



**Board of Commissioners  
Agenda Packet**

**February 15, 2016**

**5:00 Call to Order**

- A) Invocation & Pledge of Allegiance-Reverend Kimberly Ferebee, St. Mark Church of Christ
- B) Approval of Agenda

**Administrative Reports**

- A) YMCA-Report from Mr. Billy George, President/CEO, YMCA of South Hampton Roads
- B) College of the Albemarle-Report from COA President, Dr. Kandi Dietemeyer

**Old Business**

- A) Consideration and Action: PB 15-14 Currituck Homes, Inc.: Request to amend the Currituck County Unified Development Ordinance, Chapter 6, to modify the water supply standards that would exempt certain developments from connecting to the county water system.
- B) Consideration and Action: PB 15-18 Mashuda Multi-Family: Request for conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional District - Mixed Residential (C-MXR). The property is located in Barco at the terminus of Patriot Way east of Central Elementary School and on the north side of Shortcut Road (US 158), Tax Map 60, Parcel 99E, Crawford Township.

**New Business**

- A) Consideration and Approval of An Agreement Between Currituck County, United States of America and The Conservation Fund for the County's Acquisition of 95.61 Acres of a Portion of Land Known As The Flyway Tract on Knotts Island From The Conservation Fund and Thereafter An Exchange of the Land Acquired With the United States of America for 719 Acres on the Currituck County Outer Banks
- B) Board Appointments
  - 1. Senior Citizens Advisory
  - 2. Recreation Advisory
  - 3. Planning Board
  - 4. Board of Adjustment
- C) Consent Agenda
  - 1. Approval Of Minutes for February 1, 2016
  - 2. Budget Amendments
  - 3. Approval of Master Fee Schedule-Whalehead Fees
  - 4. Report of Unpaid 2015 Real Estate Taxes & Order of Tax Lien Advertisement
  - 5. Dominion Power Right of Way Agreement

D) Commissioner's Report

E) County Manager's Report

**Public Comment**

*Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.*

**Adjourn**

**Special Meeting of the Tourism Development Authority**

Budget Amendments

**Adjourn Special Meeting**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1454)**

**Agenda Item Title**

YMCA-Report from Mr. Billy George, President/CEO, YMCA of South Hampton Roads

**Brief Description of Agenda Item:**

**Board Action Requested**

Information

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1455)**

**Agenda Item Title**

College of the Albemarle-Report from COA President, Dr. Kandi Dietemeyer

**Brief Description of Agenda Item:**

**Board Action Requested**

Information

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1292)**

### **Agenda Item Title**

Consideration and Action: PB 15-14 Currituck Homes, Inc.: Request to amend the Currituck County Unified Development Ordinance, Chapter 6, to modify the water supply standards that would exempt certain developments from connecting to the county water system.

### **Brief Description of Agenda Item:**

Request to amend the Currituck County Unified Development Ordinance, Chapter 6, to modify the water supply standards that would exempt certain developments from connecting to the county water system.

### **Planning Board Recommendation:**

Planning Board Recommendation:

Mr. Whiteman moved to approve PB 15-14 due to its consistency with the goals, objectives, and policies of the Land Use Plan with the following conditions:

- Performance guarantee shall be fully refunded at 10 years if the county waterline is not extended to the subdivision.
- Keep the formulated distance equation which is presently used in the Unified Development Ordinance.
- Any monies now on deposit as well as any other performance guarantees shall be fully refunded at 10 years if the county waterline is not extended to the subdivision.

Ms. Overstreet seconded the motion and motion carried.

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Donna Voliva,

**Presenter of Agenda Item**

Ben Woody



## Currituck County

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

To: Board of Commissioners  
 From: Planning Staff  
 Date: February 2, 2016  
 Subject: PB 15-14 Currituck Homes, Inc. Text Amendment

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The enclosed text amendment submitted by Mr. Jerry Old, Currituck Homes Inc., is intended to amend the county's water supply standards to exempt subdivisions located more than the formulated distance required to connect to the county water system from the performance guarantee standards for future water improvements. In addition, the amendment also proposes any monies deposited with the county for water tap or water tap fees for the subdivisions located more than the formulated distance required for connection to be refunded with interest. Under the current ordinance all subdivisions, except family subdivisions, are required to connect to the county water system (or provide a cash deposit for future connection) based on a formula included in the ordinance.

The connection requirement has generally been successful in managing growth of the county water system; however, low density subdivisions that are located a long distance from an existing county water main are required to provide a cash deposit at a rate of cost plus 15 percent for future water system improvements. To date, subdivisions that have provided cash deposits have not connected to the county water system due to the lack of waterline extensions. The existing ordinance does provide a reasonable connection distance for existing developed areas and tracts of land already zoned for higher densities.

The Board of Commissioners reviewed several text amendments related to water supply in the past couple of years.

PB 11-04 Three of a Kind, Inc.: On April 18, 2011, the BOC approved an amendment to the UDO that allowed the developer to replace the cash performance guarantee for uninstalled water infrastructure with a surety bond or letter of credit after three years if the lines have not been installed.

PB 13-15 Water Supply Standards: On February 3, 2014, the BOC denied an amendment to the UDO that included an exemption for subdivisions located more than one mile from an existing water main from connecting to the county water system and the performance guarantee requirements.

PB 14-08 Currituck County Waterline Extension and Connection: On August 4, 2014, the BOC approved an amendment to the UDO that required all lots, except family subdivision lots, to connect to the county water system or post the required performance guarantee if located beyond the formulated distance for the required connection. In addition, the amendment included a requirement for all water mains serving a fire hydrant to be a minimum of eight inches in diameter, modeling and sizing requirements, clarification of fire hydrant spacing, and reimbursement contracts.

The 2006 Land Use Plan Policy statements that are relevant to the request are as follows:

POLICY WS3: Currituck County endorses UTILITIES EXTENSION POLICIES that focus water and sewer services (1) within existing developed areas and in nearby targeted growth areas identified as Full Service and Limited Service areas, (2) where development densities would make the provision of all public services more efficient, (3) where the land is particularly well suited for development, and (4) away from environmentally sensitive areas, such as areas with extensive wetlands or the northern beaches of the Outer Banks.

POLICY PP3: The costs of infrastructure, facilities, and services (e.g. schools, parks, water supply, etc.) related to the DEMAND CREATED BY NEW GROWTH BY NEW GROWTH AND DEVELOPMENT shall be borne, in equitable proportion, by those creating the additional demand. So as to lessen the burden on the general property tax payer, this approach may include a land transfer tax, impact fees on new development, upzoning fees, and user fees for new facilities.

The proposed text amendment does have the indirect effect of making areas outside of Full Service more desirable for new subdivisions by reducing development infrastructure costs. This type of "leapfrog" growth increases the demand on county services. Planning staff recommends **denial** of the request submitted by Currituck Homes because the proposed text amendment is not consistent with the goals, objectives, and policies of the Land Use Plan because it does not focus water service in existing developed areas and in nearby targeted growth areas (POLICY WS3), does not place the costs of infrastructure related to the demand created by the new development on the developer, and does not result in a logical and orderly development pattern.

#### **PLANNING BOARD RECOMMENDATION:**

Mr. Whiteman moved to approve PB 15-14 due to its consistency with the goals, objectives, and policies of the Land Use Plan with the following conditions:

- Performance guarantee shall be fully refunded at 10 years if the county waterline is not extended to the subdivision.
- Keep the formulated distance equation which is presently used in the Unified Development Ordinance.
- Any monies now on deposit as well as any other performance guarantees shall be fully refunded at 10 years if the county waterline is not extended to the subdivision.

Ms. Overstreet seconded the motion and motion carried.

## BOARD OF COMMISSIONERS DISCUSSION (11/16/15)

Mr. Woody answered Board questions about the current policy in place, and County Attorney Ike McRee reviewed the proposed State legislation which would allow developers to choose the type of performance guarantee they wish to put forth. Commissioners discussed water line expansion and funding, and with whom the responsibility should lie regarding payment for expansion of service. Water quality, fire protection, and alternative forms of guarantee were discussed in lieu of holding cash, with the state legislation now offering these alternatives.

Chairman O'Neal opened the Public Hearing.

Eddie Hyman, ET Hyman Surveying, and representing the applicant, explained how the ordinance in place impacts developers, using a 16 lot subdivision as an example. He calculated the on and off-site waterline costs would total \$174,524 for water infrastructure, with another \$80,000 for water tap fees, for a utility the development may never see. Additionally, wells must be installed to provide water in the meantime, and the fees ultimately get passed on the home buyer. Mr. Hyman talked about the outlying areas where building is occurring, and requests the text amendment be approved as written. Mr. Hyman said no one has benefited from the fees that have been paid so far. He believes it is unfair to charge if the service is never going to be provided.

The Board raised issues such as developers choosing to go outside the area in an effort to not have to pay the utility fee, as well as the additional costs of services to the areas, such as school buses. Mr. Hyman said the land value is impacted due to the lower densities. Commissioner Payment cited an example of a subdivision that was constructed in Grandy whose homeowners would like to get county water now but can't afford it.

Mr. Hyman said they are unable to install dry lines due to contamination. Dan Scanlon, County Manager, said the debt payment for the water plant would be paid in about ten years. Lot sizes were discussed in the outlying areas. Chairman O'Neal asked staff to provide information as to how many subdivisions and in what amount of funds we are holding.

James Innes, Tulls Creek Road, Moyock, believes the developer is the one who pays twice, first installing the well then making the deposit for the water line. He explained the challenges with obtaining a bond, as the insurance underwriters questioned the indefinite period of time required. Mr. Innes said neither a letter of credit nor a bond are readily available today. He addressed fire protection outside of the water utility area, providing ponds and less density. Mr. Innes talked of building outside versus inside the waterline, with the Board expressing concern with developers choosing to go outside to save money. Mr. Innes said the cost is so much greater to build outside, both providing a well and paying the deposit, as all a developer has to pay is the tap fee at the time if a builder connects.

Billy Brumsey, Currituck, said he is trying to get a 13 lot subdivision approved with a \$219,790 up front cost, believing he will never be able to get a bond or letter of credit, as people will not take that risk for an undetermined length of time. He doesn't believe the fee should be imposed when it is not imposed in Gibbs Woods or Knotts Island. He said the county elected to get into the water business, believing there is some obligation for the county to run water lines to those who want water.

The Board discussed with Mr. Brumsey the upfront cost, trying to recoup the cost from the sale, as well as additional up front costs for development.

With no one else wishing to speak, Chairman O'Neal closed the public Hearing and asked the Board for a motion.

Commissioner Griggs moved to table the item, to have time to address the state legislative action in the General Assembly as well as to give consideration of other questions raised.

Commissioner Gilbert seconded with the stipulation that the Planning Board and Staff have time to come up with recommendations.

The Board discussed a time frame to rehear the item, with County Manager, Dan Scanlon, stating the 90 days would be needed if the Board requests Planning Board review.

The Board directed staff, along with Planning Board input, to bring back recommendations with alternate solutions, taking into consideration what the state has mandated, as well as address the "unfairness" of an infinite holding of the deposit. The Board recommended looking at a long-range plan for water expansion within the county. Mr. Scanlon, when asked, said a build out on Mainland Currituck would cost tens of millions of dollars.

After discussion, Commissioner Griggs restated his motion and was seconded by Commissioner Gilbert. The motion carried unanimously.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 2/15/2016 5:00 PM</b>
<b>MOVER:</b>	David L. Griggs, Vice Chairman	
<b>SECONDER:</b>	Marion Gilbert, Commissioner	
<b>AYES:</b>	S. Paul O'Neal, Board Chairman, David L. Griggs, Vice Chairman, O. Vance Aydlett, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner	

#### **PLANNING BOARD DISCUSSION (10/13/15)**

Eddie Hyman, ET Hyman Surveying, PC appeared before the board.

Ms. Voliva presented the staff report.

Mr. Cartwright asked staff what services put a burden on the county if they are beyond the formulated distance.

Ms. Voliva said fire, EMS, law enforcement, schools, and school buses.

Mr. Cooper said you can still develop property if you beyond the formulated distance.

Ms. Voliva said you can do one of two things, either post the cash bond for your development and the impacts related to the development, or do an exempt subdivision where the lots are greater than ten acres and there is no requirement on water or infrastructure.

Mr. Cooper said if you are two miles away from a county waterline and the formula says you

have to hook-up if you are within 14,000 feet, you would put up money for those 14,000 feet.

Ms. Voliva said yes plus whatever is inside the subdivision. Water tap fees are now paid at building permit time.

Mr. Hyman said spoke on behalf of the applicant. Mr. Hyman said the developer wants to do a sixteen lot subdivision off Backwoods Road. Mr. Hyman said the cost for the developer is \$174,524.00 and at building permit it is another \$5,000 per lot. The total cost is \$254,524.00 for a service that most likely will not be used. This would be an amount that the county holds with no method of reimbursement. Mr. Hyman said they are five miles away from the county waterline. Gibbs Woods and Knotts Island do not have county water.

Ms. Voliva said there is a reimbursement contract that is available once the waterline is installed outside the development. Ms. Voliva said in Gibbs Woods and Knotts Island the minimum lot sizes are three acres.

Mr. Cooper closed the public hearing.

Ms. Voliva said the public utilities director has said the intent is for the entire county to be on county water.

The Planning Board discussed a timeframe for reimbursement, county services, community water systems, and full and limited service district.

Mr. Hyman said most of the developers he works for would like to hook-up to county water, but some of these areas are so far from the existing county waterline.

Mr. Cartwright asked Mr. Hyman what the cost would be for the roadside for the sixteen lots to run a line to connect into the county water.

Mr. Hyman said approximately \$20 per foot for an eight inch line. Mr. Hyman said it is 1,120 feet.

Mr. Cartwright said this is an additional cost.

Ms. Voliva said if the board should consider approval of the request some consideration be made in lot sizes of these areas. The proposed text amendment does have the indirect effect of making areas outside of Full Service more desirable for new subdivisions by reducing development infrastructure costs. The type of "leapfrog" growth increases the demand on county services.

Mr. Wright said the question is if the developer will be paying for water now or later.

Ms. Voliva said the burden would be on the county to install lines.

Mr. Cooper said there are two sides, is the county charging for a service that may never exist, but somewhere in the middle if you are within a certain distant of an existing waterline and develop property you should be obligated to bring the water into the neighborhood? The

other side is if you are miles away and no chance of water getting there in the future is it right to charge \$200,000 to \$300,000 for a sixteen lot subdivision.

Mr. Cartwright said he is not against having money for infrastructure, but paying for the county line coming down the road and not getting money back within a certain timeframe.

Ms. Voliva said your monthly water fee pays for maintenance and the impact fees pays for the plant and upgrades.

Mr. Craddock asked Mr. Hyman what it would cost to install a community water system.

Mr. Hyman said he does not know. Mr. Hyman said the additional \$16,000 per lot would get passed to the potential buyer.

Ms. Voliva said the reimbursement would only be for infrastructure on the state road extending beyond the subdivision.

Mr. Hyman said this text amendment is saying don't charge if you can't provide the service.

Mr. Cooper said if you are a couple of miles from water you would be a limited service district, which means the county has little intention of bringing services there. If you want to develop this land in a limited service district you would have to pay for these services. Mr. Cooper said the formula is good and reasonable. It is a possibility that land will not be developed because of the added costs. Mr. Cooper asked if there is a plan that the water department has where the waterline will be expanded.

Ms. Voliva said the county has prioritized roads where the waterlines could be extended.

Mr. Whiteman moved to approve PB 15-14 due to its consistency with the goals, objectives, and policies of the Land Use Plan with the following conditions:

- Performance guarantee shall be fully refunded at 10 years if the county waterline is not extended to the subdivision.
- Keep the formulated distance equation which is presently used in the Unified Development Ordinance.
- Any monies now on deposit as well as any other performance guarantees shall be fully refunded at 10 years if the county waterline is not extended to the subdivision.

Ms. Overstreet seconded the motion and motion carried.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 11/16/2015 5:00 PM</b>
<b>MOVER:</b>	Fred Whiteman, Board Member	
<b>SECONDER:</b>	Jane Overstreet, Board Member	
<b>AYES:</b>	Cooper, Bell, Cartwright, Cason, Craddock, Overstreet, Whiteman, Wright	
<b>ABSENT:</b>	Bell	

**PB 15-14**  
**UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 6: Required Infrastructure to revise the water supply standards to exempt certain development from connecting to the county water supply system.

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

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

**D. Water Supply Standards**

All development shall incorporate a water supply system in accordance with these standards.

**(1) Water Supply System Required**

- (a) Every principal use and every buildable lot in a subdivision shall be serviced by a means of water supply that is adequate to accommodate the reasonable needs of such use or lot and that complies with all applicable health regulations.
- (b) All buildable lots within a planned unit development, planned development, or multi-family development shall be connected and serviced by the county water supply system.
- (c) Except for family subdivisions and lots in the Fruitville and Moyock-Gibbs Woods Townships, all new subdivisions and nonresidential development shall be connected and serviced by the county water supply system if the distance between the closest existing county water main and the proposed development is within the following formula distance: 100 feet for each of the first ten units plus 20 feet for each additional unit.

*Example: a proposed subdivision with 30 single-family dwelling units located 1,400 feet or less from an existing water main shall connect  $(10 \text{ units} \times 100) + (20 \text{ units} \times 20)$ .*

- (d) In determining the number of units proposed in a phased development, the number of units for water services relates to the

total number of proposed units for the entire tract rather than a single phase of the proposed development.

- (e) Where the distance to the closest existing county water main exceeds the formula in (c) above, the developer shall not have to submit a performance guarantee ~~in the form of a cash deposit for future water improvements in an amount equal to 115 percent of the estimated full cost of completing the required improvements, including the costs of materials and labor. Improvements include, but are not limited to, the water main (required extension distance), laterals, service lines, meter boxes, yokes, and fire hydrants.~~ Any monies now on deposit as well as any other performance guarantees, such as those set forth in Section 6.3.1. pertaining to subdivisions which are situated such that the distance to the closest existing county water main exceeds the formula in (c) above at the time of said subdivisions plat recording, shall be returned to the developer with interest and otherwise released. Where the distance to the closest existing county water main exceeds the formula in (c) above, the developer shall not have to deposit with the county or pay a water tap or tap fees associated with said subdivision. Any monies now on deposit or otherwise paid for water tap or water tap fees pertaining to subdivisions which are situated such that the distance to the closest existing county water main exceeds the formula in (c) above, shall be returned/refunded to the developer with interest and otherwise released. The foregoing provisions shall be retroactive and supersede any contrary provision elsewhere in the development ordinance.
- (f) The maximum connection distance for nonresidential uses shall be determined by converting projected water demand from the development into an equivalent number of residential units and applying the formula in (c) above. For the purposes of this section, an individual residential dwelling unit uses 250 gallons of water per day.

*Example: a proposed nonresidential use is anticipated to use 7,500 gallons of water per day. This is equivalent to 30 residential units (7,500/250 = 30), and the use shall connect*

*if it is located 1,400 feet or less from an existing water main  
 $(10 \text{ units} \times 100) + (20 \text{ units} \times 20)$ .*

(g) Water lines owned by the Ocean Sands Water and Sewer District shall be considered part of the county's water supply system for the purposes of this section.

**Item 2:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 3:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
 Board of Commissioners' Chairman

Attest:

\_\_\_\_\_  
 Leeann Walton  
 Clerk to the Board

DATE ADOPTED: \_\_\_\_\_

MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_

SECONDED BY COMMISSIONER: \_\_\_\_\_

VOTE: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

\*\*\*\*\*

PLANNING BOARD DATE: \_\_\_\_\_

PLANNING BOARD RECOMMENDATION: \_\_\_\_\_

VOTE: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_

BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_

BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_

POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_

AMENDMENT NUMBER: \_\_\_\_\_



## **Text Amendment Application**

**OFFICIAL USE ONLY:**

Case Number:

Date Filed:

### Gate Keeper:

**Amount Paid:**

## Contact Information

**APPLICANT:**

Name: Currituck Homes, Inc.

Address: PO Box 505, Moyock NC 27958

Telephone: 252 207 3002

E-Mail Address: [currituckhomes@embarqmail.com](mailto:currituckhomes@embarqmail.com)

## Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 6 Section(s) 6.2.3 as follows:

See attached

\*Request may be attached on separate paper if needed.

Jerry L. ~~and~~  
Petitioner

Petitioner

8.10.15

Date \_\_\_\_\_

**Text Amendment****Currituck County Development Ordinance*****Subsection 6.2.3 D. (I)(e) to be replaced with the following:***

**Where the distance to the closest existing county water main exceeds the formula in ( c ) above, the developer shall not have to submit a performance guarantee for future water improvements. Any monies now on deposit as well as any other performance guarantees, such as those set forth in Section 6.3.1, pertaining to subdivisions which are situated such that the distance to the closest existing county water main exceeds the formula in ( c ) above at the time of said subdivision plat's recording, shall be returned to the developer with interest and otherwise released.**

**Where the distance to the closest existing county water main exceeds the formula in ( c ) above, the developer shall not have to deposit with the county or pay a water tap or tap fees associated with said subdivision. Any monies now on deposit or otherwise paid for water tap or water tap fees pertaining to subdivisions which are situated such that the distance to the closest existing county water main exceeds the formula in ( c ) above, shall be returned/refunded to the developer with interest and otherwise released.**

**The foregoing provisions shall be retroactive and supersede any contrary provision elsewhere in the development ordinance.**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1370)**

### **Agenda Item Title**

Consideration and Action: PB 15-18 Mashuda Multi-Family: Request for conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional District - Mixed Residential (C-MXR). The property is located in Barco at the terminus of Patriot Way east of Central Elementary School and on the north side of Shortcut Road (US 158), Tax Map 60, Parcel 99E, Crawford Township.

### **Brief Description of Agenda Item:**

Request for conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional District - Mixed Residential (C-MXR). The property is located in Barco at the terminus of Patriot Way east of Central Elementary School and on the north side of Shortcut Road (US 158), Tax Map 60, Parcel 99E, Crawford Township.

### **Planning Board Recommendation:**

Planning Board Recommendation:

Mr. Whiteman moved to approve PB 15-18 Mashuda Multi-Family Site, conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional Mixed Residential (C-MXR) due to its consistency with:

- The goals, objectives, and policies of the Land Use Plan (See Policy HN3),
- The density allowances of the Full Service classification in the Land Use Plan,
- The sustainability policies of the Maple-Barco Small Area Plan (See Policy SD1) because the proposed development will implement six practices into the development, and;
- The request is reasonable and in the public interest because it will address a demonstrated community need.

Ms. Bell seconded the motion and motion carried.

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Donna Voliva,

**Presenter of Agenda Item**

Ben Woody

**STAFF REPORT FOR THE  
BOARD OF COMMISSIONERS  
DATE: February 1, 2016  
PB 15-18 MASHUDA MULTI-FAMILY SITE**

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**ITEM:** PB 15-18 Mashuda Multi-Family Site: a conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional District- Mixed Residential (C-MXR).

**LOCATION:** Barco – Patriot Way east of Central Elementary School on north side of Shortcut Road (US 158).

**TAX ID:** 0060000099E0000

**OWNER:** Frank C. and Maria A. Mashuda  
1304 South 19<sup>th</sup> Road  
Arlington, VA 22202  
703-909-6935, 703-920-0712

**APPLICANT:** ABLX, LLC  
c/o Brian Innes  
378 Caratoke Highway  
Moyock, NC 27958  
252-453-2531

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Wastewater treatment plant/ Undeveloped lands/ Farmland	HI/AG
<b>SOUTH</b>	Residential	AG
<b>EAST:</b>	Farmland	AG
<b>WEST:</b>	Wastewater treatment plant/Undeveloped lands	GB

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as Full Service within the Barco-Coinjock-Airport subarea.

The policy emphasis of the Barco-Coinjock-Airport sub-area is to emerge as a principal community center serving the central area of the mainland. Residential development densities should be medium to high. 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 though the use of overlay zones. Although the densities are in keeping with the policy emphasis of the sub-area, the proposed application is not in keeping with the policies of the plan, some of which are:

**POLICY HN1:** Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an

environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services.

POLICY TR11: ACCESS TO HIGHER INTENSITY DEVELOPMENT shall generally not be permitted through an area of lower intensity development. For example, access to a multi-family development, a major park facility or other large traffic generator shall not be permitted through a local street serving a single-family residential neighborhood.

**MAPLE-  
BARCO SAP:**

The Maple-Barco Small Area Plan classifies the property as Employment.

The Employment future land use classification is anticipated for land uses that will generate economic activity or job growth. Residential development should be discouraged in areas of the Employment land use category.

Policies not in support of the application include:

POLICY LU1: Provide for very low density development in close proximity to the airport facility and in designated approach zones. Additionally, promote an appropriate mix of development types in the Maple/Barco area.

**CURRENT ZONING:** Agricultural (AG) Base District  
Airport Overlay District (AO)

**PROPOSED ZONING:** Conditional District – Mixed Residential (C-MXR)

**CURRENT USE:** Undeveloped

**SIZE OF SITE:** 15.78 acres

**ZONING HISTORY:** Agricultural (A) - 1989 Zoning Map  
Agricultural (A-40) – 1979 Zoning Map  
Light Industrial (LI) – 1971 Zoning Map

**UTILITIES:** County water is available to serve this development. The proposed development is requesting connection to the Maple wastewater treatment plant.

**TRANSPORTATION:** The parcel accesses Caratoke Highway through Patriot Way, a private gravel road that serves single-family residential dwellings. All roads accessing the development must be designed and constructed to meet NCDOT standards.

**FLOOD ZONE:** The proposed development is located in the X, Shaded X, and AE flood zones.

**WETLANDS:** According to the applicant, the site does contain 404 wetlands. No mitigation is proposed within the wetland area. A copy of the wetland delineation shall be submitted during the site plan or subdivision review process.

**SOILS:** The proposed development predominately contains soils that are considered suitable to marginal for on-site septic.

**PLAN REQUEST:** Residential Development  
Mixed Residential (MXR)  
15.74 acres  

- Density: 4 units/acre (sustainable incentives)
- Eight two-story buildings
- Open Space
  - Required (30%): 4.72 acres

**PROPOSED ZONING CONDITIONS:**

1. Use: 63 unit multi-family complex consisting of 8 buildings with 8 residential dwelling units in each building with the exception of one building that will contain only 7 dwelling units and a manager office and/or common space for residents.
2. The site will meet Currituck County sustainability requirements necessary to receive density bonus. The sustainability practices planned to be included in this development:
  - Schedule A:
    - 1. Use of central air conditioners that are Energy Star qualified.
    - 2. Use of only solar or tankless water heating systems throughout the structure.
  - Schedule B:
    - 1. Roof eaves or overhangs of three feet or more on southern or western exposures.
    - 2. Inclusion of shade features to shade all windows and doors on the southern building façade.
    - 3. Provision of 150 ft undisturbed buffers adjacent to/surrounding all wetlands or surface waters.
    - 4. Provision of rain gardens or other appropriate stormwater infiltration BMP systems of at least 100 square feet in area.
3. The proposed buildings will not exceed two stores in height.
4. The water main for the site will be constructed such that a connection will be created between the water main adjacent to Patriots Way and the water main that currently terminates at the Maple Commerce Park Wastewater Treatment Plant.
5. The sanitary sewer for the site will be pumped to the Maple Commerce Park Wastewater Treatment Plant.
6. Passive recreational facilities will be provided on-site including:
  - a. A walking trail around the stormwater pond,
  - b. Seating benches adjacent to the walking trail and,
  - c. Accessible picnic platforms adjacent to the pond.
7. Upon development of the county's trail system, the developer will provide a connecting trail from the development to the county's trail system in Maple Commerce Park.

## COMMUNITY MEETING:

A community meeting was held on October 7, 2015 at 7:00 pm at the Barco Library. The concerns taken from the meeting were related to the development type, densities, traffic, water and fire flow, impacts on the adjacent properties, inadequate public facilities, and proximity to the airport. A detailed summary of the community meeting is provided by the applicant.

## 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 denial** of the proposed request. The proposed development is located within the Airport Overlay District (AO), compatible use zone 3. Although the proposed development may not be developed as a subdivision, the UDO states subdivision of land for residential purposes shall be subject to the maximum gross density requirements of the base zoning district. The development application includes a request for sustainability incentives to increase the overall density by one unit per acre. The conditional rezoning request is not consistent with the goals, objectives, and policies of the Land Use Plan and Maple-Barco Small Area Plan and, is not reasonable and in the public interest since the request is not compatible with existing and proposed uses surrounding the land subject to the application. In addition the proposed request would not result in a logical and orderly development pattern.

### Additional Staff Concerns:

1. The proposed development is located within the Airport Overlay District (AO), compatible use zone 3.
2. The Maple-Barco Small Area Plan identifies the property as Employment future land use classification that discourages residential development within this area.
3. The proposed development shall meet the multi-family design standards of Chapter 5 of the UDO. The building design and site plan shall meet the requirements in effect at the time of site plan or subdivision submittal. The conditional rezoning does not vest the plan.

## SAMPLE MOTIONS

### Denial

Move to deny PB 15-18 Mashuda Multi-Family Site, conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional Mixed Residential (C-MXR) due to its inconsistency with:

- The goals, and objectives, and policies of the Land Use Plan (See Policies HN1, and TR11)
- The Maple – Barco Small Area Plan because the proposed density is not appropriate for the location since it adjoins and accesses through a four lot private access subdivision (Employment Future Land Use Classification policy Policy TR11).
- The proposed development exceeds the residential density of the base zoning district.

The request is not reasonable and not in the public interest because:

- The conceptual plan does not result in a logical and orderly development pattern, and;
- The conceptual plan exceeds the density allocations for the base zoning district and is in conflict with the Unified Development Ordinance.

**Approval**

Move to approve PB 15-18 Mashuda Multi-Family Site, conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional Mixed Residential (C-MXR) due to its consistency with:

- The goals, objectives, and policies of the Land Use Plan (See Policy HN3),
- The density allowances of the Full Service classification in the Land Use Plan,
- The sustainability policies of the Maple-Barco Small Area Plan (See Policy SD1) because the proposed development will implement six practices into the development, and;

The request is reasonable and in the public interest because it will address a demonstrated community need.

**PLANNING BOARD RECOMMENDATION:**

Mr. Whiteman moved to approve PB 15-18 Mashuda Multi-Family Site, conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional Mixed Residential (C-MXR) due to its consistency with:

- The goals, objectives, and policies of the Land Use Plan (See Policy HN3),
- The density allowances of the Full Service classification in the Land Use Plan,
- The sustainability policies of the Maple-Barco Small Area Plan (See Policy SD1) because the proposed development will implement six practices into the development, and;
- The request is reasonable and in the public interest because it will address a demonstrated community need.

Ms. Bell seconded the motion and motion carried.

### PLANNING BOARD DISCUSSION (1/12/16)

Mr. Innes provided a brief recap of the project. Mr. Innes presented some handouts that support the request. No incentives or grants are being applied for this project to be a rent subsidized complex. NCDOT will do acceleration and deceleration lanes each way. Mr. Innes said if this project is approved then Patriot Way will be paved with asphalt. Mr. Innes pointed out in the last few years the sheriff's office and jail has been expanded, extension service building and the sports complex which is still growing, are all located in the Maple-Barco SAP. Mr. Innes read an article written by David Owens on Spot Zoning for UNC School of Government. In the article Mr. Owens says spot zoning may be beneficial in a community and detrimental in others. Mr. Innes said in the article you will find information that will support both sides. Mr. Innes said one of the goals of the Maple-Barco SAP vision, "encouraging appropriate mixes of residential and commercial densities in close proximity to the airport facility."

Mr. Cooper asked Mr. Innes if this is a project that he will actually do.

Mr. Innes said on behalf of his client, if the project is approved, the property would be put up for sale and whatever conditions were put on it would be met by the prospective buyer.

Mr. Cooper said these projects could go either individual ownership or total ownership where each building is owned by one party and each unit is rented or each unit is set-up condo or townhouse style so there is individual ownership. Mr. Cooper asked Mr. Innes if this has been addressed.

Mr. Innes said at first it was apartments, but now it is townhomes that could be brought by an investor as a rental, brought by an individual as a home, or brought by several people to rent out.

Mr. Cooper opened the public hearing.

Mr. Young said he lives on Patriot Way. He is concerned with property values declining, and spot zoning creating higher density.

Ms. Young said she is concerned with safety, crime issues the housing may bring, traffic, and the location is not right for this type of project.

Mr. Cooper closed the public hearing.

The Planning Board discussed spot zoning, if the request is spot zoning and detrimental to surrounding area or neighbors, full service, density, Maple-Barco SAP, and airport overlay.

Ms. Voliva said the airport impact zones, Zone 3, residential density is about one unit per acre. The applicant is requesting four units per acre.

Mr. Craddock asked staff if the applicant is receiving additional bonus of density because the presence of the septic system that exist there.

Ms. Voliva said for sustainability requirements you have to qualify for points to receive density bonus. Ms. Voliva said the current zoning district; agricultural is based upon the

amount of open space you designate.

Ms. Overstreet asked what is the approximate acreage of the four existing lots.

Ms. Voliva said approximately one acre.

Ms. Overstreet asked how many housing units are proposed.

Ms. Voliva said 63 housing units on 15.78 acres. Ms. Voliva said a conditional rezoning request the conditions the applicant is presenting to the board and requesting approval, the applicant is bound too. This is not a vesting plan, should the county make any changes to the ordinances it could affect the development.

Mr. Cartwright asked what the buffering boundaries are.

Ms. Voliva said there is a 150 foot buffer along the boundaries of the wetlands, a 25 foot, Type A landscape buffer on one side, and a 50 foot agricultural buffer on the other side.

Mr. Craddock said the possibility for an aircraft disaster exists now with the YMCA, extension, church, sport complex, parks, and schools; the logic of not putting a development at this location because it is at a greater risk of an aircraft disaster is not really real, because the risk already exists in these buildings and parks.

Mr. Whiteman moved to approve PB 15-18 Mashuda Multi-Family Site, conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional Mixed Residential (C-MXR) due to its consistency with:

- The goals, objectives, and policies of the Land Use Plan (See Policy HN3),
- The density allowances of the Full Service classification in the Land Use Plan,
- The sustainability policies of the Maple-Barco Small Area Plan (See Policy SD1) because the proposed development will implement six practices into the development, and;
- The request is reasonable and in the public interest because it will address a demonstrated community need.

Ms. Bell seconded the motion and motion carried.

#### **PLANNING BOARD DISCUSSION (12/8/15)**

Brian Innes, Larry Gaither, Kim Hamby, and Rodney Young appeared before the board. Donna Voliva presented the staff report.

Mr. Cartwright asked if the airport overlay is county or state supported overlay.

Ms. Voliva said county.

Mr. Woody said it is within a county zoning district, but based on federal aviation regulations.

Mr. Craddock asked what are some of the significant differences between the agricultural zoning district and airport overlay, as far as restrictions to properties.

Ms. Voliva said the agricultural zoning district is the base zoning district which has its own height limitations. With the airport overlay there are additional criteria which have to be met, i.e. additional height restrictions. Ms. Voliva said the Maple Small Area Plan (SAP) is a guidance document not regulatory. Ms. Voliva said high density growth is not proposed in the airport overlay. Beyond the airport overlay, which is also part of the SAP, there are areas of higher density residential areas that are much closer to the Barco 158 and 168 intersections.

Mr. Cooper asked what is the criteria to tie into the sewage system.

Ms. Voliva said the sewage system is built for future facilities that are to be located in the Maple Commerce Park. There is capacity in the plant for additional users. Ms. Voliva said the road leading in is gravel and would have to be upgraded to paved NCDOT designed constructive way. The new development would require 8" water lines.

Mr. Cooper opened the public hearing.

Mr. Innes said he is here on behalf of the owners. Mr. Innes provided a background history of the property. County regulations have changed since the owners purchased the land. Mr. Innes talked about multi-family housing, county water, one time fees for tapping into the county's water supply and sewage disposal plant would generate \$876,800. Mr. Innes said this would be good housing for employees to live from the industrial park as it grows. Residents would be within walking distant to the YMCA and sport fields, Central Elementary School, and the Aviation school. This will be an upscale community and will not be Section 8 low income housing. Mr. Innes provided a letter from Sheriff Susan Johnson and Mark Stefanik, Currituck Schools Superintendent in favor of this project. Mr. Innes said residents will be carefully screened and rent would be approximately \$950 per month for 2 bedrooms.

Mr. Gaither and Ms. Hamby said they would be glad to answer any questions.

Mr. Young lives in one of the four homes on Patriot Way. Mr. Young is concerned with traffic, safety, and drainage issues. Mr. Young is concerned with who will be renting these units and potential crime issues.

Mr. Innes said there is a need for affordable rentals in Currituck County. A small rental residential company has six rentals in the area and they rent from \$1,425 to \$2,200 per month.

Mr. Cooper asked if these units will be under the same ownership or sold individually?

Mr. Innes said a mix of the above.

Mr. Cooper closed the public hearing.

Mr. Cooper said back in 2001-2002 there was a lot of discussion about multi-family and affordable housing in the county. Mr. Cooper said there is a shortage of affordable housing and affordable rentals. This project does meet these requirements. On the other side, does this request meet the rules of the SAP?

Ms. Bell said she agrees with Mr. Cooper's statement.

Mr. Cartwright asked if this request could be a spot zoning issue. Ms. Voliva said this could be a concern.

Mr. Cooper asked if the actual zoning would have compatible uses with General Business (GB).

Ms. Voliva said not as proposed. Ms. Voliva said there are four findings for spot zoning.

The Planning Board discussed the location of the request and how it relates to commercial growth, water and sewage treatment plant, density, Land Use Plan and its relation to a full service area, traffic, buffers, Maple SAP, access to development through the rear of the property, airport overlay, low supply of quality affordable rental property, and spot zoning.

Mr. Cooper said quality affordable housing in Currituck is a good thing, but the board to some degree is bound to the LUP to logical development patterns.

Mr. Cartwright said spot zoning could be an issue without knowing the criteria.

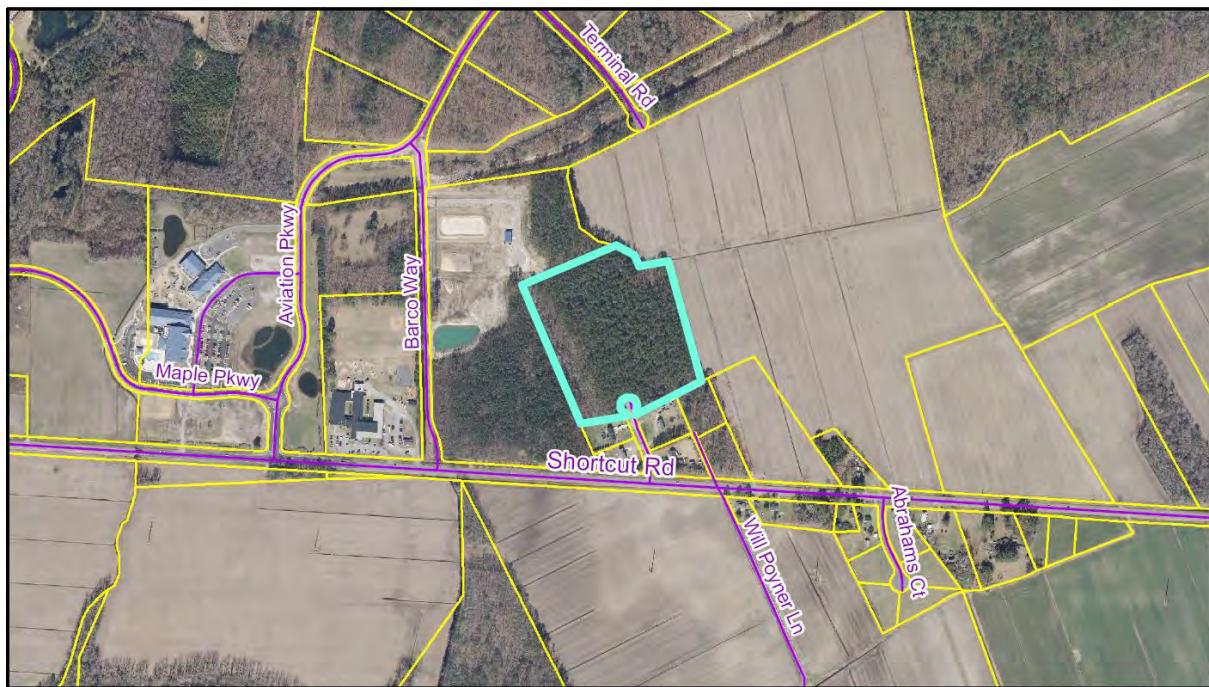
Mr. Craddock talked about the Elizabeth City Coast Guard base and the residential types surrounding properties. This request does not lie within the flight path of planes entering and exiting the airport.

Ms. Voliva clarified the items in relations to spot zoning. Ms. Voliva said the courts look at the size of the tract to determine if spot zoning is reasonable in size for said tract, compatibility with the plans (LUP and SAP), benefit vs. detriment of the rezoning, and relationship of the uses.

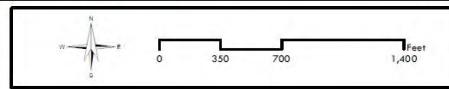
Mr. Innes said he was just made aware of the spot zoning issue tonight and would ask the board to table this request to give him time to look at the spot zoning issue.

Mr. Cartwright moved to table PB 15-18 to allow the applicant time to address the spot zoning criteria. Ms. Overstreet seconded the motion.

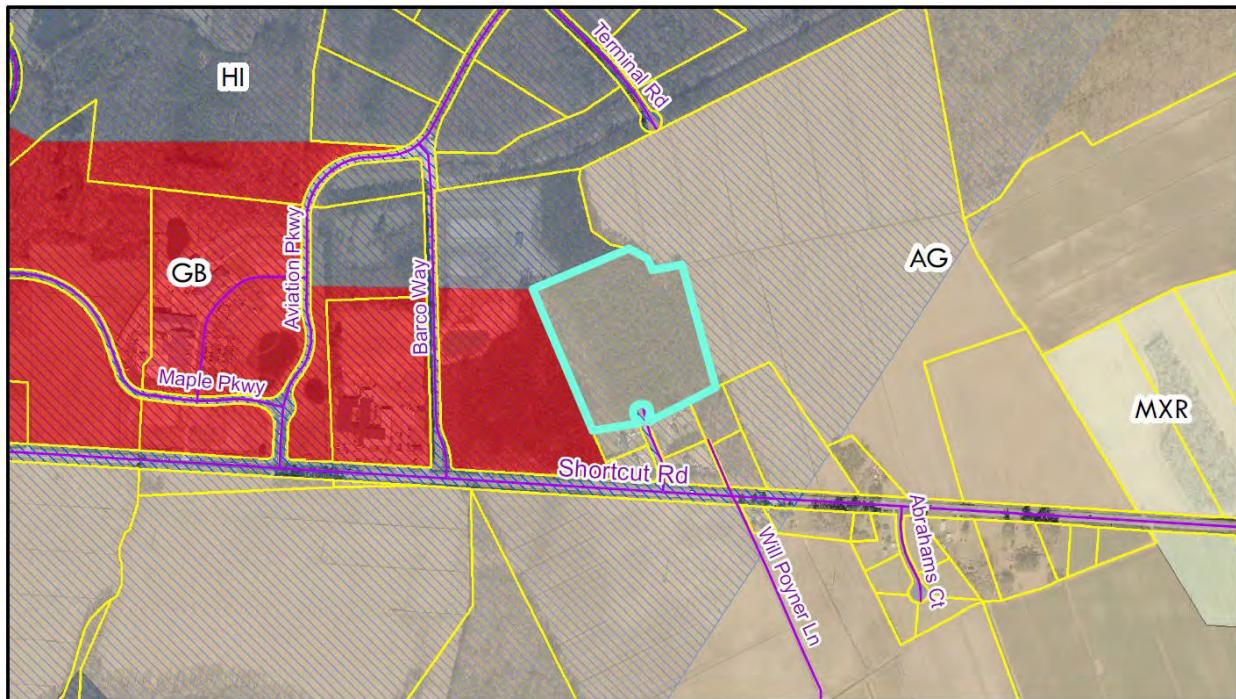
<b>RESULT:</b>	<b>TABLED [7 TO 1]</b>	<b>Next: 1/12/2016 12:00 AM</b>
<b>MOVER:</b>	Clay Cartwright, Board Member	
<b>SECONDER:</b>	Jane Overstreet, Board Member	
<b>AYES:</b>	John Cooper, Chairman, Carol Bell, Vice Chairman, Bobby Bell, Board Member, Clay Cartwright, Board Member, Mike Cason, Board Member, Steven Craddock, Board Member, Jane Overstreet, Board Member	
<b>NAYS:</b>	John Wright, Board Member	
<b>ABSENT:</b>	Fred Whiteman, Board Member	



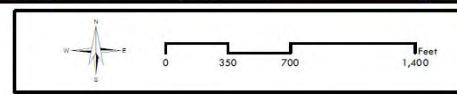
PB 15-18  
Mashuda Multi-Family  
Aerial Map



Currituck County  
Planning and Community  
Development



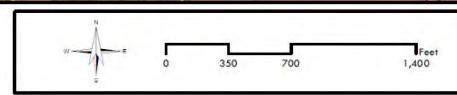
PB 15-18  
Mashuda Multi-Family  
Zoning Map



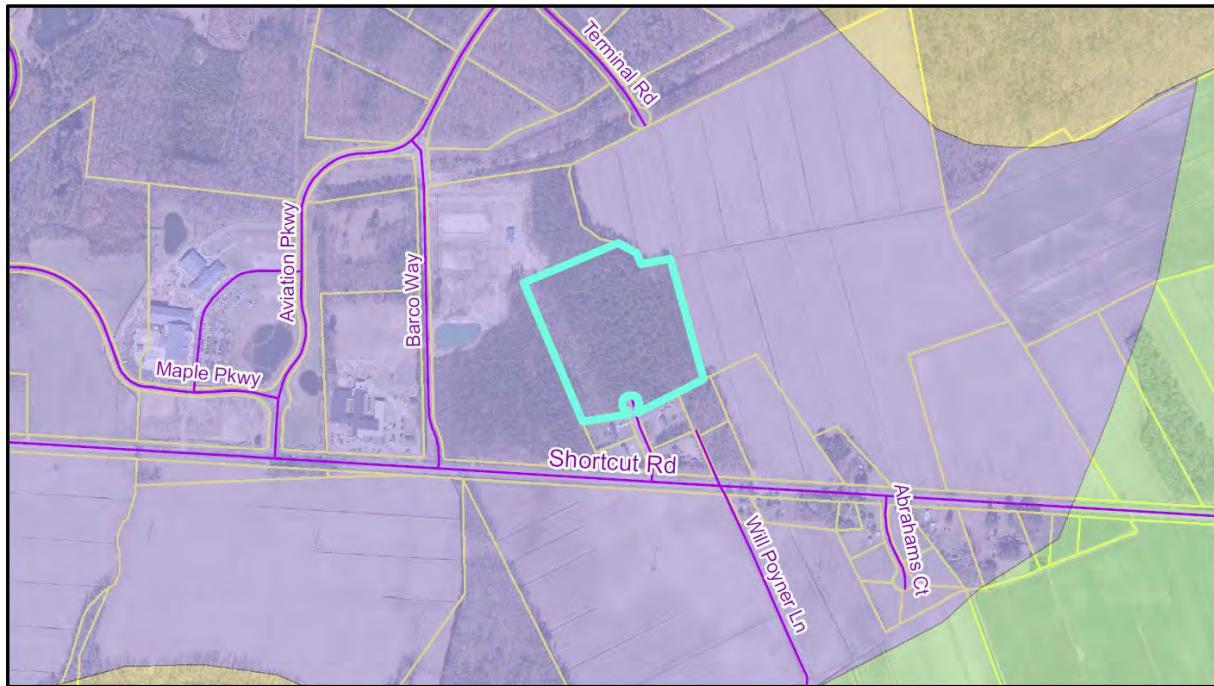
Currituck  
County  
Planning and Community  
Development



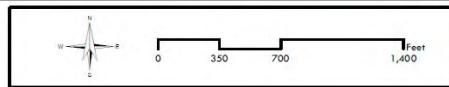
PB 15-18  
Mashuda Multi-Family  
LUP Classifications



Currituck  
County  
Planning and Community  
Development



PB 15-18  
Mashuda Multi-Family  
Maple-Barco SAP



Currituck County  
Planning and Community  
Development

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S  
WEBSITE

<http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm>



## 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: ABLX, LLC  
 Frank C. & Maria A. Mashuda  
 Kim Hamby, Eastern Carolina Engineering PC

From: Donna Voliva, Senior Planner

Date: November 12, 2015

Subject: PB 15-18 Mashuda Conditional Rezoning TRC Comments

The following comments have been received for the November 18, 2015 TRC meeting. Revisions must be resubmitted by November 23, 2015 in order to remain on track for the Planning Board agenda December 8, 2015. TRC comments are valid for six months from the date of the TRC meeting.

### Planning, Donna Voliva

#### Denied

1. The elevation picture of the proposed construction indicates a three story structure. One unit is brick with a single entrance on the ground floor and a hip roof. The other structure is also a three story brick/vinyl building with variations on the roof and wall offsets, and each unit appears to have an entrance on the ground floor. Please clarify the design and character of the proposed buildings. The proposed zoning condition limits the building to two stories. Also, the brick building does not appear to meet the multi-family design standards.
2. A mulch trail appears to be proposed around part of the detention pond, along the woods, and through the county property (wastewater treatment lot). The ordinance requires sidewalks to be constructed of asphalt, concrete or other hard surface materials, consistent with an approved site plan or established sidewalk patterns in the general area of the development.
3. Must meet the multi-family design standards of Chapter 5.
4. Developments seeking to use incentives shall include a written request with this application that demonstrates how compliance with the standards will be achieved.
5. The Maple-Barco small area plan classifies the property as Employment. Residential development should be discouraged in this area.

Policy LU1: Provide for very low density development in close proximity to the airport facility and in designed approach zones. Additionally, promote an appropriate mix of development types in the Maple/Barco area.

6. The property is located in the Airport Overlay District (Compatibility Zone 3) and limits the maximum gross density of the base zoning district requirements.

7. The plan shall identify required landscape buffers.
8. A deceleration lane shall be installed on US 158.
9. Provide interconnection street to the eastern property line.

**Albemarle Regional Health Services, Joe Hobbs**

Reviewed

1. APPROVAL FOR EXISTING MAPLE COMMERCE PARK WASTEWATER TREATMENT TO SERVE PROPOSED APARTMENT COMPLEX WITH WASTEWATER TREATMENT AND DISPOSAL WILL NEED TO COME FROM THE NC DIVISION OF WATER RESOURCES(WASHINGTON REGIONAL OFFICE) AT 252-946-6481 AND CURRITUCK COUNTY(OWNER OF THE MAPLE COMMERCE PARK WASTEWATER TREATMENT PLANT)

**Currituck County Engineer, Eric Weatherly**

**Currituck Soil and Water, Will Creef**

Approved

1. Subdivision will be reviewed for stormwater compliance with the UDO at construction drawing submittal.

**Currituck County GIS, Harry Lee**

Reviewed

**Currituck County Utilities, Pat Irwin**

Approved

1. Wastewater tap fee for total complex is 23,000 gpd/250 per EDU = 92 EDUs  
92 EDUs \* \$7,700 per EDU = \$708,400.

**Currituck County Building Inspections, Bill Newns**

Reviewed

**NCDOT, Randy Midgett 252-331-4737**

Approved

1. Encroachment agreement for utility work in right of way and driveway permit will be required. Left and right turn lanes and tapers should be considered on US 158.

**NCDENR, Pat McClain 252-264-3901**

Reviewed

1. Erosion and Sedimentation plan required.

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

No Comment

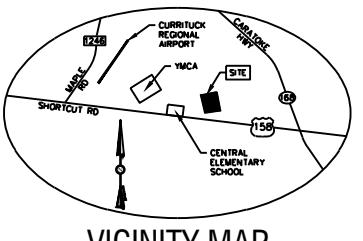
**US Postal Service, Barco Postmaster**

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

Comments were not received from:

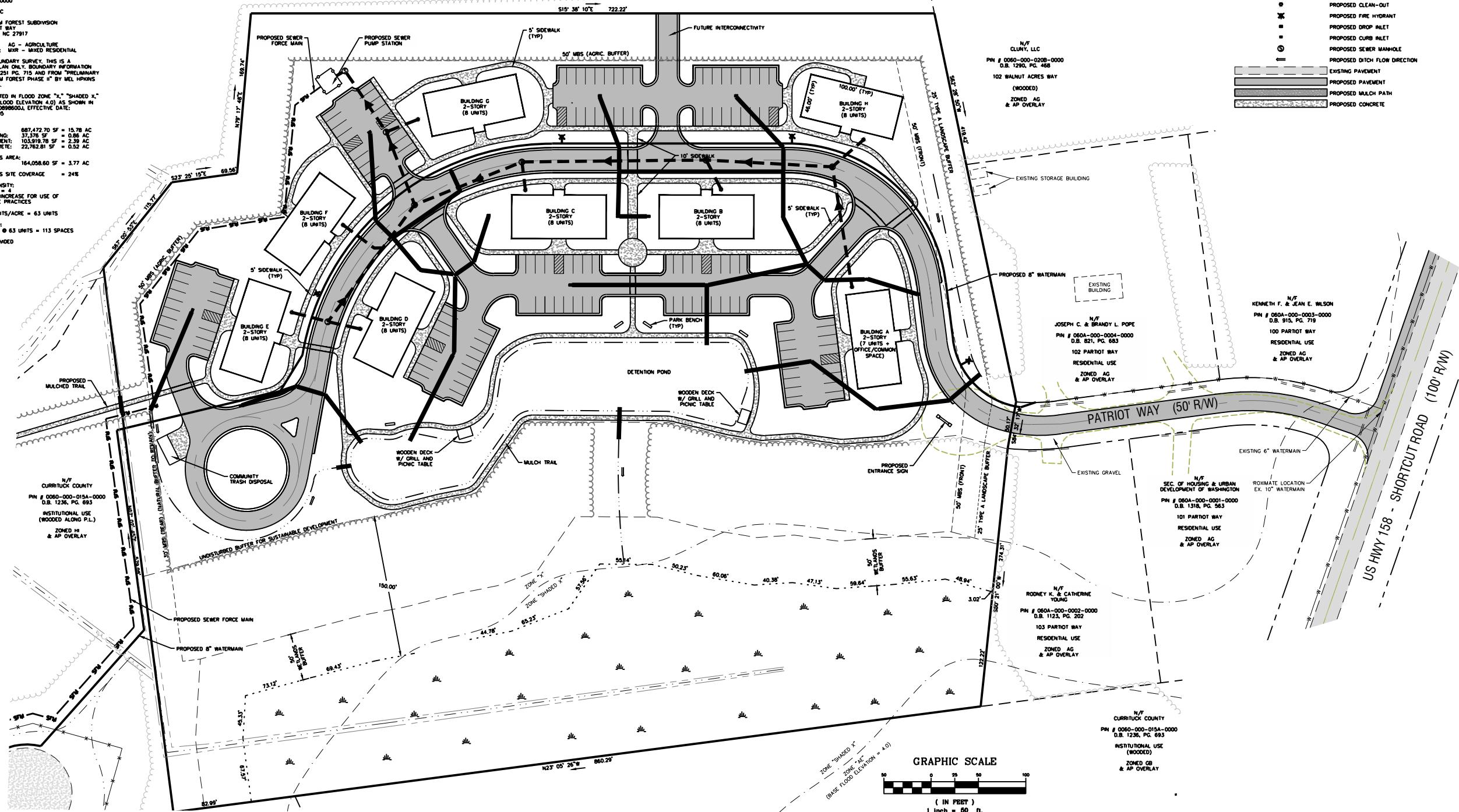
**Currituck County Fire Marshal, James Mims 252-232-6641**





**SITE DATA**

- OWNERSHIP: FRANK C. & MARIA A. MASHUDA  
1304 S. 19TH RD  
ALEXANDRIA, VA 22302  
(703) 920-0712 (703) 920-0712  
mmashuda@mail.com
- PIN: 006000000980000  
ACREAGE: 15.78 AC  
ADDRESS: FREEDOM FOREST SUBDIVISION  
102 WALNUT ACRES WAY  
BARCO, NC 27917  
CURRENT ZONING: AG - AGRICULTURE  
PROPOSED ZONING: MR - MIXED RESIDENTIAL  
3. THIS IS NOT A BOUNDARY SURVEY. THIS IS A  
SCHEMATIC SITE PLAN ONLY. BOUNDARY INFORMATION  
TAKEN FROM D.B. 251 PC. 715 AND FROM "PRELIMINARY  
PLAT OF FREEDOM FOREST PHASE II" BY MEL HOPKINS  
ENGINEERING, PLLC.  
4. THIS SITE IS LOCATED IN FLOOD ZONE "L" (SHADED H)  
AND "A" (BASE FLOOD ELEVATION 4.0) AS SHOWN IN  
FIRM MAPS 3720998600, EFFECTIVE DATE:  
DECEMBER 16, 2005  
5. SITE AREA:  
PROPOSED BUILDING: 687.72 SF = 15.78 AC  
PROPOSED PAVEMENT: 37,576 SF = 0.68 AC  
PROPOSED CONCRETE: 103,919.78 SF = 2.39 AC  
PROPOSED CONCRETE: 22,762.8 SF = 0.52 AC  
TOTAL IMPERVIOUS AREA: 164,058.60 SF = 3.77 AC  
TOTAL IMPERVIOUS SITE COVERAGE = 24%  
6. DWELLING UNIT DENSITY:  
DUE TO DENSITY INCREASE FOR USE OF  
SUSTAINABLE USE PRACTICES  
15.78 AC / 4 UNITS/ACRE = 63 UNITS  
7. PARKING REQUIRED:  
1.8 SPACES/UNIT @ 63 UNITS = 113 SPACES  
135 SPACES PROVIDED





## Conditional Rezoning Application

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

### Contact Information

#### APPLICANT:

Name: ABLX, LLC  
 Address: c/o Brian Innes  
 378 Caratoke Hwy  
 Telephone: 252-453-2531  
 E-Mail Address: brianinnes@remax.net

#### PROPERTY OWNER:

Name: Frank C. & Maria A. Mashuda  
 Address: 1304 S. 19th Road  
 Arlington, VA 22202  
 Telephone: 703-909-6935  
 E-Mail Address: mmashuda@hotmail.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: real estate agent under contract

### Property Information

Physical Street Address: Patriot Way

Location: off the end of the cul-de-sac of Patriot Way

Parcel Identification Number(s): 0060000099E0000

Total Parcel(s) Acreage: 15.78

Existing Land Use of Property: vacant - wooded

### Request

Current Zoning of Property: AG-Agricultural      Proposed Zoning District: MXR-Mixed Reside+

### Community Meeting

Date Meeting Held: 10-7-15      Meeting Location: Currituck Co. Public Libra+

**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):**

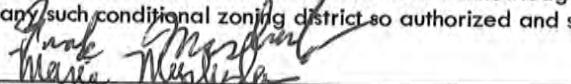
The proposed use is a 63 unit multi-family complex consisting of 8 buildings with 8 residential apartment units in each building with the exception of one building that will contain only 7 dwelling units and a management office and/or common space for residents.

**Proposed Zoning Condition(s):**

See attached list of conditions

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

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.

  
Property Owner (s)

10/15/15  
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.**

Attachment to Mashuda Multi-Family Site Rezoning Request

## Proposed Zoning Conditions:

The site will meet Currituck County sustainability requirements necessary to receive density bonus.

The proposed buildings will not exceed two stories in height.

The watermain for the site will be constructed such that a connection will be created between the watermain adjacent to Patriots Way and the watermain that currently terminates at the Maple Commerce Park Wastewater Treatment Plant.

The sanitary sewer for the site will be pumped to the Maple Commerce Park Wastewater Treatment Plant.

Passive recreational facilities will be provided on site including:

- a walking trail around the stormwater pond,
- seating benches adjacent to the walking trail,
- accessible picnic platforms adjacent to the pond,

Upon development of the County's trail system, the developer will provide a connecting trail from the development to the County's trail system in the Maple Commerce Park.

## Conditional Rezoning Design Standards Checklist

The table below depicts the design standards of the conceptual development plan for a conditional rezoning application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

## Conditional Rezoning

### Conceptual Development Plan Design Standards Checklist

Date Received: \_\_\_\_\_

TRC Date: \_\_\_\_\_

Project Name: \_\_\_\_\_

Applicant/Property Owner: \_\_\_\_\_

Conditional Rezoning Design Standards Checklist		
1	Property owner name, address, phone number, and e-mail address.	
2	Site address and parcel identification number.	
3	A scaled drawing showing existing boundary lines, total acreage, adjacent use types, location of streets, rights-of-way, and easements.	
4	North arrow and scale to be 1" = 100' or larger.	
5	Vicinity map showing property's general location in relation to streets, railroads, and waterways.	
6	Existing zoning classification of the property and surrounding properties.	
7	Approximate location of the following existing items within the property to be rezoned and within 50' of the existing property lines: Pathways, structures, septic systems, wells, utility lines, water lines, culverts, storm drainage pipes, ditches, canals, streams, wooded areas, ponds, and cemeteries.	
8	Approximate Flood Zone line and Base Flood Elevation as delineated on the "Flood Insurance Rate Maps/Study Currituck County."	
9	Approximate location of all designated Areas of Environmental Concern or other such areas which are environmentally sensitive on the property, such as Maritime Forest, CAMA, 404, or 401 wetlands as defined by the appropriate agency.	
10	Proposed zoning classification and intended use of all land and structures, including the number of residential units and the total square footage of any non-residential development.	
11	Proposed building footprints and usages.	
12	Proposed traffic, parking, and circulation plans including streets, drives, loading and service areas, parking layout, and pedestrian circulation features.	
13	Approximate location of storm drainage patterns and facilities intended to serve the development.	
14	Proposed common areas, open space set-asides, anticipated landscape buffering, and fences or walls (if proposed).	
15	Architectural drawings and/or sketches illustrating the design and character of the proposed uses.	
16	Proposed development schedule.	

## Conditional Rezoning Submittal Checklist

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

## Conditional Rezoning

### Submittal Checklist

Date Received: \_\_\_\_\_

TRC Date: \_\_\_\_\_

Project Name: \_\_\_\_\_

Applicant/Property Owner: \_\_\_\_\_

Conditional Rezoning Submittal Checklist	
1	Complete Conditional Rezoning application
2	Application fee (\$150 plus \$5 for each acre or part thereof)
3	Community meeting written summary
4	Conceptual development plan
5	Architectural drawings and/or sketches of the proposed structures.
6	5 copies of plans
7	5 hard copies of ALL documents
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)

## For Staff Only

#### Pre-application Conference

Pre-application Conference was held on \_\_\_\_\_ and the following people were present:

\_\_\_\_\_  
\_\_\_\_\_

#### Comments

\_\_\_\_\_  
\_\_\_\_\_

Attachment to Mashuda Multi-Family Site Rezoning Request

## Proposed Zoning Conditions:

The site will meet Currituck County sustainability requirements necessary to receive density bonus. The sustainability practices planned to be included in this development include:

Schedule A:

1. Use of central air conditioners that are Energy Star qualified
2. Use of only solar or tankless water heating systems throughout the structure

Schedule B:

1. Roof eaves or overhangs of three feet or more on southern or western exposures
2. Inclusion of shade features to shade all windows and doors on the southern building façade
3. Provision of 150-ft undisturbed buffers adjacent to/surrounding all wetlands or surface waters.
4. Provision of rain gardens or other appropriate stormwater infiltration BMP systems of at least 100 sf in area.

The proposed buildings will not exceed two stories in height.

The watermain for the site will be constructed such that a connection will be created between the watermain adjacent to Patriots Way and the watermain that currently terminates at the Maple Commerce Park Wastewater Treatment Plant.

The sanitary sewer for the site will be pumped to the Maple Commerce Park Wastewater Treatment Plant.

Passive recreational facilities will be provided on site including:

- a walking trail around the stormwater pond,
- seating benches adjacent to the walking trail,
- accessible picnic platforms adjacent to the pond,

Upon development of the County's trail system, the developer will provide a connecting trail from the development to the County's trail system in the Maple Commerce Park.

## Mashuda Multi-Family Site Conditional Rezoning Request Community Meeting Summary

The community meeting for the Mashuda Multi-Family Site conditional rezoning request was held at the Currituck County Public Library in Barco, NC on October 7, 2015 at 7:00 pm. The residents of the three occupied homes on Patriots Way as well as a few others were in attendance. (See attached list of attendees with addresses and phone numbers.)

Kimberly Hamby of Eastern Carolina Engineering, PC provided an overview of the proposed improvements associated with the rezoning request and provided an exhibit plan. She introduced the owners' representatives, Mr. Larry Gaither and Mr. Brian Innes. Mrs. Hamby made the attendees aware of the process and the fact that they would have additional opportunities to voice their concerns to the planning board and the county commissioners as this project moves through the process.

The attendees had a long list of concerns and ultimately stated that they and, in their opinion, the county are just not ready for this type of development. Some of their concerns are technical in nature and can be addressed during the design stage. Other comments are more subjective.

- It was stated that it takes approximately five minutes to pull out of Patriots Way onto US Hwy 158 in the morning. The group was told that traffic concerns can be addressed by a traffic impact analysis that would determine what level of service exists at the intersection currently and what impact this development will have on that level of service. Depending upon the impact determined, improvements such as turn lanes could be required.
- There is concern that the waterline does not provide sufficient flow for fire fighting at the site. This demand is evaluated during the design process and upgrades to the system will be required if the existing conditions are found to be insufficient.
- One resident was concerned that the detention pond would negatively impact wells and septic systems. Design plans will show that all minimum separations between these features will be exceeded.
- There is much concern that county fire and law enforcement could not handle the additional demand that would come from the 63 unit apartment complex. This can be addressed by each department as part of the review process.
- Concerns were expressed over the impact of this development on the school system.
- The impact on property values is another concern. It was stated that the one unoccupied home which is now HUD owned had not sold even at a reduced rate. The adjacent property owners would like to know how this development could further impact property values.

- The residents are aware that this proposal does not concur with the county's Small Area Plan with regard to density. This has been acknowledged and the applicants understand that planning staff cannot recommend approval due to this condition.
- The proximity to the airport was mentioned as there is a fear that an airplane crash could result in a higher casualty rate if density in the area is increased.
- The existing residents of Freedom Forest are very concerned that occupants of the proposed apartments will be low income people who will not be law abiding and will therefore present a danger to their safety and security. Mr. Innes explained that they are willing to dedicate space for occupancy by a representative of the sheriffs' department and that this has already been mentioned to Sheriff Johnson.

In addition to their concerns about the development itself, the existing residents are not in favor of the developer's approach to improving the residual property. They feel they were misled when they initially purchased their lots stating that they had been provided with a plan showing only 6 additional lots to be developed on this tract of land. One even stated that the restrictive covenants were not recorded until after he had closed on his lot which made him subject to conditions to which he never agreed; however, we did find that the covenants were referenced in the deeds to the current owners. If the project were to move forward, the owners of the three occupied homes stated that the only option that would meet their satisfaction would be for the developer to buy back their homes.

## MASHUDA MULTI-FAMILY SITE PUBLIC MEETING SIGN IN SHEET

<b>Project Representatives:</b>	Mr. Brian Innes Mr. Larry Gaither	<b>Date, Time:</b>	October 7, 2015 @ 7:00 pm
<b>Facilitator:</b>	Eastern Carolina Engineering, PC	<b>Location:</b>	Currituck County Public Library, Barco, NC



Although we intend for garages to be detached rather than incorporated as is the case here, the space which they occupy can be very readily included as part of the living space of each dwelling.

The overall appearance of these, with the exception of garages, is what we would specify to a subsequent owner or builder, such that the facade and materials comply with the requirements of Currituck County.



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1463)**

### **Agenda Item Title**

Consideration and Approval of An Agreement Between Currituck County, United States of America and The Conservation Fund for the County's Acquisition of 95.61 Acres of a Portion of Land Known As The Flyway Tract on Knotts Island From The Conservation Fund and Thereafter An Exchange of the Land Acquired With the United States of America for 719 Acres on the Currituck County Outer Banks

### **Brief Description of Agenda Item:**

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

### **Presenter of Agenda Item**

Donald (Ike) I. McRee Jr

LA-North Carolina  
 Currituck and Mackay Island NWR's  
 The Conservation Fund (Reid) (76b)  
 USFWS (3,a)(10,a-f)(10g,h,i,k)(10j Part)  
 (13Part)

**UNITED STATES DEPARTMENT OF THE INTERIOR  
 U.S. FISH AND WILDLIFE SERVICE  
 1875 Century Boulevard, Suite 420  
 Atlanta, Georgia 30345**

**AGREEMENT FOR THE EXCHANGE OF LANDS**

**WHEREAS**, the Secretary of the Interior, in the administration of the National Wildlife Refuge System, is authorized, under the terms of Section 4(b)(3) of the National Wildlife Refuge System Administration Act, as amended (16 U.S.C. §§ 668dd) to acquire lands or interests therein by exchange for lands under his jurisdiction which he finds suitable for disposition; and

**WHEREAS**, the values of the land exchanged shall be equal, or if they are not equal, the value shall be equalized by the payment of cash to the Vendor or to the Secretary, as the circumstances require; and

**NOW, THEREFORE**, in order to effectuate such an exchange, this agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between The Conservation Fund (TCF), the County of Currituck, North Carolina (COUNTY), hereinafter styled the Vendors, for themselves, their administrators, successors, and assigns, and the United States of America (USA) acting by and through the Secretary of the Interior or her authorized representative,

**WITNESSETH:**

1. In consideration of \$1,926,000, lump sum (see paragraph 5 of this document), TCF agrees to convey to the USA, the lands, tenements and hereditaments, together with all the accretion and reliction lands, water rights, and other rights, easements, and appurtenances thereunto belonging, owned by it, consisting of approximately 383.25 acres of land, more or less, situated and lying in Currituck County, North Carolina, and more particularly described as follows:

*See Exhibit "A", attached*

2. TCF agrees that they have full right, power and authority to convey and that they will convey to the USA, the fee simple title thereto clear, free and unencumbered, except subject to the following easements or reservations:

Existing easements for canals, ditches, flumes, pipelines, railroads, public highways and roads, telephone, telegraph, power transmission lines and public utilities.

3. In consideration of the exchange of property, the USA agrees to convey to the COUNTY, in fee simple, the lands and other interests, which lands shall include all tenements, hereditaments, together with all water and other rights, easements, and appurtenances thereunto belonging, owned by it, located in the Currituck County, North Carolina, and more particularly described as follows:

*See Exhibit "B", attached*

4. The USA agrees that it has full right, power, and authority to convey, and that it will convey to the COUNTY, the fee simple title thereto clear, free and unencumbered, except subject to the following easements or reservations:

- a. Existing easements for canals, ditches, flumes, pipelines, railroads, public highways and roads, telephone, telegraph, power transmission lines and public utilities.
- b. The following language shall appear in the conveyance of the property to the COUNTY:

***"WHEREAS, Grantee shall prohibit, in perpetuity, the following activities from occurring on the Property:***

- (a) filling, grading, excavating, dredging, leveling or performing any other land disturbing or earth moving activities;*
- (b) cutting, mowing, removing, damaging or harming any vegetation, except as provided herein;*
- (c) constructing or placing any roads (without approval from the USFWS), trails, walkways, buildings, mobile homes, signs, utility poles or towers, or any other permanent or temporary structures, except fencing;*
- (d) any activity which would impact the drainage or water quality, or disrupt or alter the hydrology or drainage ways of the Property;*
- (e) dumping, placing or storing soil, trash, debris, ashes, garbage, or other waste;*
- (f) grazing of domestic animals, or using the Property for any agricultural or horticultural purpose.*

*Conveyance of the lands and interests herein shall not exempt such lands and interests from all federal, state, and local laws and regulations applicable thereto by virtue of their characteristics as floodplains, subject to Executive Order 11988 (May 24, 1977), or as wetlands, subject to Executive Order 11990 (May 24, 1977)"*

5. The parties agree that the value of the tract owned by TCF (76b) is \$1,926,000; and that the value of the tracts owned by the USA to be acquired by the COUNTY, is \$981,100. An equalization payment in the amount of \$944,900 will be paid by the USA to TCF and \$981,100 will be paid by the COUNTY to TCF to equalize the values.

6. The TCF further agrees not to do, or suffer others to do, any act by which the value or title to said lands may be diminished or encumbered. They further agree that any loss or damage occurring prior to the vesting of satisfactory title in the USA by reason of the unauthorized cutting or removal of products therefrom, or because of fire, shall be borne by the TCF; and that, in the event any such loss or damage occurs, the USA may refuse, without liability, to accept conveyance of said lands, or it may elect to accept conveyance upon an equitable adjustment of the purchase price.

7. The TCF will execute and deliver upon demand of the proper officials and agents of the USA, a good and sufficient deed of warranty conveying to the USA a safe title to the said lands, of such character as to be satisfactory to the Attorney General of the United States, and said deed shall provide that the use, occupation, and operation of any rights-of-way, easements and reservations retained therein by the TCF shall be subordinate to and subject to such rules and regulations as may be prescribed by the Secretary of the Interior governing the use, occupation, protection, and administration of the National Wildlife Refuge System. The expenses of the TCF for recording fees, revenue stamps, transfer taxes and similar expenses incidental to the conveyance of its property; and any amount paid as a penalty cost for prepayment of any pre-existing recorded mortgage entered into in good faith, encumbering such real property; as well as the pro rata share of prepaid property taxes allocable to the period subsequent to the vesting of title in the USA, or the effective date of possession of such real property by the same, whichever is earlier; shall be subject to reimbursement as provided in Section 303 of the Act of January 2, 1971, Stat. 1899.

8. The TCF further agrees that during the period covered by this instrument officers and accredited agents of the USA shall have at all reasonable times the unrestricted right and privilege to enter upon said lands acquired by said TCF or proposed for acquisition by said TCF for the exchange described herein, for all proper and lawful purposes, including examination of said lands and the resources upon them.

9. It is further mutually agreed that no Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract or agreement, or to any benefit to arise thereupon. Nothing, however, herein contained shall be construed to extend to any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company.

10. It shall be the obligation of the TCF to pay all taxes and assessments outstanding as liens against the lands described in paragraph 1 hereof at the date title vests of record in the United States, whether or not such taxes and assessments are then due and payable.

11. It is mutually agreed that an abstract, certificate of title, or other evidence of title to the property described in paragraph 1 hereof, satisfactory to the Attorney General, will be obtained by the USA at its expense.

12. It is mutually understood and agreed that this contract shall not be assigned in whole or in part without the consent in writing of the USA.

13. It is understood and agreed that if the Attorney General determines that the title to said lands described in paragraph 1 hereof, or any part thereof, should be acquired by the USA by judicial proceedings, either to procure a safe title or agreed by the TCF that the just compensation to be claimed by the TCF as the full value of the land to be so acquired shall be in accordance with the considerations stated in paragraph 1 hereof, which shall be made to the persons determined in such proceedings to be entitled thereto and as their respective interests appear.

14. It is mutually understood and agreed that notice of acceptance of this agreement shall be given to all the parties by overnight mail addressed to:

The Conservation Fund  
c/o Bill Holman  
P.O. Box Box 271  
Chapel Hill, North Carolina 27614

The County of Currituck, North Carolina  
c/o Daniel F. Scanlon, II  
153 Courthouse Road, Suite 204  
Currituck, North Carolina 27929

and such notice shall be binding upon all of the parties without sending a separate notice to each, except as such obligation may be affected by the provisions of paragraph 7 hereof.

15. Acceptance of any Agreement is contingent upon the results of a Contaminants Study and acceptance of the placement of the survey lines. In the event that contaminants are found present on the site or on adjacent parcels, either before or after a Study has been completed, but prior to the exchange being completed, it will be at the discretion of the Fish and Wildlife Service to either accept the property in the condition it is in, or to request that the TCF assumes a

responsible role in the removal or restoration of the property prior to a binding contract. If it is determined that the property is contaminated after a Study has been performed, but prior to the exchange being completed, TCF will remain responsible to effect reasonable and satisfactory removal of the contamination.

**16.** If applicable, TCF agrees that the USA has the authority to disburse any payments on said TCF'S behalf to a specific attorney, title company, or closing agent that is performing the closing services.

**IN WITNESS WHEREOF**, TCF and COUNTY have hereunto signed their names and affixed their respective seal on the day first above written, with the understanding that this agreement for exchange cannot be executed by the Secretary of the Interior or his authorized representative until after it is reported to him for his consideration, and therefore the TCF have and do hereby grant unto the USA, by and through the Secretary of the Interior or any other officer or agency of the USA authorized to purchase or acquire said lands, the option and right to enter into this Agreement for Exchange within twelve (12) months from the execution thereof by TCF, and to acquire said lands as herein provided.

IN THE PRESENCE OF:

**The Conservation Fund**

Witness

By: \_\_\_\_\_

Witness

Its: \_\_\_\_\_

**The County of Currituck, North Carolina**

Witness

By: \_\_\_\_\_

Witness

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me personally appeared \_\_\_\_\_, who is the \_\_\_\_\_ for The Conservation Fund, known to me to be the person who is described in and who executed the within instrument on behalf of The Nature Conservancy, and acknowledged to me that she executed the same.

Witness my hand and official stamp or seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

---

Notary Public

My commission expires: \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me personally appeared \_\_\_\_\_, who is the \_\_\_\_\_ for the County of Currituck, North Carolina, known to me to be the person who is described in and who executed the within instrument on behalf of the County of Currituck, North Carolina, and acknowledged to me that she executed the same.

Witness my hand and official stamp or seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

---

 Notary Public

My commission expires: \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me personally appeared \_\_\_\_\_, who is the \_\_\_\_\_ for the County of Currituck, North Carolina, known to me to be the person who is described in and who executed the within instrument on behalf of the County of Currituck, North Carolina, and acknowledged to me that she executed the same.

Witness my hand and official stamp or seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

---

 Notary Public

My commission expires: \_\_\_\_\_

**ACCEPTANCE**

The Secretary of the Interior, acting by and through her authorized representative, has executed this exchange agreement subject to the terms herein stated and set forth, on behalf of the United States of America on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**THE UNITED STATES OF AMERICA  
FISH AND WILDLIFE SERVICE**

By: \_\_\_\_\_  
Chief, Division of Realty

LA-North Carolina  
 Currituck and Mackay Island NWR's  
 The Conservation Fund (Reid) (76b)  
 USFWS (3,a) (10,a-f) (10g,h,i,k)  
 (10j Part) (13Part)

### **STATEMENT OF JUST COMPENSATION FOR THE EXCHANGE OF LAND**

In compliance with Section 301 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended, an estimate of just compensation has been made as to your real property located in Currituck County, North Carolina.

Tract (76b) owned by The Conservation Fund consists of approximately 383.25 acres and is legally described as follows:

*See Exhibit "A", attached*

The estimate of fair market value of the real property described above is based on an approved appraisal which considered current land sales and other indicators of land value in the vicinity of your property. I certify that the total just compensation is not less than the approved appraisal of your property and is estimated to be:

Value of the part being acquired	\$1,926,000 Lump Sum
Severance damage, if any	\$ <u>      </u> -0-
Total just compensation	\$ <u>1,926,000</u> Lump Sum

Any decrease or increase in the fair market value of the real property prior to the date of valuation caused by the public improvement or project for which the property would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded by the U.S. Fish and Wildlife Service in making the determination of just compensation.

The fair market value estimate for your real property described above includes all buildings and other improvements except those specifically listed below:

Exceptions: None

### **IN EXCHANGE FOR:**

USA tracts (3,a) (10,a-f) (10g,h,i,k) (10j Part) (13 Part) which consists of approximately 719.95 acres located in Currituck County, North Carolina, and is legally described as follows:

*See Exhibit "B", attached*

Exchange is based on equal dollar value as determined by appraisal, rather than acre for acre.

The estimate of fair market value of the real property described above is based on an approved appraisal which considered current land sales and other indicators of land value in the vicinity of your property. I certify that the total just compensation is not less than the approved appraisal of your property and is estimated to be:

Value of the part being divested	\$ <u>981,100</u> Lump Sum
Severance damage, if any	\$ <u>-0-</u>
Total just compensation	\$ <u>981,100</u> Lump Sum

Any decrease or increase in the fair market value of the real property prior to the date of valuation caused by the public improvement or project for which the property would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded by the U.S. Fish and Wildlife Service in making the determination of just compensation.

The fair market value estimate for your real property described above includes all buildings and other improvements except those specifically listed below:

Exceptions: None

Signature: Brett E. Dunlap  
Title: Chief, Division of Realty  
Date: 2/2/15

LA-NORTH CAROLINA  
 MACKAY ISLAND NWR  
 THE CONSERVATION FUND  
 MCI (76b)  
 \*\*\*\*\*  
 THE CURRITUCK COUNTY  
 BOARD OF COMMISSIONERS  
 TRACTS TO BE DIVESTED:  
 CRT (3,a XL)(10,a-i,k XL)(PT10j XL)(PT13XL)  
 TRACTS TO BE ACQUIRED:  
 MCI (3b,c)

## FIRST AMENDMENT TO THE AGREEMENT FOR THE EXCHANGE OF LANDS

**THIS AGREEMENT** is the first amendment to the Agreement for the Exchange of Lands entered into by **THE CONSERVATION FUND (TCF)**, a non-profit organization as defined under Section 501(c)(3), whose address is 1655 N. Fort Myer Drive, Suite 1300, Arlington, Virginia 22209, the “TBD” Third Party, and the **UNITED STATES OF AMERICA (USA)**, acting by and through the Secretary of the Interior or her authorized representative, dated February 13, 2015 (the “Agreement”), and herein collectively known as the **PARTIES**;

### **WITNESSETH:**

By this Amendment, the **PARTIES** hereto mutually agree as follows:

1. It is mutually understood and agreed that the **PARTIES** hereby amend this Agreement to identify the “TBD” Third Party, as the Currituck County Board of Commissioners (the **COUNTY**), whose address is, 153 Courthouse Road, Suite 204, Currituck, North Carolina 27929.

2. The total acreage being conveyed to the USA will remain 383.25 acres. However, this conveyance will now be broken into two separate actions as identified herein:

- a) The number of acres to be conveyed to the Service in the exchange is hereby amended from 383.25 acres to 95.61 acres.
- b) This decrease of 287.64 acres is herein specifically identified for a transaction by which it will be purchased directly by the USA from TCF.
- c) The remaining 95.61 acres will then be purchased by the County from TCF and subsequently conveyed to the USA by an Exchange with the County.
- d) Approved, revised surveys and legal descriptions for both tracts will be provided prior to closing and attached as Exhibits “A” and “B”.

3. The total value of the 383.25 acres as reflected in the original Agreement is \$1,926,000 and remains unchanged. However;

a) the previously identified “equalization payment” of \$944,900.00, was to be paid by the USA to TCF, as stated in the original Agreement. This value remains unchanged but is hereby identified as the appraised value of the 287.64 acres reflected above and described in Exhibit “A” to be attached.

b) the previously identified value of the “tracts owned by the USA”, of \$981,900.00, was to be paid by TBD to TCF, as stated in the original Agreement. This value remains unchanged, but is hereby identified as the appraised value of the 95.61 acres reflected above and described in Exhibit “B” to be attached.

4. For the purpose of preserving the integrity of the appraised value, all Parties agree that both tracts will ultimately be conveyed to the USA and as herein stated will be done so in two separate actions; a) direct purchase and b) exchange. The total consideration paid to TCF for both transactions will be \$1,926,000.00 (One Million Nine Hundred Twenty-Six Thousand and No/100) and will bring the entire 383.25 acres owned by TCF to the ownership of the USA.

5. It is mutually understood and agreed that the Parties hereby amend this Agreement to extend the term for an additional 6 months to accommodate the completion of all survey requirements and necessary due diligence for the closing by the USA; a) on the direct purchase of the 287.64 acres from TCF and b) the purchase of the 95.61 acres by the County and subsequent exchange between the USA and the County.

6. The list of exceptions and restrictions identified in item (4) of the original Agreement have been worded to more clearly state each and remove ambiguity. The re-wording of these exceptions and restrictions has no effect on the value of the property as appraised. The USA has full right, power and authority to convey to the COUNTY, the fee simple title thereto, clear, free and unencumbered, except subject to the following:

a) Existing easements for canals, ditches, flumes, pipelines, railroads, public highways and roads, telephone, telegraph, power transmission lines and public utilities.

b) Conveyance of the lands and interests herein shall not exempt such lands interests from all federal, state, and local laws and regulations applicable thereto by virtue of their characteristics as floodplains, subject to Executive Order 11988 (May 24, 1977), or as wetlands, subject to Executive Order 11990 (May 24, 1977).

c) Located on tract (10j) there is a 100' easement, to provide access to traverse the beach area being conveyed, hereinafter referred to as the “Slick Easement”, as referenced in Deed Book 130, Page 79, of the Currituck County Registrar’s Office, dated November 1, 1974. Location of the “Slick Easement” is hereby specifically designated as being located between the frontal dune and mean high tide of the Atlantic Ocean.

- d) Unrestricted access for ingress and egress, for refuge personnel and public use activities.

**WHEREAS**, the COUNTY shall further prohibit, in perpetuity, the following activities from occurring on the Property:

- a) With the exception of erosion mitigation there will be no filling, grading, excavating, dredging, leveling or performing any other land disturbing or earth moving activities;
- b) With the exception of standard range management practices used for wildlife habitat improvements; no cutting, moving, removing, damaging or harming will be permitted.
- c) No camping or any related activities are permitted; (campfires, tents, overnight sleeping)
- d) Only planting of native grasses will be permitted for habitat improvements; no *invasive grasses or plants* will be permitted.
- e) The construction of any roads other than sand roads is prohibited.
- f) With the exception of Tract (10) - No off-site material shall be deposited on the property for any purpose.
- g) No vehicular traffic is permitted outside of the designated “slick easement” area.
- h) The construction or placement of signs outside of the slick easement area is prohibited;
- i) The construction or placement of buildings, mobile homes, utility poles or towers, fences and any other permanent or temporary structures is prohibited
- j) Any activity which would impact the drainage or water quality, or disrupt or alter the hydrology or drainage ways of the Property, is prohibited
- k) Dumping, placing or storing soil, trash, debris, ashes, garbage, or other waste is prohibited
- l) No grazing of domestic animals
- m) No agriculture or horticulture

7. The parties do hereby agree that all other terms and conditions as set forth in the before mentioned Agreement for the Exchange of Lands, dated February 13, 2015, will remain the same.

IN WITNESS WHEREOF, the Vendors have hereunto signed their name(s) this \_\_\_\_\_  
day of \_\_\_\_\_ 2016.

In the presence of:

Witness: \_\_\_\_\_  
Print Name \_\_\_\_\_

**Witness:** \_\_\_\_\_

## THE CONSERVATION FUND, a non-profit organization

By: Richard L. Erdmann  
Its: Executive Vice-President

## ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me personally appeared Richard L. Erdmann, who is the Executive Vice-President for The Conservation Fund, a non-profit organization, known to me to be the person who is described herein and who executed the within instrument on behalf of The Conservation Fund, and acknowledged to me that he executed the same.

(SEAL)

---

## Notary Public

### My Commission Expires:

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

In the presence of:

Witness: \_\_\_\_\_  
Print Name \_\_\_\_\_

Witness: \_\_\_\_\_  
Print Name \_\_\_\_\_

**THE CURRITUCK COUNTY  
BOARD OF COMMISSIONERS**

Print Name: Daniel F. Scanlon II  
It's: County Manager

**ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, \_\_\_\_\_, before me personally appeared Daniel F. Scanlon II, who is the County Manager for the Currituck County Board of Commissioners, and is known to me to be the person who is described herein and executed the within instrument on behalf of the Currituck County Board of Commissioners, and acknowledged to me that he executed the same.

(SEAL)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK**

**ACCEPTANCE**

Under the terms of the direct purchase, portion of this Agreement, of the land herein described, at the price and under the conditions herein stated, having been duly approved by the Migratory Bird Conservation Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, the Secretary of the Interior, acting by and through her authorized representative, has executed this agreement on behalf of the United States of America on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**THE UNITED STATES OF AMERICA**  
U.S. Fish and Wildlife Service

By: \_\_\_\_\_  
Title: Chief, Division of Realty

\*\*\*\*\*

**ACCEPTANCE**

The Secretary of the Interior, acting by and through her authorized representative, has executed the exchange portion of this Agreement subject to the terms herein stated and set forth, on behalf of the United States of America on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**THE UNITED STATES OF AMERICA**  
U.S. Fish and Wildlife Service

By: \_\_\_\_\_  
Title: Chief, Division of Realty



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1459)**

### **Agenda Item Title**

Senior Citizens Advisory

### **Brief Description of Agenda Item:**

Expired term for District 2 appointee-Can be reappointed or replaced, to serve a full-term ending February, 2018.

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

### **Presenter of Agenda Item**

SENIOR CITIZEN ADVISORY BOARD  
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Heidi Montalbine	District 1		Vance Aydlett	3/2/2015	2nd 2/1/2017
<b>Edith Meekins</b>	District 2		David Griggs	7/15/2013	1st 2/1/2016
Janet Lovell	District 3		Mike Payment	6/1/15	Unexpired Term 2/1/2017
Doris Ballance	District 4		Paul Beaumont	10/7/2013	2nd 2/1/2017
George Rhine	District 5		Marion Gilbert	1/4/2016	1st 2/1/2018
Marcia Steele	At-Large		Mike Hall	1/19/16	1st 2/1/2018
Joanne DiBello*	At-Large		Paul O'Neal	1/4/2016	2nd 2/1/2018

**Can Be Reappointed or Replaced**

Commissioner Hall Serves on this Board



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1458)**

**Agenda Item Title**

Recreation Advisory

**Brief Description of Agenda Item:**

Commissioner Gilbert has a vacancy on the Recreation Advisory. The current member's second consecutive term has ended requiring a replacement be nominated to a full term of two years, expiring January 2018.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

RECREATION ADVISORY BOARD  
2 Year Terms

<b>Incumbent</b>	<b>Nominated by</b>	<b>New Appointee</b>	<b>Nominated by</b>	<b>Date of Appointment</b>	<b>End of Term</b>
Ryan Hodges	District 1		Vance Aydlett	1/4/2016	1st Term January 2018
Neel Smith	District 2		David Griggs	1/17/2012	2nd Term January 2017
Robin Kane	District 3		Mike Payment	1/4/2016	1st Term January 2018
Janet Rose	District 4		Paul Beaumont	1/17/2012	2nd Term January 2017
<b>Charles Pickell**</b>	District 5		Marion Gilbert	1/22/2013	2nd Term January 2016
Kevin McCord	At-Large		Mike Hall	1/19/2016	1st Term January 2018
Ellen Owens	At-Large		Paul O'Neal	4/6/2015	1st Term January 2017

**\*\*Must be Replaced**

**Commissioner Beaumont Serves on this Board**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1457)**

### **Agenda Item Title**

Planning Board

### **Brief Description of Agenda Item:**

Commissioner O'Neal has a vacancy on the Planning Board. A new nominee is required as the current member has served two full, consecutive terms. The new appointment will serve a full term of two years, ending December 2017.

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

### **Presenter of Agenda Item**

PLANNING BOARD  
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Mike Cason	District 1		Vance Aydlett	January 5, 2014	1st Term 12/31/2016
Steven Craddock	District 2		David Griggs	January 2013	1st Term 12/31/2016
John Cooper	District 3		Mike Payment	January 2012	2nd Term 12/31/2016
Daniel Cartwright	District 4		Paul Beaumont	January 2012	2nd Term 12/31/2016
Carol Bell	District 5		Marion Gilbert	January 4, 2016	1st Term 12/31/2017
Fred Whiteman	At-Large		Mike Hall	January 2012	1st Term 12/31/2016
<b>John Wright**</b>	At-Large		Paul O'Neal	January 2013	2nd Term 12/31/2015
Jane Overstreet	Outer Banks		Consensus	December 2013	1st Term 12/31/2016
Robert Bell	Mainland		Consensus	January 5, 2015 January 2012	2nd Term 12/31/2016

**\*\*Must be replaced**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1456)**

### **Agenda Item Title**

Board of Adjustment

### **Brief Description of Agenda Item:**

The resignation of Theresa Dozier from the Board of Adjustment leaves the following appointments:

Commissioner Payment: New nominee for member to serve as an Alternate, with the initial term to fulfill an unexpired term, ending December 2016.

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

### **Presenter of Agenda Item**

**BOARD OF ADJUSTMENT**  
**3-Year Terms**

<b>Incumbent</b>	<b>Nominated by</b>	<b>New Appointee</b>	<b>Nominated by</b>	<b>Date of Appointment</b>	<b>End of Term</b>
Donna McCloud-Alternate	District 1		Vance Aydlett	01/05/2015	1st Term 12/31/2017
Shay Balance	District 2		David Griggs	2/18/2013 1st 02/01/2016 2nd	2nd Term 12/31/2018
<b>Member Resigned-Need Nominee for Alternate</b>	District 3	(Theresa Dozier-resign-need to fill the unexpired term as alt.)	Mike Payment	1/24/2014	2nd Term 12/31/2016
David Palmer	District 4		Paul Beaumont	1/24/2014	1st Term 12/31/2016
Cameron Tabor	District 5		Marion Gilbert	1/24/2014	1st Term 12/31/2016
Mike Painter	At Large		Mike Hall	8/20/2012	2nd Term 12/31/2017
Vivian Simpson	At-Large		Paul O'Neal	1/17/2012	2nd Term 12/31/2017



**CURRITUCK COUNTY  
NORTH CAROLINA**

February 1, 2016  
Minutes – Regular Meeting of the Board of Commissioners

**WORK SESSION**

**1. 4:00 PM Moyock Stormwater**

The Currituck County Board of Commissioners met at 4 PM in the Conference Room of the Historic Courthouse for a discussion on Moyock Stormwater. County Engineer Eric Weatherly presented, first recounting citizen feedback from several public meetings to assess whether area residents feel the need for the creation of a district to provide funding for relief of flooding and other stormwater issues in Moyock. With the majority of respondents in favor of the creation of a Moyock Stormwater district, Mr. Weatherly compiled and presented options ranging from basic ditch maintenance, to property and easement acquisitions and capital improvements. He provided the current tax rates for the three existing districts in the area, and after analysis of the options presented, projected costs for a Moyock district would range from .04 to .07 cents per \$100 tax value per household.

Commissioner O'Neal suggested prioritizing areas as a cost-cutting measure initially, eliminating the investment of dollars around land that is not yet developed. When presented with the number of meeting attendees and respondents to surveys, the Board directed staff to find a way to reach out to more residents and encourage them to provide feedback. After some discussion, it was decided an online survey would be created in conjunction with a postcard mailing to all residents, providing information on how to access the link or request a written copy of the survey, with the mailing completed and survey available by summer of 2016.

**5:00 CALL TO ORDER**

The Currituck County Board of Commissioners met at 5 PM in the Historic Courthouse Board meeting room for a regular meeting of the Board.

Attendee Name	Title	Status	Arrived
David L. Griggs	Board Chairman	Present	
O. Vance Aydlett	Vice-Chairman	Present	
S. Paul O'Neal	Board Chairman	Present	
Paul M. Beaumont	Commissioner	Present	
Marion Gilbert	Commissioner	Present	
Mike D. Hall	Commissioner	Present	
Mike H. Payment	Commissioner	Present	

Chairman Griggs called the meeting to order and announced the earlier work session to discuss Moyock Stormwater.

### A) Invocation & Pledge of Allegiance-Reverend Dan Bergey, New Life Church

Reverend Dan Bergey, of New Life Church, gave the Invocation and led the Pledge of Allegiance.

### B) Approval of Agenda

Chairman Griggs amended the agenda, removing New Business item A, regarding the establishment of rules and regulations for concessionaire operations at Historic Corolla Park. He also added a Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege and to receive advice from the county attorney regarding a claim against the county and for the following pending lawsuits: Coastland Corporation v. Currituck County and Swan Beach Corolla, LLC v. Currituck County.

Commissioner Aydlett moved to approve the agenda as amended and was seconded by Commissioner Gilbert. The motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	O. Vance Aydlett, Vice-Chairman
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

## PUBLIC HEARINGS

### A. Public Hearing & Action-PB 84-11 Corolla Light Phase 3:

All parties were sworn. Chairman Griggs opened the Public Hearing and Ben Woody, Director of Planning and Community Development, reviewed the application.

**ITEM:** PB 84-11 Corolla Light Phase 3 Amended Sketch/Use Permit

**LOCATION:** 1159 Austin Street, Corolla, Poplar Branch Township.

**TAX ID:** 115B0002P2B0000

**ZONING DISTRICT:** SFO (Single Family Outer Banks) with PUD Overlay and General Business Allocation.

**PRESENT USE:** Shopping Center/Apartments

**OWNER:** Corolla Light Town Center, LLC

**APPLICANT:** Corolla Light Town Center, LLC  
c/o Pete Kuaffman, P.O. Box 190  
Nags Head, NC 27959

### LAND USE/ZONING OF SURROUNDING PROPERTY:

**Land Use**  
**NORTH:** Wastewater Treatment/Laundry/Bath House

**Zoning**  
SFO/PUD/G

<b>SOUTH:</b>	Single Family Dwellings	B SFO/PUD
<b>EAST:</b>	Single Family Dwellings	SFO/PUD
<b>WEST:</b>	Single Family Dwellings	SFO/PUD

<b>LAND USE PLAN CLASSIFICATION:</b>	The 2006 Land Use Plan classifies the site as Full Service within the Corolla subarea.
<b>SIZE OF SITE:</b>	6.35 acres
<b>NUMBER OF UNITS:</b>	Phase 3 (32 units) Corolla Light Total (595)
<b>PROJECT DENSITY:</b>	Phase 3 (5.04 units/acre) Corolla Light Total (2.47 units/acre)
<b>UTILITIES:</b>	Water will be provided by SOBWS and wastewater will be provided by Utilities Inc. (Carolina Water). Wastewater demands for the project are 8,485 gpd.
<b>PUD ALLOCATION:</b>	Total Land Area (267.05 acres) Total Open Space (128.51 acres) Commercial Allocation (26.53 acres)

#### I. NARRATIVE OF REQUEST:

The applicant is requesting an amendment to the approved sketch plan/master plan to allow construction of a stand-alone restaurant and six (6) two bedroom apartment units within the Corolla Light Phase 3 (Corolla Light Town Center). These uses were previously approved within Phase 3 but the original approval has since expired. Both restaurants and apartments currently exist within the Town Center.

#### II. QUESTION(S) BEFORE THE BOARD:

##### Special Use Permit Criteria and Staff Findings:

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

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

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

It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the finding that the use will not endanger the public health or safety.

##### Preliminary Staff Findings:

- a. The proposal is for the addition of a restaurant and small apartments in an existing shopping center within the Corolla Light PUD which already contains these uses.
- b. Adequate wastewater, water, parking, and other infrastructure exists on-site to fully support the proposed addition.

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

It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the finding 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.

**Preliminary Staff Findings:**

- a. As noted above, the proposed additions will be contained entirely within an existing shopping center which already contains the proposed uses.
- b. By nature of the existing shopping center, the proposed additions are fully in harmony with the area in which they are located.

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

It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the finding that the use will be in conformity with the Land Use Plan and other officially adopted plans.

**Preliminary Staff Findings:**

The 2006 Land Use Plan classifies this site as **full service** within the **Corolla** subarea. Insert LUP classification narrative. The proposed use is in keeping with the policies of the plan, some of which are:

**POLICY OB2:** So as to minimize COMMERCIAL STRIP DEVELOPMENT and maximize the traffic moving capability of NC 12, Currituck County shall encourage commercial development to cluster at appropriate locations rather than dispersing along NC 12.

**POLICY CD3:** LARGE COMMERCIAL CENTERS should be located adjacent to the intersections of major roadways; planned concentrations of employment and housing should be encouraged to locate convenient to these centers.

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).*

It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the finding 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.

**Preliminary Staff Findings:**

- a. The proposed use is minimal in nature and conforms to other typical commercial and residential demands.
- b. Adequate infrastructure exists for the purpose proposed additions
- c. The residential units are anticipated to be primarily employee housing and will therefore result in insignificant school demand.

**III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval of the Amended Sketch Plan and Use Permit as submitted.

**IV. PLANNING BOARD RECOMMENDATION:**

Mr. Craddock moved to approve PB 84-11 as presented because it will not endanger the public health or safety, will not negatively affect the surrounding properties, and it is in conformity with the Land Use Plan. Mr. Bell seconded the motion and motion carried unanimously.

After review, Mr. Woody explained that previous approvals had been given, and due to the project not moving forward within the necessary time frame, the approvals expired.

Andy Deel, Deel Engineering, also noted the delay in moving the project forward, and asked the Board for reapproval.

With no one else wishing to speak, Chairman Griggs closed the Public Hearing.

Commissioner Aydlett moved to approve the application based on conditions that the applicant must satisfactorily address all remaining TRC comments, the applicant has demonstrated that the proposed use meets the use permit review standards of the Unified Development Ordinance (UDO).

The motion was seconded by Commissioner O'Neal and carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVED:</b>	O. Vance Aydlett, Vice-Chairman
<b>SECONDER:</b>	S. Paul O'Neal, Board Chairman
<b>AYES:</b>	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

**B. Public Hearing and Action: PB 15-22 Wild Ropes Adventure Park Text Amendment - Height Limits:**

Ben Woody reviewed the request and noted the item's relationship to the use permit application that was the next item to be heard. Mr. Woody reminded the Board that the text amendment would apply countywide, and noted some of the exceptions to the County's 35 foot height limit that were already included in the UDO. Staff and Planning Board recommended approval, with the one to one setback conditions noted over 35 feet.

To: Board of Commissioners  
 From: Planning Staff  
 Date: January 14, 2016  
 Subject: PB 15-22 Wild Ropes Adventure Park Text Amendment

The enclosed text amendment submitted by Brett Harrison of Wild Ropes Adventure Park is intended to include aerial adventure parks in the list of exceptions to the height limit.

This text amendment is necessary to make aerial adventure parks a feasible use in the County. An aerial adventure park typically offers combinations of elements often associated with high ropes courses, such as rope and wire bridges, nets, balance challenges, obstacles, and zip lines. Exceeding the maximum building height of 35 feet is imperative to the construction of an aerial adventure park.

Aerial adventure parks are considered outdoor recreation and it is staff's opinion that a better text amendment approach is to include outdoor recreation uses in the list of height exceptions. Staff has proposed a maximum height limit of 60 feet for outdoor recreation uses as well as an increased setback to mitigate potential impacts of exceeding the height requirement. The applicant is in agreement with staff's suggested changes.

The 2006 Land Use Plan Policy statements that are relevant to the request are as follows:

**POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES** should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

**POLICY CD7:** Attractive, environmentally beneficial LANDSCAPING shall be provided by new commercial or office developments, and in the rehabilitation and upgrading of existing developments. Appropriate BUFFERING or other effective DESIGN FEATURES may be employed to allow less intensive forms of commercial and office development to adjoin existing or planned residential uses.

Recommendation:

Planning staff recommends **approval** of the text amendment with the proposed modifications because it is consistent with the goals, objectives, and policies of the Land Use Plan by promoting new businesses that are compatible with the environmental quality of the county, and it is reasonable and in the public interest because an aerial adventure park would provide a new type of outdoor recreational opportunity in the County.

## Planning Board Recommendation:

Mr. Cartwright moved to PB 15-23 as presented due to it is consistent with the goals, objectives, and policies of the Land Use Plan by promoting new businesses that are compatible with the environmental quality of the county, and it is reasonable and in the public interest because an aerial adventure park would provide a new type of outdoor recreational opportunity in the county. Mr. Whiteman seconded the motion and motion carried.

**PB 15-22**  
**UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 10:

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 4.2.4 Commercial Uses is amended by adding the following underlined language:

**(4) Recreation, Outdoor**

Outdoor recreation uses shall comply with the following standards:

- (a)** Outdoor recreation uses shall be screened from abutting major arterial streets with a Type D buffer.
- (B)** Grading shall be limited to a maximum of five feet above or below the grade existing prior to development.
- (C)** No associated outdoor features shall be located between the front façade of the building and the street fronting the lot.
- (D)** Structures associated with outdoor recreation uses may be increased to a maximum height of 60 feet. Structures that exceed 35 feet in height shall be required to maintain a one foot setback from front, side and rear property lines for every one foot of structure height. Guy wires, when applicable, shall conform to district setback provisions.

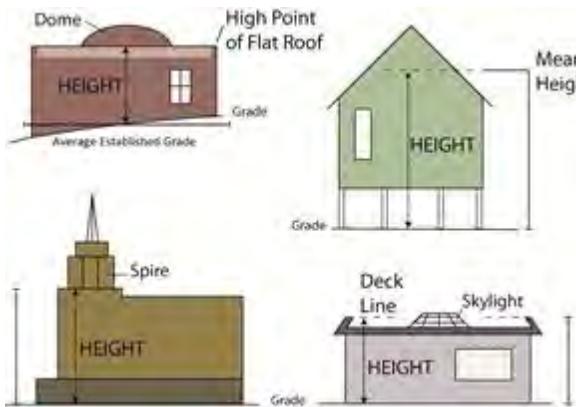
**Item 2:** That Section 10.3.6 Height is amended by adding the following underlined language:

**10.3.6 Height**

**B. Definitions/Measurement**

**(1) Building Height**

The vertical distance measured from the average established grade adjoining the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard or Bermuda roof, to the mean height level between eaves and ridge of gable, hip, cone, gambrel and shed roofs (see Figure 10.3.6, Height Measurement).



### (1) Building Story

The space between the surface of any floor and the surface of the next floor above it; or if there is no floor above it, the space between the floor surface and the top of the ceiling joists or roof rafters above it. Building stories shall comply with all the applicable standards from the North Carolina State Building Code.

### (2) Established Grade

Established grade is the finished grade following grading, excavation, or other land-disturbing activity.

### (3) Grade

Grade means the level of the ground elevation prior to the commencement of development or land-disturbing activity.

## B. Height Requirements

- (1) Multi-story buildings within a mixed-use district or intended for mixed uses and all parking structures shall maintain a first floor ceiling height of at least 15 feet to accommodate commercial first-floor uses.
- (2) Buildings within the APO may be subject to height requirements not applied to areas outside the APO.

## C. Exceptions

### (1) General

Height limits shall not apply to bulk storage silos, grain elevators, barns, chimneys, elevator shafts, church spires, belfries, cupolas, domes, flag poles, monuments, water towers, rooftop dish antennas, solar equipment, skylights, fire escapes or roof access stairways, outdoor recreation uses subject to section 4.2.4. F, mechanical equipment required to operate and maintain the building, or similar appurtenances, provided:

- (a) The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;
- (b) The appurtenance does not exceed a maximum height of 200 feet above grade;
- (c) The appurtenance is not constructed for the purpose of providing additional floor area in the building; and
- (d) The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in this Ordinance.

**Item 3:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held

unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 4:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

After review, Mr. Woody answered Board questions pertaining to safety and the 60 foot height limit designation, which he believes would be suitable for most outdoor recreational uses.

Chairman Griggs opened the Public Hearing.

Robert Mitchell, Ocean Hill property owner and certified appraiser, believes the project will be too close to property slated for future residential development in Ocean Hill. He believes the project needs to be located somewhere other than near the historic area and questioned whether the park is the highest and best use for the property.

Fran Hamilton, a resident of Corolla and member of the Board of Directors of the Village of Ocean Hill, spoke representing homeowners in opposition to the project. She said height restrictions currently imposed by the County add value to the Villages of Ocean Hill properties by affording many a lighthouse view, and believes this project would forever change the landscape. She talked of the unique features and value of properties in Villages at Ocean Hill, and noted the similar ropes course in Nags Head is in a commercial zone away from residential areas.

Brett Harrison, the applicant for the Wild Ropes Adventure Park project, used a powerpoint to show what a ropes course is, where they are constructed such as university campuses and military bases, and the educational benefits of use. He reviewed safety and presented his ideas as to the need for the text amendment. He showed a comparative slide noting the varied heights of other structures, such as windmills and the lighthouse, compared to the proposed height for the ropes course.

Mr. Harrison said the plan is to have one central tower at the requested height of 60 feet, which would max the lease footprint. Mr. Woody confirmed the amendment would resolve any height limitation issues with the building of the Alpine Tower at the community park on the mainland.

With no further discussion and no one else wishing to speak, Chairman Griggs closed the Public Hearing.

Commissioner Aydlett moved to approve the text amendment as consistent with the goals, objectives and policies of the Land Use Plan for promoting new businesses that are compatible with the environmental quality of the county and it is reasonable and in the public interest because it would provide a new type of outdoor opportunity in the county, and because it is a county wide text amendment.

Commissioner Gilbert seconded and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVED:</b>	O. Vance Aydlett, Vice-Chairman
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

### C. Public Hearing and Action: PB 15-23 Wild Ropes Adventure Park Use Permit:

Parties were sworn and Mr. Woody reviewed the application for the Use Permit for the Wild Ropes Adventure Park.

STAFF REPORT  
 BOARD OF COMMISSIONERS  
 February 1, 2016  
 PB 15-23 WILD ROPES ADVENTURE PARK

**ITEM:** PB 15-23 Wild Ropes Adventure Park request for a use permit to operate an aerial adventure park.

**LOCATION:** Corolla - west of NC12, just north of Corolla Village, Poplar Branch Beach Township

**TAX ID:** 0114-000-003P-0000

**ZONING DISTRICT:** PUD Overlay with GB Allocation

**PRESENT USE:** Vacant property

**OWNER:** Ocean Hill Commercial LLC

**APPLICANT:** Brett Harrison

#### LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
<b>NORTH:</b>	Single-Family Dwellings & Vacant Property	SFO w/ PUD overlay
<b>SOUTH:</b>	Water Treatment Area	SFO w/ PUD overlay
<b>EAST:</b>	Single-Family Dwellings & NC12	SFO w/ PUD overlay
<b>WEST:</b>	Federal Property /Woodlands/Commercial Uses	SFO w/ PUD overlay

#### LAND USE PLAN

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

**SIZE OF SITE:** 7.92 acres

**COMMUNITY MEETING:** A community meeting was held on November 23, 2015. The community concerns included the proposed height, exterior lighting,

removal of structure if business fails, and safety of the proposed aerial adventure park course.

## I. NARRATIVE OF REQUEST:

- The proposed use of an aerial adventure park is classified as outdoor recreation. Outdoor recreation uses located in PUDs require approval of a use permit.
- This use permit request is for construction and operation of Wild Ropes Adventure Park. It is a commercial "Aerial Adventure Park".
- An aerial adventure park typically offers combinations of elements often associated with high ropes courses, such as rope and wire bridges, nets, balance challenges, obstacles, and zip lines.
- The applicant has requested a text amendment to clearly exempt the tower and obstacle poles from the building height requirements of the ordinance. Currently, the following similar items are exempt: silos, chimneys, church spires, domes, cupolas, flag poles, monuments, and water towers. The applicant is proposing a maximum height of 60 feet. The height is imperative to the proposed use.

## II. USE PERMIT REVIEW STANDARDS:

### Use Permit Criteria and Staff Findings:

A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the below requirements. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary staff findings.

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

#### Preliminary Staff Findings:

- a. According to the applicant, the park will be built and operated to meet or exceed the latest in safety requirements as set forth by the Association for Challenge Course Technology (ACCT). ACCT is the primary regulating body for the industry.
- b. According to the applicant, extensive preliminary and continual training for staff will be conducted on a weekly basis. Daily course inspections, annual course inspections, continual course maintenance and improvements will be performed.
- c. According to the applicant, the course will be built with stout access prevention which barricades the stair case accessing the course and obstacles are a minimum of 12 feet off of the ground.

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.*

#### Preliminary Staff Findings:

- a. According to the applicant, minimal exterior lighting will be installed and the course will be open during daylight hours only. No lighting is used or needed on the adventure park itself.
- b. According to the applicant, the obstacle course itself requires no electricity, water, sewer, gasoline or power.
- c. According to the applicant, the tower and obstacle course is transparent in nature and allows views directly through the landscape and beyond.
- d. The site will be buffered and landscaped per the UDO requirements.

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

#### Preliminary Staff Findings:

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

The proposed use is in keeping with the policies of the plan, some of which are:

**POLICY ED1:** NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

**POLICY ED4:** In addition to the recruitment and expansion of major new industries, the considerable value of SMALL BUSINESS START-UPS, EXPANSIONS AND SPIN-OFFS shall also be recognized.

**POLICY CD7:** Attractive, environmentally beneficial LANDSCAPING shall be provided by new commercial or office developments, and in the rehabilitation and upgrading of existing developments. Appropriate BUFFERING or other effective DESIGN FEATURES may be employed to allow less intensive forms of commercial and office development to adjoin existing or planned residential uses.

**POLICY CA3:** LANDSCAPE IMPROVEMENTS at existing and new commercial developments, particularly as related to breaking up and softening the appearance of expansive parking areas, and absorbing storm water runoff, shall be required.

**POLICY OB2:** So as to minimize COMMERCIAL STRIP DEVELOPMENT and maximize the traffic moving capability of NC 12, Currituck County shall encourage commercial development to cluster at appropriate locations rather than dispersing along NC 12.

4. *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. 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).*

**Preliminary Staff Findings:**

- a. The use will have no impact on schools.
- b. According to the applicant, the use will require little to no use of county facilities.

**III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval as presented.

**IV. PLANNING BOARD RECOMMENDATION:**

Mr. Cartwright moved to approve PB 15-23 use permit subject to the following conditions of approval:

1. The applicant must satisfactorily address all remaining TRC comments.
2. The applicant has demonstrated the proposed use meets the use permit review standards of the UDO.
3. TRC approval of the Major Site Plan application is required. The applicant shall provide proof of legal access from Ponton Lane and a letter of Commitment from the Centralized Sewer Provider.
4. If the business goes out of business the applicant shall be required to remove the poles.

Mr. Cooper seconded the motion. Motion failed as it did not receive majority of votes

**PLANNING BOARD DISCUSSION (1/12/16)**

Ms. Turner said there has been a question raised about legal access on Ponton Lane. The applicant submitted another conceptual plan with a different access. No proposed lighting on the adventure park itself, only on the building, and it will operate during daylight hours only.

Mr. Harrison finished his PowerPoint presentation. The adventure park will have a very low impact on Corolla, it will operate during daylight time, noise will be sounds of people enjoying themselves, and everyone will be gone by 9:00 p.m. Mr. Harrison said the adventure park is built to ACCT standards and inspected annually. Mr. Harrison said they carry one million in general liability insurance coverage. The park does operate during rain, but if lighting is in the area they pull customers off the course and resume once it is clear. Mr. Harrison provided an overview of safety of the park. They strive for the park to be a personal experience and run the best organization as possible. It normally takes two hours to experience the entire course. Mr. Harrison said during the summer they employ 30-35 employees. Mr. Harrison said they barricade the first level when they leave at night to prevent anyone from entering the course. Mr. Harrison said staff is trained to remove someone from course within a minute should they need help.

Ms. Bell asked if a plan is in place should the business go out of business.

Mr. Harrison said there is not a plan required, but it could be a condition of the use permit.

Mr. Cooper opened the public hearing.

Ms. Lutton is representing the Board of Directors for Villages at Ocean Hill and homeowners who are opposed to this request. Ms. Lutton read a letter from the Board of Directors of the Villages at Ocean Hill in opposing the location of the request. The board asked that if the Planning Board is going to approve the text amendment and the construction of the Wild Ropes Adventure Park, that it be situated in an area where it is surrounded by other commercial establishments and away from a residential area. Ms. Lutton provided pictures from residential homes showing the view of the potential park. Ms. Lutton also provided letters from residents opposing the request.

Ms. Wasylenko said she is opposed to this request. The one in Nags Head is located away from residential homes. Ms. Wasylenko is concerned with increased traffic on NC 12, location, and property values.

Mr. Halla said he is concerned with the 60 foot setback, height of tower, and the location of the adventure park.

Mr. Cooper closed the public hearing.

Mr. Cooper asked if the property is currently zoned general business with commercial allocation and the potential uses of the property.

Ms. Turner read a list of uses.

Mr. Cooper said the board does consider all the pros and cons of the request.

Mr. Craddock said when there is a subdivision, which is a PUD; there is generally a commercial aspect within the subdivision.

Ms. Overstreet is concerned with the height limit will be much higher than houses.

The Planning Board discussed the property already being zoned with a commercial allocation and something will eventually be built.

Mr. Cartwright said this project is well suited for the beach and renters would enjoy this physical activity.

Mr. Cooper asked if anything about this project doesn't meet the county ordinance.

Ms. Turner said the applicant needs approval of the text amendment, conceptual plan, and major site plan.

Mr. Craddock said from the letters the board received and conversations tonight, there is more of a concern with the visual impact, rather than the environmental impact. It is no way to predict what the financial impact would be on these properties when it comes to market value of the properties. At this time, it is no way determine if it would have a negative impact on market value; it may affect the desirability of some of these properties to a potential buyer.

Mr. Cartwright moved to approve PB 15-23 use permit subject to the following conditions of approval:

1. The applicant must satisfactorily address all remaining TRC comments.
2. The applicant has demonstrated the proposed use meets the use permit review standards of the UDO.
3. TRC approval of the Major Site Plan application is required. The applicant shall provide proof of legal access from Ponton Lane and a letter of Commitment from the Centralized Sewer Provider.
4. If the business goes out of business the applicant shall be required to remove the poles.

Mr. Cooper seconded the motion. Motion failed as it did not receive majority of votes.

At the close of his review, Mr. Woody noted staff's recommendation for approval of the request and the Planning Board's vote ending in a tie, which represents a denial based on the Planning Board's rules of procedure. When questioned about the Planning Board motion by Commissioners, Mr. Woody said the motion was for approval, and he reviewed the Planning Board's findings of facts with Commissioners. He discussed safety, fire flows, the locations of adjacent and nearby residential homes and noted other commercial operations in the vicinity such as a tow operator, landscape business, and a wastewater plant. Mr. Woody confirmed the Adventure Park would share an access road with the other businesses. Screening was discussed, and when asked about the intended hours of operation Mr. Woody suggested the Board set operating hours as a condition.

Brett Harrison of Nags Head, and applicant for the project, said he believes the closest residential home is about 250 feet from the tower location. Mr. Harrison said the ropes course is a family oriented activity that would keep folks in Corolla rather than heading to other areas for recreation. He confirmed operations will take place during daylight hours, with the last reservation at 6 PM in summer, and would consider the business successful if they received one to two hundred people per day during the summer. He described the tower structure and noted his company's awards and qualifications. Mr. Harrison reviewed the lease requirement with the property owner to remove the structure should the park fail and addressed the charge that the tower would impede views of the lighthouse, believing the proposed location is a good one, as it is only two feet above sea level, sitting lower than nearby homes.

Commissioners confirmed several operational aspects with Mr. Harrison, such as lighting, staffing and hours of operation, and stated only one tower would be built. He did not believe noise would be intrusive, with the only sound coming from people.

Certification standards and training were discussed, and Mr. Woody suggested requiring a third party certification as a condition of approval.

Chairman Griggs opened the Public Hearing.

David Halla, property owner in Village of Ocean Hill, represented those in the community who are opposed to the project. He asked the Board to view the company's website before making a decision, which he said shows pictures from the top of the tower where you can see the entire area. He said a large group of people oppose the project strictly due to the height, as it is too close to the houses.

County Attorney, Ike McRee, suggested that any viewing of the website must be viewed by the Board on the screen so the applicant would have the opportunity to present information and answer questions, as well as anyone who opposes have a chance to speak. Chairman Griggs reviewed the Board's guidelines and requirements, and what testimony the Board is able to consider. Mr. McRee, for the public, reviewed what findings the Board is required to make when deciding on whether to issue a use permit.

Chairman O'Neal suggested, and Mr. Woody agreed, that photos from the top of the lighthouse have far more reach than what may be seen from a 60 foot tower.

Robert Mitchell, a property owner in Village at Ocean Hill and real estate appraiser, referred to the property location on the plat, and talked of the negative effect on value the project would have on neighboring properties. He discussed highest and best use, and asked for the Board to consider other impacts such as the Mid-Currituck Bridge. He said the ropes course does not belong in the area.

Commissioner Beaumont said the Board is not in the business of dictating what property owners should do with their property. Chairman Griggs asked Mr. Mitchell if he had done an official appraisal, to which he answered no, but affirmed his opinion that the project would affect the value of the neighboring property and would not do anything to improve quality of life.

Nick Nuzzy, the property landlord for the project, presented himself to answer any questions the Board may have for him. Responding, he said he does not believe the ropes course will have a negative impact, and said very little noise comes out of the park in Nags Head. He confirmed the lease requirement that the course be removed if the applicant leaves the property, and doesn't believe the tower is an eyesore.

Commissioner Aydlett disclosed a meeting he attended in Corolla where the Corolla Civic Association voted as to their position on the ropes course. He, along with all other Commissioners who were present, stated they were able to make a fair and impartial decision based only on the evidence presented. It was stated the Civic Association had voted unanimously in favor of the project. Mr. McRee said they could not consider that vote as part of their decision.

With no one else wishing to speak Chairman Griggs closed the Public Hearing.

Commissioner Beaumont moved for approval of the use permit with the conditions that the applicant satisfactorily address all remaining TRC comments, the applicant has demonstrated the proposed use meets the use permit review standards of the UDO, and that the major site plan be approved as required by TRC and has legal access. Additionally, the facility must comply with standards as set forth by the Association for Challenge Course Technology (ACCT), that the facility will provide for annual inspection and certification by a qualified inspector as set forth by the ACCT and be willing to provide a copy of certification to the County upon request. Hours of operation would be 8 am till sunset, complying with minimal lighting requirements for safety as established by the county.

The motion was seconded by Commissioner Gilbert and carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVED:</b>	Paul M. Beaumont, Commissioner
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

**D. Consideration and Action: PB 15-18 Mashuda Multi-Family: Request for conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional District - Mixed Residential (C-MXR). The property is located in Barco at the terminus of Patriot Way east of Central Elementary School and on the north side of Shortcut Road (US 158), Tax Map 60, Parcel 99E, Crawford Township.**

Ben Woody reviewed the rezoning request with the Board of Commissioners, detailing points relative to the Small Area Plan, community meeting results, and the airport overlay district. The Planning Board recommended approval, with Planning staff and the Technical Review Committee recommending denial.

**STAFF REPORT FOR THE  
BOARD OF COMMISSIONERS  
DATE: February 1, 2016  
PB 15-18 MASHUDA MULTI-FAMILY SITE**

<b>ITEM:</b>	PB 15-18 Mashuda Multi-Family Site: a conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional District- Mixed Residential (C-MXR).
<b>LOCATION:</b>	Barco - Patriot Way east of Central Elementary School on north side of Shortcut Road (US 158).
<b>TAX ID:</b>	0060000099E0000
<b>OWNER:</b>	Frank C. and Maria A. Mashuda 1304 South 19 <sup>th</sup> Road Arlington, VA 22202 703-909-6935, 703-920-0712
<b>APPLICANT:</b>	ABLX, LLC c/o Brian Innes 378 Caratoke Highway Moyock, NC 27958

252-453-2531

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

	Land Use	Zoning
<b>NORTH:</b>	Wastewater treatment plant/ Undeveloped lands/ Farmland	HI/AG
<b>SOUTH</b>	Residential	AG
<b>EAST:</b>	Farmland	AG
<b>WEST:</b>	Wastewater treatment plant/Undeveloped lands	GB

**LAND USE PLAN****CLASSIFICATION:**

The 2006 Land Use Plan classifies the site as Full Service within the Barco-Coinjock-Airport subarea.

The policy emphasis of the Barco-Coinjock-Airport sub-area is to emerge as a principal community center serving the central area of the mainland. Residential development densities should be medium to high. 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 though the use of overlay zones. Although the densities are in keeping with the policy emphasis of the sub-area, the proposed application is not in keeping with the policies of the plan, some of which are:

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

**POLICY TR11:** ACCESS TO HIGHER INTENSITY DEVELOPMENT shall general not be permitted through an area of lower intensity development. For example, access to a multi-family development, a major park facility or other large traffic generator shall not be permitted through a local street serving a single-family residential neighborhood.

**MAPLE-****BARCO SAP:**

The Maple-Barco Small Area Plan classifies the property as Employment.

The Employment future land use classification is anticipated for land uses that will generate economic activity or job growth. Residential development should be discouraged in areas of the Employment land use category.

Policies not in support of the application include:

**POLICY LU1:** Provide for very low density development in close proximity to the airport facility and in designated approach zones. Additionally, promote an appropriate mix of development types in the Maple/Barco area.

**CURRENT ZONING:**

Agricultural (AG) Base District  
Airport Overlay District (AO)

**PROPOSED ZONING:**

Conditional District - Mixed Residential (C-MXR)

<b>CURRENT USE:</b>	Undeveloped
<b>SIZE OF SITE:</b>	15.78 acres
<b>ZONING HISTORY:</b>	Agricultural (A) - 1989 Zoning Map Agricultural (A-40) - 1979 Zoning Map Light Industrial (LI) - 1971 Zoning Map
<b>UTILITIES:</b>	County water is available to serve this development. The proposed development is requesting connection to the Maple wastewater treatment plant.
<b>TRANSPORTATION:</b>	The parcel accesses Caratoke Highway through Patriot Way, a private gravel road that serves single-family residential dwellings. All roads accessing the development must be designed and constructed to meet NCDOT standards.
<b>FLOOD ZONE:</b>	The proposed development is located in the X, Shaded X, and AE flood zones.
<b>WETLANDS:</b>	According to the applicant, the site does contain 404 wetlands. No mitigation is proposed within the wetland area. A copy of the wetland delineation shall be submitted during the site plan or subdivision review process.
<b>SOILS:</b>	The proposed development predominately contains soils that are considered suitable to marginal for on-site septic.
<b>PLAN REQUEST:</b>	Residential Development Mixed Residential (MXR) 15.74 acres <ul style="list-style-type: none"> <li>• Density: 4 units/acre (sustainable incentives)</li> <li>• Eight two-story buildings</li> <li>• Open Space               <ul style="list-style-type: none"> <li>○ Required (30%): 4.72 acres</li> </ul> </li> </ul>
<b>PROPOSED ZONING CONDITIONS:</b>	
1. Use: 63 unit multi-family complex consisting of 8 buildings with 8 residential dwelling units in each building with the exception of one building that will contain only 7 dwelling units and a manager office and/or common space for residents.	
2. The site will meet Currituck County sustainability requirements necessary to receive density bonus. The sustainability practices planned to be included in this development: <ul style="list-style-type: none"> <li>Schedule A:1. Use of central air conditioners that are Energy Star qualified.</li> <li>2. Use of only solar or tankless water heating systems throughout the structure.</li> </ul>	
Schedule B:1. <ul style="list-style-type: none"> <li>2. Roof eaves or overhangs of three feet or more on southern or western exposures.</li> <li>3. Inclusion of shade features to shade all windows and doors on the southern building façade.</li> <li>4. Provision of 150 ft undisturbed buffers adjacent to/surrounding all wetlands or surface waters.</li> <li>4. Provision of rain gardens or other appropriate stormwater infiltration BMP systems of at least 100 square feet in area.</li> </ul>	

3. The proposed buildings will not exceed two stores in height.
4. The water main for the site will be constructed such that a connection will be created between the water main adjacent to Patriots Way and the water main that currently terminates at the Maple Commerce Park Wastewater Treatment Plant.
5. The sanitary sewer for the site will be pumped to the Maple Commerce Park Wastewater Treatment Plant.
6. Passive recreational facilities will be provided on-site including:
  - a. A walking trail around the stormwater pond,
  - b. Seating benches adjacent to the walking trail and,
  - c. Accessible picnic platforms adjacent to the pond.
7. Upon development of the county's trail system, the developer will provide a connecting trail from the development to the county's trail system in Maple Commerce Park.

#### **COMMUNITY MEETING:**

A community meeting was held on October 7, 2015 at 7:00 pm at the Barco Library. The concerns taken from the meeting were related to the development type, densities, traffic, water and fire flow, impacts on the adjacent properties, inadequate public facilities, and proximity to the airport. A detailed summary of the community meeting is provided by the applicant.

#### **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 denial** of the proposed request. The proposed development is located within the Airport Overlay District (AO), compatible use zone 3. Although the proposed development may not be developed as a subdivision, the UDO states subdivision of land for residential purposes shall be subject to the maximum gross density requirements of the base zoning district. The development application includes a request for sustainability incentives to increase the overall density by one unit per acre. The conditional rezoning request is not consistent with the goals, objectives, and policies of the Land Use Plan and Maple-Barco Small Area Plan and, is not reasonable and in the public interest since the request is not compatible with existing and proposed uses surrounding the land subject to the application. In addition the proposed request would not result in a logical and orderly development pattern.

#### Additional Staff Concerns:

1. The proposed development is located within the Airport Overlay District (AO), compatible use zone 3.
2. The Maple-Barco Small Area Plan identifies the property as Employment future land use classification that discourages residential development within this area.
3. The proposed development shall meet the multi-family design standards of Chapter 5 of the UDO. The building design and site plan shall meet the requirements in effect at the time of site plan or subdivision submittal. The conditional rezoning does not vest the plan.

#### **PLANNING BOARD RECOMMENDATION:**

Mr. Whiteman moved to approve PB 15-18 Mashuda Multi-Family Site, conditional rezoning of 15.78 acres from Agricultural (AG) to Conditional Mixed Residential (C-MXR) due to its consistency with:

- The goals, objectives, and policies of the Land Use Plan (See Policy HN3),
- The density allowances of the Full Service classification in the Land Use Plan,
- The sustainability policies of the Maple-Barco Small Area Plan (See Policy SD1) because the proposed development will implement six practices into the development, and;
- The request is reasonable and in the public interest because it will address a demonstrated community need.

Ms. Bell seconded the motion and motion carried.

Mr. Woody, upon completing his review, did point out that the Planning Board had tabled the item originally, considering whether the zoning would be considered spot zoning. Mr. Innes appeared again before the Planning Board, provided additional information to the Board, and the Planning Board approved the request.

Mr. McRee defined spot zoning, and provided what determinations and findings should be made when considering a rezoning. Mr. Woody answered questions regarding the Planning Board's determination, and recalled land use policy which discourages entry to a high-density project through a low-density project. The request to hook up to wastewater was discussed, and the available capacity for commercial growth and the possibility of later expansion of the wastewater plant were considered. Mr. Woody said the use request is for 23,000 gallons per day, which Mr. Scanlon said would be just over half of the current capacity. Mr. Woody confirmed the location in the airport overlay area, with height not being an issue.

Chairman Griggs opened the Public Hearing.

Brian Innes of ReMax Alpha Realty, representative of the applicants, reviewed the history of the multi-family housing project. He discussed the available water line on NC 158, and the water tap fees which he believes would fund expansion of the wastewater plant if needed. He described the buffering and the need for affordable housing. He addressed traffic, water for firefighting, and concerns about increased crime. He talked of connectivity to the YMCA complex and school. He addressed spot zoning and pointed to sections of the Small Area Plan that support the project. Mr. Innes feels the project fills a needed gap and would assist in business recruitment.

Commissioners asked how the property would be managed, to which he answered an on-site office would be present, as well as they would offer a sheriff's deputy housing at free or reduced rent. Mr. Innes said if the application is granted, the property would be for sale, would be well maintained, and would offer one, two and three bedroom units from about 800 to 1000 square feet.

The Board questioned aspects of the airport overlay district, and Mr. Innes reviewed other structures nearby.

Jason Mizelle, Eastern Carolina Engineering, presented and offered to answer any technical questions the Board might have regarding the project.

With no questions and no one else wishing to speak, Chairman Griggs closed the Public Hearing.

Commissioner Hall moved to approve PB 15-18 because it does meet the goals and objectives and policies of the Land Use Plan, it does have the density allowances of the Full Service classification in the Land Use Plan and the sustainability policies of the Maple-Barco Small Area Plan, and the request is reasonable and in the public interest because it will address a demonstrated community need. Commissioner Hall included the condition of onsite management, to which Mr. Innes said that could be a condition of the sale of the

property. The Board considered whether the sale of the property might be problematic with enforcement of conditions.

Commissioner O'Neal seconded the motion and began a discussion to consider the wastewater capacity, and asked the county attorney if in his opinion it was spot zoning. Mr. McRee suggested the Board go through the additional findings and analysis with regard to the rezoning and make that determination.

With the addition of considerations to be made regarding spot zoning and wastewater, the motion and second were withdrawn. Commissioner O'Neal moved to continue pursuant to allowing time for additional analysis regarding spot zoning and staff to report on wastewater. Commisioner Hall seconded, with the item to be heard at the February 15, 2016, meeting of the Board.

The motion carried unanimously.

<b>RESULT:</b>	<b>CONTINUED [UNANIMOUS]</b>	<b>Next: 2/15/2016 5:00 PM</b>
<b>MOVER:</b>	S. Paul O'Neal, Board Chairman	
<b>SECONDER:</b>	Mike D. Hall, Commissioner	
<b>AYES:</b>	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner	

## NEW BUSINESS

### A. Consideration and Adoption of Resolution Establishing Rules and Regulations for Concessionaire Operations at Historic Corolla Park

<b>RESULT:</b>	<b>WITHDRAWN</b>
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### B. Consideration and adoption of An Ordinance of the Currituck County Board of Commissioners Amending Section 10-64 of Chapter 10 of the Currituck County Code of Ordinances to Clarify That No More Than Two ATV Permits May Be Issued To Any County Resident And No More Than Two ATV Permits May Be Issued To Any Non-Resident Property Owner Per Lot, Parcel Or Tract Of Property

County Attorney, Ike McRee, reviewed the ordinance amendment which would clarify the original issue, which was to provide that each Currituck resident was able to receive two ATV permits per person, while allowing non-resident property owners to receive two per parcel, as was originally intended.

Commissioner Aydlett moved to approve the amendment as written. The motion was seconded by Commissioner Payment and carried unanimously.

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 10-64 OF CHAPTER 10 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO CLARIFY THAT NO MORE THAN TWO ATV PERMITS MAY BE ISSUED TO ANY COUNTY RESIDENT AND NO MORE THAN TWO ATV PERMITS MAY BE ISSUED TO ANY NON-RESIDENT PROPERTY OWNER PER LOT, PARCEL OR TRACT OF PROPERTY**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county;

WHEREAS, pursuant to Section 1 of Chapter 875 of the 1985 Session Laws the county may by ordinance regulate, restrict, and prohibit the use of dune or beach buggies, jeeps, motorcycles, cars, trucks, or any other form of power-driven vehicle specified by the county's governing board on the foreshore, beach strand and barrier dune system.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 10-64 of the Code of Ordinances to read as follows:

**Sec. 10-64. Permit system (county residents and property owners only).**

- (a) This section shall be applicable for those areas of Currituck County, including but not limited to the beach strand and foreshore areas, located from the Dare/Currituck line to the North Carolina/Virginia line.
- (b) County residents and property owners desiring to operate a moped, motorcycle or all terrain vehicle ("ATV") on the areas covered by this section shall obtain a permit from the county manager or his designated representative. Permits may be obtained at the satellite office in Corolla or at the county manager's office during normal business hours and at such other times and places as may be designated by the county manager.
- (c) County residents ~~and property owners~~ may obtain at no fee a maximum of two annual permits ~~per lot, tract or parcel of property~~ upon making application as provided in section 10-64(b) above and upon showing proof of liability insurance on the ATV. Non-resident property owners may obtain at no fee a maximum of two annual permits per lot, tract or parcel of property upon making application as provided in section 10-64(b) above and showing proof of liability insurance on the ATV. Liability insurance coverage on the ATV shall be maintained continuously throughout the term of the permit.
- (d) County residents and property owners, operating mopeds, motorcycles or ATV's shall ensure that these vehicles have a valid permit prominently displayed at all times while operating, parked, or being trailered on the Currituck County Banks, beach foreshore or beach strand.
- (e) Any sworn law enforcement officer with jurisdiction is authorized to take possession of any permit issued pursuant to this section upon expiration, revocation, cancellation, or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued, which has been unlawfully used or upon issuance of citation for violation of Section 10-59 of this code. Any law enforcement officer who seizes a permit pursuant to this section shall report the seizure to the county manager's office within 48 hours of the seizure and shall return the permit to the county manager's office within 7 business days of the seizure.
- (f) The county manager or county manager's designee shall refuse issuance of a permit under this section for a period of one year following seizure of a permit by a law enforcement officer pursuant to this section.
- (g) An appeal of seizure of a permit under this section shall be made to the county manager by filing a written notice of appeal, specifying with particularity the grounds upon which the appeal is made, no later than 10 days from the date of the permit seizure. The county manager or county manager's designee shall fix a reasonable time for the hearing of the appeal, shall give due notice to all parties and shall render a decision within a reasonable time.
- (h) The county manager is directed and authorized to establish forms, procedures, and directives as may be required to implement this permit system and ensure that it is run in an effective, safe, and fair manner.

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART III. This ordinance is effective upon adoption.

ADOPTED this 1st day of February, 2016.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVED:</b>	O. Vance Aydlett, Vice-Chairman
<b>SECONDER:</b>	Mike H. Payment, Commissioner
<b>AYES:</b>	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

## C) Board Appointments

### 1. Board of Adjustment

Shay Balance was nominated for reappointment to the Board of Adjustment and was approved unanimously. Commissioner Payment deferred his nomination.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

### 2. Planning Board

Commissioner O'Neal deferred his nomination to the Planning Board.

### 3. Recreation Advisory

Commissioner Gilbert deferred her nomination.

### 4. Senior Citizens Advisory

Chairman Griggs deferred his nomination.

### 5. Whalehead Stormwater Drainage Service District Advisory Board

Bryan Daggett was nominated for reappointment and approved unanimously by consensus.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

## D) Consent Agenda

Commissioner Gilbert moved to approve and, after a brief explanation by Mr. Scanlon on the fee waiver for the Moyock High School Reunion Committee, was seconded by Commissioner Beaumont.

The motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVED:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

- 1) **Approval Of Minutes-January 19, 2016**
2. **Lake View Land Development Deed of Dedication**
3. **Moyock High School Committee Rental Fee Waiver for Sanderlin Auditorium**

#### **E) Commissioner's Report**

Commissioner Gilbert reminded everyone to remember Valentines Day.

Commissioner Beaumont reported on the Fire and Emergency Medical Services Advisory Board meeting, where they heard a report from Carova Volunteer Fire Department that they are the first approved user of unmanned air vehicles for search and rescue. Funds were raised by the Women's auxiliary to obtain training and apparatus.

Commissioner Hall reported that several Commissioners attended the awards banquet at the Moyock Volunteer Fire Department, recognizing outstanding service of their own, and announced a significant savings to the county from services they provided.

Commissioner Aydlett also reported on his attendance at the Moyock Fire Department banquet and recognized the excellent work they do. He also touted the achievement of the Carova VFD's certification using unmanned vehicles, believing they are the first in the state. He reported on the attendance at the house select transportation committee meeting, where they discussed ferry funding, and expressed our support to Hyde county. Commissioner Aydlett reported on the Rural Planning Organization meeting in Elizabeth City, with 9 out of 10 counties opposing tolling of ferries, and discussed the efforts to find alternative methods for funding.

#### **F) County Manager's Report**

No report.

### **SPECIAL MEETING**

Chairman Griggs recessed the meeting of the Board of Commissioners and reconvened as the Ocean Sands Water and Sewer District Board.

#### **1. Ocean Sands Water & Sewer District-Budget Amendments**

County Manager, Dan Scanlon, reviewed the budget amendment.

Commissioner O'Neal moved to approve and was seconded by Commissioner Aydlett.

The motion carried unanimously.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
60808-513001	Utilities		\$ 5,000
60808-516001	Repairs and Maint.		\$ 3,800
60808-533601	System Supplies	\$ 5,000	
60808-531001	Gas, Oil, Etc.	\$ 3,550	
60808-557101	Software Fees	\$ 250	
		<u>\$ 8,800</u>	<u>\$ 8,800</u>
<b>Explanation:</b>	Ocean Sands Water and Sewer (60808) - Transfer funds for operations.		
<b>Net Budget Effect:</b>	Ocean Sands Water and Sewer District Fund (60) - No change.		

**RESULT:**

**APPROVED [UNANIMOUS]**

**MOVER:**

S. Paul O'Neal, Board Chairman

**SECONDER:**

O. Vance Aydlett, Vice-Chairman

**AYES:**

David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

## ADJOURN SPECIAL MEETING

With there being no further business, Chairman Griggs adjourned the special meeting of the Ocean Sands Water and Sewer District Board.

## PUBLIC COMMENT

***Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.***

After reconvening as the Board of Commissioners, Chairman Griggs noted no one was signed up for Public Comment. Public Comment period was opened and closed.

## CLOSED SESSION

Commissioner Aydlett moved to enter Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege and to receive advice from the county attorney regarding a claim against the county and for the following pending lawsuits: Coastland Corporation v. Currituck County and Swan Beach Corolla, LLC v. Currituck County.

Commissioner O'Neal seconded, the motion carried unanimously, and the Board of Commissioners entered closed session.

## ADJOURN

**Motion to Adjourn Meeting**

After returning from Closed Session, with no further business, Commissioner Aydlett moved to adjourn. Commissioner Gilbert seconded, the motion carried unanimously, and the meeting of the Board of Commissioners was concluded.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	O. Vance Aydlett, Vice-Chairman
<b>SECONDER:</b>	Marion Gilbert, Commissioner
<b>AYES:</b>	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice-Chairman, S. Paul O'Neal, Board Chairman, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1453)**

**Agenda Item Title**

Budget Amendments

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Sandra Hill, Director

**Presenter of Agenda Item**

Daniel F. Scanlon

Number

2016043

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of February 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
			<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>
10650-545000	Contract Services	\$	24,800		
10650-502000	Salaries			\$	9,300
10650-505000	FICA			\$	750
10650-506000	Health Insurance			\$	2,400
10650-507000	Retirement			\$	850
10390-495015	T F - Occupancy Tax			\$	11,500
		<hr/>	<hr/>	<hr/>	<hr/>
		\$	24,800	\$	24,800

**Explanation:** *Economic Development (10650) - Increase appropriations to carry-forward funding for the Chamber of Commerce invoice for services in FY 2015 and for funding of Brent Lane Contract.*

**Net Budget Effect:** Operating Fund (10) - Increased by \$11,500.

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Clerk to the Board \_\_\_\_\_

Number

2016044

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of February 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense			Increase Revenue or Decrease Expense
10530-545000	Contract Services	\$	9,240		
10320-411000	Article 39 Sales Tax			\$	9,240
		<hr/>	<hr/>	<hr/>	<hr/>
		\$	9,240	\$	9,240

**Explanation:** *Emergency Services (10530) - Increase budget due to increased cost of maintenance on lifepacks.*

**Net Budget Effect:** Operating Fund (10) - Increased by \$9,240.

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Clerk to the Board \_\_\_\_\_

Number

2016045

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of February 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense			Increase Revenue or Decrease Expense
10750-514000	Travel			\$	1,000
10750-514500	Training & Education	\$	1,000		
10750-545000	Contracted Services	\$	3,000		
10750-561000	Professional Services	\$	5,000		
10330-431000	DSS Administration			\$	8,000
10752-519700	HCCBG In Home	\$	127		
10760-561000	Professional Services - Non-Reim	\$	5,000		
10390-499900	Fund Appropriate Balance			\$	5,127
		<hr/>	<hr/>	<hr/>	<hr/>
		\$ 14,127		\$ 14,127	

**Explanation:** Social Services Administration (10750); Public Assistance (10752); County Assistance (10760) - Currituck County's portion of the 1571 Software Uplift project and increased facilitator costs due to the increased foster care population. PUBLIC ASSISTANCE - Increase HCCBG In Home to reflect the 1/14/16 revision of the County Funding Plan from Albemarle Commission. COUNTY ASSISTANCE - Additional funds for forensic exams, and testimony costs for court. This cost is determined by the need of clients receiving services through Child Protective Services.

**Net Budget Effect:** Operating Fund (10) - Increased by \$13,127.

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Clerk to the Board

Number

2016046

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of February 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-516400	Equipment Maintenance		\$ 275
61818-533800	Chemicals		\$ 1,200
61818-590000	Capital Outlay		\$ 1,000
61818-561000	Professional Services		\$ 12,405
61818-532000	Supplies	\$ 9,860	
61818-516200	Vehicle Maintenance	\$ 2,000	
61818-533200	Lab Test	\$ 20	
61818-514000	Travel	\$ 500	
61818-545000	Contracted Services	\$ 1,500	
61818-553000	Dues & Subscriptions	\$ 1,000	
		<u><u>\$ 14,880</u></u>	<u><u>\$ 14,880</u></u>

**Explanation:** *Mainland Water (61818) - Transfer funds for operations.*

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

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Clerk to the Board

Number

2016047

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of February 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10796-590000	Capital Outal	\$	208,749		
10390-495015	T F - Occupancy Tax			\$	208,749
		<u>\$ 208,749</u>		<u>\$ 208,749</u>	

**Explanation:** CCRC (10796) - Carryforward funding for CCRC Capital Projects from FY 2015.

**Net Budget Effect:** Operating Fund (10) - Increased by \$208,749.

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Clerk to the Board

Number

2016048

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of February 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10390-495015	T F - Occupancy Tax		\$ 30,000
10390-499900	Fund Balance Appropriated	\$ 30,000	
		<u><b>\$ 30,000</b></u>	<u><b>\$ 30,000</b></u>

**Explanation:** *Other Revenues (10390) - Increase the statutory Occupancy Tax administrative fee due to increase in the budget Occupancy Tax collections and decrease the appropriation from fund balance.*

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

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Clerk to the Board

Number

2016049

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of February 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
66868-590000	Capital Outlay	\$	35,306		
66360-470000	Utilities			\$	35,306
		<hr/>	<hr/>	<hr/>	<hr/>
		\$	35,306	\$	35,306

**Explanation:** *Southern Outer Banks Water System (66868) - Increase appropriations for replacement of well pump at the Whalehead Club.*

**Net Budget Effect:** Southern Outer Banks Water (66) - Increased by \$35,306.

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Clerk to the Board \_\_\_\_\_

Number

2016050

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of February 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10775-502000	Salary - Regular	\$	3,919		
10775-505000	FICA	\$	12		
10775-506000	Health Insurance			\$	721
10775-507000	Retirement	\$	472		
10775-514000	Travel			\$	500
10775-531000	Gas			\$	1,000
10775-553000	Dues & Subscriptions			\$	400
10775-590000	Capital Outlay			\$	581
10380-488400	ABC Profits			\$	1,201
		<hr/>	<hr/>	<hr/>	<hr/>
		\$	4,403	\$	4,403

**Explanation:** Senior Centers (10775) - Increase appropriations to pay out vacation for a March 31 retirement and to allow for training of replacement beginning March 21, 2016.

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,201.

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Clerk to the Board

Number

2016051

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of February 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10795-590000	Capital Outlay	\$	198,500		
10330-449900	Miscellaneous Grants			\$	198,500
		<u><u>\$ 198,500</u></u>		<u><u>\$ 198,500</u></u>	

**Explanation:** *Parks and Recreation (10795) - Increase appropriations for a 100% funded recreation grant from Trillium to provide handicapped playground equipment.*

**Net Budget Effect:** Operating Fund (10) - Increased by \$198,500.

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Clerk to the Board

Number

2016052

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of February 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10545-561000	Medical Examiner	\$	12,000		
10380-488400	ABC Profits			\$	12,000
		<u>\$</u>	<u>12,000</u>	<u>\$</u>	<u>12,000</u>

**Explanation:** *Medical Examiner (10545)* - Increase appropriations for medical examiner services for the remainder of this fiscal year.

**Net Budget Effect:** Operating Fund (10) - Increased by \$12,000.

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Clerk to the Board

Number

2016053

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of February 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10430-511000	Telephone & Postage	\$	971		
10430-532000	Supplies	\$	2,629		
10430-514000	Travel			\$	2,000
10430-521000	Rent			\$	500
10430-526000	Advertising			\$	900
10430-553000	Dues & Subscriptions			\$	200
		<hr/> <u>\$ 3,600</u>		<hr/> <u>\$ 3,600</u>	

**Explanation:** *Elections (10430)* - Transfer budgeted funds for elections mailing notifying citizens of changes in primary dates requested by the Board of Commissioners.

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

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Clerk to the Board

Number

2016054

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of February 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10531-590000	Capital Outlay	\$	4,000		
10531-532000	Supplies			\$	4,000
		<hr/>	<hr/>	<hr/>	<hr/>
		\$	4,000	\$	4,000

**Explanation:** *Emergency Management (10531) - Transfer budgeted funds for replacement batteries for the mobile sign board, which will last approximately five years.*

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

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Clerk to the Board



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1462)**

### **Agenda Item Title**

Approval of Master Fee Schedule-Whalehead Fees

### **Brief Description of Agenda Item:**

Changes to Master fee Schedule to update Whalehead fees for the 2016 season.

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

### **Presenter of Agenda Item**

## Currituck County Master Fee Schedule

Rate and Fee Schedule effective July 1, 2015

Dept.	Description	Cost	COMMERCIAL			
			Annual in Advance	Annual w/ 3 yr term	3 yr term	
Airport	Concession Fees - Aviation Maintenance & Repair Services	\$ 75.00 annual				
Airport	Concession Fees - Based Charter Aircraft Travel Services	\$ 5% of booked fee due on 10th following quarter end: Jan 10, Apr 10, Jul 10 & Sep 10				
Airport	Concession Fees - Banner Towing Operations	\$ 75.00 annual				
Airport	Concession Fees - Crop Dusting	\$ 300.00 annual				
Airport	Concession Fees - Flight Lessons two or more Currituck based aircraft	\$ 75.00 annual				
Airport	Concession Fees- Flight Lessons no Currituck based aircraft	\$ 300.00 annual				
Airport	Concession Fees- Flight Lessons one Currituck based aircraft	\$ 150.00 annual				
Airport	Concession Fees- Hang Gliding	\$ 7,000.00 annual				
Airport	Concession Fees - Rental Car Services	\$ 300.00 annual				
Airport	Hangar leases, non-commercial	\$ 2,760.00 annual, payable \$230 per month - Effective 8/1/2013				
Airport	Hangars, commercial A-5-T, A-11-T & Office space 2 combined	\$ 5,796.00 Effective 8/1/2013	\$ 483.00	\$ 5,506	\$ 5,216	\$ 435
Airport	Hangars, commercial C-2, C-3, C-4, C-5	\$ 6,555.00 Effective 8/1/2013	\$ 546.25	\$ 6,227	\$ 5,900	\$ 492
Airport	Hangars, commercial A-1-T, A-6-T & office space 1 combined	\$ 5,520.00 Effective 8/1/2013	\$ 460.00	\$ 5,244	\$ 4,968	\$ 414
Airport	Hangars, commercial B-1-C & B-2-C	\$ 5,520.00 Effective 8/1/2013	\$ 460.00	\$ 5,244	\$ 4,968	\$ 414
Airport	Hangars, commercial C-1	\$ 7,590.00 Effective 8/1/2013	\$ 632.50	\$ 7,211	\$ 6,831	\$ 569
		Payments received after 10th of each month for each hangar and/or tie-down lease				
Airport	Late Fee	\$ 15.00				
Airport	Tie-down leases	\$ 10.00 per month				
Animal Services & Control	Adoption Fee- Dog	\$ 99.00 Discounts up to 50% off at the discretion of the Director and/or				
Animal Services & Control	Adoption Fee- Cat	\$ 59.00 Shelter Manager. Or approval by County Manager				
Animal Services & Control	Reclaim Fee- 1st offense	\$ 25.00 + \$10.00 a day				
Animal Services & Control	Reclaim Fee- 2nd offense	\$ 50.00 + \$10.00 a day				
Animal Services & Control	Reclaim Fee- 3rd offense	\$ 75.00 + \$10.00 a day				
Animal Services & Control	Reclaim Fee- 4th offense	\$ 100.00 + \$10.00 a day				
Animal Services & Control	Rabies Shot at County Sponsored Rabies Clinics	\$ 10.00				
Communications	CD: 911 Data	\$ 25.00				
Communications	Copies, 911 transcript	\$ 1.00 per page				
Community Development	Central Permitting Fees:					
Community Development	New construction and additions		<u>Residential</u>	<u>Commercial</u>		
Community Development	Alterations	\$ 0.30 per sf	\$ 0.35 per sf			
Community Development	Chimney/Woodstove	\$ 0.15 per sf	\$ 0.12 per sf			
Community Development	Decks	\$ 25.00	\$ 25			
Community Development	Dune decks and walkways	\$ 0.30 per sf	\$ 0.35 per sf			
Community Development	Demolition	\$ 0.30 per sf	\$ 0.35 per sf			
Community Development	Detached Buildings	\$ 0.15 per sf	\$ 0.15 per sf			
Community Development	Farm Building	No permit	\$ 0.35 per sf			
Community Development	Fuel Pumps		\$ 50 per pump			
Community Development	Gas (Propane/Natural)	\$ 50.00	\$ 50			
Community Development	Insulation (new)	No Fee	\$ 100			
Community Development	Insulation (alteration)	\$ 25.00	\$ 50			
Community Development	Metal Carport, pre-manufactured	No fee	No fee			
Community Development	Mobile Homes	\$ 0.15 per sf	N/A			
Community Development	Modulars	\$ 0.15 per sf	\$ 0.12 per sf			
Community Development	P M E (New)	\$ 50 each	\$ 100 per suite			
Community Development	P M E (Alterations)	\$ 25 each	\$ 50 per suite			
Community Development	Roofing	\$ 25.00	\$ 25			
Community Development	Roofing (Shingles only)	No permit	No permit			
Community Development	Solar array	\$ 200 base + \$0.20 per panel				
Community Development	County, State, Federal, Non-profit	No fee	No fee			
Community Development	Miscellaneous:					
Community Development	Bulkhead, Pier, Dock, Boatlift	\$ 50.00	\$ 50			
Community Development	CAMA Minor Permit	\$ 100.00	\$ 100			
Community Development	Elevator	\$ 0.30 per sf	\$ 0.35 per sf			
Community Development	Fire Alarm	N/A	\$ 50			
Community Development	Hot Tub	\$ 25.00	\$ 100			
Community Development	Moving Permit	\$ 0.20 per sf	\$ 0.20 per sf			
Community Development	Retaining wall	\$ 50.00	\$ 50			
Community Development	Swimming Pool (above ground)	\$ 25.00	\$ 100			
Community Development	Swimming Pool (in ground)	\$ 50.00	\$ 100			
Community Development	Swimming Pool electrical	\$ 25.00	\$ 50			
Community Development	Signs (on premise)	N/A	\$ 25 each			
Community Development	Signs (off premise)	N/A	\$ 50 each			

Community Development	Temporary Office		N/A	\$60
Community Development	Tents		N/A	\$50 per tent
Community Development	Towers			\$0.12 per unit
Community Development	Window, Door , Siding	\$	25.00	\$25
Community Development	Wind Turbine		\$200 each	\$500 each
Community Development	Minimum permit fee	\$	25.00	\$25
Community Development	Projects that do not fall within the categories above shall be figured on a cost of construction basis as follows:			
Community Development	\$1-\$5,000	\$	50.00	\$100
Community Development	Over \$5,000		\$10 per \$1,000	\$20 per \$1,000
Community Development	Inspection Division Fees:			
Community Development	Re-inspection		\$50 per trip	\$50 per trip
Community Development	Working without a permit	Greater of	\$25 or 25% of cost	\$25 or 25% of cost
Community Development	Private Schools/Daycare inspection		N/A	\$100
Community Development	ABC Inspections		N/A	\$100
Community Development	Planning Division Fees:			
Community Development	Minor Subdivision (Conventional)		\$25 per lot	\$25 per lot
Community Development	Private Access or Family Subdivision		\$50 per lot	N/A
Community Development	Sign Return Fee (Unlawfully placed signs)	\$	25.00	\$25
Community Development	Site Plan (Commercial)		N/A	\$0.02 sf gross floor area; \$50 minimum
Community Development	Zoning/Flood determination letter	\$	25.00	\$25
Community Development	Board of Adjustment Fees:			
Community Development	Appeal	\$	150.00	\$150
Community Development	Conditional Use Permit/Amended Conditional Use Permit	\$	150.00	\$150
Community Development	Conditional Use Permit Renewal	\$	25.00	\$25
Community Development	Variance	\$	150.00	\$150
Community Development	Literature and Materials			
Community Development	Unified Development Ordinance (UDO)	\$	15.00	\$15.00
Community Development	Amendments to UDO (Quarterly)	\$	12.00	\$12.00
Community Development	Land Use Plan	\$	20.00	\$20.00
Community Development	Official Zoning Map (Copy)	\$	7.50	\$7.50
Community Development	Planning Board Agenda (Yearly)	\$	7.50	\$7.50
Community Development	Planning Board Minutes (Yearly)	\$	35.00	\$35.00
Community Development	Board of Adjustment Agenda (Yearly)	\$	7.50	\$7.50
Community Development	Board of Adjustment Minutes (Yearly)	\$	25.00	\$25.00
Community Development	Planning Board			
Community Development	Sketch Plans:			
Community Development	Major Subdivision (Inc PUD, RMF)		\$100 per lot	\$100 per lot
Community Development	Amended Sketch Plan, Prelim Plat, Final Plat	\$	250.00	\$250
Community Development	Rezoning		\$150 + \$5/acre	\$150 + \$5/acre
Community Development	Text Amendment to UDO	\$	150.00	\$150
Community Development	Amend Land Use Plan	\$	150.00	\$150
Community Development	Special Use Permit (SUP) or Amended SUP	\$	150.00	\$150
Community Development	Continuance Request	\$	100.00	\$100
Community Development	Public Copies - 1 sided	\$	0.10	\$
Community Development	Public Copies - 2 sided	\$	0.15	\$
Community Development	Public Copies color up the 8.5" X 14"	\$	0.25	\$
Community Development	Notary Fees			
Community Development	Official County business		No charge	No charge
Community Development	Other		\$5 per document	\$5 per document
Community Development	Returned check/credit card/eft fee	\$	25.00	
Community Development	Note: Preliminary, amended preliminary, final and amended final plats will be assessed at \$33 per lot			
Community Development	fee if the sketch plan was approved prior to March 3, 2003.			
Elections	Copies, color double sided	\$	0.45	
Elections	Copies, color single sided	\$	0.25	
Elections	Copies, standard letter or legal, per copy	\$	0.10	
Elections	Diskette	\$	10.00	
Elections	Labels, per label	\$	0.01	Minimum \$.30
Elections	Print-out, per page	\$	0.05	Minimum \$.25
EMS	Public Copies - 1 sided	\$	0.10	
EMS	Public Copies - 2 sided	\$	0.15	
EMS	Public Copies color up the 8.5" X 14"	\$	0.25	per side
EMS	Notary Fees			
EMS	Official County business	\$	-	no charge
EMS	Other	\$	5.00	per document
EMS	Returned check/credit card/eft fee	\$	25.00	
EMS	Stand-by events	\$	50.00	hour
Extension	Facility rental fees			
Extension	Auditorium	\$	500.00	per day

Extension	Auditorium set up fee	\$	100.00	per event
Extension	Conference Room	\$	100.00	per day/per room
Extension	Classrooms	\$	50.00	per day/per room
Extension	Custodian	\$	20.00	per hour - nights/weekends/holidays
Extension	Public Copies - 1 sided	\$	0.10	
Extension	Public Copies - 2 sided	\$	0.15	
Extension	Public Copies color up the 8.5" X 14"	\$	0.25	per side
Extension	Notary Fees			
Extension	Official County business	\$	-	
Extension	Other	\$	5.00	per document
Extension	Returned check/credit card/eft fee		25.00	
ITS	CD1: GIS data CD	\$	50.00	
ITS	CD2: 2003 Color Aerial Photography	\$	100.00	
ITS	Copies, GIS Data, Laser 11 x 17 black and white	\$	1.00	
ITS	Copies, GIS Data, Laser 11 x 17 color	\$	2.00	
ITS	Copies, GIS Data, Laser 8 1/2 x 11 black and white	\$	0.50	
ITS	Copies, GIS Data, Laser 8 1/2 x 11 color	\$	1.00	
ITS	Copies, GIS Data, Laser 8 1/2 x 14 black and white	\$	0.75	
ITS	Copies, GIS Data, Laser 8 1/2 x 14 color	\$	1.50	
ITS	Copies, GIS Data, Plotter 20 x 24 up to 28 x 36	\$	5.00	
ITS	Copies, GIS Data, Plotter Greater than 28 x 36 to 36 x 42	\$	8.00	
ITS	Copies, GIS Data, Plotter Greater than 36 x 42	\$	10.00	
ITS	Copies, GIS Data, Plotter less than 20 x 24	\$	3.00	
ITS	M1: Unofficial Zoning Map	\$	10.00	
ITS	MrSid Compressed Digital Orthophotos, 1995, black & white	\$	50.00	
ITS	Street Naming/Name Changing (payable to U.S. Sign Co.)	\$	75.00	plus variable (Exception: Subdivisions created prior to 4/2/89 & sign never installed)
Library	Books, Fines for Overdues	\$	0.10	per day
Library	Copies, standard letter or legal, per copy	\$	0.10	
Library	Fax - Incoming	\$	1.00	
Library	Fax - Outgoing	\$	2.50	plus \$1.00 each additional page
Mainland Water	3" Riser		Actual cost + 20%	
Mainland Water	6" Riser		Actual cost + 20%	
Mainland Water	Backhoe per hour	\$	75.00	
Mainland Water	Bacteriological tests	\$	50.00	
Mainland Water	Check Valve	\$	Actual cost + 20%	
Mainland Water	Chloride tests	\$	15.00	
Mainland Water	Ditch Witch per hour	\$	75.00	
Mainland Water	ERT for Radio Read meter		Actual cost + 20%	
Mainland Water	Excavator per hour	\$	75.00	
Mainland Water	Fire hydrant meter - Deposit	\$	2,500.00	
Mainland Water	Fire hydrant meter setup fee	\$	50.00	
Mainland Water	High-risk deposit (owner or renter)	\$	200.00	or three months' billing of previous usage, whichever is greater
Mainland Water	Impact Fees 1 inch	\$	5,500.00	
Mainland Water	Impact Fees 2 inch	\$	6,000.00	
Mainland Water	Impact Fees 3 inch	\$	6,500.00	
Mainland Water	Impact Fees 3/4 inch	\$	5,000.00	
Mainland Water	Impact Fees 4 inch	\$	7,000.00	
Mainland Water	Impact Fees 6 inch	\$	7,500.00	
Mainland Water	Impact Fees 6 inch Fire Service	\$	6,000.00	
Mainland Water	Impact Fees for Centers of Worship	\$	3,000.00	
Mainland Water	Labor per man hour	\$	35.00	
Mainland Water	Lid only		Actual cost + 20%	
Mainland Water	Lock		Actual cost + 20%	
Mainland Water	Meter		Actual cost + 20%	
Mainland Water	Meter accessibility charge	\$	35.00	
Mainland Water	Meter Box		Actual cost + 20%	
Mainland Water	Meter tampering fee	\$	75.00	
Mainland Water	Meter testing fee	\$	50.00	If meter accurate
Mainland Water	Meter testing fee		No Charge	If more than 2.5% inaccurate
Mainland Water	Open/reopen/transfer account	\$	25.00	
Mainland Water	Pipe pressure/leakage retest		150.00	
Mainland Water	Pipe pressure/leakage test	\$	100.00	
Mainland Water	Reconnection fee (after cutoff for nonpayment)	\$	50.00	8AM - 5PM
Mainland Water	Renter deposit	\$	150.00	
Mainland Water	Reread meter - our reading correct		25.00	
Mainland Water	Reread meter - our reading incorrect		No Charge	
Mainland Water	Retro		Actual cost + 20%	
Mainland Water	Returned check fee	\$	25.00	
Mainland Water	Road Bore		Actual cost + 20%	

Mainland Water	Special request meter reading	\$	25.00	
Mainland Water	Turn on/off fee, per occurrence	\$	25.00	Normal working hours
Mainland Water	Turn on/off fee, per occurrence	\$	50.00	After normal working hours
Mainland Water	Union half with nut			Actual cost + 20%
Mainland Water	Water Charge Fire Service (sprinkler systems)			Same as commercial
Mainland Water	Water Charge Local Government/Board of Education			Same as commercial
Mainland Water	Water Charge Commercial base 0-2000 gallons	\$	20.00	month
Mainland Water	Water Charge Residential base 0-2000 gallons	\$	20.00	month
Mainland Water	Water Charge up to 5000 gallons, commercial	\$	4.50	per 1000 gal./effective 7/1/2011
Mainland Water	Water Charge up to 5000 gallons, residential	\$	4.50	per 1000 gal./effective 7/1/2011
Mainland Water	Water Charge up to 10,000 gallons, commercial	\$	5.50	per 1000 gal./effective 7/1/2011
Mainland Water	Water Charge up to 10,000 gallons, residential	\$	5.50	per 1000 gal./effective 7/1/2011
Mainland Water	Water Charge up to 15,000 gallons, commercial	\$	6.50	per 1000 gal./effective 7/1/2011
Mainland Water	Water Charge up to 15,000 gallons, residential	\$	6.50	per 1000 gal./effective 7/1/2011
Mainland Water	Water Charge up to 20,000 gallons, commercial	\$	7.50	per 1000 gal./effective 7/1/2011
Mainland Water	Water Charge up to 20,000 gallons, residential	\$	7.50	per 1000 gal./effective 7/1/2011
Mainland Water	Water Charge all over 20,000 gallons, commercial	\$	8.50	per 1000 gal./effective 7/1/2011
Mainland Water	Water Charge all over 20,000 gallons, residential	\$	8.50	per 1000 gal./effective 7/1/2011
Mainland Water	Yoke			Actual cost + 20%
Mainland Water	Yoke valve with meter nut			Actual cost + 20%
Maple Commerce Park Sewer	Tap Fee	\$	7,700.00	per EDU (250 gpd)
Maple Commerce Park Sewer	Sewer Utility Charge	\$	1.5x Water Usage Charge	\$30 minimum base rate
Moyock Central Sewer	Tap Fee	\$	5,500.00	per EDU (250 gpd)
Moyock Central Sewer	Sewer Utility Charge	\$	1.5x Water Usage Charge	\$30 minimum base rate
Planning/Inspections/Comm	De Copies, standard letter or legal, per copy	\$	0.10	1 sided
Planning/Inspections/Comm	De Copies, standard letter or legal, per copy	\$	0.15	2 sided
Parks & Rec	Knotts Island	\$	200.00	per day
Parks & Rec	Maple Park	\$	300.00	per day
Parks & Rec	Maple Skate Park	\$	200.00	per day
Parks & Rec	Sound Park	\$	500.00	per day
Parks & Rec	Veteran's Memorial Park	\$	200.00	per day
Parks & Rec	Walnut Island Park	\$	200.00	per day
Parks & Rec	Adult Softball (men and women)	\$	200.00	per team
Parks & Rec	Youth Cheerleading	\$	20.00	per child - Maximum of \$40.00 per family
Parks & Rec	Youth Flag Football	\$	20.00	per child - Maximum of \$40.00 per family
Parks & Rec	Youth Soccer (Fall and Spring)	\$	20.00	per child - Maximum of \$40.00 per family
Parks & Rec	Youth Tackle Football	\$	25.00	per child - No Maximum Fee
Parks & Rec	Youth T-Ball/Baseball/Softball	\$	25.00	per child - \$35.00 (2 children) Maximum of \$50.00 for a family of 3 or more
Parks & Rec	Youth/Junior Basketball	\$	20.00	per child - Maximum of \$40.00 per family
Parks & Rec	Community Leagues			Cost + 100% to 300%
Parks & Rec	Concessions	\$	25.00	1/2 day - does not include staff, security or clean-up charges
Parks & Rec	Field Fees - Soccer, Baseball/Softball, Tennis Courts	\$	50.00	50.00 daily - does not include staff, security or clean-up charges
Parks & Rec	Field Fees - Soccer, Baseball/Softball, Tennis Courts	\$	20.00	per field - does not include staff, security or clean-up charges
Parks & Rec	Field Set-up Fees - Baseball/Softball	\$	25.00	per field - does not include staff, security or clean-up charges
Parks & Rec	Field Set-up Fees - Soccer	\$	25.00	per 1/2 day/\$50 daily
Parks & Rec	Park Picnic Shelter			10.00 per hour/per attendant
Parks & Rec	Parks			15.00 per hour
Parks & Rec	Staff for Events (if required) - Park Attendant	\$	25.00	25.00 per hour
Parks & Rec	Staff for Events (if required) - Park Superintendent	\$	15.00	15.00 per hour
Parks & Rec	Staff for Events (if required) - Recreation Director	\$	10.00	10.00 per hour
Parks & Rec	Staff for Events (if required) - Recreation Specialist	\$	10.00	10.00 per hour
Ocean Sands	Sewer rate			\$7.95 base + 1.5x Water Rate increase effective with billings on or after January 1, 2014
Ocean Sands	Sewer Tap Fee	\$	450.00	
Ocean Sands	Sewer Impact Fee	\$	2,000.00	
Solid Waste	Tipping Fees per ton for all solid waste that originates outside the County	\$	83.00	per ton
Solid Waste	Tipping Fees per ton for mixed solid waste MSW	\$	73.00	per ton
Register of Deeds	Birth or Death Amendments (preparation)	\$	10.00	
Register of Deeds	Birth or Death Amendments, NC Vital Records	\$	15.00	payable to N.C. Vital Records Section
Register of Deeds	Birth or Death Legitimizations County	\$	10.00	
Register of Deeds	Birth or Death Legitimizations State (via check)	\$	10.00	
Register of Deeds	Birth or Death Record, Certified Copy	\$	10.00	
Register of Deeds	Birth, Delayed Birth Applications	\$	20.00	
Register of Deeds	Copies, Certified 1st page	\$	5.00	plus \$2.00 each additional page
Register of Deeds	Copies, Uncertified	\$	0.25	
Register of Deeds	Copies, Uncertified Plats (11"x17")-per page VIA Mail	\$	2.00	
Register of Deeds	Copies, Uncertified Plats (18"x24")-per page	\$	2.00	
Register of Deeds	Copies, Uncertified Plats (18"x24")-per page VIA Mail	\$	3.00	
Register of Deeds	Copies, Uncertified VIA Mail	\$	1.00	
Register of Deeds	Deeds of Trust and Mortgages 1st page	\$	28.00	

Register of Deeds	Deeds of Trust and Mortgages 2nd page and all additional pages	\$	5.00
Register of Deeds	Deeds of Trust and Mortgages Additional (multi-instrument)	\$	10.00
Register of Deeds	Deeds of Trust and Mortgages Probate	\$	2.00
Register of Deeds	Deeds of Trust and Mortgages Satisfaction/Cancellation		Free
Register of Deeds	Highway Maps 1st page	\$	21.00
Register of Deeds	Highway Maps Additional Page(s)	\$	5.00
Register of Deeds	Highway Maps Certified Copy (per 1st page)	\$	5.00
Register of Deeds	Instrument, General 1st page	\$	12.00
Register of Deeds	Instrument, General 2nd page and all additional pages	\$	3.00
Register of Deeds	Instrument, General Additional ( multi-instrument)	\$	10.00
Register of Deeds	Instrument, General Probate	\$	2.00
Register of Deeds	Marriage License	\$	60.00
Register of Deeds	Marriage License Certified Copy	\$	10.00
Register of Deeds	Marriage License Corrections	\$	10.00
Register of Deeds	Notary Oath	\$	10.00
Register of Deeds	Notary Verification of Commission	\$	3.00
Register of Deeds	Plats 1st page (GS 161-10)	\$	21.00
Register of Deeds	Plats Additional Page(s)	\$	21.00
Register of Deeds	Plats Certified Copy (per 1st page)	\$	5.00
Register of Deeds	Uniform Commercial Code Fixture Filing Only 1-2 pages	\$	38.00
Register of Deeds	Uniform Commercial Code Fixture Filing Only 3-10 pages	\$	45.00
Register of Deeds	Uniform Commercial Code Fixture Filing Only over 10 pages	\$	45.00 plus \$2.00 each additional page over 10
Rural Center	Facility rental fees		
Rural Center	Complete facility rental fee	\$	500.00 per day.
Rural Center	Picnic Shelter- half day rental	\$	25.00 per day/per room (up to 4 hours)
Rural Center	Picnic Shelter- full day rental	\$	50.00 per day/per room (up to 8 hours) Minimum fee \$25.00
Rural Center	Indoor Arena:	\$	
Rural Center	Hourly rental of indoor arena	\$	175.00 per weekend day 125.00 per week day
Rural Center	Outdoor Arena:	\$	25.00 per hour
Rural Center	Hourly rental of outdoor arena	\$	125.00 per weekend day 100.00 per week day
Rural Center	Park Attendant	\$	25.00 per hour
Rural Center	Stall Rental:		
Rural Center	Overnight, no event	\$	35.00 per nights
Rural Center	With event	\$	15.00 day stall 25.00 2 day show 30.00 3 day show
Rural Center	Shavings must be used with any stall rental. No one can stall a horse without shavings.		
Rural Center	Shavings	\$	6.75 per bag
Rural Center	RV/Camper Hook-up	\$	15.00 per night
Rural Center	Indoor Arena Use on Weekends	\$	10.00 per horse/per weekend day/5 horse minimum
Rural Center	Vendor Hook-up	\$	25.00 per day
Rural Center	Technology fee	\$	50.00 Includes wifi, phone, copier, fax access
Rural Center	Notary Fees		
Rural Center	Official County business		No charge
Rural Center	Other		\$5 per document
Rural Center	Returned check/credit card/eft fee	\$	25.00
Soil Conservation	Soil surveys/publications		Free
Sheriff	Peddler License initial fee	\$	35.00
Sheriff	Peddler License renewal fee	\$	20.00
S Outer Banks Water	3" Riser		Actual cost + 20%
S Outer Banks Water	6" Riser		Actual cost + 20%
S Outer Banks Water	Backhoe per hour	VOH	\$ 75.00
S Outer Banks Water	Backhoe per hour	OS ABC	\$ 75.00
S Outer Banks Water	Backhoe per hour	OS D-Y	\$ 75.00
S Outer Banks Water	Bacteriological tests		50.00
S Outer Banks Water	Check Valve		Actual cost + 20%
S Outer Banks Water	Chloride tests		15.00
S Outer Banks Water	Ditch Witch per hour	VOH	\$ 75.00
S Outer Banks Water	Ditch Witch per hour	OS ABC	\$ 75.00
S Outer Banks Water	Ditch Witch per hour	OS D-Y	\$ 75.00
S Outer Banks Water	ERT for Radio Read meter		Actual cost + 20%
S Outer Banks Water	Fire hydrant meter - Deposit	VOH	\$ 2,500.00
S Outer Banks Water	Fire hydrant meter - Deposit	OS ABC	\$ 2,500.00
S Outer Banks Water	Fire hydrant meter - Deposit	OS D-Y	\$ 2,500.00
S Outer Banks Water	Fire hydrant meter setup fee	VOH	\$ 50.00
S Outer Banks Water	Fire hydrant meter setup fee	OS ABC	\$ 50.00

S Outer Banks Water	Fire hydrant meter setup fee	OS D-Y	\$ 50.00	
S Outer Banks Water	High risk deposit (owner or renter)	VOH	\$ 200.00	or three months' billing of previous usage, whichever is greater
S Outer Banks Water	High risk deposit (owner or renter)	OS ABC	\$ 200.00	or three months' billing of previous usage, whichever is greater
S Outer Banks Water	High risk deposit (owner or renter)	OS D-Y	\$ 200.00	or three months' billing of previous usage, whichever is greater
S Outer Banks Water	Impact Fee 1 inch for Centers of Worship	OS ABC	\$ 3,000.00	
S Outer Banks Water	Impact Fee 1" Meter	OS ABC	\$ 6,500.00	
S Outer Banks Water	Impact Fee 2 inch	OS ABC	\$ 7,000.00	
S Outer Banks Water	Impact Fee 3 inch	OS ABC	\$ 7,500.00	
S Outer Banks Water	Impact Fee 3/4" Meter	OS ABC	\$ 6,000.00	
S Outer Banks Water	Impact Fee 4 inch	OS ABC	\$ 8,000.00	
S Outer Banks Water	Impact Fee 6 inch	OS ABC	\$ 8,500.00	
S Outer Banks Water	Impact Fee 6 inch Fire Services	OS ABC	\$ 6,000.00	
S Outer Banks Water	Impact Fee standard 3/4" meter, commercial	VOH	\$ 1,000.00	
S Outer Banks Water	Impact Fee standard 3/4" meter, hotels/motels per two rooms	VOH	\$ 1,000.00	
S Outer Banks Water	Impact Fee standard 3/4" meter, laundry	VOH	\$ 1,000.00	per 3 machines
S Outer Banks Water	Impact Fee standard 3/4" meter, multifamily	VOH	\$ 1,000.00	(condos, cottage courts, apartments) Each habitable unit
S Outer Banks Water	Impact Fee standard 3/4" meter, restaurants	VOH	\$ 1,000.00	per 16 seats or fraction thereof
S Outer Banks Water	Impact Fee standard 3/4" meter, sewer	VOH	\$ 700.00	
S Outer Banks Water	Impact Fee standard 3/4" meter, single family residential	VOH	\$ 1,000.00	
S Outer Banks Water	Labor per man hour	VOH	\$ 35.00	
S Outer Banks Water	Labor per man hour	OS ABC	\$ 35.00	
S Outer Banks Water	Labor per man hour	OS D-Y	\$ 35.00	
S Outer Banks Water	Lid only			Actual cost + 20%
S Outer Banks Water	Lock			Actual cost + 20%
S Outer Banks Water	Meter			Actual cost + 20%
S Outer Banks Water	Meter accessibility charge	VOH	\$ 35.00	
S Outer Banks Water	Meter accessibility charge	OS ABC	\$ 35.00	
S Outer Banks Water	Meter accessibility charge	OS D-Y	\$ 35.00	
S Outer Banks Water	Meter Box			Actual cost + 20%
S Outer Banks Water	Meter tampering fee	VOH	\$ 75.00	
S Outer Banks Water	Meter tampering fee	OS ABC	\$ 75.00	
S Outer Banks Water	Meter tampering fee	OS D-Y	\$ 75.00	
S Outer Banks Water	Meter testing fee	VOH	\$ 50.00	If meter accurate
S Outer Banks Water	Meter testing fee	OS ABC	\$ 50.00	If meter accurate
S Outer Banks Water	Meter testing fee	OS D-Y	\$ 50.00	If meter accurate
S Outer Banks Water	Meter testing fee	VOH	No Charge	If more than 2.5% inaccurate
S Outer Banks Water	Meter testing fee	OS ABC	No Charge	If more than 2.5% inaccurate
S Outer Banks Water	Meter testing fee	OS D-Y	No Charge	If more than 2.5% inaccurate
S Outer Banks Water	Open/reopen/transfer account	VOH	\$ 25.00	
S Outer Banks Water	Open/reopen/transfer account	OS ABC	\$ 25.00	
S Outer Banks Water	Open/reopen/transfer account	OS D-Y	\$ 25.00	
S Outer Banks Water	Pipe pressure/leakage retest	VOH	\$ 150.00	
S Outer Banks Water	Pipe pressure/leakage retest	OS ABC	\$ 150.00	
S Outer Banks Water	Pipe pressure/leakage test	VOH	\$ 100.00	
S Outer Banks Water	Pipe pressure/leakage test	OS ABC	\$ 100.00	
S Outer Banks Water	Pipe pressure/leakage test	OS D-Y	\$ 100.00	
S Outer Banks Water	Reconnection fee (after cutoff for nonpayment)	VOH	\$ 50.00	8AM - 5PM
S Outer Banks Water	Reconnection fee (after cutoff for nonpayment)	OS ABC	\$ 50.00	8AM - 5PM
S Outer Banks Water	Reconnection fee (after cutoff for nonpayment)	OS D-Y	\$ 50.00	8AM - 5PM
S Outer Banks Water	Renter deposit	VOH	\$ 150.00	
S Outer Banks Water	Renter deposit	OS ABC	\$ 150.00	
S Outer Banks Water	Renter deposit	OS D-Y	\$ 150.00	
S Outer Banks Water	Reread meter - our reading correct	VOH	\$ 25.00	
S Outer Banks Water	Reread meter - our reading correct	OS ABC	\$ 25.00	
S Outer Banks Water	Reread meter - our reading correct	OS D-Y	\$ 25.00	
S Outer Banks Water	Reread meter - our reading incorrect	VOH	No Charge	
S Outer Banks Water	Reread meter - our reading incorrect	OS ABC	No Charge	
S Outer Banks Water	Reread meter - our reading incorrect	OS D-Y	No Charge	
S Outer Banks Water	Retro			Actual cost + 20%
S Outer Banks Water	Returned check fee	VOH	\$ 25.00	
S Outer Banks Water	Returned check fee	OS ABC	\$ 25.00	
S Outer Banks Water	Returned check fee	OS D-Y	\$ 25.00	
S Outer Banks Water	Road Bore			\$10 per foot
S Outer Banks Water	Sewer Charges: Equal to 53% of total water charge	OS D-Y	\$ 7.95	per month minimum base rate
S Outer Banks Water	Special request meter reading	VOH	\$ 25.00	
S Outer Banks Water	Special request meter reading	OS ABC	\$ 25.00	
S Outer Banks Water	Special request meter reading	OS D-Y	\$ 25.00	
S Outer Banks Water	Tap-on Fee: \$450.00 plus Impact Fee: 2000.00	OS D-Y	\$ 2,450.00	
S Outer Banks Water	Turn on/off fee, per occurrence	VOH	\$ 25.00	Normal working hours
S Outer Banks Water	Turn on/off fee, per occurrence	OS ABC	\$ 25.00	Normal working hours

S Outer Banks Water	Turn on/off fee, per occurrence	OS D-Y	\$ 25.00	Normal working hours
S Outer Banks Water	Turn on/off fee, per occurrence	VOH	\$ 50.00	After normal working hours
S Outer Banks Water	Turn on/off fee, per occurrence	OS ABC	\$ 50.00	After normal working hours
S Outer Banks Water	Turn on/off fee, per occurrence	OS D-Y	\$ 50.00	After normal working hours
S Outer Banks Water	Union half with nut			Actual cost + 20%
S Outer Banks Water	Water Charge Base Rate	VOH	\$ 15.00	month
S Outer Banks Water	Water Charge Base Rate	OS ABC	\$ 15.00	month
S Outer Banks Water	Water Charge Base Rate	OS D-Y	\$ 15.00	month
S Outer Banks Water	Water Charge Consumption over 20,000 gallons	VOH	\$ 8.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption over 20,000 gallons	OS ABC	\$ 8.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption over 20,000 gallons	OS D-Y	\$ 8.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption up to 10,000 gallons	VOH	\$ 5.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption up to 10,000 gallons	OS ABC	\$ 5.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption up to 10,000 gallons	OS D-Y	\$ 5.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption up to 15,000 gallons	VOH	\$ 6.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption up to 15,000 gallons	OS ABC	\$ 6.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption up to 15,000 gallons	OS D-Y	\$ 6.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption up to 2,500 gallons	VOH	\$ 3.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption up to 2,500 gallons	OS ABC	\$ 3.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption up to 2,500 gallons	OS D-Y	\$ 3.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption up to 20,000 gallons	VOH	\$ 7.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption up to 20,000 gallons	OS ABC	\$ 7.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption up to 20,000 gallons	OS D-Y	\$ 7.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption up to 5,000 gallons	VOH	\$ 4.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption up to 5,000 gallons	OS ABC	\$ 4.50	per 1000 gal.
S Outer Banks Water	Water Charge Consumption up to 5,000 gallons	OS D-Y	\$ 4.50	per 1000 gal.
S Outer Banks Water	Yoke			Actual cost + 20%
S Outer Banks Water	Yoke valve with meter nut	OS D-Y	\$ 150.00	Actual cost + 20%
S Outer Banks Water	Pipe pressure/leakage retest		\$ 100.00	
Sr. Center	Deposit, Rental of Senior Center Space (Refundable)		\$ 100.00	per event
Sr. Center	Powells Point Bldg- Deposit		\$ 100.00	per event
Sr. Center	Powells Point Bldg- Rent		\$ 2.50	first page \$1.00 each additional page
Sr. Center	Fax - outgoing		\$ 1.00	
Sr. Center	Fax - Incoming		\$ 100.00	
Sr. Center	Kitchen not used		\$ 125.00	
Sr. Center	Kitchen use		\$ 0.10	
Sr. Center	Public Copies - 1 sided		\$ 0.15	
Sr. Center	Public Copies - 2 sided			
Sr. Center	Notary Fees			
Sr. Center	Official County business		\$ -	
Sr. Center	Other		\$ 5.00	per document
Sr. Center	Returned check/credit card/eft fee		\$ 25.00	
Tourism	Retail Sales			Cost + 100% to 400%
Tourism	Legacy Tours Whalehead Ages 0-5		\$ 3.00	No charge
Tourism	Legacy Tours Whalehead Ages 6-12		\$ 5.00	
Tourism	Legacy Tours Whalehead Ages 13-54			No charge
Tourism	Legacy Tours Whalehead Ages 55+			
Tourism	Legacy Tours Whalehead Ages 6-12		\$ 5.00	
Tourism	Legacy Tours Whalehead Ages 13-54		\$ 7.00	
Tourism	Legacy Tours Whalehead Ages 55+		\$ 5.00	
Tourism	Legacy Tours Whalehead Active Military		\$ 3.00	
Tourism	Legacy Tours Whalehead Active Military		\$ 5.00	
Tourism	Legacy Tours Whalehead Veteran		\$ 3.00	No longer a category
Tourism	Legacy Tours Wounded Warrior			No charge
Tourism	Legacy Tours Whalehead Group Student		\$ 3.00	Coordinator/Bus Driver No charge
Tourism	Legacy Tours Whalehead Group Adult		\$ 5.00	Coordinator/Bus Driver No charge
Tourism	Specialty Tours			TBD Based on type of Tour and Resources involved
Tourism	Whalehead Wednesday		\$ 15.00	Price includes wine tasting and glass
Tourism	Grounds Rental - Primary Site		\$ 500.00	
Tourism	Grounds Rental - Secondary Site		\$ 250.00	
Tourism	Grounds Rental - Picnic Shelter		\$ 50.00	
Tourism	Grounds Rental - Gazebo		\$ 50.00	
Tourism	Grounds Rental - Side Porch		\$ 50.00	
Tourism	Grounds Security Deposit		\$ 250.00	Refundable
Tourism	Picnic Shelter Security Deposit		\$ 25.00	Refundable
Tourism	Golf Cart Rental per 8 hours		\$ 300.00	Includes driver for 8 hours
Tourism	Tourism and Whalehead \$0.00 - \$6.99 our cost retail merchandise			Cost + 100%

Tourism	Tourism and Whalehead \$7.00 - \$10.99 our cost retail merchandise	Cost + 50%
Tourism	Tourism and Whalehead \$11.00 - \$19.99 our cost retail merchandise	Cost + 35%
Tourism	Tourism and Whalehead \$20.00 & up our cost retail merchandise	Cost + 25%
Tourism	Historic Corolla Park Usage- unlimited usage with the exception of stated hours	\$ 400.00 per month for June, July & August
Tourism	Historic Corolla Park Usage- unlimited usage with the exception of stated hours	\$ 250.00 per month January - May and September - December
Tourism	Historic Corolla Park Usage- for businesses needing the Park 1 day a week or less	\$ 50.00 per day for all months
Walnut Island Sewer	Tap Fee	\$ 4,500.00
Walnut Island Sewer	Sewer rates equal 150% water rate	\$30 base + 2x Water Usage Charge
Walnut Island Sewer	Renter deposit	\$ 150.00
Walnut Island Sewer	Renter deposit (High Risk)	\$ 200.00 3 months past usage with \$200 min
Walnut Island Sewer	Open/reopen/transfer account	\$ 25.00
Walnut Island Sewer	Reconnection fee	\$ 50.00
Walnut Island Sewer	Meter tampering fee	\$ 75.00
Walnut Island Sewer	Pipe pressure/leakage test (initial)	\$ 30.00
Walnut Island Sewer	Pipe pressure/leakage retest	\$ 60.00
Other	Notary Fees	Free Official County Business
Other	Notary Fees	\$ 5.00 Other than County Business
Other	Returned Check Fee	\$ 25.00

## NOTES:

Mainland Water

Water Charge: Commercial master meter accts charged at above rates per unit served. Hotels and motels: Four rooms equal one commercial master meter billing unit.

Mainland Water

Mainland Water Inspections Inspections

Impact Fees: All installation costs for labor, materials and equipment shall be paid by the owner/developer/purchaser. Subdivisions with active sketch plan approval prior to July 1, 2007 included on attached list will be assessed impact fees at the rate in effect on June 30, 2007 until June 30, Movable agricultural buildings occupied for farm purposes shall be exempt from fees prescribed above.

\*Alterations include work within existing structures and upgrading existing service do not include additions, new construction, providing power to structures not previously having power, or new service to existing buildings.

Planning

Preliminary, amended preliminary, final, and amended final plats will be assessed a \$33.00 per lot fee if the sketch plan was approved prior to March 3, 2003.

S Outer Banks Water

VOH Total water charge based on rate block for total consumption. Ex: If 25,000 gallons used, cost is \$8.50/1000 for all gallons used.

S Outer Banks Water

OS ABC Total water charge based on rate block for total consumption. Ex: If 25,000 gallons used, cost is \$8.50/1000 for all gallons used.

S Outer Banks Water

OS D-Y Total water charge based on rate block for total consumption. Ex: If 25,000 gallons used, cost is \$8.50/1000 for all gallons used.

S Outer Banks Water

VOH Commercial master meter accounts charged at the above rates per unit served. Hotels and motels: Four rooms equal one commercial master meter billing unit.

S Outer Banks Water

OS ABC Commercial master meter accounts charged at the above rates per unit served. Hotels and motels: Four rooms equal one commercial master meter billing unit.

S Outer Banks Water

OS D-Y Commercial master meter accounts charged at the above rates per unit served. Hotels and motels: Four rooms equal one commercial master meter billing unit.

Adopted this 15th day of June, 2015.

Revised this 15th day of February 2016.

\_\_\_\_\_  
David S. Griggs, Chairman

Attest:

\_\_\_\_\_  
Leeann Walton, Clerk to the Board



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1461)**

### **Agenda Item Title**

Report of Unpaid 2015 Real Estate Taxes & Order of Tax Lien Advertisement

### **Brief Description of Agenda Item:**

Annually, the Tax Collector must report to the Board of Commissioners the amount of unpaid taxes tax are a lien on real estate. The Board of Commissioners is required to order the Tax Collector to advertise the tax liens.

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

### **Presenter of Agenda Item**



# COUNTY OF CURRITUCK

Tax Department  
P.O. Box 9  
Currituck, North Carolina 27929

Tracy Sample, Tax Administrator  
(252) 232-3005  
(252) 232-3568 (FAX)

## **Report of Unpaid 2015 Real Estate Taxes**

**and**

## **Order of Advertisement of Tax Liens**

To: Board of County Commissioners

From: Tracy Sample, Tax Administrator

Date: February 5, 2016

---

### Report of Unpaid 2015 Real Estate Taxes:

As of February 5, 2016, there is \$1,426,177.54 in unpaid taxes that are a lien on real estate for fiscal year 2015-2016.

North Carolina General Statute 105-369 requires that unpaid real estate tax liens be advertised in one or more newspapers having a general circulation in the county and by posting a notice of the tax liens at the county courthouse. This statute requires that the Board of Commissioners order the tax collector to advertise the tax liens.

## Order to Tax Collector to Advertise Tax Liens

WHEREAS, N.C.G.S. 105-369 requires the County Tax Collector report to the Board of County Commissioner, the total amount of unpaid taxes for the current fiscal year that are a lien on real property; and

WHEREAS, N.C.G.S. 105-369 also requires that upon receipt of the report, the Board of Commissioners must order the Tax Collector to advertise the tax liens by posting a notice of the liens at the county courthouse and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit; and

WHEREAS, the time and content the tax lien advertisement are dictated by N.C.G.S 105-369(c); and

WHEREAS, the report of unpaid taxes for unpaid taxes for the current fiscal year that are a lien on real property has been received;

**NOW, THEREFORE BE IT RESOLVED** by the Currituck County Board of County Commissioners that the Currituck County Tax Collector is hereby ordered to advertise the tax liens for unpaid taxes for the current fiscal year that are a lien on real property, in accordance with N.C.G.S. 105-369(c).

THIS, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

THE CURRITUCK COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_ (SEAL)  
Chairman

Attest:

\_\_\_\_\_  
Clerk to the Board



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1460)**

### **Agenda Item Title**

Dominion Power Right of Way Agreement

### **Brief Description of Agenda Item:**

It is necessary for Dominion to relocate power lines and a transformer that are presently near the transfer station and terminal building, due to construction of the new Southern Parallel Taxiway project. The transformer will be located so as not to interfere with relocation of the driveway into the transfer station. The power lines will be re-routed near the fuel station and along Terminal Road. Dominion requires a 15' easement. Attached is the Right of Way Agreement and Plat for the power line easement. Staff recommends approval and execution of this easement.

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Michelle Perry, Engineer Technician

### **Presenter of Agenda Item**

Eric Weatherly



## Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between

County of Currituck

("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in North Carolina as Dominion North Carolina Power, with its principal office in Richmond, Virginia ("GRANTEE").

### WITNESSETH:

1. That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, GRANTOR grants and conveys unto GRANTEE, its successors and assigns, the perpetual right, privilege and non-exclusive easement over, under, through, upon and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity, including the wires and facilities of any other public service company in aid of or to effectuate such internal telephone or other internal communication purposes; and for lighting purposes; including but not limited to the right:

Initials: \_\_\_\_\_

**This Document Prepared by Virginia Electric and Power Company and should be returned to:  
Dominion North Carolina Power, 200 W. Vepco St. Roanoke Rapids, NC 27870.**

(Page 1 of 5 Pages)  
DNCPIDNo(s). 71-16-0007

Form No. 721043-1 (Jun 2015)  
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## Right of Way Agreement

- 1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said easement shall extend fifteen (15) feet in width across the lands of **GRANTOR**; and
2. The easement granted herein shall extend across the lands of **GRANTOR** situated in Currituck County, North Carolina, as more fully described on Plat(s) Numbered 71-16-0007 attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.
3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.
4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR**.
5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR**.

Initials: \_\_\_\_\_

(Page 2 of 5 Pages)  
DNCPIDNo(s). 71-16-0007

Form No. 721043-2 (Jun 2015)  
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## Right of Way Agreement

6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE**'s option, for other damage done to **GRANTOR**'s property inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE**'s facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

7. **GRANTOR**, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE**'s exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE**'s rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE**'s exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE**'s exercise of any of its rights granted hereunder, **GRANTEE** may, in its reasonable discretion, relocate such of its facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE** shall have the right to assign or transfer, without limitation, to any public service company all or any part of the perpetual right, privilege and easement granted herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: \_\_\_\_\_

(Page 3 of 5 Pages)  
DNCPIDNo(s). 71-16-0007

Form No. 721043-3 (Jun 2015)  
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## Right of Way Agreement

11. **GRANTOR** covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that **GRANTEE** shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that **GRANTOR** shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of **GRANTOR** warrants that they have been duly authorized to execute this easement on behalf of said County.

**IN WITNESS WHEREOF, GRANTOR** has caused its name to be signed hereto by authorized officer or agent, described below, on the date first above written.

APPROVED AS TO FORM:

(Name) \_\_\_\_\_

(Title) \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_, to-wit:

I, \_\_\_\_\_, a Notary Public in and for the State of \_\_\_\_\_ at Large, do hereby certify that this day personally appeared before me in my jurisdiction aforesaid

(Name of officer or agent) \_\_\_\_\_ (Title of officer or agent) \_\_\_\_\_

on behalf of Currituck County, North Carolina, whose name is signed to the foregoing writing dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and acknowledged the same before me.

Given under my hand \_\_\_\_\_, 20\_\_\_\_\_.  


\_\_\_\_\_  
 Notary Public (Print Name)

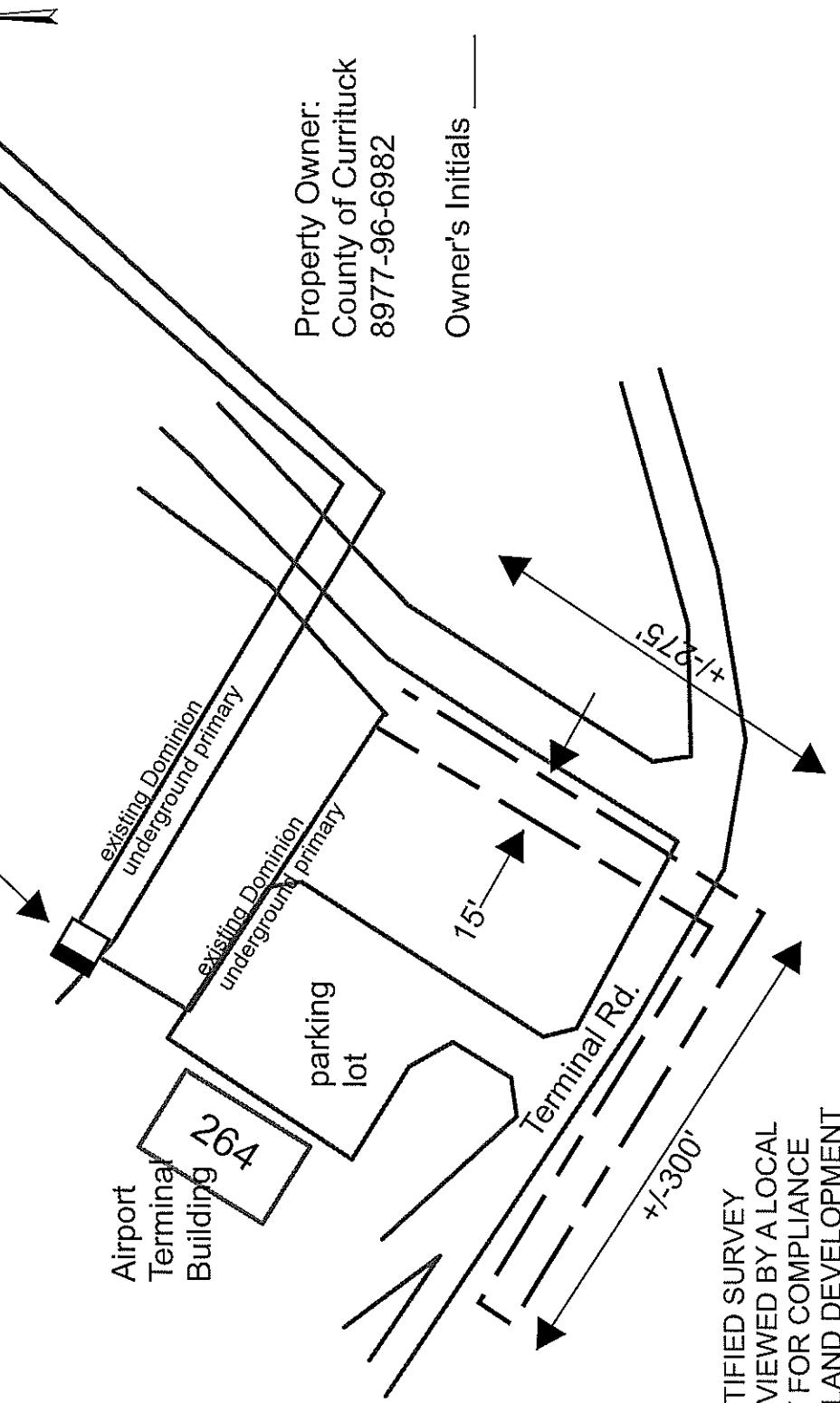
\_\_\_\_\_  
 Notary Public (Signature)

My Commission Expires: \_\_\_\_\_

(Page 4 of 5 Pages)

## Currituck County Airport

existing Dominion  
transformer  
#Q1143PC94



Property Owner:  
County of Currituck  
8977-96-6982  
Owner's Initials \_\_\_\_\_

power line is centerline of easement

THIS MAP IS NOT A CERTIFIED SURVEY  
AND HAS NOT BEEN REVIEWED BY A LOCAL  
GOVERNMENT AGENCY FOR COMPLIANCE  
WITH ANY APPLICABLE LAND DEVELOPMENT  
REGULATIONS

### LEGEND

— - - - Location of Boundary Lines of Right-of-Way	District-Township-Borough	County - City	State
	Crawford	Currituck	NC
— - - - Indicates Property Line is Right-of-Way Boundary	Office	Plat Number	VIRGINIA ELECTRIC AND POWER COMPANY
	Elizabeth City	71-16-0007	doing business as
NOT TO SCALE	Estimate Number	Grid Number	<b>Dominion North Carolina Power</b> UG
			Q1143

DATE: 2/9/2016 BY: Norma N. Cook

PAGE 5 of 5

4.C.5.a

**Attachment: Right of Way Agreement2 (unexecuted) (1460 : Dominion Power Right of Way Agreement)**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 1424)**

**Agenda Item Title**

Budget Amendments

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

Daniel F. Scanlon

Number TDA2016010

## BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 15th February 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587010	T T - Operating Fund	\$ 11,500	
15320-415000	Occupancy Tax		\$ 11,500
		<u><u>\$ 11,500</u></u>	<u><u>\$ 11,500</u></u>

**Explanation:** Occupancy Tax - Tourism Related (15447) - Transfer funds to carryforward cost of Chamber of Commerce funding from FY 2015.

**Net Budget Effect:** Occupancy Tax (15) - Increased by \$11,500.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 15th February 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587010	T T - Operating Fund	\$ 208,749	
15320-415000	Occupancy Tax		\$ 208,749
		<u><u>\$ 208,749</u></u>	<u><u>\$ 208,749</u></u>

**Explanation:** Occupancy Tax - Tourism Related (15447) - Transfer funds to carryforward cost of CCRC Capital Outlay from FY 2015.

**Net Budget Effect:** Occupancy Tax (15) - Increased by \$208,749.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 15th February 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-587010	T T - Operating Fund	\$ 30,000	
15320-415000	Occupancy Tac		\$ 30,000
		<u><u>\$ 30,000</u></u>	<u><u>\$ 30,000</u></u>

**Explanation:** Occupancy Tax - Tourism Related (15447) - Increase the statutory administration fee due to increase in Occupancy Tax collections.

**Net Budget Effect:** Occupancy Tax (15) - Increased by \$30,000.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 15th February 2016, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2016.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-561000	Professional Services	\$ 164,019	
15320-415000	Occupancy Tax		\$ 164,019
		<u><u>\$ 164,019</u></u>	<u><u>\$ 164,019</u></u>

**Explanation:** Occupancy Tax - Tourism Related (15447) - Increase appropriations for cost share with the Wildlife Resource Commission for renovations to the Waterlilly boat ramp and parking area.

**Net Budget Effect:** Occupancy Tax (15) - Increased by \$164,019.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

Clerk to the Board