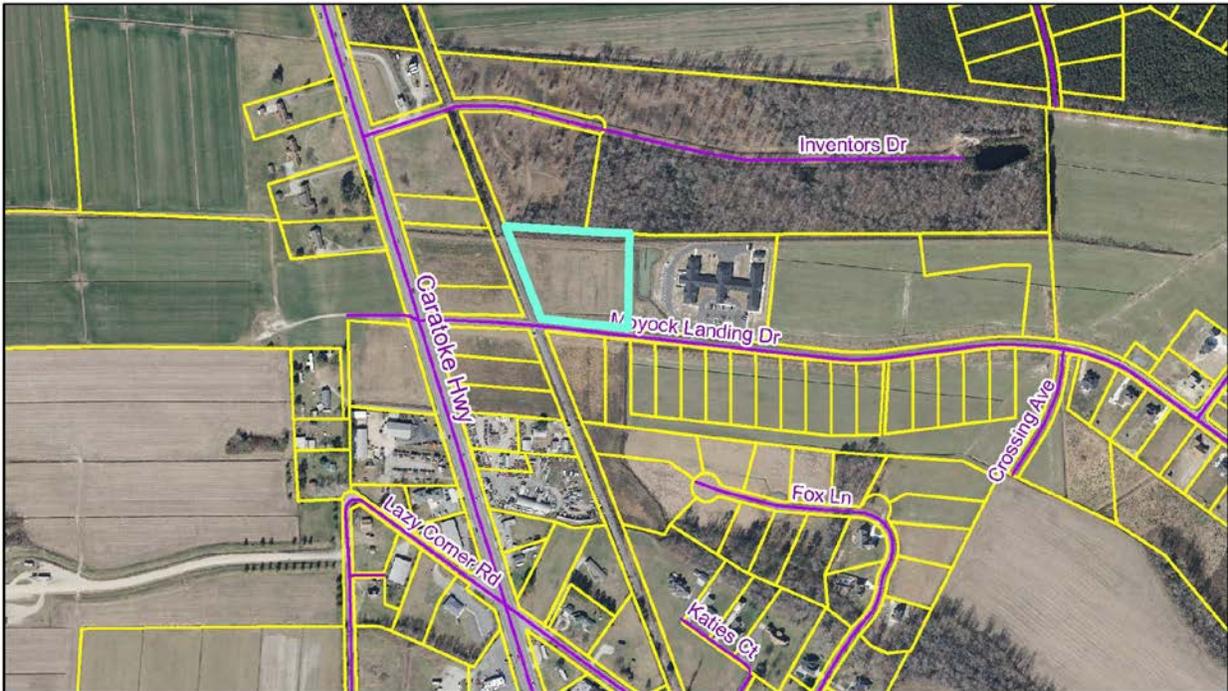
Mr. Old said he would agree to this request.

ACTION

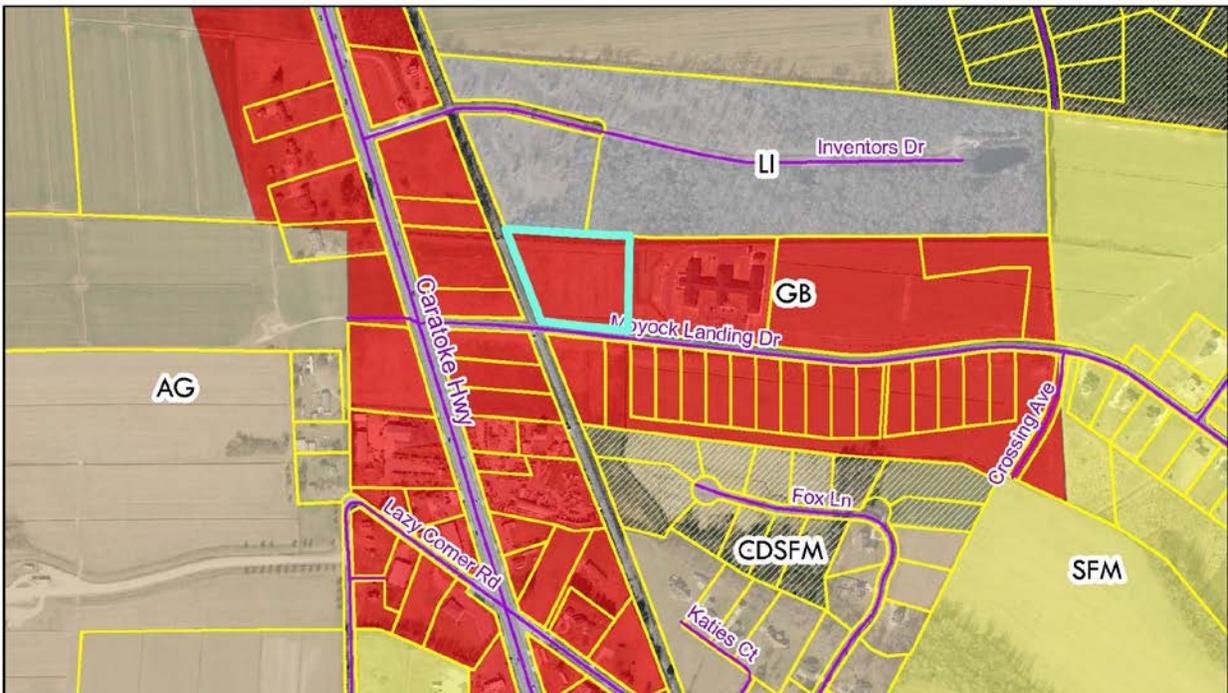
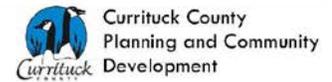
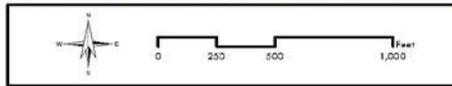
Mr. Wright moved to approve PB 14-20 due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development, additional staff comments, and the following condition:

- The units share exterior architectural design elements with the Shingle Landing subdivision.

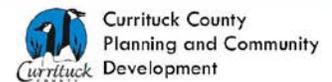
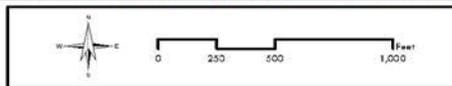
Mr. Bell seconded the motion and motion carried unanimously.

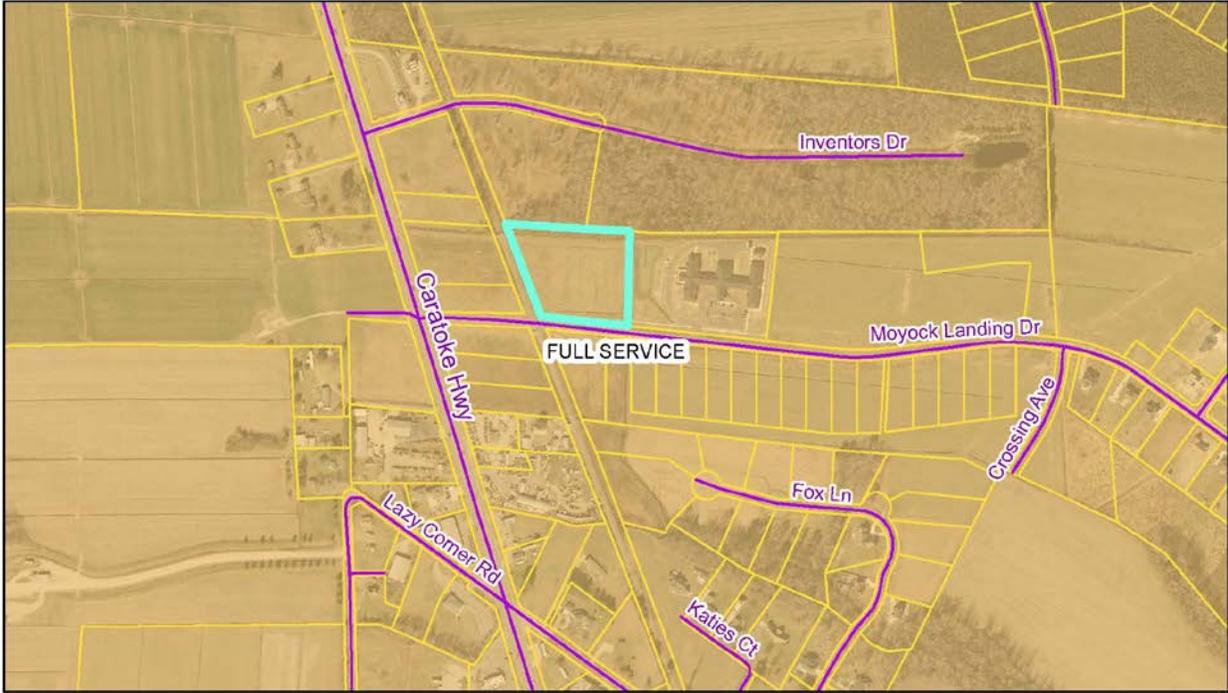


PB 14-20
 CTX, Inc.
 Aerial

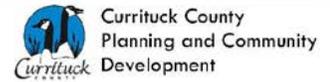
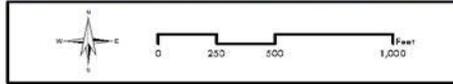


PB 14-20
 CTX, Inc.
 Zoning Map





PB 14-20
CTX, Inc.
Moyock SAP FLU Map



To: Jerry Old, CTX, Inc.
Don Williams, CTX, Inc.
Mel Hopkins Engineering, LLC

From: Donna Voliva, Senior Planner

Date: August 13, 2014

Subject: PB 14-20 Shingle Landing Townhomes Conditional Rezoning TRC Comments

The following comments have been received for the TRC meeting on August 20, 2014 regarding the conditional rezoning of Shingle Landing Townhomes. In order for this project to remain on the September 9, 2014 Planning Board agenda the TRC comments must be addressed. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Donna Voliva

Reviewed

1. The area indicated as active open space (southern 1.50 acres) is part of Shingle Landing Phase 2 open space and reserve utility open space. The recorded final plat for Shingle Landing, Phase 2 indicates this area as open space with 0.92 acres dedicated for reserve utility open space.
2. The development plan appears to indicate 4 units per acre which will require sustainability development practices. Please identify which practices will be utilized and incorporate into the proposed zoning conditions.
3. The proposed parking spaces are illustrated at 90 degree angles and will require a 24' drive aisle for one way traffic.
4. All parking spaces shall be a minimum of 10 feet in width.
5. Provide handicapped parking spaces and identify accessible units and routes. Pedestrian crosswalks shall be provided at the entrance and to the active open space located in the center of the project.
6. Please identify all common areas/elements and open space.
7. Please identify the major drainage way and drainage easements.
8. Please correct the zoning of the n/f CASP Inc. property to LI.
9. Please provide building elevations that reflect the design of the development.
10. The development and buildings shall be designed to meet the design standards of the UDO (building design, landscaping, lighting, sustainability, etc.).
11. Please provide property dimensions for the southern and western portions of the lot.
12. Staff suggests the units located along Moyock Landing Drive to have facades facing the street. Also units shall be located to accommodate patios and maintain setbacks and stormwater improvements.
13. Will the proposed development include exterior lighting, fences, or walls?
14. Will the proposed development include a community mailbox?
15. Include all required landscaping (site, screening, streetscape, etc.)

Currituck County Parks and Recreation, Jason Weeks

No comment

Currituck County Engineer, Eric Weatherly
Currituck Soil and Water, Mike Doxey

Approved

Currituck County Utilities, Pat Irwin

Approved

1. Separate taps will be required for each unit.

Albemarle Regional Health Services, Joe Hobbs

Reviewed

1. PLEASE CONSULT WITH KEVIN CARVER RS AT 252-232-6603 CONCERNING SEPTIC SYSTEM APPROVAL FOR EACH LOT THAT MAKES UP THIS PROPOSED SUB-DIVISION.

Currituck County GIS, Harry Lee

Reviewed

Currituck County Fire Marshal, James Mims

Approved

1. Approval is for conditional rezoning only.
2. It appears that in the site configuration as given that this will have commercial requirements as a residential classification rather than residential one and two family dwelling. I note no construction design with a needed fire flow above the available will be approved.

Currituck County Building Inspections, Spence Castello

Approval with corrections

1. ACCESSIBLE ROUTE REQUIRED TO ACTIVE OPEN SPACE.
2. ACCESSIBLE UNITS REQUIRED IN ACCORDANCE WITH CHAPTER 11 NC BUILDING CODE AND ICC A 117.1
3. ACCESSIBLE PARKING REQUIRED AT ACCESSIBLE UNITS.
4. SOIL TEST MAY BE REQUIRED.

NC State Archaeology, Lawrence Abbot

No comment

1. No previously recorded archaeological sites noted in the project area. An archaeological survey is not recommended.

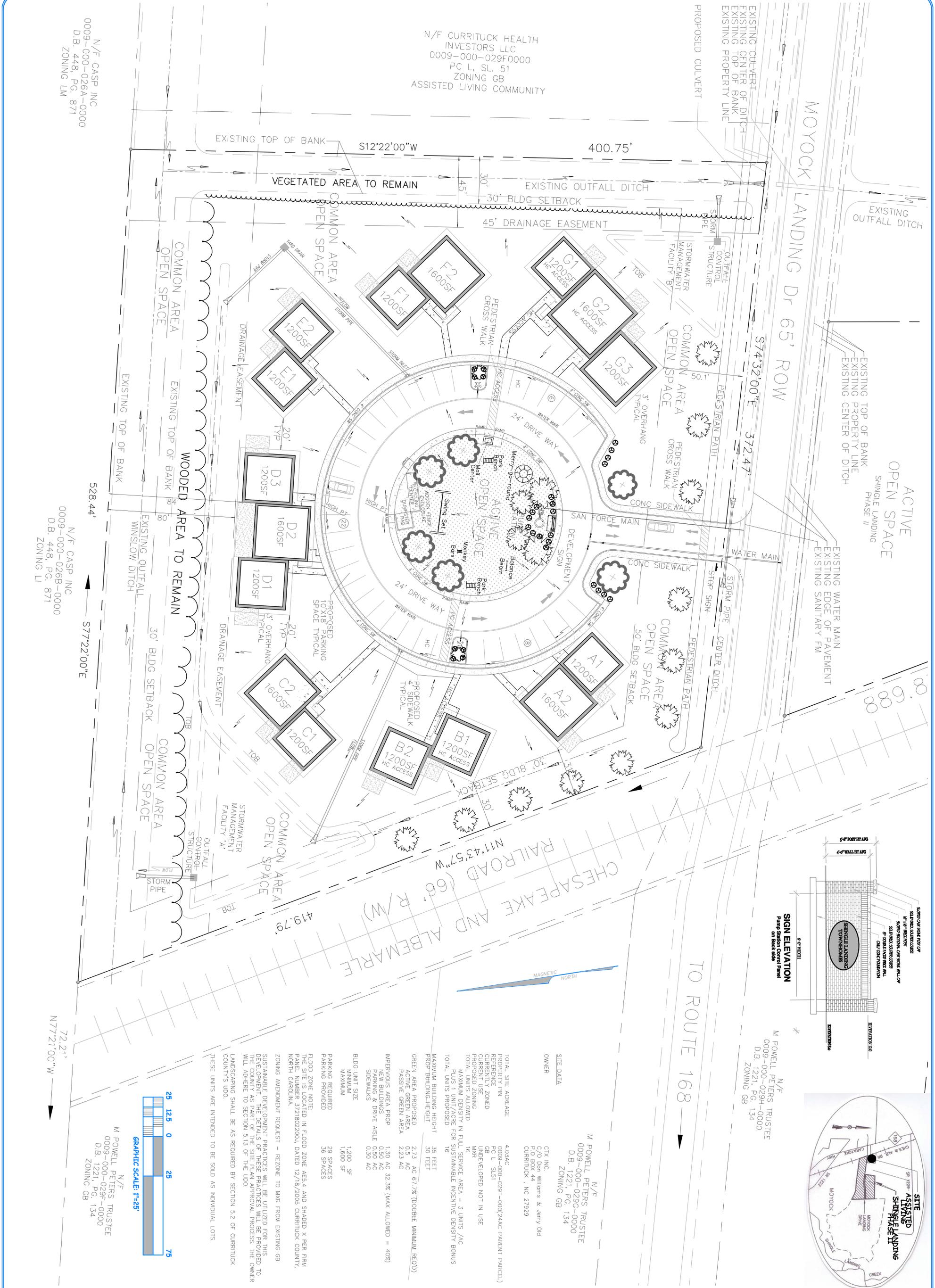
NC Division of Coastal Management, Charlan Owens

No Comment

US Postal Service, Moyock Postmaster

1. Please contact the local postmaster (Moyock) to determine the mode of delivery and type of delivery equipment.

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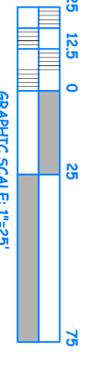


N/F CASP INC
0009-000-026A-0000
D.B. 448, PG. 871
ZONING LM

N/F CURRITUCK HEALTH INVESTORS LLC
0009-000-029F0000
PC L, SL, 51
ZONING GB
ASSISTED LIVING COMMUNITY

N/F CASP INC
0009-000-026B-0000
D.B. 448, PG. 871
ZONING LI

N/F POWELL PETERS TRUSTEE
0009-000-029G-0000
D.B. 1221, PG. 134
ZONING GB



ZONING AMENDMENT REQUEST - REZONE TO MWR FROM EXISTING GB
SUSTAINABLE DEVELOPMENT PRACTICES WILL BE UTILIZED FOR THIS DEVELOPMENT. THE DETAILS OF THESE PRACTICES WILL BE PROVIDED TO THE COUNTY AS PART OF THE SITE PLAN APPROVAL PROCESS. THE OWNER WILL ADHERE TO SECTION 5.13 OF THE UDO.
LANDSCAPING SHALL BE AS REQUIRED BY SECTION 5.2 OF CURRITUCK COUNTY'S UDO.
THESE UNITS ARE INTENDED TO BE SOLD AS INDIVIDUAL LOTS.

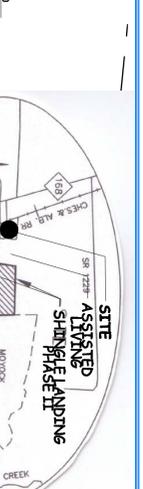
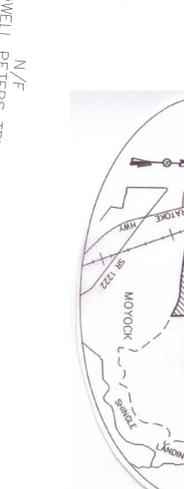
GREEN AREA, PROPOSED
4.8 AC
2.23 AC
2.73 AC 67.7% (DOUBLE MANHOLE RECORD)
PASSIVE GREEN AREA
2.23 AC
IMPERVIOUS AREA PROP
1.30 AC 32.3% (MAX ALLOWED = 40%)
NEW BUILDINGS
0.50 AC
PARKING & DRIVE AISLE
0.30 AC
SIDEWALKS
0.30 AC
BLDG UNIT SIZE
MINIMUM 1,200 SF
MAXIMUM 1,800 SF
PARKING REQUIRED
29 SPACES
PARKING PROVIDED
36 SPACES

FLOOD ZONE NOTE:
THE SITE IS LOCATED IN FLOOD ZONE AE5.4 AND SHADDED X PER FIRMA PANEL NUMBER 3721802200L, DATED 12/18/2005 CURRITUCK COUNTY, NORTH CAROLINA.
TOTAL SITE ACREAGE
4.03AC
PROPERTY PIN
0009-000-0291-000(2)AC PARENT PARCEL)
REFERENCE
PC L, SL51
CURRENTLY ZONED
GB
PROPOSED ZONING
MWR
UNDEVELOPED NOT IN USE
MWR
TOTAL MAXIMUM DENSITY
IN FULL SERVICE AREA = 3 UNITS / AC
PLUS 1 UNIT/ACRE FOR SUSTAINABLE INCENTIVE DENSITY BONUS
TOTAL UNITS PROPOSED
16
MAXIMUM BUILDING HEIGHT
35 FEET
PROP. BUILDING HEIGHT
30 FEET

OWNER
M POWELL PETERS TRUSTEE
0009-000-029G-0000
D.B. 1221, PG. 134
ZONING GB
SITE DATA
N/F
M POWELL PETERS TRUSTEE
0009-000-029G-0000
D.B. 1221, PG. 134
ZONING GB
OWNER
CTX INC.
C/O Don Williams & Jerry Old
P.O. BOX 44
CURRITUCK, NC 27929

DESIGNED: MEH
DRAWN: MEH
CHECKED: MEH
DATE: 08/24/2014

REVISIONS:



CONCEPT 'A'
SHINGLE LANDING TOWNHOMES
PROJECT NO. : 20130601
SHEET: 1 OF 1
SCALE: 1" = 25'

Mel Hopkins Engineering, LLC
ENGINEERING & LAND PLANNING SERVICES
204 Walden Drive Yorktown Virginia 23692
(757) 812-9818 hopkinsix@cox.net



DESIGNED: MEH
DRAWN: MEH
CHECKED: MEH
DATE: 08/24/2014



ISLAND QUAY →

W. 7th St





805













MAIL STOP

MAIL STOP

NO PARKING



955



Conditional Rezoning Application

OFFICIAL USE ONLY:	
Case Number:	_____
Date Filed:	_____
Gate Keeper:	_____
Amount Paid:	_____

Contact Information

APPLICANT:	PROPERTY OWNER:
Name: <u>JERRY DU & DON WILLIAMS</u>	Name: <u>CTX, Inc</u>
Address: <u>PO BOX 44</u>	Address: <u>PO Box 310</u>
<u>CURRITUCK, NC 27929</u>	<u>MOYOCK, NC 27958</u>
Telephone: <u>252-207-3002</u>	Telephone: _____
E-Mail Address: <u>currituckhomes.com@comcast.net</u>	E-Mail Address: _____
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <u>SAME</u>	

Property Information

Physical Street Address: MOYOCK LANDING DRIVE

Location: 500' EAST OF INT OF ROUTE 168 & MOYOCK LANDING DR

Parcel Identification Number(s): 0009-000-029T-000

Total Parcel(s) Acreage: 5.51 AC 4.03

Existing Land Use of Property: UNDEVELOPED - NOT IN USE

Request

Current Zoning of Property: GB Proposed Zoning District: MXR

Community Meeting

Date Meeting Held: 7/14/14 Meeting Location: MOYOCK LIBRARY

Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

The undersigned respectfully requests that, pursuant to the Unified Development Ordinance, a conditional zoning district be approved for the following use(s) and subject to the following condition(s):

Proposed Use(s):

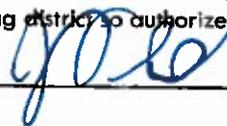
16 UNIT TOWNHOME

Proposed Zoning Condition(s):

MAX. DENSITY 4 UNITS/AC, UTILIZING SUBSTANTIALLY LOWERS
UNITS TO BE SERVED WITH PUBLIC SEWER
EXISTING WOODED AREAS TO BE RETAINED, EXCEPT WHERE
MINOR STORMWATER DRAINAGE IS REQUIRED

An application has been duly filed requesting that the property involved with this application be rezoned from: _____ to: _____

It is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound to the conceptual development plan, use(s) authorized, and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Currituck County Unified Development Ordinance. It is further understood and acknowledged that final plans for any development be made pursuant to any such conditional zoning district so authorized and shall be submitted to the Technical Review Committee.

CTH, INC. 
Property Owner (s)

8-27-14
Date

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.



Currituck County Agenda Item Summary Sheet

Agenda Item Title

Consideration and Approval of Easement for Through The Fence Operations By Brady Landing Airpark Subdivision Property Owners at Currituck County Regional Airport

Brief Description of Agenda Item

Attached for consideration is an easement allowing for Brady Landing Airpark Subdivision residents to continue accessing the Currituck County Regional Airport runway through the fence located along the common boundary line of Brady Landing Airpark Subdivision and the county's property. The proposed easement includes language now required by the Federal Aviation Administration for continued through the fence operations at public airports that have received federal grants.

Board Action Requested

Action

Person Submitting Agenda Item

Ike McRee, County Attorney

Presenter of Agenda Item

Ike McRee, County Attorney

Prepared by and return to:

Donald I. McRee, Jr., Attorney
153 Courthouse Road, Ste. 210
Currituck, NC 27929

Transfer Tax: Exempt
Tax Parcel

NORTHCAROLINA

CURRITUCKCOUNTY

THIS DEED OF EASEMENT made this _____ day of _____, 2014 by and between COUNTYOF CURRITUCK, NORTH CAROLINA, a body corporate and politic existing pursuant to the laws of the State of North Carolina, ("Grantor"), and BRADY LANDING AIR PARK PROPERTY OWNERS ASSOCIATION, INC., a non-profit corporation existing pursuant to the laws of the State of North Carolina, ("Grantee"):

WITNESSETH:

WHEREAS, Grantor is the owner of a certain tract or parcel of land located in Crawford Township, County of Currituck, North Carolina more particularly described in that instrument recorded in Deed Book _____, Page _____ of the Currituck County Registry and known as the Currituck County Regional Airport, (the "Airport"); and

WHEREAS, the Grantee is the established property owner's association of Brady Landing residential airpark, (the "Airpark"), as more particularly described in that instrument recorded in Deed Book _____, Page _____ of the Currituck County Registry;

NOW, THEREFORE, the Grantor and Grantee do hereby agree as follows:

1. Grant of Easement By Grantor: Grantor, for and in consideration of the sum of Ten Dollars, and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee an easement, 60 feet in width, for the purpose of a taxiway, over, upon an along a strip or parcel of land lying and being in Currituck County, North Carolina, and more particularly described as follows:

Beginning at a point located 101.3 feet North 33 degrees 19 minutes 42 seconds East of a 5/8" iron rod (set), then 60 feet North 33 degrees 19 minutes 42 seconds East, then 299.83 feet South 56 degrees 42 minutes 40 seconds East, then 60 feet South 33 degrees 15 minutes 56 seconds West, then 299.85 feet North 56 degrees 42 minutes 40 seconds West to the point of origin.

This 60-foot easement is shown on a plat entitled in part "Private Access Subdivision of Brady Landing Airpark" said plat prepared by Edward T. Hyman,

Jr., dated September 17, 1999, recorded in Plat Cabinet G, Slide 336, Currituck County Public Registry, which said plat is incorporated herein by reference.

The point of entry and exit and route described herein may be used by (a) Grantee's members who are owners of Lots 2B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9B, and 10B as more particularly shown on that plat recorded at Map Cabinet I, Slide 15 of the Currituck County Registry; Lots 1 and 2 as more particularly shown on that plat recorded at Map Cabinet I, Slide 387 of the Currituck County Registry; Lot 9A as more particularly shown on that plat recorded at Map Cabinet M, Slide 81 of the Currituck County Registry; and Lots 11 through 23 as more particularly shown on that plat recorded in Map Cabinet M, Slide 156 of the Currituck County Registry for the purpose of accessing and exiting the Airport's public runways, taxiways and facilities and (b) by escorted fly-in visitors to the Airpark provided that a member of Grantee is responsible for the conduct and actions of the fly-in visitor when entering or exiting the Airpark via the Airport.

The Grantor may temporarily and reasonably deny access to the easement described herein due to adverse weather conditions, emergencies, repairs or improvements projects and shall make a reasonable effort to give advance notice to Grantee of the temporary closure of the easement. The Grantee is responsible for maintenance and repairs to the security gate and all taxiway improvements described within in this easement.

2. Term: The Term of this Agreement shall be twenty (20) years commencing _____, 2014 and terminating _____, 2034 and may be renewed prior to the expiration of term for an additional ten (10) year term by mutual agreement of the Grantor and Grantee.

3. Access Fee: Grantee shall pay to the County an annual access fee, (the "Access Fee"), equal to the annual, on Airport, single-engine aircraft, outside tie-down fee with a minimum Access License Fee not less than the annual on-airport aircraft tie-down fee as established from time to time by Grantor.

4. Fee Schedule: The initial Access Fee is payable upon execution of this instrument. Subsequent annual fees to be paid during the term of this license shall be paid on or before January 1 of each year.

5. Compliance: Grantee must comply with all Airport rules and regulations promulgated by the Grantor, the terms and conditions of this instrument, and any requirements of existing or future Federal Aviation Administration, (the "FAA"), grant agreements, including the FAA Airport Compliance Manual, and will operate Grantee's aircraft in accordance with FAA rules and requirements and any other applicable governmental regulations. This instrument is subordinate to the Grantor's FAA grant assurances and federal obligations. Should any provision of this instrument violate the Grantor's FAA grant assurances or federal obligations, the Grantor shall have the unilateral right to amend or terminate this instrument to remain in compliance with its grant assurances and federal obligations.

6. Security, Gates & Maintenance: Grantee shall access the Airport at the point described in this instrument through a secured gate and taxiway improvements provided for and maintained by Grantee. Grantee shall close and secure the gate at the access point immediate after each use and not leave the immediate area until the gate is fully closed. The access point and route described in this instrument is limited to aircraft of property owners & escorted visitor of a property owner. Grantee shall ensure that all Grantee property owners and visitors are fully briefed on the safety and security implications of proper Airport-Airpark gate operation.

7. Conditions of License: In addition to the terms and conditions set forth in this instrument, which terms and conditions are by reference incorporated herein, the following terms and conditions shall apply:

- A. Property in the Airpark shall be used for residential, non-commercial purposes only.
- B. No aircraft may be moved from the Airpark to the Airport or from the Airport to the Airpark except as taxied by a licensed pilot or qualified mechanic, or towed by a person qualified to do so.
- C. The Airport is a non-towered airport. Grantee shall be and remain responsible and accountable for compliance with all local, state and federal safety operational requirements imposed on all aircraft using or utilizing the Airport.
- D. Grantee shall not permit any commercial aviation ventures or operations to be conducted on Grantee's property including, but not limited to, fuels sales, self-fueling, commercial aircraft maintenance or annual inspections (except for annual inspections of non-commercial aircraft based in the Airpark), flight instruction, flying clubs, banner-towing operations, ultra-light towing operations and rental of hanger or tie-down space except as a part of the combined rental of a single family residential structure and hanger.

8. Termination: The Grantor may suspend access across the easement area upon failure of Grantee to pay the Access Fee on or before January 1 of each year or upon the Grantee's failure to comply with any condition of this instrument, if the Grantee has not corrected non-compliance within ten (10) days written notice from Grantor. Access will be reinstated to Grantee upon correction of the non-compliance or payment of past due Access Fees.

9. Assignment or Transfer: This instrument shall not be assigned or transferred without the written consent of Grantor except in the event Grantee transfers ownership of Grantee's property with the Airpark.

10. Rules and Regulations: Grantee shall comply with rules and regulations concerning the Airport that Grantor may establish from time to time.

TO HAVE AND TO HOLD the above described easement unto the Grantee, Grantee's successors and assigns forever.

Grantor does covenant that it is seized of said premises in fee simple and that Grantor has the right to grant this easement for the purposes set forth herein, that Grantor will warrant and defend title to said property thus conveyed against the lawful claims of all persons whosoever except as to those exceptions stated herein. Title to the property hereinabove described is subject to easements, restrictions, rights of way and other matters of record.

IN TESTIMONY WHEREOF, Grantor has duly executed and sealed this document and deed this the day and year first above written.

COUNTY OF CURRITUCK, NORTH CAROLINA

By: _____

Name: _____

Title: _____

STATE OF _____
COUNTY/ CITY OF _____

I, _____ a Notary Public of the County/City of _____ and State aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is _____ of the County of Currituck, North Carolina, and that by authority duly given and as the act of the county, the foregoing instrument was signed in its name by its _____, sealed with its corporate seal, and attested by himself (or herself) as its _____.

Witness my hand and notarial seal this the _____ day of _____, 2014.

NOTARY PUBLIC

Printed Name _____

(AFFIX NOTARY SEAL)

My Commission expires: _____

BRADY LANDING AIR PARK PROPERTY OWNERS ASSOCIATION, INC.

By: _____
President

ATTEST:

Secretary
(CORPORATE SEAL)

STATE OF _____
COUNTY/ CITY OF _____

I, _____ a Notary Public of the County/City of _____ and State aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is _____ of Brady Landing Air Park Property Owners Association, Inc., and that by authority duly given and as the act of the county, the foregoing instrument was signed in its name by its _____, sealed with its corporate seal, and attested by himself (or herself) as its _____.

Witness my hand and notarial seal this the _____ day of _____, 2014.

NOTARY PUBLIC

Printed Name

(AFFIX NOTARY SEAL)

My Commission expires: _____



Currituck County Agenda Item Summary Sheet

Agenda Item Title

Consideration and Approval of Resolution Authorizing Disposal of Personal Property Located at 167 Maple Road, Maple, North Carolina

Brief Description of Agenda Item

The county is owner of a house and lot located at 167 Maple Road adjacent to Currituck County Regional Airport. Also located on the property is a 1,440 square foot workshop or out building. The county has received an offer from Carol Frazier, 175 Maple Road, in the amount of \$1,000.00 to acquire the building and remove it from the county's property. Should the Board wish to accept Ms. Frazier's offer to purchase the building, the attached resolution is the first step for publication of the offer received and a period during which others may upset the bid with a higher offer. The resolution further provides that if there are no other offers then the county will convey the building to Ms. Frazier.

County staff has not identified a county need for the building.

Board Action Requested

Action

Person Submitting Agenda Item

Ike McRee, County Attorney

Presenter of Agenda Item

**RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
AUTHORIZING DISPOSAL OF PERSONAL PROPERTY PURSUANT
TO N.C. GEN. STAT. §160A-269**

WHEREAS, the County of Currituck owns a two (2) story conventional wooden garage/work shop with 1,440 square feet of habitable space located on county property at 167 Maple Road, Maple, North Carolina 27956; and

WHEREAS, N.C. Gen. Stat. §160A – 269 permits the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above, for the amount of \$1000.00, submitted by Carol Frazier of 175 Maple Road, Maple, North Carolina 27956; and

WHEREAS, Carol Frazier has paid the statutorily required five percent (5%) deposit on her offer;

NOW, THEREFORE, BE IT RESOLVED by the County of Currituck Board of Commissioners that:

Section 1. The Board of Commissioners authorizes sale of the property described above through the upset bid procedure set forth in N.C. Gen. Stat. §160A – 269.

Section 2. The Clerk to the Board of Commissioners shall cause notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms established by this resolution under which the offer may be upset.

Section 3. Any person may submit an upset bid to the Office of the Clerk to the Board of Commissioners within ten (10) days after the notice of sale is published. Once a qualifying higher bid has been received, that bid will become the new offer.

Section 4. If a qualifying higher bid is received, the Clerk to the Board of Commissioners shall cause a notice of upset bid to be published, and shall continue to do so until a ten (10) day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.

Section 5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

Section 6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified

check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The county will return the deposit of the final high bidder at closing.

Section 7. The terms of the final sale are that:

- a. The Board of Commissioners must approve the final high offer before the sale is closed, which it will do within thirty (30) days after the final upset bid period has passed, and
- b. The buyer must pay with cash at the time of closing.

Section 8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

Section 9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property to Carol Frazier.

ADOPTED this 6th day of October, 2014.

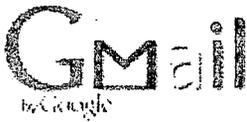
ATTEST

COUNTY OF CURRITUCK

Leeann Walton
Clerk to the Board of Commissioners

S. Paul O'Neal
Chairman of the Board

(COUNTY SEAL)



Carol Frazier <cfrazier@currituck.k12.nc.us>

Process for sale

1 message

Sandee Salimbene <Sandee.Salimbene@currituckcountync.gov>

Thu, Aug 28, 2014 at 12:05
PM

To: "cfrazier@currituck.k12.nc.us" <cfrazier@currituck.k12.nc.us>

Carol,

As the initial offeror, you will have to send your written bid to the Board of Commissioners along with your deposit (cash, a cashier's check or a certified check) for five (5%) of your bid. The bid should be mailed or dropped off to:

Clerk to the Board of Commissioners

Leeann Walton

153 Courthouse Road, Suite 204

Currituck, NC 27929

If the Board accepts the offer, the process will begin for the upset bid. If no other bids come in during the public notice your deposit will be returned and you will have to pay the full amount in cash.

Thanks,

Sandee Salimbene

Paralegal

Currituck County

153 Courthouse Road

Suite 210

Currituck, NC 27929

Phone: 252-232-0300 Ext. 4003

Facsimile: 252-232-3551

**Currituck County Board of
Commissioners**

Attention: Leeann Walton
Clerk to the Board of
Commissioners

153 Courthouse Road, Suite 204
Currituck, NC 27929

252.232.0300 Ext. 4003

9/15/2014

Carol Frazier

175 Maple Road
Maple, NC 27956

Currituck County Board of Commissioners,

My husband and I would like to offer a bid for the county owned shop located behind the home at 167 Maple Rd which is adjacent to our property. Our intent is to purchase the shop and move the building onto our property. Our offer for this purchase is \$1,000 as the expenses involved in moving this building will cost approximately \$17,000. Thank you in advance for your consideration of this offer and in saving a county owned building which is quickly falling into a state of disrepair.

Sincerely,

Carol Frazier
Chester Frazier

Carol and Chester Frazier

167 Maple Rd.
Maple, NC 27956







Currituck County Agenda Item Summary Sheet

Agenda Item Title

Consideration & Action: Fuel Farm upgrade and rehabilitation, Currituck County Regional Airport

Brief Description of Agenda Item

The Currituck County Regional Airport is requesting the Board of Commissioners to approve and sign a Grant Agreement with the North Carolina Department of Transportation – Division of Aviation (NCDOT-A) to utilize \$35,756 of Currituck County Regional Airports non-primary entitlement money from the Federal Aviation Administration (FAA) – also known as “Vision 100 grant” – to conduct a wholesale improvement and upgrade of the airport’s fuel farm. Currituck County will be required to provide a 10% match of these Federal dollars in cost share.

Prior to the grant application process, Airport staff requested bids from 4 reputable fuel servicing firms in the region, selecting OESSCO Inc of Chesapeake as the lowest responsible bidder. Work to be done includes the installation of new pumps, hoses, grounding wires, signage, paint, cleansing and water removal from the JetA fuel tank, and installation of a new high pressure single-point system on the JetA tank to improve the safety and efficiency of refueling the fuel truck.

The work is expected to be completed within 60 days of the contract signature, with minimal disruption to refueling services and based activities at the Airport.

Board Action Requested

Action

Peter Bishop, Director of Economic Development – if required

Presenter of Agenda Item

Peter Bishop – if required



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

September 16, 2014

Mr. Daniel Scanlon, II, Manager
Currituck County
153 Courthouse Rd. Suite 101
Currituck, NC 27929

Dear Mr. Scanlon:

Enclosed are State Aid to Airports Block Grant agreements for the funding of your Non Primary Entitlement (NPE) Grant Project 36237.8.10.1 (Fuel System Improvements & Upgrades). The appropriate governmental body must execute these agreements. Upon completion, both original copies of the agreement must be returned to this office. Please remember that all signatures and seals must be original and not reproduced copies. The Department will fill in the date on the first page of the agreement once the Deputy Secretary of Transit signs the documents.

Please note the signature pages are pages 3 and 4 of the agreement. Once the Department has executed the grant agreements, one copy will be returned to you for your files.

Should you have any questions, please do not hesitate to contact me or your Airport Project Manager Phil Lanier.

Sincerely,

A handwritten signature in black ink that reads "Nancy C. Seigler".

Nancy C. Seigler
Grants Administrator

NCS/cae

Enclosures

BLOCK GRANT AGREEMENT
NON PRIMARY ENTITLEMENT FUNDING

STATE AID TO AIRPORTS BLOCK GRANT
BETWEEN
THE N. C. DEPARTMENT OF TRANSPORTATION,
AN AGENCY OF THE STATE OF NORTH CAROLINA
AND
CURRITUCK COUNTY

AIRPORT: **CURRITUCK COUNTY**
REGIONAL

PROJECT NO: **36237.8.10.1**

THIS AGREEMENT made and entered into this the _____ day of _____, 20____, by and between the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (hereinafter referred to as "Department") and **CURRITUCK COUNTY**, the owners of the **CURRITUCK COUNTY REGIONAL AIRPORT** (hereinafter referred to as "Sponsor").

WITNESSETH

WHEREAS, Chapter 63 of the North Carolina General Statutes authorizes the Department to administer a program of State Aid to Airports, subject to the limitations stated in that Chapter; and

WHEREAS, the Department has received the approval of the Federal Aviation Administration to administer certain Airport Improvement Program Funds in North Carolina under the provisions of the *FAA Modernization and Reform Act of 2012*; and

WHEREAS, the Department has approved a grant of funds to the Sponsor under the State Block Grant Program Non Primary Entitlement funds.

NOW THEREFORE, the Department and the Sponsor do hereby mutually agree as follows:

1) That the approved scope of this project shall consist of:

FUEL SYSTEM IMPROVEMENTS & UPGRADES

2) That the Grant of funds shall include maximum funding obligations for federal funds which shall be:

State Block Grant NPE Program: \$35,756 (not to exceed 90% of the final total costs)

3) That the funding obligations referenced in (2) above shall be the maximum obligations based on the final cost of eligible work items in the approved project, as certified by the Sponsor

4) That the Sponsor shall promptly undertake the Project and complete all work on the Project no later than **JULY 1, 2015**, unless a written extension of time is granted by the Department.

- 5) That all work performed on the Project shall conform to the approved scope of work referenced in this Agreement. Any amendments or modifications to the approved scope of work, approved grant amounts, or this Agreement shall not be authorized by the Department unless they are contained in a written modification to this Agreement and fully executed by both the Sponsor and the Department.
- 6) Debarment and Suspension: The Grantee agrees to comply, and assures the compliance by each of its third party contractors and subrecipients at any tier, with the provisions of Executive Orders Nos. 12549 and 12689, "Debarment and Suspension," 31 U.S.C. § 6101 note, and U.S. DOT regulations on Debarment and Suspension at 49 C.F.R. Part 29.
- 7) The Sponsor certifies that it has adhered to all applicable laws, regulations, and procedures in the application for and Sponsor's approval of this Grant.
- 8) For a material breach of this Agreement or the Sponsor's Assurances, the Sponsor shall be liable to the Department for the return of all grant monies received.
- 9) The Sponsor agrees to adhere to the standards and procedures contained in the State Aid to Airports Program Guidance Handbook (third edition, dated January 1997), unless the Department issues a written waiver to the contrary.
- 10) The Sponsor agrees to adhere to and be bound by the Grant Assurances of the Federal Aviation Administration, said Grant Assurances contained in Appendix I of this Grant Agreement. Further, the Sponsor agrees that it shall be responsible to the Federal Aviation Administration, or its designated agent, for enforcement of such Grant Assurances including any penalties, sanctions, or other actions which may be legally enforceable for lack of compliance with said Grant Assurances.
- 11) The Sponsor agrees to comply with the "Sponsor Assurances" contained as part of this Agreement.
- 12) N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this grant agreement, you attest, for your entire organization and its employees or agents that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

IN WITNESS WHEREOF, THE PARTIES HERETO EXECUTED THIS GRANT AGREEMENT THE DAY AND YEAR FIRST WRITTEN ABOVE:

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION:

NCDOT SEAL

BY: _____

Deputy Secretary for Transit

ATTEST: _____

SPONSOR:

SIGNED: _____

TITLE: _____

SPONSOR SEAL

ATTEST: _____

STATE OF NORTH CAROLINA, COUNTY OF _____

I _____, a Notary Public in and for the County and State aforesaid, do hereby certify that _____ personally came before me this day and acknowledged that he is _____ of the _____ (Title) _____ (Sponsor)

(hereinafter referred to as "Sponsor" and by authority duly given and as an act of said Sponsor, the foregoing instrument was signed by him, attested by _____ of the Sponsor, and the (Name and Title)

Seal of the Sponsor affixed hereto.

WITNESS my hand and Notarial Seal, this the _____ day of _____, 20_____.

Notary Public (Signature)

My Commission expires: _____

SEAL

RESOLUTION

A motion was made by _____ and seconded by _____
(Name and Title)

_____ for the adoption of the following resolution, and upon
(Name and Title)

being put to a vote was duly accepted:

WHEREAS, a Grant in the amount of \$35,756 has been approved by the Department based on total estimated cost of \$39,729; and

WHEREAS, an amount equal to or greater than ten percent (10%) of the total estimated project cost has been appropriated by the Sponsor for this Project.

NOW THEREFORE, BE AND IT IS RESOLVED THAT THE _____
(Title)

of the Sponsor be and he hereby is authorized and empowered to enter into a Grant Agreement with the Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.



I, _____ of the
(Name and Title)

_____ do hereby certify that
(Sponsor)

the above is a true and correct copy of an excerpt from the minutes of the _____ of a meeting
(Sponsor)

duly and regularly held on the _____ day of _____, 20_____.

This, the _____ day of _____, 20_____.

SPONSOR SEAL

Signed: _____

Title: _____

Of The: _____

SECTION A: SPONSOR'S ASSURANCES: GENERAL CONDITIONS

A-1. The Sponsor certifies that it holds fee simple title to the property on which this project is to be constructed. In the event any work is proposed on property which has an easement or lease in the Sponsor's name, the Sponsor agrees that it will comply with the Department's conditions and receive written approval prior to any construction on such lease or easements. This condition does not apply to planning projects.

A-2. The Sponsor agrees to operate the Airport for the use and benefit of the general public and shall not deny reasonable access to public facilities by the general public.

A-3. The Sponsor agrees to operate, maintain, and control the Airport in a safe and serviceable condition for a minimum of twenty (20) years following the date of this Agreement and shall immediately undertake, or cause to be undertaken, such action to correct safety deficiencies as may be brought to its attention by the Department.

A-4. The Sponsor agrees that any land purchased, facilities constructed, or equipment acquired under this Agreement shall not be sold, swapped, leased or otherwise transferred from the control of the Sponsor without written concurrence of the Department.

A-5. The Sponsor agrees that the state share of any land purchased, facilities constructed, or equipment acquired under this Agreement shall be credited to the Department in a manner acceptable to the Department in the event such land, facilities or equipment are subsequently disposed of through sale or lease.

A-6. Insofar as it is within its power and reasonable, the Sponsor shall, either by the acquisition and retention of property interest, in fee or easement, or by appropriate local zoning action, prevent the construction of any object which may constitute an obstruction to air navigation under the appropriate category of Federal Air Regulation Part 77, 14 CFR 77.

A-7. Insofar as it is within its power and reasonable, the Sponsor shall, restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and taking off of aircraft and the noise produced by such operations by adoption of zoning laws, by acquisition and the retention of property interest, in fee or easement.

A-8. Terminal building spaces constructed under this Grant Agreement shall be for the use of the general public. The Sponsor agrees that it will not use any space so constructed for private use, or charge fees for the use of such space, without the written approval of the Department.

SECTION B: SPONSOR'S ASSURANCES: PROJECT ADMINISTRATION

B-1. The Airport shall comply with all requirements of the State Aid to Airports Program Guidance Handbook (third edition, January 1997).

B-2. It is the policy of this State, to encourage and promote participation by disadvantaged minority owned and women owned businesses (MBE and WBE) in contracts let by the Department pursuant to GS 136-28.4 for the planning, design, preconstruction, construction, alteration, or maintenance of State transportation infrastructure construction, and in the procurement of materials for these projects. All State agencies, institutions, and political subdivisions shall cooperate with the Department of Transportation and among themselves in all efforts to conduct outreach and to encourage and promote the use of disadvantaged minority owned and women owned businesses in these contracts. This is designed to ensure minority MBEs and WBEs have maximum opportunity to participate in performance of NCDOT contracts let using state funding. The sponsor assures and certifies with respect to this grant that they will pursue these requirements as stipulated by the Department in the advertising, award and administration of all contracts, and require the same for all contractors, sub recipient or subcontractors.

MBE/WBE program is governed by G.S. 136-28.4 and administered in accordance with Title 19A Chapter 02 SubChapter D Section .1101 - .1112 of North Carolina Administrative Code (19A NCAC 02D.1101).

B-3. The Sponsor shall submit draft plans and specifications, or approved alternate, for the project for review by the Department prior to advertising for bids on the Project. Should bids not be required on the project, the Sponsor shall submit a detailed scope of work and estimated costs prior to requesting "Project Concurrence and Notice to Proceed" form (AV-CONCUR/AV-503) for undertaking the project. All plans (and alternate) shall be supported by engineer's report. A list of deliverable(s) from the Sponsor to the Department is as follows:

Planning Projects

1. Interim Planning Submittals – All Airport Layout Plan Sheets, Reports, Projections, Construction Cost Estimate, drawings, sketches and all other pertinent information – electronic copy: PDF format. Paper copy, if requested: bond copy – true half-size.
2. Final Submittal - All Airport Layout Plan Sheets, Reports, Projections, Construction Cost Estimate, drawings, sketches and all other pertinent information – electronic copies: PDF format and AutoCAD or MicroStation format - Paper copy: bond– true half-size for plan sheets / sketches
 - a. All reports, projections – PDF Format. Any element of the documents shall be delivered in its original electronic format (i.e. MSWord, Excel, AutoCAD...) if requested by the Department
 - b. Sketches and drawings – electronic copies: PDF format and AutoCAD or MicroStation format - Paper copy: bond – true half-size for plan sheets / sketches.

Construction Projects

1. Interim Design Submittals (i.e. 30%, 60%, 90%...) – Plan Sheets, Technical Specifications, Itemized Construction Cost Estimate and Engineers Report – electronic copy: PDF format. Paper copy, if requested: bond true half-size for plan sheets.
2. 100% Design and Issue for Bid Submittals – Plan Sheets, Technical Specifications, Itemized Construction Cost Estimate, Engineer's Report, and Bid Tab – Any element of the documents shall be delivered in electronic format (i.e. MS Excel and PDF format) and AutoCAD or MicroStation format and Paper copy: bond– true half-size for plan sheets.
3. As-built / Record Drawings
 - a. Contract Documents (Plan and Detail Sheets, Technical Specifications) – electronic copies: PDF format and AutoCAD or MicroStation format and Paper copy: bond– true half-size for plan sheets.
 - b. Technical Specifications – electronic copies: MS Word File and PDF format
 - c. Final Engineers Report – electronic copies: PDF format unless otherwise requested.

B-4. Bids will be taken in accordance with N. C. General Statute 143-129. Following bid opening or final contract negotiations, the Sponsor shall submit the "Project Concurrence and Notice to Proceed" (AV-CONCUR/AV-503) request along with the bid tabulations to the Department for review. The Department will take action on the request including the approval or disapproval of the Sponsor's Employment of specific contractors within ten (10) days of receipt. Approval will be communicated via a Contract Goal Requirements Letter sent directly to the Sponsor.

B-5. All contractor(s) who bid or submit proposals for contracts in connection with this project must submit a statement of non-collusion to the Sponsor.

B-6. The Sponsor shall not commence construction or award construction contracts on the project until a written "Project Concurrence and Notice to Proceed" (AV-CONCUR/AV-503) is co-signed by the Sponsor's Representative and the Department or alternate written approval is provided by the Department.

B-7. The Sponsor shall submit quarterly status reports (AV-STATUS/AV-502) to the Department, unless otherwise instructed, and will immediately notify the Department of any significant problems which are encountered in the completion of the project.

B-8. The Sponsor shall notify the Department of any significant meetings or inspections involving the Sponsor, his contractor(s), consultant(s), and/or federal funding agencies concerning Project.

B-9. The Sponsor shall notify the Department within thirty (30) days of completion of all work performed under this agreement for the purpose of final acceptance inspection and completion of audit requirements by the Department.

B-10. The Sponsor has full responsibility for assuring the completed Project meets the requirements of the Department and appropriate federal funding agencies. The Sponsor further certifies that all local, state, and federal requirements for the conduct of this Project shall be met.

B-11. It is the policy of the Department not to award contracts to contractors who have been removed from the Department's list of pre-qualified bidders without subsequent reinstatement. Therefore, no State funds will be provided for any work performed by the contractor(s), or sub-contractor(s) which had been removed from the Department's list of pre-qualified bidders without subsequent reinstatement as of the date of the signing of the construction contract. It shall be the responsibility of Sponsor to insure that only properly qualified contractors are given construction contracts for work.

SECTION C: SPONSOR'S ASSURANCES: PROJECT ACCOUNTING AND PAYMENT

C-1. The Sponsor shall record all funds received under this Agreement and shall keep the same in an identifiable Project account. The Sponsor, and his contractor(s) and/or consultant(s), shall maintain adequate records and documentation to support all Project costs incurred under this Grant. All records and documentation in support of the Project costs must be identifiable as relating to the Project and must be acceptable costs only. Acceptable costs are defined as those costs which are acceptable under "Federal Acquisition Regulations 1-31.6, 48 CFR (OMC Circular A-87)". Acceptable items of work are those referenced in the State Aid to Airports Program Guidance Handbook and North Carolina General Statutes. The Sponsor's accounting procedures which were established for work as set out in this Agreement must be reviewed and accepted by the Department prior to the final execution of this Agreement and payment of State funds, except for Sponsor reporting under OMB Circular A-133.

C-2. The Sponsor and his contractor(s) and/or consultant(s) shall permit free access to its accounts and records by official representatives of the State of North Carolina. Furthermore, the Sponsor and contractor(s) and/or consultant(s) shall maintain all pertinent records and documentation for a period of not less than five (5) years from the date of final payment.

C-3. In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" (www.whitehouse.gov/wh/eop/omb), the Airport shall arrange for an independent financial and compliance audit of its fiscal operations. The Airport shall furnish the Department with a copy of the independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Airports fiscal year ends.

The Airport shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Airport shall make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of final payment under this agreement, for inspection and audit by the Department's Fiscal Section

C-4. Payment of the funds obligated under this Grant Agreement shall be made in accordance with the following schedule, unless otherwise authorized by the Department:

A. Payments from NCDOT to the Sponsor are made on a reimbursement basis. The Sponsor must pay all contractors/vendors prior to or within 3 business days of receipt of the Department's reimbursement.

B. Payments will be made on the basis of progress payments which may be requested by the Sponsor as costs are incurred, but not more frequently than monthly. Progress payments will be made provided the following requirements have been met.:

(1) The Grant Agreement has been executed and a Project Concurrence (AV-CONCUR/AV-503) issued.

(2) The Project has received an appropriate environmental finding.

(3) The Sponsor has submitted a Proposed Project Budget (AV-BUDGET/AV-504) accurately reflecting costs to date. The initial and revised AV-BUDGET/AV-504 shall be approved by the Department. With each AV-BUDGET/AV-504, the Sponsor shall provide the following documentation:

a) Scope of Services for the project, Consultant Fee - Man-hours Breakdown by task with hourly rates, Breakdown of Sub-consultant and / or Vendor Cost, Schedule of Deliverables, Estimated Construction Cost, Plan Sheet List

b) Actual Bidding Cost (once a project is bid) – Bid Tabulation / Bid Schedule, Recommendation for Award.

(4) Additional information shall be provided as requested.

(5) The Sponsor has submitted an executed Interim Payment Request (AV-PAY/AV-505) accurately reflecting costs incurred to date.

(6) The Sponsor has complied with all applicable conditions of the State Aid to Airports Program Guidance Handbook

C. The submission of progress payments is expected to parallel the value of work actually completed and costs incurred. At such point the Sponsor has requested payments equaling 100% of the State Grant, it is expected that the approved Project will be 100% complete.

D. Upon receipt of 100% of the State Grant, the Sponsor will promptly complete Project acceptance and submit the Project Completion and Final Payment Request (AV-FINAL/AV-506).

C-5. If after the acceptance of the Project by the Department, the final State share of approved eligible items is less than the amount of State funds actually disbursed for the Project, the Sponsor shall reimburse the Department in an amount equal to the difference between the amount of State funds actually disbursed and the final State share of the final, audited, approved eligible Project costs within thirty (30) days of notification by the Department of the amount due.

C-6. If after the acceptance of the Project by the Department, the final State share of approved eligible Project costs shall be more than the amount of State funds obligated for the Project, the Sponsor may make application to the Department for a corresponding increase which will be considered for funding in accordance with their relative priority versus other applications for available State funds.

C-7. Under certain conditions, projects originally involving only state and local funds may subsequently be eligible for reimbursement from federal funding agencies. In such cases, the Sponsor shall notify the Department of its intent to apply for federal reimbursement and shall keep the Department informed of the status of such application. In the event federal funds are obtained for all or a portion of the Project, the Sponsor shall refund to the Department an amount equal to the difference between State funds originally disbursed for the work item(s) subsequently receiving federal funds and the final State share of the costs of the affected item(s) of work. Reimbursement will be made within ninety (90) days of the date of the final execution of the FAA Grant Agreement affecting the work elements in the approved Project.

C-8. For the purpose of calculating the State share of the Project, federal funds are defined as funds provided by an agency of the federal government for the specific purpose of undertaking the Project, including Block Grant funds administered by the Department.

SECTION D: SPONSOR'S ASSURANCES: REAL PROPERTY ACQUISITION

D-1. The acquisition of land, buildings, and other real property involving the use of State Airport Aid funds shall be in compliance with the provisions of this Section.

D-2. The Sponsor shall depict each parcel to be acquired on an airport property map containing the identity of the parcel and its metes and bounds.

D-3. The acquisition cost of each parcel, building, or other real property acquired with State financial assistance shall be based on the fair market value of the property as determined by an appraisal process acceptable to the Department.

D-4. For each parcel or building with an estimated cost of \$100,000 or less, fair market value shall be established by a single original appraisal and a review appraisal. For complex acquisitions, fair market value shall be established by two original appraisals and one review appraisal.

D-5. All original and review appraisals shall be conducted by qualified appraisers who have no financial or other interest in the property to be acquired.

D-6. The fair market value of a parcel will be established by the review appraiser based upon the information contained in the original appraisal or appraisals.

D-7. No negotiation for property acquisition shall be commenced between the Sponsor and the property owner until the fair market value of the property has been established. Initial negotiations shall be based upon the fair market value.

D-8. Negotiated values above the fair market value shall not be eligible for State funds unless, prior to the final agreement for acquisition, the Sponsor has received the concurrence of the Department for paying such negotiated values in lieu of the appraised fair market value.

D-9. Sponsors who adhere to the federal "Uniform Guidelines for the Acquisition of Property" shall be deemed to have conformed to the Department's guidelines, except that Paragraph 8 above shall also be applicable under such acquisitions.

D-10. In the event the Project is a low value, non-complex acquisition, the Department, at its option, may accept the original appraisal without the review appraisal. In such cases, all other provisions of this Section shall apply.

D-11. Failure to follow the requirements of this Section shall disqualify the property from State participation for any parcel which has not been acquired in accordance with such standards.

SECTION E: Sponsor's Acknowledgement of Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32

E-1 Sponsor acknowledges and agrees that it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who:

- (1) have a contract with a governmental agency; or
- (2) have performed under such a contract within the past year; or
- (3) anticipate bidding on such a contract in the future.

For additional information regarding the specific requirements and exemptions, vendors and contractors are encouraged to review Executive Order 24 and G.S. Sec. 133-32.

Revised 1/2/13



Currituck County Agenda Item Summary Sheet

Agenda Item Title

Board Appointments

Brief Description of Agenda Item

Nominations for Appointments to Advisory Board vacancies:
Tourism
Whalehead Trust
Library

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Consent Agenda

WHALEHEAD PRESERVATION TRUST BOARD OF DIRECTORS
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Cliff Scott	District 1	*	Aydlett	6/3/2013	2nd Term 5/1/2016
				Eff. 5/1/2010	
Andy Newbern*	District 2	*	Griggs	3/1/2010	1st Term 5/1/2015
				Eff. 5/1/2010	
Carl Ross	District 3	*	Petrey	10/3/2011	1st Term 5/1/2016
				Eff. 5/1/2010	
Jeanne Meiggs	District 4	*	McCord	3/1/2010	1st Term 5/1/2016
				Eff. 5/1/2010	
Steven Kesler	District 5	*	Gilbert	3/1/2010	1st Term 5/1/2016
				Eff. 5/1/2010	
Don Cheek	At-Large	*	Martin	6/3/2013	1st Term 5/1/2016
				Eff. 5/1/2013	
Sharon Twiddy	At-Large	*	O'Neal	3/1/2010	1st Term 5/1/2015
				Eff. 5/1/2010	
Travis Morris		**	**	6/3/2013	2nd Term 5/1/2016
				Eff. 5/1/2013	
Penny Leary-Smith		**	**	6/3/2013	1st Term 5/1/2016
				Eff. 5/1/2010	
		**		6/3/2013	Unexpired Term
				Eff. 5/1/2010	
Kimberlee Hoey		**		3/1/2010	1st Term 5/1/2015
				Eff. 5/1/2010	

***Needs Replaced**

Commissioner Griggs

* 7 Members Must Be County Residents

** 4 Members May Be Non-Residents

TOURISM ADVISORY BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Jay Bender	District 1		Vance Aydlett	Appointed 12/2/2013	1st Term November 2015
Wanda Beasley	District 2		David Griggs	Appointed 2/18/2013	1st Term November 2015
Ted Jagucki	District 3		Butch Petrey	Appointed 11/21/11	1st Term November 2014
Paul Robinson*	District 4		Paul Beaumont	Reappointed 11/21/11	2nd Term November 2014
Janice Farr	District 5		Marion Gilbert	Appointed 7/2/12	1st Term June 2015
Mike Martine	At-Large		Paul Martin	Appointed 12/3/12	1st term November 2015
Leslie Daughtry	At-Large		Paul O'Neal	Appointed 1/3/2012	1st Term January 2015

Commissioner Beaumont-To fill unexpired term

LIBRARY BOARD OF TRUSTEES
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Shelly Haskell	District 1		Vance Aydlett	6/17/2013	1st 6/30/2017
Deborah Mountain	District 2		David Griggs	1/24/2014	1st 6/30/2015
Colleen Umphlett	District 3		Butch Petrey	6/17/2013	1st 6/30/2017
Joanne DiBello	District 4		Paul Beaumont	6/17/2013	2nd 6/30/2016
Lisa Rose	District 5		Marion Gilbert	6/17/2013	2nd 6/30/2015
George Gregory	At-Large		Paul Martin	6/17/2013	2nd 6/30/2017
Tom Oakes	At-Large		Paul O'Neal	8/2014	1st 6/30/2016

****To Be Replaced**



Currituck County Agenda Item Summary Sheet

Agenda Item Title

Approval of Minutes

Brief Description of Agenda Item

Approval of minutes for Regular meeting of the Board of Commissioners, September 15, 2014.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Consent Agenda



**CURRITUCK COUNTY
NORTH CAROLINA**

September 15, 2014
Minutes
Meeting of the Board of Commissioners

The Board of Commissioners met in the Historic Courthouse Conference Room at 5:30 PM for a Work Session presented by the Planning and Inspections Department to discuss drainage certifications and emphasize requirements and modifications to certifications for culverts and ditches. A powerpoint, along with discussion, addressed problems contractors could face based upon varying soil types found within different areas of the County and tools they can use to determine whether soil engineering is necessary.

Eileen Wirth, Project Coordinator, continued the Work Session in the Board Meeting Room with a presentation on the Corolla Multi-Use path. The purpose was to aid the Board in determining on which side of Highway 12 the new path should be constructed. Wayfinding signage for Corolla was also discussed as part of the Work Session. After listening to the pros and cons of East side or West side, Commissioner Petrey moved for the multi-use path to proceed on the East side of NC 12 from Timbuck II shopping center to the Currituck County line. Commissioner Aydlett seconded and the motion carried unanimously.

The Board of Commissioners met at 7:00 PM for a regularly scheduled meeting in the Board Meeting Room of the Historic Courthouse with the following members present: Board Chairman Paul O'Neal and Commissioners Gilbert, Aydlett, Petrey and Griggs. Staff included County Manager Dan Scanlon, County Attorney Ike McRee and Planning Director Ben Woody.

Chairman O'Neal called the meeting to order at 7 PM, announced the earlier Work Session and recognized the absence of Vice-Chair Paul Martin and Commissioner Beaumont..

A) Invocation

Reverend Emma Jones of Living Word Outreach Ministry gave the invocation.

B) Pledge of Allegiance

Reverend Emma Jones of Living Word Outreach Ministry led us in the pledge..

C) Approval of Agenda

Commissioner Gilbert moved to approve the agenda. Commissioner Petrey seconded and the motion carried unanimously.

Approved Agenda

REVISED

Work Sessions (Work Session topics time slots were swapped from original published Agenda)

5:30 PM Soil Engineering and Drainage Certifications

6:00 PM Corolla Multi-Use Path

7:00 pm Call to Order

- A) Invocation-Reverend Emma Jones, Living Word Outreach Ministry
- B) Pledge of Allegiance-Reverend Emma Jones, Living Word Outreach Ministry
- C) Approval of Agenda
- D) Public Comment

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

Administrative Reports

- A) Recognition of Service-Mary "Kitty" Etheridge
- B) Introduction of New Director of Elections, Rachel Raper
- C) Presentation: Green Sea Blueway & Greenway Management Plan

Public Hearings

- A) **Public Hearing and Action: PB 14-15 Saddlebrook Estates** PB 14-15 Saddlebrook Estates: Request for preliminary plat/use permit for a 28 lot conservation subdivision located in Moyock on the south side of South Mills Road, directly across the street from Crown Point Estates, Tax Map 6, Parcel 1N, Moyock Township.
- B) **Public Hearing and Action: PB 14-14 CASP, Inc.** PB 14-14 CASP, Inc.: Request for a conditional rezoning of 37 acres from Light Industrial (LI) to Conditional District- Single Family Mainland (CD-SFM) on property located in Moyock on Inventors Drive which is located on the east side of Caratoke Highway, Tax Map 9, Parcels 26A And 26B, Moyock Township.
- C) **Public Hearing and Action: PB 14-06 Currituck County, Request to Amend the Unified Development Ordinance** PB 14-06 Currituck County: Request to amend the Unified Development Ordinance Chapter 2: Administration, Chapter 3: Zoning Districts, to modify the major subdivision standards to include minor subdivisions, and clarify the minimum lot size for minor subdivisions in the AG and SFI districts.

Old Business

- A) **Second Reading of Peddler's Ordinance Amendment**
- B) **Resolution to Modify the 2008 Debt for the Mainland Water System Reverse Osmosis Plant**

New Business

- A) **Board Appointments:** 1. Library Board, Whalehead Trust, Tourism Advisory Board
- B) **Consent Agenda:**
 - 1. Approval of Minutes for August 18, 2014 and Joint BOC/FEAB for VFIS Presentation, July 24, 2014.
 - 2. Budget Amendments
 - 3. CDBG Monthly Status Report
 - 4. Quote for Purchase of Tools-Knotts Island VFD
- C) **Commissioner's Report**
- D) **County Manager's Report**

Adjourn

D) Public Comment

Chairman O'Neal opened the public comment period.

Alicia McDonnell, Corolla, spoke about safety on NC 12 and how it has changed over her 27 years of home ownership in the area. She feels the bike path will help with safety and suggests the Tourism Department do educational pieces on bike and pedestrian safety on Highway 12. She recommends repainting the lines and encouraging people to use paths where available. Chairman O'Neal commented on her excellent suggestions.

John Brennan, Corolla, stated he is a new member of the Fire and EMS Advisory Board and spoke of the Corolla Fire and Rescue Cares initiative, which hopes to aid in providing education and training with businesses, obtaining reflective clothing, and encouraging businesses to utilize their resources in an effort to keep tragedy from happening. He thanked the Board for their efforts. Commissioner Aydlett asked if he was aware of any programs offered by Harris Teeter, such as rides for employees. Mr. Brennan said he would see what he could find out and will advise the Board.

Barbara Marzetti, Corolla, and President of the Corolla Civic Association, stated the multi-use path is a top priority for the citizens of Corolla, and wants to see the project fast tracked and completed within 3 years. She offered to help by perhaps working with DOT, Corolla Fire and Rescue or others and asked to let her know what she can do to help.

Deborah Caporal of Corolla said she is 100 percent behind the path and believes that it would be helpful to visitors driving on NC12 if the speed limits were more consistent.

John Caporal of Corolla said he has seen many things over the years on NC 12 causing safety concerns, particularly for kids, and talked about a recent incident of a bicyclist losing control and needing response from Fire and Rescue. He asked the County to do whatever they could to fast track the permitting process.

ET White of Chesapeake, VA, spoke of the County water hookup requirement. Mr. White stated his land is not served by County water and the requirement has devalued his property and stated last year he could get \$10,000 per acre. Mr. White appealed to the Board to look at the water requirement again. He stated the bond collection requirement is unfair if water is not coming for years, or at all. County Manager, Dan Scanlon, told Mr. White that the requirements were currently being reconsidered in Planning.

Earl Wemer, Corolla, asked the Board to fast-track the bike path and make it a priority before every other County project. Chairman O'Neal confirmed with the County Manager that there was no financing issue with the path, and the process is in the design and permitting stages.

Rick Chance of the Outer Banks Bicycle and Pedestrian Safety Coalition urged the Board to make the path happen, and urged safety education. Mr. Chance said there has been a large percentage increase in vehicular traffic in Corolla, and stated that the local population counts for 50% of accidents, even though they are only 15% of the population during the summer months. He said exchange students are at a high risk. Commissioner Petrey asked about cycling rules through intersections and crosswalks. Mr. Chance said there is a large gap in education and it needs to go both ways. Chairman O'Neal asked for resources the Coalition may have and Mr. Scanlon said that staff had attended their last meeting and will pass on what was learned.

Robin Chance stated she has been with Harris Teeter since its opening and wants the bike path expedited and more education on the website. She noted the County has many bike racks, but no place for the bikes to travel.

Mike Kondash, Corolla, talked about a free bike safety brochure distributed by the state of North Carolina and suggests distribution through our visitor centers. Mr. Kondash mentioned Mike Dutton of Dare County, who provides safety lights for his student visitors, and suggests we implement a similar program. Mr. Kondash left the brochure and samples of the lights with the County Manager.

With no one else wishing to speak, Chairman O'Neal closed the Public Comment period.

Administrative Reports

A) Recognition of Service-Mary "Kitty" Etheridge

Chairman O'Neal invited the Board to gather to recognize Mary Etheridge, who retired as Director of Elections. Chairman O'Neal presented a plaque to Ms. Etheridge and read a short bio of accomplishments and achievements during her tenure. Mr. O'Neal spoke of the high standards and integrity of our elections process and the Department under her charge. Ms. Etheridge said it was a pleasure to serve the citizens of the County and thanked the staff and Board for their support. She especially thanked the precinct workers, without whom elections could not happen. Ms. Etheridge was pleased that Rachel Raper will be taking her position as Director.

B) Introduction of New Director of Elections, Rachel Raper

Chairman O'Neal asked Rachel Raper to come to the front and introduced her as the new Director of Elections. Clerk of Court Ray Matusko administered an Oath to Ms. Raper, who stood with her husband and daughter. Ms. Raper thanked Ms. Etheridge for being the best trainer, and best precinct leader, and said she would continue the tradition of holding fair and impartial elections.

C) Presentation: Green Sea Blueway & Greenway Management Plan

Holly White, Senior Planner with Currituck County, introduced a new partnership initiative with our surrounding communities, addressing the marketing of our connected waterways for recreation, education, and ecotourism.

Mr. Clay Burnick, Virginia Beach Environment and Sustainability Administrator, introduced his staff, Calvin Jackson and Christina Brown, and proposed a plan for regional collaboration between Virginia Beach, Chesapeake and Currituck County for protection of our ecosystems and waterways while encouraging supportive economic development. The plan promotes private sector participation with its impact being improved water quality of the sounds and waterways, protection and conservation of native vegetation, and better access for recreation, tourism, and education. He explained the Green Sea and Blue Way areas refer to vegetation and waterways, and the plan's effort to market these them as a shared resource. Mr. Burnick talked about the next steps, including the development of a brand for promotional efforts, setting up a non-profit and exploring grant opportunities. First, a draft plan will be completed to be adopted by the three communities involved and a strategy developed to take it through the next five years. Mr. Burnick thanked Holly White and Ben Woody for their involvement and asked if the Board had any questions.

Commissioner Aydlett asked if the program could be expanded to include Dismal Swamp and Back Bay. He explained the water quality in Back Bay has always had a negative effect on the Currituck Sound. Mr. Burnick said the management may be difficult to sustain if they try to start out too large and Virginia Beach is writing ordinances to beef up requirements for water quality standards in Back Bay. Army Corp of Engineer involvement was discussed, and Chairman

O'Neal referred to a previously performed study that might be useful. Mr. Burnick thanked the Board and concluded his presentation.

Public Hearings

A) Public Hearing and Action: PB 14-15 Saddlebrook Estates Request for preliminary plat/use permit

Sworn testimony was given and Ben Woody, Planning Director, reviewed the request and noted the Planning Board recommended approval with conditions.

ITEM: PB 14-15 Saddlebrook Estates request for preliminary plat – use permit approval for a 28 residential lot conservation subdivision.

LOCATION: Moyock – South Mills Road, Moyock Township.

TAX ID: 0006-000-01N-0000

ZONING DISTRICT: Agricultural (AG)

PRESENT USE: Active Farmland/Wetlands

**APPLICANT/
OWNER:** Saddlebrook Estates LLC
Justin Old
422A Caratoke Highway, Suite 2
Moyock, NC 27958

ENGINEER: Bissell Professional Group
P.O. Box 1068
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Low density residential	AG
SOUTH	Farmland	AG
EAST:	Low density residential/Farmland	AG
WEST:	Farmland	AG

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Rural within the Moyock subarea. The Moyock Small Area Plan also classifies the site as Rural.

SIZE OF SITE: 56.73 acres

NUMBER OF UNITS: 28 lots

PROJECT DENSITY: 0.49 units per acre

**RECREATION AND
PARK AREA**

DEDICATION: The required recreation and park area dedication for the proposed development is .714 acres. The Technical Review Committee determined that the land dedication meets the criteria in Section 6.5.4 of the UDO; therefore, a payment in lieu of the dedication in the amount of \$3,616 shall be collected based on the land's assessed value.

UTILITIES: The proposed development will be served by a community water system and individual on-site wastewater.

I. NARRATIVE OF REQUEST:

1. The applicant is requesting preliminary plat approval and a use permit for a 28 residential lot conservation subdivision off of South Mills Road in Moyock.
2. A conservation subdivision provides additional development flexibility to build on smaller lots when additional open space set-asides are provided. The development is designed and located in a way that protects agricultural activities or natural and historic features on the site. The developer plans to conserve 61.35% of the property. The majority of the conserved land is wetlands.
3. All 28 lots will be serviced by a community well located at the northern portion of the open space along South Mills Road. A community water service area will consist of these 28 lots plus a proposed 20 lot subdivision to be known as Backwoods Reserve across the street from this proposal.
4. No lot will have a direct connection to South Mills Road. All lots will connect to an interior street.
5. Road interconnectivity is being provided to the property to the east.
6. Similar subdivisions, Crown Point Estates, Quail Pointe, and Duck Ridge, are located near this proposal.

II. QUESTION(S) BEFORE THE BOARD:

Use Permit Criteria and Staff Findings:

Use permits (UP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the UP 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 UP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. The use will not endanger the public health or safety.
Suggested Findings:
 - a. The subdivision should have little to no negative impact on public health or safety.
2. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
Suggested Findings:
 - a. The minimum lot size for the proposed development is 28,500 square feet, and is consistent with residential densities in the surrounding area.
 - b. The development should not injure the value of adjoining or abutting lands and be in harmony with the area.
3. The use will be in conformity with the Land Use Plan or other officially adopted plan.
Suggested Findings:
 - a. The UDO indicates that a Type II conservation subdivision is allowed in the AG zoning district with a use permit.

The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The policy emphasis of the Land Use Plan is for the Moyock subarea to properly manage the increased urban level of growth that this area is sure to experience. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. Clustered housing developments will need to be encouraged. The proposed use is in keeping with the policies of the Land Use Plan, some of which are:

POLICY ES2: NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species.

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.

POLICY WQ4: RUNOFF AND DRAINAGE from development, forestry and agricultural activities shall be of a quality and quantity as near to natural conditions as possible. Post-development runoff shall not exceed pre-development volumes.

The 2014 Moyock Small Area Plan also classifies this site as Rural. The policy emphasis of the Moyock Small Area Plan is to provide for low density, scattered residential, institutional, agricultural, or other traditional rural uses such as small scale farm operations. Residential densities in this designation are low at less than one unit per acre. Access to public water, fire protection, and emergency services is limited but available. The proposed use is in keeping with the policies of the Moyock Small Area Plan, some of which are:

POLICY IS 4: Ensure that stormwater runoff, soil erosion, and sedimentation is properly managed to reduce nuisance flooding and pollution of sensitive environmental areas.

POLICY CC 1: Encourage and foster development that is compatible with rural atmosphere, transitional areas, and a small town, main street feel consistent with the vision, policies, and future land use map of this plan.

4. 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 28 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 and the findings of fact, the Technical Review Committee recommends approval as noted:

1. The Needed Fire Flow (NFF) of new construction cannot exceed the available fire flow at the location. Calculations are taken from the ISO method. (Fire Marshal)
2. At construction drawing submittal, the developer may be asked to install a larger water main along South Mills Road to support future growth of the county water system. The 6" main is being installed to support the community water system to be shared by Saddlebrook Estates and Backwoods Reserve Subdivision. (Planning)
3. There is an existing 40' drainage easement along the southern property line that contains a significant drainage ditch for Crown Point Estates. There must be a 25' working area between the ditch and the start of the required farmland buffer. Tree planting alignment may need to be altered to accommodate the work area. (Soil Conservation)

IV. PLANNING BOARD RECOMMENDATION:

Mr. Craddock moved to approve PB 14-15 due to its consistency with the 2006 Land Use Plan and consistent with the goals, objectives, and policies of the Moyock Small Area Plan, and in the public interest and promotes orderly growth and development with the following condition:

- The recorded easement that runs along the southside of the property and northside of the ditch, the developer shall allow the other subdivisions to have a right to this easement be allowed to enter from Derby Drive.

Mr. Cartwright seconded the motion and motion carried unanimously.

PLANNING BOARD DISCUSSION (8/12/14)

Mr. Bissell provided an updated map which showed the conservation and development land in the subdivision. In the open space area there will be two stormwater ponds. There is an existing easement that provides drainage from Crown Point Estates into the open space. The 40' drainage easement in Crown Point will actually be within the 50' farmland buffer. The blue area in the northwest corner of the map shows the water supply wells. The community water system will go there and the state has approved it. Onsite septic systems have been approved by the health department for all the lots.

Mr. Cooper asked what the well depth is.

Mr. Bissell said around 115 feet.

Mr. Cooper asked if the drainage system will have a combination of stormwater ponds and drainage to the wetlands; or is there a main outlet leaving the property.

Mr. Bissell said there is a main outlet running along the southern property line; and the northern half of the subdivision will drain to the stormwater ponds.

Mr. Clark asked if there is any flooding that takes place on the property now.

Mr. Bissell said a couple of lots.

Mr. Craddock said that drainage would go towards the street and towards both ends of the subdivision, the east and west end, in order to get into the retention ponds.

Mr. Bissell said that is correct.

Mr. Garrett said he does not have a problem with the subdivision, but has questions about a privately owned water plant which will be controlled by the Homeowners Association. Once the plant is controlled by the Homeowners Association, does the county have the ability to force them to maintain the plant which is costly to run yearly? Mr. Garrett asked what the recovery rate on the wells is. Mr. Garrett suggested maybe a bond be required to maintain the water plant twenty years out. Mr. Garrett understood that the outlet road going across the drainage ditch was going to the Walston farm and not east. Mr. Garrett can't believe the water quality is so good that it does not require filtration.

Mr. Woody said when a developer proposes a community water system before the final plat is recorded they have to establish a water district. A water district is a political boundary which encompasses the users. The water district gives the Board of Commissioners the authority to tax these users to make necessary repairs if needed.

Mr. Cooper asked if the state is involved in any way.

Mr. Woody said this system will need to be permitted through the state.

Mr. Bissell said the state will regulate it and monthly reports to the state will be required. The state requires a water system management plan; which will have a financial plan with the operating costs, due structure, and reserves that will be required.

Mr. Garrett asked what the price range of the homes will be.

Mr. Bissell said he does not have this information.

Mr. Kennedy said he lives directly across from the subdivision in Crown Point. Mr. Kennedy is concerned that the subdivision will decrease property values, stormwater drainage, set aside land for the future widening of South Mills Road, size of lots, and not in harmony with the surrounding area.

Mr. Hanson said he is the HOA President for Crown Point representing the homeowners. Mr. Hanson said Hyman and Robey just did a survey for them and the easement which runs through the middle of the property is not on the southside of the ditch, but on the northside. This drainage ditch does go into the Guinea Mill water shed, it does not go into the marsh area, which the association does pay taxes. Mr. Hanson said access to the easement, you will see where the houses are built along this ditch and they will need access. There is a culvert where the ditch meets South Mills Road, just east of the main access to the Crown Point subdivision, this culvert needs to stay because this is how they maintain the drain. The maintenance of this drain needs to be a shared responsible. Mr. Hanson talked about the density and it would impact the value of their property. Every home in Crown Point has a filtration system because of the high levels of iron in the water. Mr. Hanson said their biggest concerns are the drainage and easement.

Mr. Elliott supports what Mr. Hanson said.

Ms. Black said she is there to represent the Rosa Walston Estate. Ms. Black said there needs to be a back-up system on South Mills Road in terms of water rate. Ms. Black said she is not confident there is enough water to supply these developments ten or fifteen years out. She does not want to raise taxes.

Mr. Bissell said they did two test wells and the water samples were suitable without filtration. The drainage design has been reviewed by the county engineering staff and Mike Doxey and approved. The drainage plan is complying with the new county stormwater rules. Mr. Bissell said

they have provided a 40' strip of land between the road and lots for future road widening. The house range will be between \$200,000 to \$300,000.

Mr. Craddock said the recorded easement that runs along the southside of the property and northside of the ditch, would the developer allow the other subdivisions that have a right to this easement be allowed to enter from Derby Drive.

Mr. Bissell said yes.

Mr. Cartwright said with the new county stormwater rules in affect you are getting a better product, than when Crown Point was done.

Mr. Hanson asked since Crown Point and the new subdivision will be sharing the ditch, what will be in place for maintaining it between the two subdivisions.

Mr. Woody said that since the new subdivision is draining into the ditch, they do have an obligation to provide maintenance.

Mr. Bissell said this can be worked out.

Mr. Cartwright asked what the typical depth of a well in Currituck is.

Ms. Glave said 30' to 45'.

Mr. Craddock said when an appraisal takes place on a piece of real estate and you have a home that is on three acres, 2,500 or 3,500 sq. ft., brick home; the appraiser will not be looking at a home that may exist across the street that is 1,800 to 2,000 sq. ft. on a half-acre lot. This would not be a good comparable. Therefore, these properties will not affect your property values negatively because you have a different type of property.

Mr. Cooper said in regards to the existing 40' drainage easement there are trees buffer in there. Is this part of the requirement?

Ms. Glave said it is an ordinance requirement.

Mr. Woody said given the information that has been received regarding the easement and Crown Points rights this needs to be reviewed by staff.

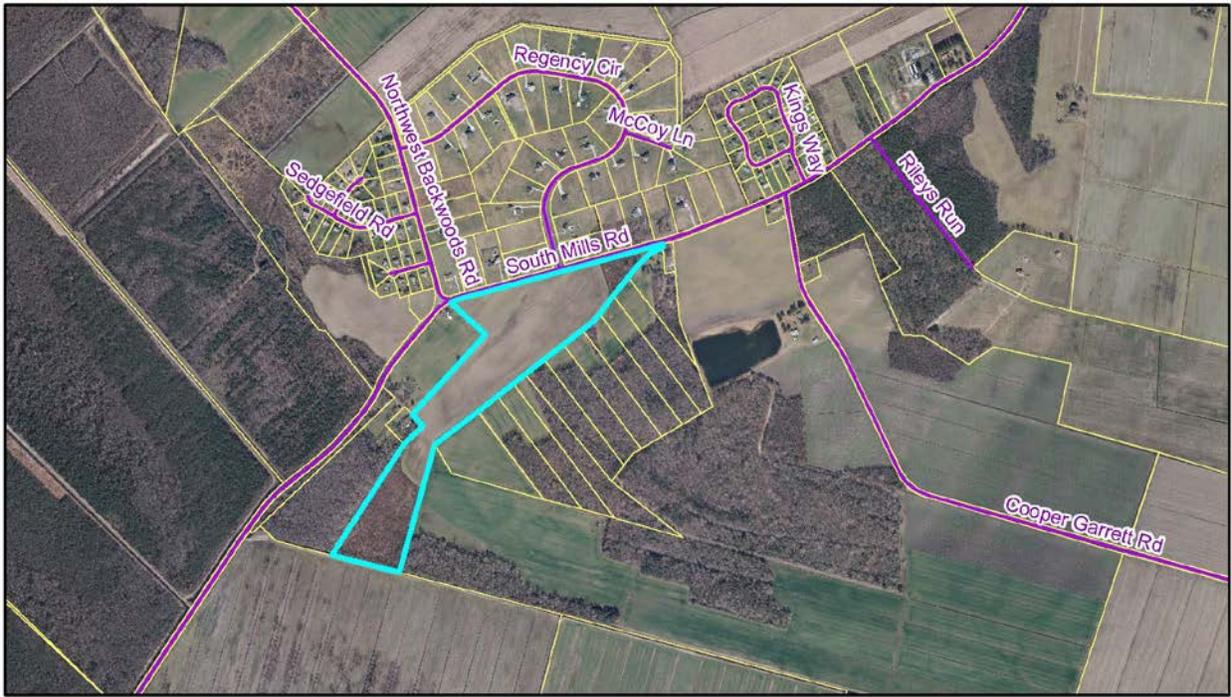
Mr. Clark closed the public hearing.

ACTION

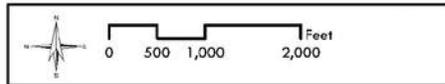
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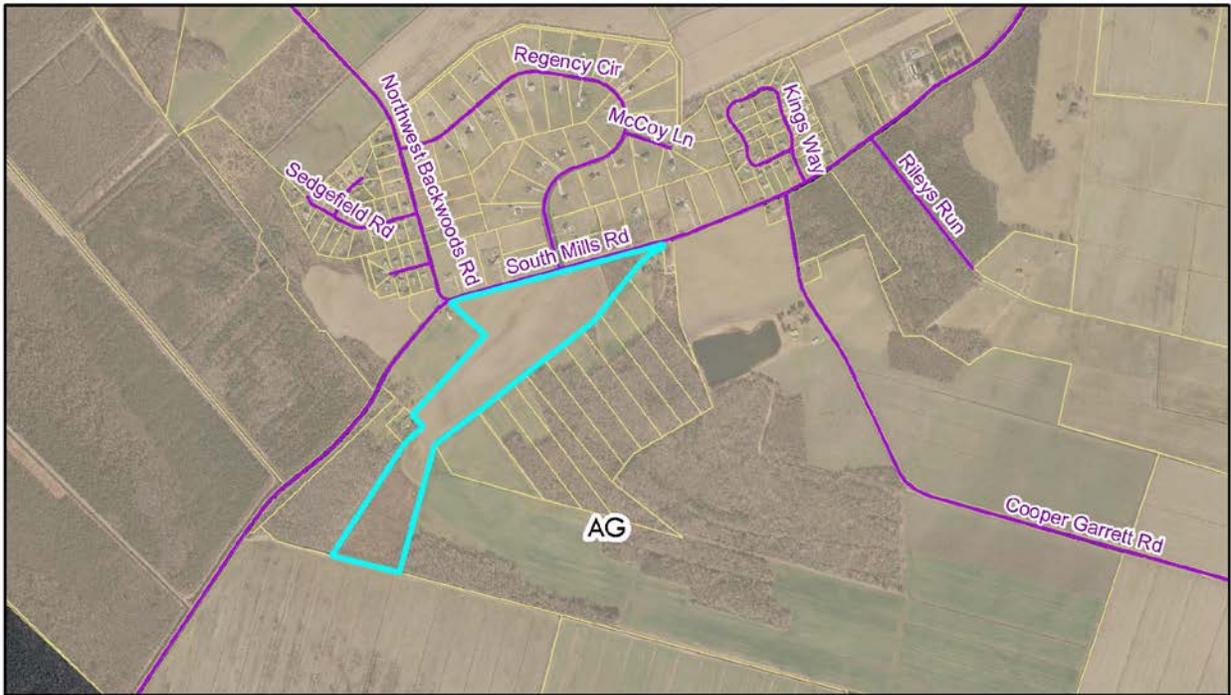
Mr. Cartwright seconded the motion and motion carried unanimously.



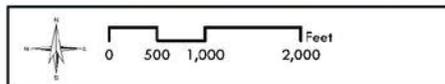
PB 14-15 Saddlebrook Estates
 Preliminary Plat - Use Permit
 2012 Aerial Photography



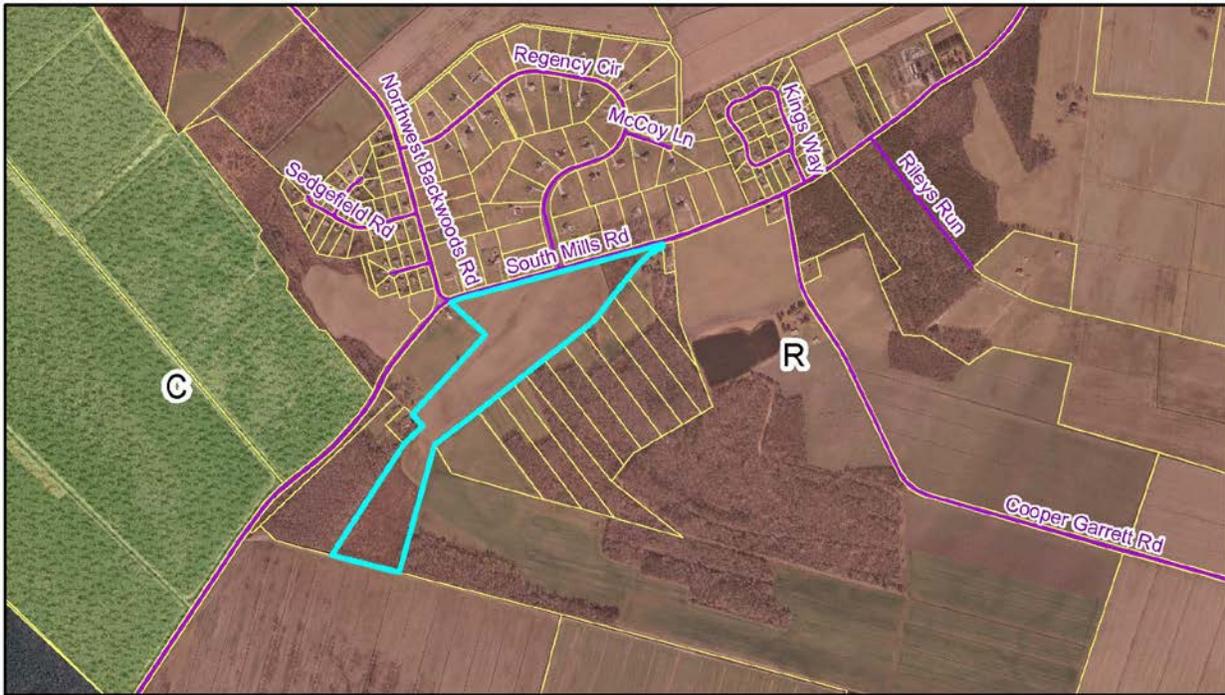
Currituck County
 Planning and
 Community Development



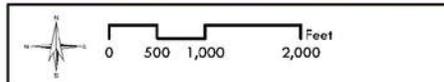
PB 14-15 Saddlebrook Estates
 Preliminary Plat - Use Permit
 Zoning



Currituck County
 Planning and
 Community Development



PB 14-15 Saddlebrook Estates
Preliminary Plat - Use Permit
Land Use Classification



Currituck County
Planning and
Community Development

To: Mark Bissell
Saddlebrook Estates, LLC
Margaret Garrett

From: Tammy Glave, Planner II

Date: July 10, 2014

Re: Saddlebrook Estates, Preliminary Plat/Use Permit, TRC Comments

The following comments have been received for the July 16, 2014 Technical Review Committee meeting. Modifications of the request must be submitted by July 21, 2014 in order to remain on the August 12, 2014 Planning Board agenda. TRC comments are valid for six months from the date of the TRC meeting.

Planning, (Tammy Glave, 252-232-6025)

Approved with comments:

1. Provide Army Corp verification letter/signed map. (Administrative Manual) (Mark notified on July 3rd of Incomplete application – if not received by July 15th, will be pulled from July 16th TRC Agenda)
2. Call out the preliminary plat as a conservation subdivision.
3. Show utility easements on each lot. Can be shown on typical lot detail. (Administrative Manual)
4. Zoning conditions do not apply to this development (see first note #5).
5. There are two “Note 5s” on the preliminary plat.
6. Label the typical lot detail as the minimum dimensional standards and call out minimum lot size.

7. Please make sure client is aware that all new utilities must be underground (UDO Section 6.2.3)
8. The county does not wish to accept the dedicated portion of land for parkland; therefore, the fee-in-lieu must be paid. Fee-in-lieu is \$3,616. (Total tax value \$287,300/56.73 acres = \$5,064 per acre x .714 (28 lots x .0255) = \$3,616)
9. No more than 24" of fill for septic system. (UDO Section 7.3.3)
10. Title development area map as such and clearly delineate the difference between primary conservation areas and secondary conservation areas. (UDO Sections 6.4.3 and 6.4.5)
11. Title conservation and development plan as such. (6.4.3)
12. For future reference, the Moyock Small Area Plan mentions that NCDOT recommends South Mills Road be widened to a four lane major thoroughfare, with paved shoulders in the Currituck County Transportation Improvements Plan.

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

Approved without comment.

Currituck County Engineer (Eric Weatherly/Michelle Perry, 252-232-6035/Currituck Soil and Water (Mike Doxey, 252-232-3360)

Approved without comment.

Currituck County Fire and Emergency Management (James Mims, 252-232-6641)

Reviewed with comment:

1. The Needed Fire Flow (NFF) of new construction cannot exceed the available fire flow at the location. Calculations are taken from the ISO method.

Currituck County GIS (Harry Lee, 252-232-4039)

Denied/Resubmit:

1. Cannot use the street name Appaloosa Dr (Appaloosa already reserved by another subdivision)
2. Briarcliffe Ln OK
Canterbury Ct OK
Derby Dr OK
3. Applicant can call GIS to determine a usable street name. Please resubmit plat with approved street name. Addresses will be assigned by GIS after resubmittal.

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

Approved with comment:

1. Suggest fee-in-lieu of parkland dedication.

Currituck County Utilities (Pat Irwin, 252-232-6061)

Approved without comment.

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

Approved with comment:

1. Please consult with Kevin Carver RS at 252-232-6603 concerning septic system approval for each lot that makes up this proposed subdivision.

NC Department of Transportation (Brent Bass, 252-331-4737)

Reviewed with comment:

1. From a DOT standpoint there is nothing "unsafe" about either two subdivisions. Both are 90 degree entrances to the road and are 200 FT or more from any intersection. Regarding turn lanes and traffic analysis, both subdivisions have a low number of lots, so it would not be required. I understand the public viewpoint of South Mills Rd. but even if

you add the two subdivisions together the lot number is still not enough to warrant a traffic impact analysis.

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. One site, 31CK53, is located in the southeast corner of the development. This site has been determined ineligible for inclusion on the National Register of Historic Places. No further work is recommended. An archaeological survey is not recommended.

US Postal Service, Moyock Postmaster

1. Please contact the local postmaster (Moyock) to determine the mode of delivery and type of delivery equipment.

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 12- 11"x17" copy of all revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised or new documents and plans.

Upon completion of the review, Commissioner Petrey asked if the soil was suitable. Mr. Woody answered they would be subject to soil testing if needed, but there was still a long way to go before final plat. Commissioner Aydlett asked about the prior passage of an 8 inch water line requirement. Mr. Woody pointed out the effective date for the water line requirement is March 1, 2015. Mr. Woody discussed concerns with regard to the community well, installation and pumping processes and addressed treatment and water quality concerns. He explained the homeowner association responsibility of maintaining the community well after the developer pulls out. A reserve fund would be available, and a service district would be established for taxing authority should homeowners fail to maintain the system. Commissioner Gilbert asked how far County water is from the new subdivision and Mr. Woody answered it is several miles south. Commissioner Gilbert expressed concern due to resident complaints from that area about the water quality. Discussion continued with regard to maintenance concerns, and Commissioner Griggs suggested it is established by ordinance to ensure the financial responsibility remains with the users of the system and does not burden the rest of the taxpayers. Commissioner Petrey asked if one well would suffice. Mr. Woody stated levels of testing would be needed, as well as engineering approval and permitting from the state before installation would be allowed. Commissioner Aydlett asked if fireponds would still be required. Mr. Woody answered yes.

Chairman O'Neal opened the public hearing.

Denise Kennedy, South Mills Road, Moyock, referencing the land use plan and recent planning board documents, believes the majority of residents in Moyock coming from Hampton Roads want more than three quarter of an acre lot size. She addressed septic systems on smaller lots leading to drainage problems and considers wetlands unusable space that should not be considered. Ms. Kennedy said she had researched home and lot listings in the area, and gave statistics showing the majority of homes for sale have smaller lot sizes, data she believes confirms people prefer larger lots. She asked the Board to deny approval.

Mr. Woody confirmed the lot sizes are 30,000 square feet, with some variations. Commissioner Griggs confirmed with Attorney Ike McRee that the Board is considering land use for this parcel only, and not compatibility with surrounding properties. Chairman O'Neal asked Mr. Woody if the requirements of the 2006 Land Use Plan and Moyock small area plan were met, to which Mr. Woody answered yes. Chairman O'Neal suggested if we don't like the rules we need to change them. However, we need to be consistent with our approvals. He stated the Land Use Plan was just done three months ago and was community driven. Commissioner Aydlett asked if the water system would be a viable system, and Mr. Woody answered yes.

Vernon Garret, of South Mills Road, Moyock, was concerned about boundaries and how he, as a farmer, and homeowners could be protected from each other. He had questions about water drawdown and what affect it may have on the neighbors. He then deferred to Mark Bissell, who he thought may be able to answer some of his questions.

Mark Bissell, Bissell Professional Group, Kitty Hawk, reviewed the planned subdivision stating that the lot sizes are comparable to neighboring communities. He said the planned subdivision has 61% open space while the neighboring community has only 5%. Mr. Bissell said the majority of open space is upland, and provided a drawing showing the open space for the Board to review. Chairman O'Neal asked about the 50 foot buffer requirement. There was discussion concerning the type of open space, which Chairman O'Neal stated that some of the open space was killing the funds of homeowner associations with mowing and maintenance costs, and talked of tree planting or allowing farming on open space. Mr. Woody said staff has been trying to work with developers to reduce future maintenance costs. Continuing, Mr. Bissell referred to the sheet he distributed and talked of open space, surrounding buffers and stormwater management, and stated calculations offered a ¼ reduction in stormwater runoff. He addressed the wells, including necessary testing and state requirements regarding operation and reserves. Commissioner Griggs asked if the deep well would have any bearing on nearby shallow wells. According to Mr. Bissell, the shallow wells would be isolated from the aquifer they are pumping. Tests will determine a safe yield and would also be part of permitting.

Mr. Petrey asked if Mr. Woody knew what the body of water was on the aerial view and asked if it was used for agriculture. Mr. Woody said he didn't know what it was. Commissioner Aydlett asked Mr. Bissell if the applicant was amenable to running an 8" water line. Mr. Bissell said they planned on running a line from the current subdivision down the main road connecting to a future subdivision, and their calculations determine a 6 inch line is sufficient. He will ask the client if he is willing to install an 8 inch line, as it is a financial consideration for him. When asked about the average daily use, Mr. Bissell stated the baseline is 400 gallons per home, but use will probably run around 200 gallons, or 20,000 gallons per day in total. Well capacity is about 150,000 gallons per day. Commissioner Aydlett asked if there were any easement or issues with ditching or stormwater pond drainage. Mr. Bissell said there were no issues, and reiterated the fact that the runoff contribution would be less based on calculations.

County Engineer, Eric Weatherly, was sworn in when Commissioner Aydlett asked him about the condition of the ditching going off site. Mr. Weatherly said he had not looked off site but take a look and determine the need for maintenance. Crown Point Homeowners Association has not maintained their ditching, and Saddlebrook has agreed to help them clean the ditch.

Commissioner Gilbert confirmed the waterline would feed both Backwoods Estate and Saddlebrook and Chairman O'Neal questioned the soils. Mr. Bissell stated the health department determined provisional suitability. Commissioner Petrey confirmed the plan for two wells to feed both subdivisions.

Vernon Garrett was concerned about ownership of the buffers and was told the homeowner association would have ownership and would consist of a vegetative buffer of 50 feet with a double row of canopy trees.

Denise Kennedy said her well is a 90 foot well and she has to treat for iron, the smell and taste. Mr. Bissell said the water system well would get treated if required.

With no more discussion, Chairman O'Neal closed the public hearing.

Commissioner Petrey asked to continue based on water concerns. Commissioner Aydlett stated he could not approve without a yes or no answer with regard to the 8 inch water line installation. Commissioner Gilbert, based on the water complaints she receives from area residents, would like to get more water quality data.

Based on the water quality and waterline question, Commissioner Petrey moved to continue, with a second by Commissioner Gilbert. Motion carried 3-2, with Chairman O'Neal and Commissioner Griggs voting against. Chairman O'Neal asked for the information to be presented at the next meeting when the hearing would be reopened.

B) Public Hearing and Action: PB 14-14 CASP, Inc. PB 14-14 CASP, Inc.: Request for a conditional rezoning of 37 acres from Light Industrial (LI) to Conditional District- Single Family Mainland (CD-SFM)

Ben Woody presented and stated sworn testimony was not necessary as this is part of allowable legislative actions. Mr. Woody reviewed the request with the Board and explained the tract is now surrounded by residential development. He explained the full service designation as being the most dense and one of the core development areas of the County, and designated the units per acre as it relates to water availability.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: September 15, 2014
PB 14-14 CASP, Inc.**

ITEM: PB 14-14 CASP, Inc.: a conditional rezoning of 37 acres from Light Industrial (LI) to Conditional District- Single Family Mainland (C-SFM).

LOCATION: Moyock – Inventors Drive, off Caratoke Highway

TAX ID: 0009000026A0000
0009000026B0000

OWNER: CASP, Inc.
PO Box 39
Moyock, NC 27958

APPLICANT: Hidden Acres Currituck, LLC
PO Box 743
Moyock, NC 27958

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agricultural/Undeveloped Residential	AG
SOUTH	Assisted Living/Undeveloped Residential	GB
EAST:	Residential Open Space (County Owned)	SFM
WEST:	Fuel Supply Facility/Vacant	GB

LAND USE PLAN CLASSIFICATION:

The 2006 Land Use Plan classifies the site as Full Service within the Moyock subarea.

The policy emphasis of the Moyock sub-area is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. However in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.

MOYOCK SAP:

The Moyock Small Area Plan classifies the property as Full Service.

Full Service designations are focal points in the community where high amounts of activity occur. Mixed use development with both residential and commercial components will be present in these areas. In addition, clustered or planned commercial and residential areas with diversity in housing types are preferred. Typical densities in full service designations range from 1.5 – 3 units per acre depending on surrounding land uses. All development should encourage human scale development and interconnected transportation systems that support both vehicles and pedestrians.

Policies supporting the request include:

Policy FLU 1 Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design and includes larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk step downs, or other architectural and site planning measures that encourage harmony.

CURRENT ZONING:

Light Industrial (LI)

PROPOSED ZONING:

Conditional District - Single Family Mainland (C-SFM)

CURRENT USE:

Undeveloped

SIZE OF SITE:

37+/- acres

ZONING HISTORY:

Agricultural (A) – 1989 Zoning Map
Light Manufacturing (LM) - 1999 Zoning Map

UTILITIES: County water is available to serve this development. The developer is requesting connection to the Moyock Central Sewer System.

TRANSPORTATION: The proposed development has access to Caratoke Highway through an existing unimproved right-of-way. There is an existing rail crossing located at the property's development entrance. The proposed road and rail crossing serving the development will be improved to NCDOT standards.

FLOOD ZONE: The proposed development is located in the Shaded X flood zone (500-year).

WETLANDS: The county wetland inventory maps indicate the property has wetland characteristic; however, a wetland delineation is not required until submittal of the subdivision.

SOILS: The proposed development is located on Roanoke soils, which are considered poorly drained. The development is proposing to manage wastewater through off-site treatment and disposal.

PLAN REQUEST: Conservation subdivision with 74 residential lots (2 du/acre) and 14.84 acres of open space (40%).

PROPOSED ZONING CONDITIONS:

1. Use: conservation subdivision
2. Maximum of 74 homes
3. Minimum lot size of 10,000 square feet
4. Existing trees will be protected and preserved to the greatest degree practicable
5. Buffers to surrounding properties will exceed Currituck County requirements

COMMUNITY MEETING:

A community meeting was held on May 15, 2014 at the Moyock Library. Mark Bissell presented a brief summary of the development proposal, along with a conceptual plan of the development. No adjacent property owners attended the meeting.

TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

The conditional zoning process provides an opportunity for an applicant to propose use limitations or development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. The TRC **recommends approval** of the proposed request. The conditional rezoning request is consistent with the goals, objectives, and policies of the Land Use Plan and Moyock Small Area Plan, and 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.

Additional Staff Comments:

Larger lot subdivisions exist to the north and south of the land subject to the application; however, the adjacent lots proposed to the south are not platted and the adjacent lots located to the north are platted but no dwelling units have been constructed. The subject property's retention of the existing perimeter wooded buffer will help promote compatibility with adjoining properties.

PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of the development agreement as presented with technical review committee recommendation.

PLANNING BOARD DISCUSSION (8/12/14)

Mr. Cooper asked if the Railroad Company has to give permission for them to cross.

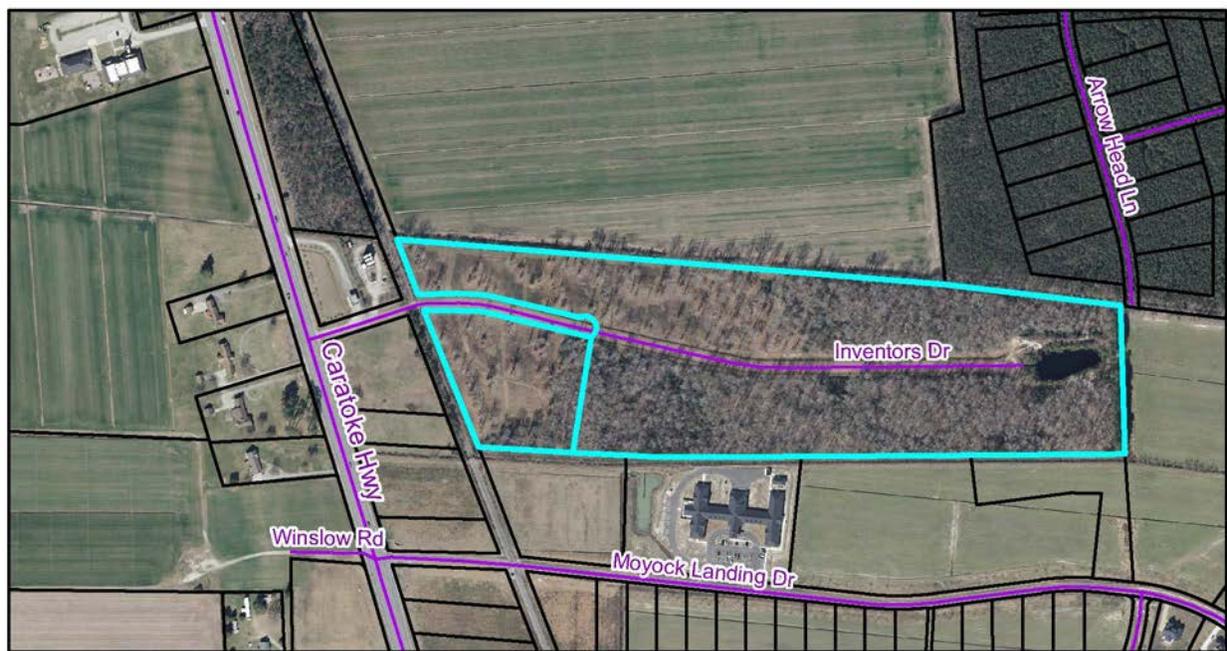
Mr. Woody said liability insurance will have to be paid for this crossing and they will have to have an agreement with the Railroad Company.

Mr. Bissell said there is an existing approved crossing, but not to the Department of Transportation (DOT) standards. They are working with the Railroad Company and the Homeowners Association will maintain it until DOT takes it over. This project will have sidewalks on both sides of the street. Mr. Bissell provided pictures of the future site and provided an overview of the project.

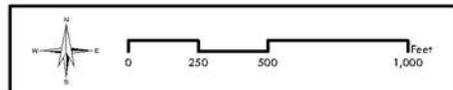
Mr. Clark closed the public hearing.

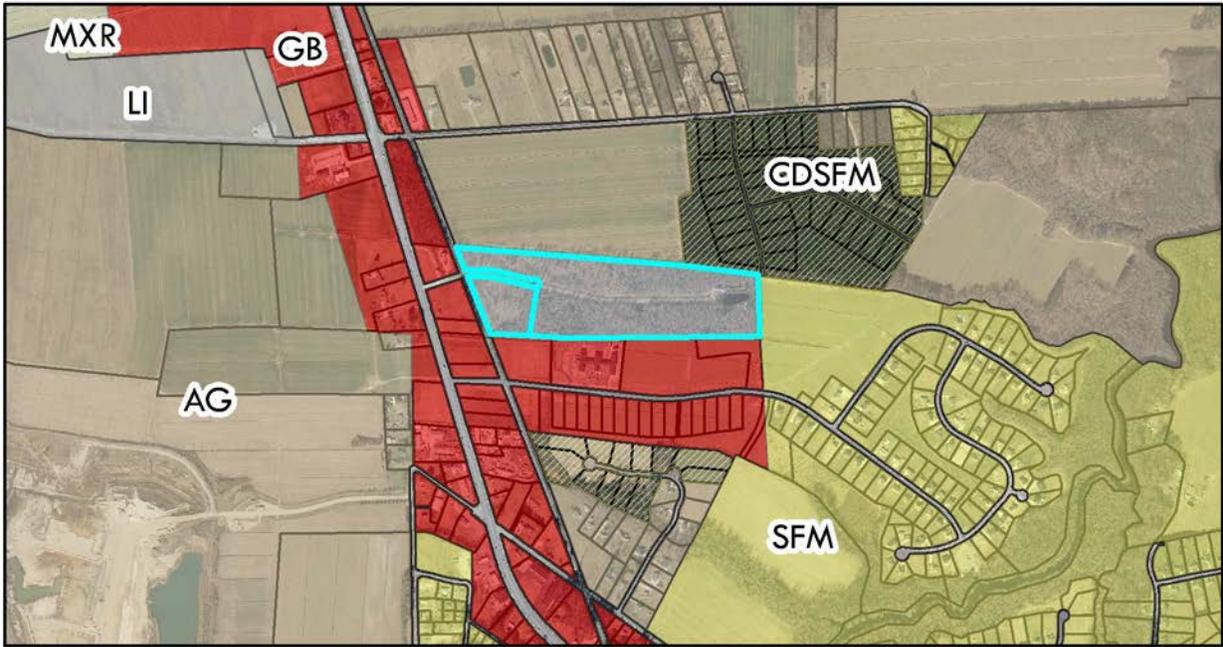
ACTION

Mr. Cooper moved to approve PB 14-14 due to its consistency with the goals, objectives, and policies of the 2006 Land Use Plan and Moyock Small Area Plan, and is compatible with existing and proposed uses surrounding the land, and is the appropriate zoning district and uses for the land. Ms. Overstreet seconded the motion and motion carried unanimously.

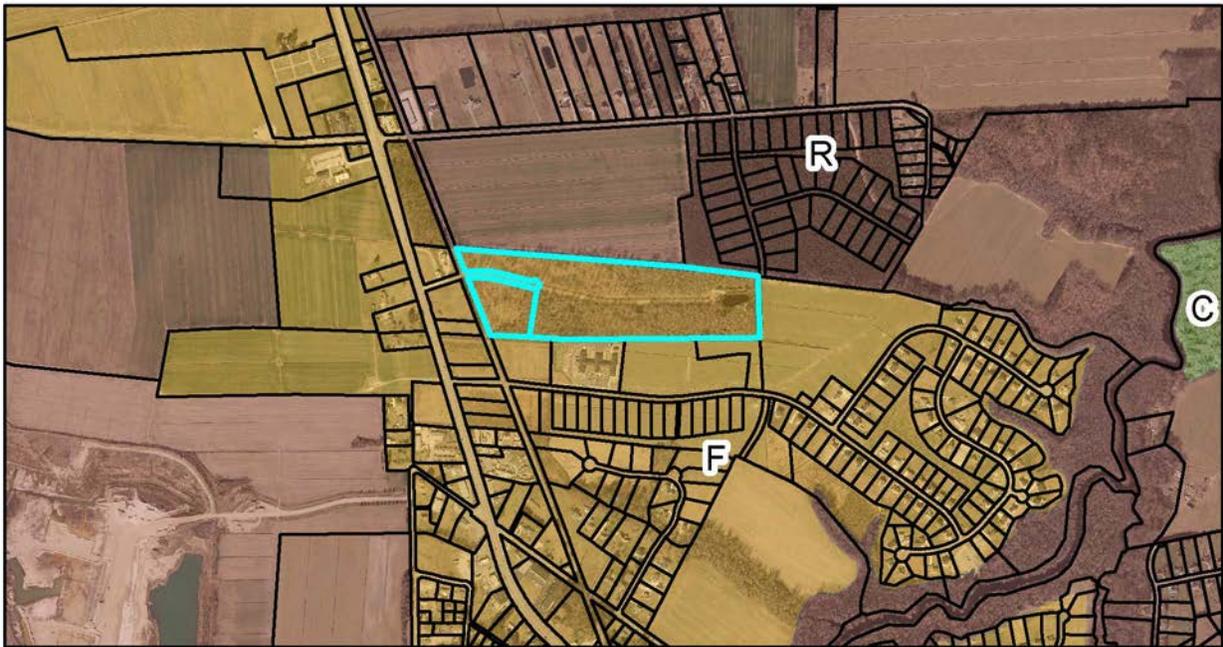
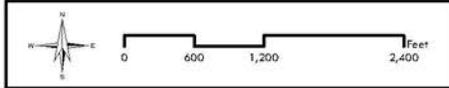


PB 14-14 CASP, Inc.
Conditional Zoning

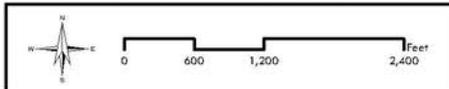




PB 14-14 CASP, Inc.
Conditional Zoning



PB 14-14 CASP, Inc.
Conditional Zoning





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: Justin Old
Mark Bissell

From: Planning Staff

Date: July 11, 2014

Subject: PB 14-14 CASP, Inc. - Conditional Rezoning

The following comments have been received for the July 16, 2014 TRC meeting. Modifications of the request must be submitted by July 22, 2014 in order to remain on the August 12, 2014 Planning Board agenda. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Ben Woody

Reviewed

1. Title block: conditional zoning not conservation subdivision
2. Label Baxter Estates as an adjacent use type (single family subdivision).
3. Indicate if the existing trees located in open space will remain undisturbed. The UDO requires that heritage trees be protected or replaced.
4. Indicate the general location of pedestrian circulation features.
5. Include any existing utility lines located on and within 50' of the subject property.
6. The county wetland inventory maps and correspondence from Coastal Permit Assistance indicate the property has wetland characteristics. A wetland delineation will be required prior to submission of a preliminary plat.
7. Indicate the farmland compatibility buffer along the northern & eastern property line.
8. development summary
 - a. Include ownership information, site address, and parcel id numbers
 - b. Include existing and proposed zoning classifications
 - c. Include any proposed dimensional standards
 - d. In addition to the average lot area, will there be a lot area minimum?
9. Will the subdivision streets meet NCDOT design standards and are they intended for dedication, or will they remain private?
10. What is the status of the railroad crossing? What is the long-term plan for access and maintenance of the crossing?
11. Staff suggests the applicant modify the proposed uses zoning condition to specify a conservation subdivision is proposed.
12. What is the conservation emphasis of the proposed development and will low impact development features be incorporated into the site design?

Currituck County Engineer, Eric Weatherly

Currituck Soil and Water, Mike Doxey

Approved

Currituck County Utilities, Pat Irwin

No Comment

Currituck County Fire Marshal, James Mims

Approval with Corrections

1. The Needed Fire Flow (NFF) of new construction cannot exceed the available fire flow at the location. Calculations are taken from the ISO method.

Albemarle Regional Health Services, Joe Hobbs

Reviewed

1. *NOTE:CONSULT WITH ERIC WEATHERLY PE (COUNTY ENGINEER) CONCERNING MOYOCK SEWER DISTRICT HOOK UP APPROVAL FOR EACH LOT THAT MAKES UP THIS PROPOSED SUB-DIVISION.

Currituck County Building Inspections, Spence Castello

1. Soil engineering may be required at footing inspection.

Currituck County GIS, Harry Lee

Reviewed

Currituck County Parks and Recreation, Jason Weeks

No comment

NC State Archaeology, Lawrence Abbot

No comment

1. No previously recorded archaeological sites noted within the project area. An archaeological survey is not recommended.

NC Division of Coastal Management, Charlan Owens

No comment

US Postal Service, Moyock Postmaster

2. Please contact the local postmaster (Moyock) to determine the mode of delivery and type of delivery equipment.

Mr. Woody, after review, conveyed to the Board that the Technical Review Committee and the Planning Board recommended approval.

Commissioner Petrey questioned the lot size of the proposed and surrounding subdivisions and drainage, based on the 10,000 square foot lot size, and stated the soil in the area is questionable. Mr. Woody explained that stormwater can be addressed through better stormwater management. Commissioner Petrey addressed connectivity to Shingle Landing, and Mr. Woody explained the connectivity included in the proposal.

Commissioner Gilbert addressed concerns with the safety of the railroad crossing and asked if any conversation has occurred with the railroad and what cost is involved. Mr. Woody said the staff has made the developer aware of concerns with the railroad and potential liabilities, but at this point it is early and no in depth discussion has occurred.

Commissioner Gilbert noted Shingle Landing is still dealing with railroad issues and continues to be a painful and expensive process for them.

Commissioner Petrey asked if wastewater would cross the railroad tracks. Mr. Woody explained the wastewater would be tied into the line servicing the assisted living facility and that feeds into the forced main running under the tracks on Moyock Landing Drive.

Commissioner Aydlett confirmed with Mr. Woody that zoning is General Business and use will be residential. Chairman O'Neal asked when the sewer policy would be ready to come before the Board. Mr. Woody said the next meeting. Chairman O'Neal questioned if the railroad infrastructure was included in the preliminary plat, to which Mr. Woody answered yes. Commissioner Griggs asked about elevation approvals and Mr. Woody said they were submitted as part of the Technical Review approval process. He then asked if conditions were able to be applied, with the County Attorney affirming that if conditions were applied, and the developer did not agree to the conditions, then the approval is denied.

Commissioner Petrey spoke to the lot sizes of surrounding properties and does not believe they are compatible. Ben explained compatibility pertains to adjacent property only. The discussion continued with Commissioner Petrey's concern with the small lot sizes and said he wants to see a minimum designation of 20,000 square feet. Commissioner Aydlett submits that continued discussion on compatibility and sewer is needed, and can be sent back to staff. His view is the Board is admiring the problem and don't have the tools to resolve these questions.

Chairman O'Neal suggested that lot size and density are being confused and that we need to revisit the density discussion. He stated that if people don't want small lots they won't buy them. The rules have to be changed through the proper procedure. He said the Small Area Plan was adopted just a few months ago based on 18 public meetings. Chairman O'Neal suggested going back and finding what the people want. Commissioner Petrey believes the Moyock residents were talking about lot size, not density, and prefer larger lots. Commissioner Aydlett stated the Board asks for tools, guidance and policies to follow to move forward with these issues.

Chairman O'Neal opened the Public Hearing.

Mark Bissell, of the Bissell Professional Group, Kitty Hawk, stated the proposal is half of the density allowed by the Land Use Plan, with 40% open space and tree preservation. He stated the subdivision will not be seen from the road nor from surrounding properties. A 100 foot tree buffer is present, and he believes the plan is compatible and appropriate and asks for support with zoning approval.

Denise Hall, Moyock, told the Board this was their opportunity to stop taxing our schools and putting an additional strain on taxpayers, and feels if they approve they will lose control of development in the County.

With no more comments Chairman O'Neal closed the public hearing.

Commissioner Petrey moved to deny based on inappropriate density and compatibility. Commissioner Gilbert seconded citing railroad and fuel depot concerns. Motion failed with a vote of 2-3.

A motion to continue was made by Commissioner Gilbert pending additional discussion of the railroad and sewer. The motion to continue was seconded by Commissioner Petrey. Motion carried 4-1, with Chairman O'Neal opposing.

C) Public Hearing and Action: PB 14-06 Currituck County, Request to Amend the Unified Development Ordinance PB 14-06 Currituck County: Request to amend the Unified Development Ordinance Chapter 2: Administration, Chapter 3: Zoning Districts, to modify the major subdivision standards to include minor subdivisions, and clarify the minimum lot size for minor subdivisions in the AG and SFI districts.

Ben Woody reviewed the text amendment for the proposed five lot minor subdivision. Both the Planning Board and Technical Review Committee recommend approval. Mr. Woody explained the minor subdivision and requirements for future development of the parcel into a major subdivision and that once the minor is done another cannot be added after the five year expiration has passed. He explained a major subdivision developed within five years following the minor would include the minor lots within the density calculations.

Subject: PB 14-06 Currituck County (Modified)

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department, at the direction of the Board of Commissioners, was modified from the amendment reviewed by the Board of Commissioners on August 4, 2014. This amendment was modified to only include language that is intended to:

- Require minor subdivision lots created on the parent parcel(s) within five years of a major subdivision to be included in the major subdivision calculations (open space, recreation and park area dedication, stormwater, etc.).
- Clarify the minimum lot size for minor subdivisions in the AG and SFI zoning districts.

The following items were removed from this request:

- Establish residential compatibility standards that will provide a transition area between residential development and proposed single family residential development.
- Reduce density allowances on lands containing wetlands.
- Increase minimum district areas for planned developments.

The planning staff recommends approval of the proposed amendments as they are consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans. In addition, the proposed amendments are consistent with the purpose and intent of the zoning districts in the UDO. It should be noted, the below Planning Board recommendation was based on the request submitted to the BOC on August 4, 2014.

The Planning Board recommended approval at their July 8, 2014 meeting subject to the following:

1. *Item 2*

Section 5.12.3. B. (1)

The planning board requested clarification on the minimum lot size requirement within the transition area. The board's motion would clarify that in no instance shall the requirements of the proposed text amendment (Section 5.12.2.B.(1) require a lot larger than 40,000 square feet.

2. *Effective date shall be January 1, 2015.*

BOARD OF COMMISSIONERS (8/4/14)

Commissioner Griggs motioned to table Public Hearing Item A, PB-06 UDO Amendment for further review and discussion of Compatibility Standards. Commissioner Petrey seconded the motion. Commissioner Aydlett requested the meeting be held the following day at 3 pm. Commissioner Petrey withdrew his second due to his inability to attend a 3 PM meeting. Commissioner Griggs motioned to set the discussion at 3 pm the following day. Commissioner Aydlett seconded the motion and the motion carried.

PLANNING BOARD DISCUSSION (7/8/14)

Mr. Clark asked for clarification on reducing density allowances on lands containing wetlands.

Ms. Voliva explained if you had 100 acres you would be able to draw your density off the 100 acres, but with this new proposal if you have 50 acres of wetlands on these 100 acres you would be able to draw your density off 75 acres. Open space can be wetlands in conservation subdivisions.

Mr. Cooper asked if in the old UDO density is based on uplands.

Ms. Voliva said it is very similar to what we have now where it didn't allow you to pull density off CAMA wetlands.

Ms. Overstreet asked when talking about density per unit, how does this factor in the off road area when they are calling a 23 bedroom house a single family home?

Ms. Voliva said it doesn't factor into the density because it is considered a one dwelling unit.

Mr. Cooper asked in the transition area, if it not like zoning how does that work?

Ms. Voliva said zoning would not have any effect on it, if you have an existing residential subdivision that you are adjacent to, and you are proposing a new development, regardless of the zoning district.

Mr. Craddock said the main purpose of the transition area is strictly for the benefit of the existing property owners so when development occurs it is less invasive.

Ms. Voliva said yes it would address the compatibility issues.

Mr. Old asked staff to explain if minor subdivision lots are created on the parent parcel(s) within five years of a major subdivision to be included in the major subdivision calculations (open space, recreation and park area dedication, stormwater, etc.). Mr. Old asked on the wetlands if the lot size, different zonings, and soil type control what you can do on the property.

Ms. Voliva said if you were looking at lot size only, yes it would, but you have density allowances in the ordinance now. Under the old ordinance it was more lot size driven and this ordinance is more density driven.

Mr. Old said he doesn't see a need to take away the open space when it could be beneficial.

Ms. Voliva said it would not have an effect on a traditional development when you are just working off lot sizes; it is the conservation development when you setting your lot sizes based on density calculations.

Mr. Old asked the board to consider an adoption date of six months out.

Mr. Woody said the new ordinance drives the cost of lots down because it allows more density than the old ordinance.

Mr. Cartwright said everything about the UDO is city ordinance driven.

Mr. Woody said the new UDO is more dense by pushing more towards a dense development pattern. The UDO has density that is included in the 2006 Land Use Plan.

Mr. Cartwright said it looks like we are putting more rules on top of rules, which is driving up the cost. People are not going to want to come here because the cost is too expensive.

Ms. Voliva said staff supports a six month effective date.

Mr. Clark closed the public hearing.

ACTION

Mr. Clark moved to approve PB 14-06 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, have an effective date of January 1, 2015, and in section 5.12.3 Transition Area, B. Development within the Transition Area, 1. Be equal to or greater than the median but not greater than 40,000 square feet. Ms. Overstreet seconded the motion. Ayes: Mr. Clark, Ms. Newbern, Mr. Craddock, Mr. Cooper, and Ms. Overstreet. Nays: Mr. Cartwright. Motion carried.

PB 14-06 Currituck County UDO AMENDMENT REQUEST

Amendment to the Unified Development Ordinance Chapter 2: Administration and Chapter 3: Zoning Districts, to modify the major subdivision standards to include minor subdivisions, and clarify the minimum lot size for minor subdivisions in the AG and SFI zoning districts.

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 2.4.8: Subdivision is amended by adding the following underlined language and deleting the strikethrough language:

C. Subdivision Distinguish

(2) Minor Subdivision

A minor subdivision consists of the division of land into five or fewer lots that does not constitute a no review subdivision. when:

- ~~(a) It does not constitute a no review subdivision;~~
- ~~(b) It fronts an existing NCDOT-maintained public street or a private access street;~~
- ~~(c) There is no public right-of-way dedication;~~
- ~~(d) No private street or private access serving more than two lots is created (except as allowed in a family subdivision); or~~
- ~~(e) Lots are conveyed solely to family members as a family subdivision;~~

D. Minor Subdivision

(2) Minor Subdivision Review Standards

(a) General Standards

A minor subdivision shall be approved on a finding that:

- (i)** It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.B; and all other applicable standards in this Ordinance;
- (ii)** ~~It will result in lots that are at least 40,000 square feet in size (except in the SFR district, where lots shall be at least 120,000 square feet in size)~~It complies with the dimensional standards of Chapter 3;
- (iii)** It will result in five or fewer lots created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B Additional Standards for Family Subdivisions);
- (iv)** It fronts an existing NCDOT-maintained public street or a private access street;
- (v)** There is no public right-of-way dedication;
- (vi)** It does not create a private access street serving more than two lots unless it is a family subdivision; and
- (vii)** Any private access street created complies with Section 6.2.1.B.1 Private Access Streets.

E. Major Subdivision

(1) Overview

(a) In General

- (i) Development of a major subdivision requires approval of a preliminary plat (type I or type II), a use permit (if applicable), construction drawings, and then a final plat.
- (ii) The Planning Director may allow for concurrent submittal of a preliminary and final plat in cases where no public improvements are required, or concurrent submittal of a preliminary plat and construction drawings where public improvements are required.
- (iii) Minor subdivision lots shall be included when calculating the acreage and total number of lots for a major subdivision when:
 - (A) The minor subdivision lots are created from the same parent parcel or parcels of land proposed for a major subdivision; and
 - (B) The preliminary plat is submitted within five years from the date in which the minor subdivision was approved.

Item 2: That Section 3.3.3.F., 3.4.2.F., and 3.4.5 F., Dimensional Standards for the zoning districts as indicated, is amended by adding the following underlined language and deleting the strikethrough language:

1. Section 3.3.3.F.- AG: Clarify the 40,000 minimum square foot lot size for minor subdivision lots.
2. Section 3.4.5.F.- SFI: Clarify 40,000 minimum square foot lot size for minor subdivision lots.

F. DIMENSIONAL STANDARDS						
TD = Traditional Development			CS = Conservation Subdivision Development			
	TD	CS		TD	CS	
Max. Gross Density (du/ac)	N/A	-	Min. Front Setback (ft) [4]	20	N/A	3
With 50% Open Space (du/ac)	-	0.4	Min. Corner Side Setback (ft)	20	N/A	4
With 60% Open Space (du/ac)	-	0.5	Min. Major Arterial Street Setback (ft)	50	50	5
With 70%+ Open Space (du/ac)	-	0.6 6	Min. Side Setback (ft)	10	N/A	6
Max. FAR (%)	0.40	N/A	Min. Rear Setback (ft)	25	N/A	7
Min. Lot Area (acres) [1]	3	N/A	Min. Agriculture Setback (ft) [5]	N/	50	8

				A		
Max. Lot Area (acres)	N/A	N/A		10	3	9
Min. Lot Width, Interior Lot (ft) [2]	125	N/A	1	10	N/A	0
Min. Lot Width, Corner Lot (ft)	135	N/A	2	10	10	
Max. Lot Depth	[3]	N/A		50	50	
Max. Lot Coverage (%)	30	60		35	35	-
[1] Family Minor subdivision lots shall be at least 40,000 square feet in area [2] All lots shall maintain a minimum street frontage of 35 feet [3] Lot depth shall not exceed four times the lot width [4] Front setbacks shall be measured from ultimate ROW line [5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater				Min. Spacing Between Principal Buildings (ft)		
				10	3	=

Chairman O’Neal opened the Public Hearing. With no one signed up to speak, the Public Hearing was closed.

Commissioner Petrey moved to approve the text amendment, seconded by Commissioner Griggs. The motion carried unanimously.

Old Business

A) Second Reading of Peddler's Ordinance Amendment

County Attorney Ike McRee reviewed the Peddler’s Ordinance, and the amendment to extend the requirement for issuing of permits should expanded background checks be needed. Commissioner Aydlett moved to approve the amendment and Commissioner Gilbert seconded. Motion carried unanimously.

B) Resolution to Modify the 2008 Debt for the Mainland Water System Reverse Osmosis Plant

County Manager Dan Scanlon announced the good news that the Finance Department had negotiated a lower interest rate of 2.98%, down from 4.09%. The reduction saves \$65,000 in interest payments and over the life of the loan will save over \$900,000.

New Business

A) Board Appointments:

1. Library Board, Whalehead Trust, Tourism Advisory Board

Commissioner Griggs wished to carry his Whalehead appointment to the next meeting.

B) Consent Agenda:

1. Approval of Minutes for August 18, 2014 and Joint BOC/FEAB for VFIS Presentation, July 24, 2014.
2. Budget Amendments
3. CDBG Monthly Status Report
4. Quote for Purchase of Tools-Knotts Island VFD

Commissioner Aydlett moved to approve the Consent Agenda. Commissioner Gilbert seconded and the motion carried unanimously.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12548-590015	Capital Outlay	\$ 25,092	
12548-545000	Contract Services		\$ 25,092
		<u>\$ 25,092</u>	<u>\$ 25,092</u>

Explanation: Knotts Island VFD (12548) - Transfer funds for Hurst fire extrication equipment approved by the Fire and EMS Advisory Board on 8/28/2014.

Net Budget Effect: Fire Services Fund (12) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10800-591000	School Current Expense	\$ 117,548	
	Fund Balance		\$
10390-499900	Appropriated		117,548
		<u>\$ 117,548</u>	<u>\$ 117,548</u>

Explanation: *Public Schools (10800)* - Increase appropriation to School Current Expense to adjust to the actual planning allotment. Original budget was based on an estimated planning allotment.

Net Budget Effect: Operating Fund (10) - Increased by \$117,548.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10660-545000	Contracted Services		\$ 3,409
10660-514500	Training & Education	\$ 2,650	
10660-514000	Travel	\$ 759	
		\$ 3,409	\$ 3,409

Explanation: *Planning & Community Development (10660)* - Transfer budgeted funds for Ben Woody to attend the Municipal and County Administration Course.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10760-585001	DSS Donations/Currituck Kids Fund Balance	\$ 1,670	
10390-499900	Appropriated		\$ 1,670
		\$ 1,670	\$ 1,670

Explanation: *Public Assistance (10760)* - Carry-forward donation funds remaining from prior fiscal year that are restricted for Currituck Kids DSS Donations.

Net Budget Effect: Operating Fund (10) - Increased by \$1,670.

Debit **Credit**

<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or	Increase Revenue or
		<u>Increase Expense</u>	<u>Decrease Expense</u>
60808-590001	Capital Outlay - Sewer	\$ 7,089	
60808-545001	Contract Services - Sewer		\$ 7,089
		<u>\$ 7,089</u>	<u>\$ 7,089</u>

Explanation: *Ocean Sands Water & Sewer District (60808)* - Transfer budgeted funds for 2 generators and transfer switches at sections J and Crown Point of Ocean Sands Wastewater Treatment Plant.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10750-590000	Capital Outlay	\$ 80,000	
10460-592000	Courthouse Projects		\$ 80,000
		<u>\$ 80,000</u>	<u>\$ 80,000</u>

Explanation: *Social Services Administration (10750); Public Works (10460)* - Transfer budgeted funds for renovations of the senior center space in the DSS building in order to utilize matching grant funds.

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

C) Commissioner's Report

Commissioner Gilbert announced the Chamber Golf outing was looking for sponsors and had spaces available. Contact the Chamber if interested. Also, the Currituck Heritage Festival was to be held Saturday at 1 PM at the Rural Center. She also announced a Cancer Fundraiser at the United Methodist Church.

Chairman O'Neal also addressed the Currituck Heritage Festival, and announced the first 1,000 people get to eat for free. He asked how we might get a Century Link representative to the area

to see what citizens need to do to sign up for their high-speed internet, as well as find out what areas are serviced. Commissioner Gilbert said it took her years to get the service, and many folks are interested.

Commissioner Aydlett thanked the County Manager and Deb Embrey, Webmaster and Video Production, for resolving the problems with the government channel on Knotts Island. The County Manager stated the intent is to move the equipment. Audio is still a problem.

D) County Manager's Report -

No Report.

Adjourn

With there being no further business, Commissioner Aydlett moved to adjourn, with a second by Commissioner Gilbert. The motion carried unanimously and the meeting was adjourned.

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of October 2014, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2015.

<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>
10795-502000	Salaries - Regular	\$ 11,111	
10795-505000	FICA	\$ 850	
10795-506001	Unemployment Insurance	\$ 111	
10795-506000	Health Insurance	\$ 1,254	
10795-507000	Retirement	\$ 1,379	
10540-502000	Salaries - Regular		\$ 11,111
10540-505000	FICA		\$ 850
10540-506001	Unemployment Insurance		\$ 111
10540-506000	Health Insurance		\$ 1,254
10540-507000	Retirement		\$ 1,379
		<u>\$ 14,705</u>	<u>\$ 14,705</u>

Explanation: Recreation (10795); Building Inspections (10540) - Transfer budgeted funds available from lapsed salaries from Inspections to Recreation to pay out vacation for retiring Parks & Recreation employee and to bring in a replacement for training prior to retirement date of December 31, 2014.

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

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Journal # _____

Clerk to the Board

BUDGET AMENDMENT

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<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> <u>Decrease Revenue or</u> <u>Increase Expense</u>	<u>Credit</u> <u>Increase Revenue or</u> <u>Decrease Expense</u>
61818-516000	Repairs and Maintenance	\$ 10,000	
61818-590000	Capital Outlay		10,000.00
		\$ 10,000	\$ 10,000

Explanation: Mainland Water (61818) - Transfer budget funds to clean the Currituck elevated storage tank.

Net Budget Effect: Mainland Water Fund (61) - No change.

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Clerk to the Board

BUDGET AMENDMENT

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<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>
66868-516200	Vehicle Maintenance	\$ 2,000	
66868-545000	Contracted Services		\$ 2,000
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

Explanation: Southern Outer Banks Water (66868) - Transfer funds for vehicle maintenance and tires.

Net Budget Effect: Southern Outer Banks Water (66) - No change.

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Clerk to the Board

BUDGET AMENDMENT

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<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>
10460-502000	Salaries	\$ 3,698	
10460-503500	Temporary Salaries	\$ 985	
10460-505000	FICA	\$ 358	
10460-506001	Unemployment	\$ 10	
10460-507000	LGC Retirement	\$ 460	
10460-592000	Courthouse Projects		\$ 5,511
		<u>\$ 5,511</u>	<u>\$ 5,511</u>

Explanation: Public Works (10460) - Transfer budgeted funds to payout vacation for retiree scheduled to retire on 10/31/2014 and to hire replacement prior to the November election to help with precinct set-up.

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

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Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of October 2014, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2015.

<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>
12543-545000	Contract Srevices	\$ 15,000	
12543-536103	Personal Protective Equipment		\$ 5,000
12543-514503	Travel/Training/Education		\$ 5,000
12543-516003	Maintenance & Repair		\$ 5,000
		<u>\$ 15,000</u>	<u>\$ 15,000</u>

Explanation: Moyock Volunteer Fire Department (12543) - Transfer budgeted funds per e-mail request dated 9/11/2014.

Net Budget Effect: Fire Services Fund (12) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda Item Title

August 2014 CDBG Monthly Progress Report

Brief Description of Agenda Item

Progress report for August activities regarding the Community Development Block Grant (CDBG).

Board Action Requested

Action

Person Submitting Agenda Item

Tammy Glave

Presenter of Agenda Item

Ben Woody



COUNTY OF CURRITUCK
Planning and Community Development
Department
Planning and Zoning Division
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929
Telephone (252) 232-3055 / Fax (252)
232-3026

Memorandum

TO: Board of Commissioners

FROM: Ben Woody, AICP
Planning Director

DATE: September 16, 2014

SUBJECT: August 2014 CDBG #11-C-2308 Scattered Site Housing Project Update

The 2011 Community Development Block Grant remained on schedule for the month of August. A summary of August's progress follows:

- Consulted with MEG Investments, LLC on the engineered foundation design for Katie Ware's new home.
- Engineered foundation installed Katie Ware's new home.
- Processed final payments to MEG Investments, LLC for two manufactured homes and initial payment for Ware home.
- Dunston and McLane septic systems completed.
- Dunston and McLane wells completed.
- Requested temporary relocation payment for reconstruction Ware.
- Requested temporary storage facility payments for McLane and Ware.
- Held a Fair Housing workshop that was attended by over a dozen citizens, property managers, and staff.
- Processed request for check on one septic system installation contract.
- Processed requests for checks on two well system installation contracts.
- Performed necessary building inspections/reinspections at all three replacement projects.
- Continued on-going general administration and financial management responsibilities.

Thank you.



Currituck County Agenda Item Summary Sheet

Agenda Item Title

Letter in Support of Appointment of Janet Rose to the Marine Fisheries Commission

Brief Description of Agenda Item

Ratification of a letter of support for the Appointment of Janet Rose to the Marine Fisheries Commission to fill the unexpired term of her husband, Paul Rose.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Consent Agenda



COUNTY OF CURRITUCK

BOARD OF COMMISSIONERS

S. Paul O'Neal, Chairman
Paul R. Martin, Vice-Chairman
O. Vance Aydlett, Jr.
Marion J. Gilbert
David L. Griggs
Paul Beaumont
H.M. "Butch" Petrey

County Manager's Office
153 Courthouse Road, Suite 204
Currituck, North Carolina 27929
Telephone (252) 232-2075 / Fax (252) 232-3551
State Courier # 10-69-17

DANIEL F. SCANLON II
County Manager

DONALD I. McREE, JR.
County Attorney

LEEANN WALTON
Clerk to the Board

October 3, 2014

The Honorable Pat McCrory
Governor
State of North Carolina
20301 Mail Service Center
Raleigh, NC 27699-0301

Dear Governor McCrory,

Our County continues to mourn the sudden loss of Mr. Paul Rose, a long-time resident who was not only well-known, but also well-liked, admired and respected by his friends and fellow citizens. Mr. Rose and his family have been active participants in our community, and have served well the citizens of Currituck County over the years.

An avid waterman and commercial fisherman, Mr. Rose was proud and honored to serve as a member, most recently as Chairman, of the Marine Fisheries Commission. We know his absence will be felt by those who served with him on this Board. In response to calls from friends and citizens of Currituck, the Currituck County Board of Commissioners is respectfully requesting that his wife, Janet Rose, be appointed as a Commission member to fill the unexpired term left by her husband.

The Board of Commissioners, citizens of Currituck County, and the Rose family greatly appreciate your consideration of this request. As always, we thank you for your dedicated service to the citizens of North Carolina and Currituck County.

Sincerely

Daniel F. Scanlon, II
Currituck County Manager

Cc: Senator Bill Cook
Representative Bob Steinburg
Louis Daniel, Director, Div. of Marine Fisheries



Currituck County Agenda Item Summary Sheet

Agenda Item Title

Community Rating System Annual Recertification: 2014 Hazard Mitigation Plan Progress Report

Brief Description of Agenda Item

As part of the annual Community Rating System recertification the County is required to submit a progress report detailing the level of completion for each goal and subsequent action item in the Hazard Mitigation Plan. It is also required that the progress report be submitted to the governing body. Formal action is not required.

Board Action Requested

Information

Person Submitting Agenda Item

Jason Litteral

Presenter of Agenda Item

Ben Woody

2014 HAZARD MITIGATION PLAN PROGRESS REPORT

Goal	Action	Status
1. Continue to improve stormwater drainage and land management preparation for flooding.	a. Routinely inspect and clear debris from drainage system	On going
	b. Create stormwater management ordinance	Complete
	c. Continue stormwater drainage studies and planning for known problem areas.	The County Engineer has conducted drainage studies for Carova Beach roadways and Whalehead Subdivision. On going.
	d. Prepare and adopt a community-wide stormwater management master plan	Complete. The County has officially adopted a county wide Stormwater Manual.
	e. Find funding for public hazard mitigation	The County is currently working on raising houses through grant funding.
2. Improve traffic flow throughout Currituck County.	a. Continue to identify bridges for retrofitting	On going. Continuing to work with DOT to maintain roadways and the Wright Memorial Bridge.
	b. Evaluate congested areas on Hwy 12 and Caratoke Hwy and implement level of service standards for new development.	On going through the Unified Development Ordinance and the Transportation Plan.
	c. Continue road improvements (stop lights, turn/deceleration lanes, etc.)	On going
	d. Continue Mid-County bridge project	This action step will be removed from the new regional plan.
3. Create a more thorough hazard mitigation plan which will aid our response in all hazards.	a. Incorporate manmade hazards such as hazardous materials spills and terrorism	This will be accomplished in the new regional plan.
	b. Explore regional hazard mitigation plans with surrounding counties.	This will be accomplished in the new regional plan.
4. Encourage NC Building Code to strengthen building codes and incorporate those higher standards for hazard resistance to mitigate structure damage.	a. Send delegation to Code Council	This action step will be removed from the regional plan.
5. Maintain participation and membership in the National Flood Insurance Program (NFIP)	a. Support the NC Floodplain Mapping Program in updating flood maps as needed	On going. The County is waiting on preliminary maps and plans to adopt and enforce the new maps accordingly.
6. Continue participation in the Community Rating System (CRS) Program	a. Adopt appropriate land use or other regulatory policies/ordinances that assist repetitive loss properties.	Complete
	b. Investigate the feasibility of adopting higher standards such as freeboard and protection of critical facilities	1 foot of freeboard has been incorporated into the unified development ordinance which has been officially adopted.
	c. Develop a joint public outreach document that addresses all hazards (published by the Planning and Emergency Management Departments)	The planning department and the emergency management department publish outreach documents in the "Focus on Currituck" publication.

7. Enhance existing or create new policies and ordinances that will help reduce the damaging effects of hazards on the environment	a. Protect/enhance landforms that serve as natural mitigation features by promoting dune grass plantings, installation of sand fencing and other appropriate measures	The County is pursuing creation of a dune enhancement program. The newly adopted Unified Development Ordinance provides regulations regarding dune protection, tree protection, and heritage tree replacement.
	b. Retain vegetation and require buffers in areas adjacent to wetlands, water bodies and Maritime forests	The new Unified Development Ordinance provides more stringent setbacks in these sensitive areas.
	c. Direct development away from high-risk and vulnerable areas and establish redevelopment standards that decrease hazard risk	This is accomplished through the Currituck County Land Use Plan.
Goal	Action	Status
8. Continue to educate public about how to develop and retrofit their properties against hazards.	a. Create an ordinance to require that all utility lines will be buried in areas of new development	Complete. Unified Development Ordinance.
	b. Develop an annual household hazardous materials collection site	The County holds annual household hazardous materials events at numerous convenience centers.
	c. Open a permanent hazardous materials collection site	This action will be removed in the new regional plan.
	d. Encourage community participation in the Fire Wise program	On going
	e. Encourage use of sprinkler systems in residential structures with emphasis on beach communities	On going through the fire marshal and planning department.
	f. Create fire/drought resistant plant list	Complete
	g. Provide and educate people about fire/drought resistant plant list	On going through the fire marshal and planning department.
9. Protect the most vulnerable populations, buildings, and critical facilities through implementation of cost-effective and technically feasible mitigation actions.	a. Survey County owned property to retrofit for hazards	The County will work toward this as budget allows.
	b. Survey County owned property to mitigate against hazards	The County will work toward this as budget allows.
	c. Establish appropriate buffers/setbacks between critical facilities and hazardous materials, operations and uses	
	d. Continue to update and maintain flood maps and other hazard maps	On going
	e. Update and amend County ordinances as needed	On going
Goal	Action	Status
10. Enhance existing or create new policies and ordinances that will help reduce the damaging effects of hazards.	a. Clarify and strengthen the Maritime Forest Ordinance	Complete. The newly adopted Unified Development Ordinance includes stringent Maritime Forest regulations.
	b. Educate property owners and visitors on the benefits of dune grasses and vegetation preservation	This is accomplished via daily interaction with the public, generally on the Currituck Outer Banks. The County is working toward a flyer for tourism or an outreach publication for property owners.
	c. Encourage clustering of residential lots outside of hazard areas in subdivision design/review and discourage development intensity and infrastructure improvements in known hazard areas.	This is accomplished through the land use plan.
	d. Preserve natural environmental features to naturally absorb water run-off and serve as wind buffers.	The UDO has clear cutting, tree protection, heritage tree protection and dune protection regulations. The County is also pursuing a dune enhancement program.

11. Protect the public health, safety and welfare by increasing public awareness of hazards and by encouraging collective and individual responsibility for mitigating hazard risks.	a. Educate on household hazardous materials	The County will continue to work toward this.
	b. Expand publications to include other languages.	The County will continue to work toward this.
	c. Continue communicating with other counties about hazards.	This is being accomplished through the new regional plan.
	d. Continue to work on requirement for a real estate disclosure statement for home buyers and renters.	This will be removed from the new regional plan.
Goal	Action	Status
	e. Evaluate effectiveness of Currituck’s warning systems.	On going. The County conducts monthly tests of warning systems.
	f. Continue to develop Community Emergency Response Teams (CERT)	Complete.
	g. Create curriculums for all hazards preparedness to present at community meetings.	The County will continue working toward this.
12. Improve technical capability to respond to hazards and to improve the effectiveness of hazard mitigation action hazard risks.	a. Improve radio communications throughout public safety.	Complete.
	b. Maintain and improve current technology.	Complete.
	c. Provide continuous training and information for first responders in hazard response.	Complete.
	d. Improve water safety and water response.	Complete.
	e. Coordinate response to bridge incidents, most specifically the new Mid-County Bridge and Wright Memorial Bridge.	Complete. The Mid County Bridge will be removed from the new regional plan.
	f. Facilitate post-disaster and recovery plans with the private sector.	On going. The County is working with local realtors and nursing homes on preparedness and has reviewed their response plans.
	g. EOC/Public Safety Facility	The County will work toward this as budget allows.



Currituck County Agenda Item Summary Sheet

Agenda Item Title

Resolution of Intent to Consider Permanent Closure of a Coral Lane Cul-de-sac, Walnut Island Subdivision, Block 2, Section 7 In Poplar Branch Township

Brief Description of Agenda Item

Pursuant to G.S. 153A-241 a county may permanently close a road or easement after public hearing and findings that closure of the road will not be contrary to the public interest and no individual owning property in the vicinity of the road would be deprived of a reasonable means of ingress or egress to their property.

The county has received a request from James Brian Dailey requesting closure of a cul-de-sac connected to Coral Lane in Walnut Island subdivision. Mr. Dailey states in his request that some time ago Walnut Island Property Owners Association asked his father, former lot owner, to accept ownership of the cul-de-sac area on Coral Lane and adjacent to his lots. No deeds have been conveyed and Mr. Dailey requests closure of the cul-de-sac so that by statute that area becomes part of his lots that he desires to now place for sale.

The resolution for this item calls for publication of notice of public hearing on this request which would be held at the Board's November 3, 2014 meeting.

Board Action Requested

Action

Person Submitting Agenda Item

Ike McRee, County Attorney

Presenter of Agenda Item

Ike McRee, County Attorney

J. Brian Dailey

1072 Saw Pen Point Trail • Virginia Beach, 23455 • Phone: 757-573-4224 (c), 757-460-1399 (h)
E-Mail: jbdalley26@verizon.net or bdalley@mapcommunications.com

September 9, 2014

Currituck County Board of Commissions
c/o Leann Walton, Clerk to the Board
153 Courthouse Road, Suite 204
Currituck, NC 27929

Dear Board of Commissions,

My name is James Brian Dailey. I currently own lots 86 and 87, Blk 2, Section 7 within Walnut Island. These lots were originally purchased by my father, Ernest S. Dailey (lot 87 in June, 1974; lot 86 in July, 1994) and then transferred to me in October of 2005.

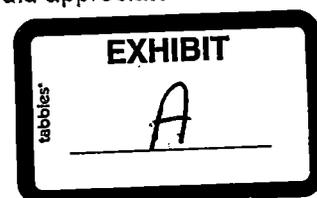
Some years later I learned that sometime during the mid 90's the Walnut Island Property Association approached my father about taking ownership of a cul-de-sac that bordered both of these properties. Apparently the WIPA no longer wanted to pay for maintenance of the cul-de-sac and offered to split its ownership between my father and Mr. David Respass, who owns the other lots that border it.

At some point my father and Mr. Respass agreed to take ownership of the cul-de-sac and in August of 1997 a new recombination plat drawing was created by E.C. Harris, a land surveyor for Currituck County, showing the cul-de-sac as part of their respective properties. According to Lucy Cardwell (Currituck County Land Records), these drawings are recording in Currituck Property Records - cabinet F, slide 200 (I have a copy of the drawings if needed).

Since 2005 I have held onto these properties in case my father wanted to create a retirement home on them. This was his original intent when he purchased them, but my mother's poor health and subsequent passing made this impractical. My father now has Alzheimer's and I am now interested in selling the properties, cul-de-sac included, and use the proceeds to assist with his care.

I am writing to you because it has come to my attention that new deeds were never produced following the creation of the recombination drawings. I recently contacted Currituck County attorney Ike Mcree who suggested I need to petition the Board of Commissions to have the cul-de-sac 'permanently closed' for public use before its ownership can be officially transferred to myself and Mr. Respass. I would assume this process would then clear the way for new deeds to be drawn up which would then allow the sale of the lots and cul-de-sac.

I have already put the properties up for sale and have an interested buyer and would like to ask the Board to consider my request to close the cul-de-sac for public use as soon as possible. If my assumptions about the steps that need to be taken to sell the properties (along with the cul-de-sac) are incorrect I would appreciate your help to define exactly what steps are necessary.



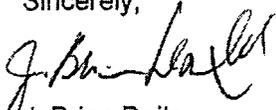


Please contact me as soon as possible with any questions you might have. If I am required to appear before the Board please let me know of the first possible date I can be added to your agenda. I want to emphasize the WIPA hasn't maintained this cul-de-sac in many years and its original pavement has long since disintegrated. I think Mr. Respass would agree that removing the cul-de-sac from public use would not restrict access to his lots.

I can be reached by phone at any time at 757-573-4224, or by email using either of the addresses above.

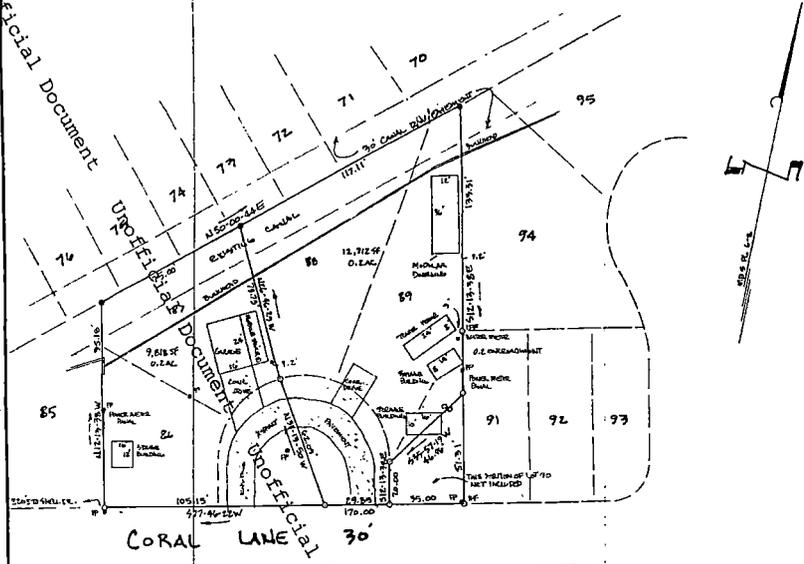
Thank you for your help in this matter.

Sincerely,



J. Brian Dailey

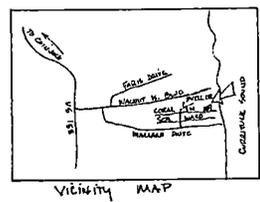
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Unofficial Document
Unofficial Document



NORTH CAROLINA, CURRITUCK COUNTY
The foregoing certificate(s) of Melodie Rae Griffith-Rotary of Pasquotank County, NC (in care) certified to be correct. This instrument was presented for registration at 12:15 o'clock PM on September 9 1997, and recorded in Book 7 Page 200.
Charlene Y. Hawks
Register of Deeds
By Lanora L. Day
Assoc. Register of Deeds

- NOTES: 1) THIS SURVEY IS A RECONCILIATION OF EXISTING DEEDS AND RECORDS DRAWN ENTIRELY ON CORAL LAND. 2) PROPERTY IS LOCATED IN A F.I.R.M. ZONE A-1-C. 3) * INDICATES CALCULATED DIMENSIONS NOT FOUND IN FIELD. 4) * INDICATES IRREGULAR PERMITS, UNLESS NOTED OTHERWISE.

THIS PLAT OF RECONCILIATION IS HEREBY EXEMPT FROM THE CURRITUCK COUNTY SUBDIVISION ORDINANCE, AS IS THEREFORE APPROVED FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS.
9/2/97 H.B. Briggs, Jr.
Assoc. Register of Deeds



I, E.C. HARRIS, JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER THE SUPERVISION OF AN ADJUDICATED SURVEYOR UNDER THE DIRECT SUPERVISION THAT THE RATIO OF PERCISION AS CALCULATED BY COMPUTATION IS 1/10000 THAT THE LINES, NOT MEASURED QUANTITATIVELY, ARE SHOWN ON BEING THIS PLAT CONFORMS TO G.S. 17-20, 41, AS REQUIRED.
WITNESS MY HAND AND SEAL
26th DAY OF Aug, 1997
E.C. Harris Jr. L7847

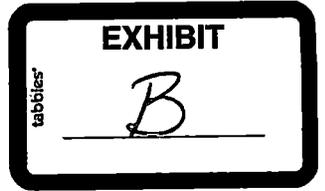


PASQUOTANK COUNTY, NORTH CAROLINA
Melodie Rae Griffith A NOTARY PUBLIC OF Pasquotank COUNTY,
NOTARILY CERTIFY THAT E.C. HARRIS, JR. A REGISTERED SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY, AND AUTHORIZED THE PRECISE CERTIFICATION OF THE FOREGOING CERTIFICATE.
WITNESS MY HAND AND SEAL
26th DAY OF August, 1997
Melodie Rae Griffith
NOTARY PUBLIC
MY COMMISSION EXPIRES July 30, 2000



REFERENCE: MAP BOOK 6, PAGES 17 & 8 DESCRIPTION: RECONCILIATION OF LOTS 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.	PLAT FOR <u>ERNEST DAVID</u> <u>DAILY / RESPASS</u>
--	---

F/200





Currituck County Agenda Item Summary Sheet

Agenda Item Title

An Ordinance Directing the Building Inspector to Remove or Demolish the Dwelling Located at 135 Alberta Street, Jarvisburg, North Carolina as Unfit for Human Habitation and Directing the Placement of a Notice Thereon that the Same May Not Be Occupied

Brief Description of Agenda Item

Attached for consideration is an ordinance directing the county's Chief Building Inspector to demolish a residential structure located at 135 Alberta Street in Jarvisburg. Upon receipt of neighborhood complaints, county staff found that the structure is dilapidated and infested with rodents to the extent that the infestation has become a neighborhood concern. Despite requests that the owner, Christine Beahm Hilton remedy the situation, Ms. Hilton has failed or refused to do so. After notice of hearing delivered to her South Carolina address, Ms. Hilton did not appear at a hearing before the Chief Building Inspector and has not complied with the Chief Building Inspector's order that she demolish the structure.

Upon adoption of the ordinance, the Chief Building Inspector will cause the structure to be demolished, the costs of which will be a lien on the property and collected in the same manner as taxes are collected.

Board Action Requested

Action

Person Submitting Agenda Item

Ike McRee, County Attorney

Presenter of Agenda Item

Ike McRee, County Attorney

**AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REMOVE
OR DEMOLISH THE DWELLING LOCATED AT 135 ALBERTA STREET,
JARVISBURG, NORTH CAROLINA AS UNFIT FOR HUMAN HABITATION AND
DIRECTING THE PLACEMENT OF A NOTICE THEREON THAT THE SAME
MAY NOT BE OCCUPIED**

WHEREAS, the Board of Commissioners for the County of Currituck finds that the dwelling located at 135 Alberta Street, Jarvisburg, North Carolina and described herein is unfit for human habitation pursuant to the September 16, 2014 order of the Chief Building Inspector issued in accordance with Article IV, Chapter 4 of the Code of Ordinances of the County of Currituck, North Carolina, (the “Code of Ordinances”), and that all of the procedures required in the County’s ordinances have been complied with; and

WHEREAS, the dwelling described in the September 16, 2014 order of the Chief Building Inspector should be removed or demolished as directed by the Chief Building Inspector and should be placarded by placing on the dwelling a notice prohibiting use for human habitation; and

WHEREAS, the owner of the dwelling, Christine Beahm Hilton has been given reasonable opportunity to remove or demolish the dwelling pursuant to Article IV, Chapter 4 of the Code of Ordinances and the order of the Chief Building Inspector and has failed to comply with, respond to or appeal within the time required by the Code of Ordinances, the Chief Building Inspector’s order.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Currituck, North Carolina that:

Section 1. The Chief Building Inspector is hereby authorized and directed to place a placard on the dwelling located at 135 Alberta Street, Jarvisburg, North Carolina containing the following language:

“This building is unfit for human occupation. The use or occupation of this building for human habitation is prohibited and unlawful.”

Section 2. The Chief Building Inspector is hereby authorized and directed to proceed to remove or demolish the above described dwelling in accordance with his September 16, 2014 order and in accordance with Article IV, Chapter 4 of the Code of Ordinances and N.C. Gen. Stat. §160A-443.

Section 3. The cost of removal or demolition of the dwelling shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the Tax Collector for the County of Currituck and shall have the same priority and be collected in the same manner as the lien for special assessments as provided in Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 4. Upon completion of the required removal or demolition, the Chief Building Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Chief Building Inspector shall certify the remaining balance to the Tax Collector for the County of Currituck. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Chief Building Inspector shall deposit the surplus in the Office of the Currituck County Clerk of Superior Court where it shall be secured and disbursed in the manner provided by N.C. Gen. Stat. §160A-443(6).

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 6. This ordinance shall be in full force and effect from and after the 6th day of October, 2014.

Adopted the 6th day of October, 2014.

ATTEST:

COUNTY OF CURRITUCK

Leeann Walton
Clerk to the Board of Commissioners

S. Paul O'Neal
Chairman of the Board

(COUNTY SEAL)



Currituck County Agenda Item Summary Sheet

Agenda Item Title

Resolution Opposing the Proposed Changes to the Rule Defining "Waters of the US".

Brief Description of Agenda Item

The EPA and US Army Corp of Engineers are proposing changes to the rule defining "waters of the US" which could significantly increase cost and regulatory requirements for local governments, residents, and businesses.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Consent Agenda

**RESOLUTION OF THE CURRITUCK COUNTY BOARD OF
COMMISSIONERS OPPOSING THE PROPOSED CHANGES
TO THE RULE DEFINING "WATERS OF THE U.S."**

WHEREAS, the Clean Water Act (the "Act") defines and regulates waters that fall under federal jurisdiction, which are known as "Waters of the U.S.;" and

WHEREAS, the Act requires a partnership between federal, state, and local governments to achieve the objectives of the Act, improving and maintaining water quality; and

WHEREAS, local governments, as a regulator and permittee, have assumed an ever-increasing share of the costs towards achieving those objectives; and

WHEREAS, the U.S. Environmental Protection Agency ("EPA") and U.S. Army Corps of Engineers ("Corps") have proposed changes to the rule defining Waters of the U.S. that could significantly increase the cost and regulatory requirements for local governments and, ultimately, the costs for local residents and businesses; and

WHEREAS, the proposed rule has no prescribed limits to federal jurisdiction and does not clearly define what waters are to be regulated by the federal government; and

WHEREAS, the proposed changes effectively remove the case-by-case determinations of Waters of the U.S. using the "significant nexus" test and replace the test with physical characteristics, such as the presence of high water marks, and connectivity to current Waters of the U.S. By merely meeting the requirements of the new definition, a significant nexus is found and the body of water becomes subject to the Act; and

WHEREAS, the proposed rule modifies the current definition of "other waters" and "adjacent waters" in such a way that there is uncertainty as to how these proposed definitions would impact local governments; and

WHEREAS, the changes to the rule could cause manmade ditches and storm water runoffs to be considered Waters of the U.S., which once defined as a Water of the U.S., would subject them to the Act and could increase costs to local governments; and

WHEREAS, the proposed changes do not include the provision of federal funds to offset the additional costs to local governments and, thus, would divert resources from other essential public services; and

WHEREAS, the United States Congress has written a letter to the EPA and Corps requesting that the proposed changes to the rule be withdrawn until further analysis can be completed; and

WHEREAS, the National Association of Counties has produced a policy brief on this issue and has encouraged local governments to publicly make comments concerning the proposed changes to the rule ; and

WHEREAS, the U.S. Conference of Mayors has publicly opposed legislation to expand federal jurisdiction under the Act if it is not accompanied by federal funding.

NOW THEREFORE, BE IT RESOLVED, that Currituck County opposes legislation or changes that would further expand federal jurisdiction under the Act; and

BE IT FURTHER RESOLVED, that the U.S. Conference of Mayors, in its “Resolution to Ensure that Municipal Concerns are Addressed in Clean Water Act Regulations”, including the definition of "Waters of the U.S.," requested certain provisions be made if any changes to the rule were made and the Currituck County Board of Commissioners agrees that any changes to the rule should include the following provisions, which are sincere concerns for local governments:

- Separate municipal storm sewers will continue to be regulated and permitted under Section 402 of the Act and will not be considered Waters of the U.S.; and
- Water delivery, reuse, and reclamation systems and facilities will not be considered Waters of the U.S.; and
- Ditches, streams and other drainage features that protect and ensure the operation of public infrastructure will not be considered Waters of the U.S.; and
- Wastewater treatment systems and all associate infrastructure will not be considered Waters of the U.S.; and
- Any proposal to regulate waters within a floodplain, riparian, or any other general area must include a specific definition, including the specific boundaries, of the floodplain, riparian, or other area subject to the rule; and
- The rule must include sufficient clarity and specificity to better inform regulators and permittees, and to minimize the potential for litigation.

BE IT FURTHER RESOLVED, in opposition to the proposed change to the rule defining "Waters of the U.S.," the Currituck County Board of Commissioners encourages citizens to write letters to the EPA, E-mail the EPA, or post comments to the Federal eRulemaking Portal, in the manner described below:

Letters, including the original and three copies, may be sent to:

Water Docket, Environmental
Protection Agency Mail Code
2822T
1200 Pennsylvania
Avenue NW Washington,
DC 20460
Attention: Docket ID No. EPA-HQ-OW-2011-0880

E-mails may be sent to: ow-docket@epa.gov. Please include EPA-HQ-OW-2011-0880 in the subject line of the message.

Comments may be posted online at: www.regulations.gov.
Simply follow the instructions for submitting comments.

BE IT FURTHER RESOLVED, that the Currituck County Board of Commissioners encourages other local governments to pass similar resolutions.

Adopted this 6th day of October, 2014.

S. Paul O'Neal, Chairman
Board of Commissioners

Attest:

Leeann Walton, Clerk to the Board

(County Seal)