



CURRITUCK COUNTY NORTH CAROLINA

October 4, 2021

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 5:00 PM Campgrounds

The Board of Commissioners met at 5:00 PM in a work session to finalize language pertaining to Campgrounds as a use in Currituck County. The Work Session was held in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Laurie LoCicero, Planning Director, summarized the allowable methods and camping units agreed to by the Board of Commissioners at prior work sessions. Following review of proposed text amendment language for new campgrounds, the Board reconsidered a 50 acre minimum parcel size for new campgrounds. Commissioner White suggested campgrounds be allowed in Light Industrial (LI) or Heavy Industrial (HI) zoning so smaller parcels and higher density could be possible. Following discussion and consideration of the lack of LI or HI zoning along the corridor, the Board chose not to modify the 50 acre minimum parcel size at this time. Modifications to proposed setback options of 100' or 50' with additional screening were considered, but no changes were made.

Conversation with Jeff Simms, Senior Director of State Relations and Program Advocacy for the National Association of RV Parks and Campgrounds, were relayed to the Board. Mr. Simms prefers using density to regulate campground size and voiced concern with both the 50 acre minimum parcel size and buffer requirements. He gave no guidance relative to employee housing and Commissioner White, who just returned from a camping vacation, noticed each facility contained one residential dwelling unit while seasonal staff utilized campers for housing. Following discussion, Commissioners revised language to allow one residential dwelling to be occupied by an owner or year-round, full-time staff. After discussing on-site storage areas, Commissioners set a five-acre maximum for storage with internal screening requirements.

The text amendment for new campgrounds will move through the Planning process and Planning staff will work with the Interim County Manager/County Attorney to revise language as needed for non-conforming campgrounds. The Work Session concluded at 5:27 PM.

6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners met at 6:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for a regular meeting.

Attendee Name	Title	Status	Arrived
Michael H. Payment	Chairman	Present	
Paul M. Beaumont	Vice Chairman	Absent	
J. Owen Etheridge	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	
Bob White	Commissioner	Present	

Chairman Payment called the meeting to order and announced the earlier work session.

A) Invocation & Pledge of Allegiance

Developer, Sam Miller, was in attendance and volunteered to offer the Invocation and lead the Pledge of Allegiance.

B) Approval of Agenda

Commissioner Mary Etheridge made a motion to amend the agenda and requested Public Hearing items PB 21-15, Windswept Pines, Phase 3, and PB 21-17, Hugh S. Miller, be moved to the next meeting to allow time for Commissioners to receive financial reports from the County and updated student numbers from the Board of Education. Commissioner Jarvis seconded the motion. The motion failed due to a 3-3 tie vote. Commissioners Mary Etheridge, Selina Jarvis, and Bob White voted in favor of the amendment. Chairman Payment and Commissioners J. Owen Etheridge and Kevin McCord were opposed.

Commissioner Bob White moved for approval of the agenda as originally presented. Commissioner McCord seconded the motion. The motion carried, 5-1, with Commissioner Mary Etheridge opposed.

Approved agenda:

Work Session

5:00 PM Campgrounds

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance

B) Approval of Agenda

Public Comment

Please limit comments to matters other than those appearing on this agenda as a PublicHearing. Public comments are limited to 3 minutes.

Commissioner's Report**County Manager/County Attorney****Reports****Administrative****Reports**

- A) **Presentation of Donation to Currituck Kids**

- B) **NC Forest Service Annual Report Presentation-Aaron Bishop, Currituck Ranger, and Will Rose, Assistant County Ranger**

Public Hearings

- A) **PB 21-19 Outer Banks Ventures, Inc. LUP Amendment:** Request to amend the FutureLand Use Classification Map from Conservation to Full Service designation on property located at the southern end of Monterey Shores Planned Unit Development adjacent to Malia Drive in Corolla.

- B) **PB 21-15 Windswept Pines, Phase 3:** Allied Properties, LLC requests conditional zoning of 15.55-acres from C-MXR (Conditional- Mixed Residential) to C-MXR, Alden Run in Windswept Pines development in Moyock Township.

- C) **PB 21-17 Hugh S. Miller, IV:** Request for Conventional Rezoning of 162.5 acres from Agriculture (AG) and General Business (GB) to Single-Family Residential-Mainland (SFM), leaving 2.5 acres GB. The property is located in Barco, Tax Map 70, Parcels 37 through 40, Crawford Township.

- D) **PB 21-16 Currituck County Housekeeping Text Amendment:** Request to amend the Currituck County Unified Development Ordinance Chapter 2 to correct a reference related to Minor Subdivisions, Chapter 4 to correct terminology from "use permit" to "special use permit" and Chapter 6 to correct a General Statute reference for consistency with the G.S. 160D update.

New Business

- A) **Consent Agenda**
 - 1. Budget Amendments
 - 2. Consideration of a Resolution Authorizing Design-Build Construction Delivery Method for New Elementary School in Moyock Township

3. Job Description Revisions-Airport, Public Works
4. Consideration of Support for Albemarle Regional Broadband Expansion Project
5. Approval Of Minutes-September 20, 2021

Adjourn

RESULT:	APPROVED [5 TO 1]
MOVER:	Bob White, Commissioner
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Michael H. Payment, Chairman, J. Owen Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner
NAYS:	Mary "Kitty" Etheridge, Commissioner
ABSENT:	Paul M. Beaumont, Vice Chairman

PUBLIC COMMENT

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.

Chairman Payment opened the Public Comment period.

County Resident Glenn Hines, of the North Carolina homes Certification Board, addressed regulations for on-site wastewater systems and rules related to the 18" water table separation. He said no lot is immune to this restriction, and the County's fill requirement in the Unified Development Ordinance conflicts with these rules. He said fill placement is the responsibility of Albemarle Regional Health Services.

Tameron Kugler, Currituck County Travel and Tourism Director, announced the Travel and Tourism Department won three Destination Marketing Awards at the North Carolina Travel Industry Association Conference. The County competed in the large market budget category and received the Gold for group marketing, with five sister counties for the African American Experience of Northeastern North Carolina; a Platinum for Leisure Marketing for Simply Corolla, NC; and the Best in Show out of 80 entries. Ms. Kugler acknowledged Tourism staff and thanked the Board of Commissioners for their support. Commissioners thanked Ms. Kugler and Tourism staff for their efforts.

No others were signed up nor wished to speak and the Public Comment period was closed.

COMMISSIONER'S REPORT

Commissioner Jarvis commended William Nelson, Airport Manager, and staff for putting on Aviation Day, an event recently held at the Currituck County Airport.

- 1. Modify the dress code to allow staff to pay to wear jeans on Friday to raise funds for Operation Santa Claus.**

Commissioner Mary Etheridge thanked Cooperative Extension staff for putting on a Farm Heritage Day event and recognized farmers for their work in Currituck County.

She said she and Department of Social Services Director, Samantha Hurd, have been discussing ways to encourage County staff to participate in the Operation Santa program and proposed that the County allow employees to pay \$2.00 to wear jeans each Friday beginning October 8, 2021 through December 10, 2021. The Board agreed, and Commissioner Mary Etheridge made an official motion to suspend the County dress code and to allow jeans during the stated timeframe at a cost of \$2. The motion was seconded by Commissioner Jarvis and carried, 6-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Michael H. Payment, Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner
ABSENT:	Paul M. Beaumont, Vice Chairman

COMMISSIONER'S REPORT, CONTINUED

Chairman White responded to Public Comments about Wild Horse tours on the off-road, made at the previous Board of Commissioners meeting and addressed social media comments that his ownership of a tour business is a conflict of interest while serving as Commissioner. He discussed the diverse knowledge brought to the Board by the members and their involvement in a variety of businesses and industry in the County. He recalled Board member requests for recusal from voting when conflicts of interest be present.

Chairman Payment acknowledged the absence of Vice-Chairman Beaumont. He discussed recent brush and structure fires in the county this fire season and encouraged citizens to have their chimneys inspected and cleaned. He asked for continued support of local volunteer fire departments and first responders.

Commissioner McCord announced he, Chairman Payment, Commissioner J. Owen Etheridge, Interim County Manager/County Attorney Ike McRee, and Sheriff Beickert attended the swearing-in ceremony for Ray Matusko, Currituck County Clerk of Court, who was elected President of the North Carolina Conference of Clerks of Superior Court. He recognized William Nelson, Airport Manager, for his efforts putting together Aviation Day at the airport. The Moyock Volunteer Fire Department was recognized for hosting the Community Day event. He touched on business owners and conflicts of interest and reported stats on speeding tickets issued in the school zone. Information was provided on the upcoming Covid Booster Shot clinic and the Currituck County Christmas Parade.

Commissioner J. Owen Etheridge recognized Mr. Matusko as the first from Currituck to serve as President of the Clerk of Court's Conference. He noted the many children who had the opportunity to take flights on Aviation Day. He reported on Cooperative Extension's Farm Heritage Day and Community Day at Moyock Volunteer Fire Department. He expressed his thanks for the medical advances being made in recognition of Breast Cancer Awareness Month.

COUNTY MANAGER/COUNTY ATTORNEY REPORTS

Interim County Manager/County Attorney, Ike McRee, updated Commissioners on the status of the Letendre lawsuit after their appeal was dismissed by the Court of Appeals. He said the Knotts Island playground installation has begun and is expected to be completed in two to three weeks. He said William Nelson, Airport Manager, is doing a great job bringing aircraft into the Currituck County Regional Airport, and said fuel sales this year to date are at 105,000 gallons, almost doubling sales of around 68,000 gallons annually since 2016.

ADMINISTRATIVE REPORTS

A. Presentation of Donation to Currituck Kids

Chairman Payment, who serves on the Executive Board of Currituck Kids, accepted a donation on their behalf as presented by Commissioner J. Owen Etheridge, who won the award from a vendor, Boomerang Design, while attending the North Carolina Association of County Commissioners Conference. Chairman Payment provided information on the Currituck Kids organization and thanked Commissioner Etheridge for the donation.

B. NC Forest Service Annual Report Presentation-Aaron Bishop, Currituck Ranger, and Will Rose, Assistant County Ranger

Aaron Bishop, Currituck County Ranger, and Will Rose, Assistant County Ranger, presented the North Carolina Forest Service Annual Report. A Powerpoint was used to review services, resources, and duties of the department, which include forest management and protection, education, training and emergency response. Statistics noted there are 4,300 fires per year in North Carolina, with the majority caused by debris burning. Commissioners thanked Mr. Bishop and Mr. Rose for their efforts and support in the county.

Chairman Payment called a brief recess at 6:53 PM. The meeting reconvened at 7:00 PM.

PUBLIC HEARINGS

A. PB 21-19 Outer Banks Ventures, Inc. LUP Amendment:

APPLICATION SUMMARY	
Property Owner: Richard C. Willis Outer Banks Ventures, Inc. PO Box 549 Corolla, NC 27927	Applicant: Richard C. Willis Outer Banks Ventures, Inc. PO Box 549 Corolla, NC 27927
Case Number: PB 21-19	Application Type: Future Land Use Plan Map Amendment
Parcel Identification Number: 0116-000-0010-0000	Existing Use: Pond/Vacant/Utility Open Space for Monterey Shores PUD
Land Use Plan Classification: Full Service and Conservation	Proposed Land Use Plan Classification: Full Service and Conservation
Parcel Size (Acres): 36.19	Current Zoning: SFO with PUD Overlay, Monterey Shores PUD
Request: Amend future land use plan classification map from Conservation to Full Service to allow for mixed-use development.	

NARRATIVE & STAFF ANALYSIS

Outer Banks Ventures, Inc. is requesting a Future Land Use Plan Map amendment from Conservation to Full Service. The property is in the Monterey Shores PUD and is adjacent to the Timbuck II Shopping Village, Corolla Adventure Golf & Bumper Cars, Monterey Shores commercial area, Monterey Pines Condominiums, and the Monterey Shores Wastewater Treatment Plant.

The site is 36.19 acres, 0.40 acres are designated Full Service and 35.79 acres are designated Conservation. This request will result in 12.22 acres designated Full Service and 23.57 acres designated Conservation. The request is based on a recently approved US Army Corps of Engineers wetland delineation. This request designates the upland portion of the site as Full Service and the wetland area will remain as Conservation. The requested amendment will allow the owner to request Monterey Shores Amended Sketch Plan/Special Use Permit approval of mixed-use development including residential density on the Full Service designated portion of the site.

The property is in the Corolla subarea of the 2006 Land Use Plan. The policy emphasis in this subarea is to allow for predominately medium density residential development (2-3 units per acre) with minimal commercial development arranged in clusters. An overall density of no more than 3 units per acre should also apply to PUDs. Strip commercial development is to be avoided for both aesthetic reasons and traffic movement considerations. Development and redevelopment should be capable of being supported by the area's infrastructure and services – particularly drinking water, sewage treatment, road capacity, parking areas, and required fire suppression capabilities.

Staff finds this request acceptable since it is in line with the draft update to the 2006 Land Use Plan/Map, *Imagine Currituck*. Full Service designation and commercial development is located to the south along the property line, adjacent to the area requested for changed designation. Water and sewer are available to the site, and the property is close to NC12, a major arterial street. The existing pond will be incorporated into the Full Service area and will be a design and stormwater feature for future development. The applicant has provided a certified wetland delineation dated April 23, 2020. The 404 wetlands area will remain designated Conservation. Given these reasons, the requested change to the 2006 Future Land Use Plan Map is appropriate.

Should the LUP Map amendment be approved, the application must be reviewed and approved by the Division of Coastal Management.

APPLICANT'S STATEMENTS OF JUSTIFICATION FOR REQUEST**THE FOLLOWING RESPONSES WERE PROVIDED BY THE APPLICANT:**

1. Will the proposed amendment support uses that are suitable in the view of the use and development of adjacent and nearby properties?
 - Yes. *The land that is proposed to be reclassified is adjacent to existing commercial development and to the Full Service Land Classification along its entire southern and eastern boundaries. The land is located adjacent to and will become part of an existing commercial and mixed-use hub in Corolla.*
2. Will the proposed amendment adversely affect the existing use or usability of adjacent or nearby properties?
 - No. *Adjacent properties are commercial condominiums and a wastewater utility. The amendment will provide for additional compatible commercial and mixed-use development.*
3. Will the proposed amendment support uses that could result in an excessive or burdensome use of existing public facilities such as streets, schools, transportation facilities, or utilities?
 - No. *Existing streets will be looped through the development and will be able to accommodate traffic; no impacts on schools are anticipated; pedestrian*

connections will be made to enhance connectivity, and existing utilities have capacity to serve the site.

4. How does the proposed amendment conform to the recommendations of the Future Land Use Plan and any other applicable long range plans?
 - *The following policies are supported by this amendment:*
 - *The Corolla Subarea states in part, “the policy emphasis of this plan is to allow for predominantly medium density residential development (2 to 3 units per acre)*
 - *An overall density of no more than 3 units per acres should also apply in PUDs, the prevailing development form in the Corolla Area.*
 - *The property is within the developable part of an existing PUD.*
 - The full service use of this land will be in keeping with the following policies of the Land Use Plan:
 - POLICY ES2: NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corps of Engineers in protecting such wetlands through the Section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina.
 - *Applicant Comment: The land that is being considered does not contain any wetlands.*
 - POLICY OB1: Currituck County supports the provision of INFRASTRUCTURE (e.g. potable water) AND SERVICES (e.g. law enforcement officers) adequate to meet basic quality of life and public health and safety requirements of residents on the Outer Banks, while at the same not stimulating inappropriate intensive development in environmentally fragile, hazardous barrier island areas.
 - *Applicant Comment: The land is adjacent to and has access to adequate water and sewer facilities.*
 - POLICY PA1: Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County.
 - *Applicant Comment: The development that is proposed will provide an opportunity for access to the sound.*
 - POLICY PA2: The County supports MANY FORMS OF “ACCESS” to the water, including scenic outlooks and boardwalks, boat ramps, marinas and docks, fishing piers, canoe and kayak launches, and other means of access. Whenever possible, such facilities shall be designed to accommodate the needs of handicapped individuals.
 - *Applicant Comment: Development of the land is proposed to include boat docks.*
 - 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.

- *Applicant Comment: The site is environmentally suitable, has adequate sewage capacity and transportation facilities available, and is adjacent to existing urban development.*
- POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
 1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
 2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.
 - *Applicant Comment: The proposed development appears to support both of these development policies, except for the lack of a full service designation with regard to the 2nd policy, which this land should technically have based on the land suitability analysis.*
- 5. Are there any existing or changing conditions affecting the use or development of the property which justifies either approval or disapproval of the request?
 - Yes. A new wetland map indicates that the portion of the site that is proposed for classification as full service is not wetlands and is suitable for development.
- 6. Is there a public need for additional land space to be classified to this request?
 - There is a need in Corolla for additional restaurant, housing, entertainment and recreational opportunities which can be made available as a result of the approval.
- 7. How does this request relate to the land suitability analysis found in the Land Use Plan? Are there factors that have changed since the suitability analysis was completed?
 - *The land is not a wetland, most of the land is not in a flood hazard area, it has not been classified as a storm-surge area, does have soils that are suitable for development, and is adjacent to existing water and sewer lines. The original analysis in the 2006 LUP appears to be a high-level analysis that did not focus on this particular land.*
- Statement of how the Land Use Plan amendment otherwise advances public health, safety, and general welfare:
 - *The site is suitable for development in terms of soils, drainage, transportation, utilities, and compatibility with adjacent developments. Public health, safety, and welfare can be advanced through careful planning and design.*

SURROUNDING PARCELS

	Land Use	LUP Classification
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North	Monteray Shores Open Space	Conservation
South	Timbuck II Shopping Village	Full Service & Conservation
East	Monteray Shores WWTP/ Corolla Adventure Golf & Bumper Cars/Seaside Farm Market/Coffee Shop	Full Service & Conservation
West	Currituck Sound	N/A

A Land Use Plan Amendment is a legislative decision of the Board of Commissioners.

Staff recommends approval because:

- The Future Land Use Map in the Draft 2006 Land Use Plan Update, *Imagine Currituck*, shows this area as G3, Mixed Use Center & Corridors which is a similar designation to Full Service.
- The policy emphasis for the Corolla subarea is to allow for predominately medium density residential development with minimal commercial development arranged in clusters. The requested change will allow for commercial or mixed-use development in an existing commercial center in Corolla. The area contains commercial development for Buck Island PUD (Timbuck II Shopping Village) as well as the Monteray Shores PUD (Monteray Plaza Shopping Center) and it abuts the existing Monteray Shores WWTP to the northeast.

Planning Board Recommendation

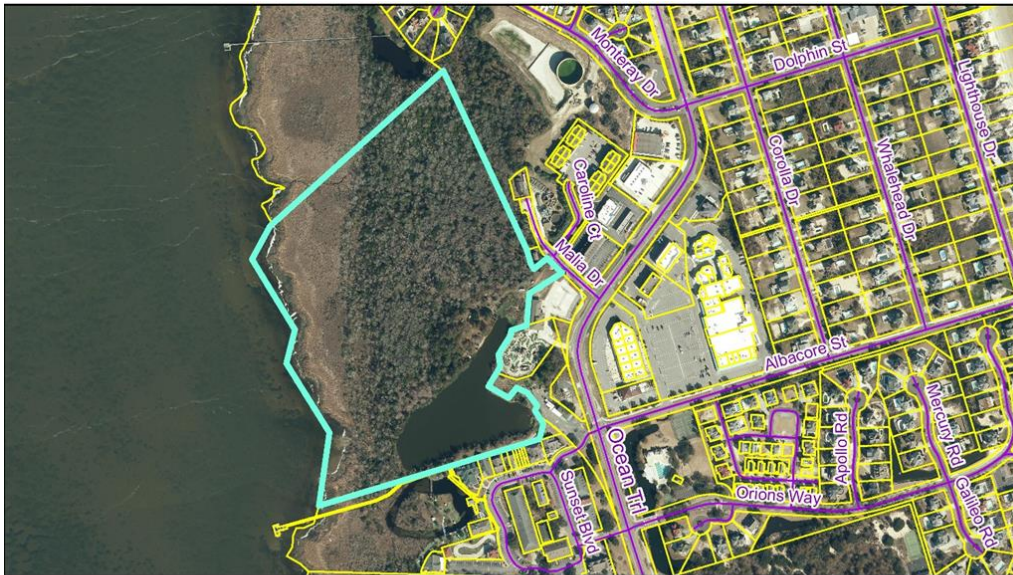
On September 14, 2021, the Planning Board recommended denial of the requested text amendment with a 3-3 vote. The request is **denied** as it did not receive approval by a majority vote as stated in the Currituck County Planning Board Rules of Procedure.

Motion

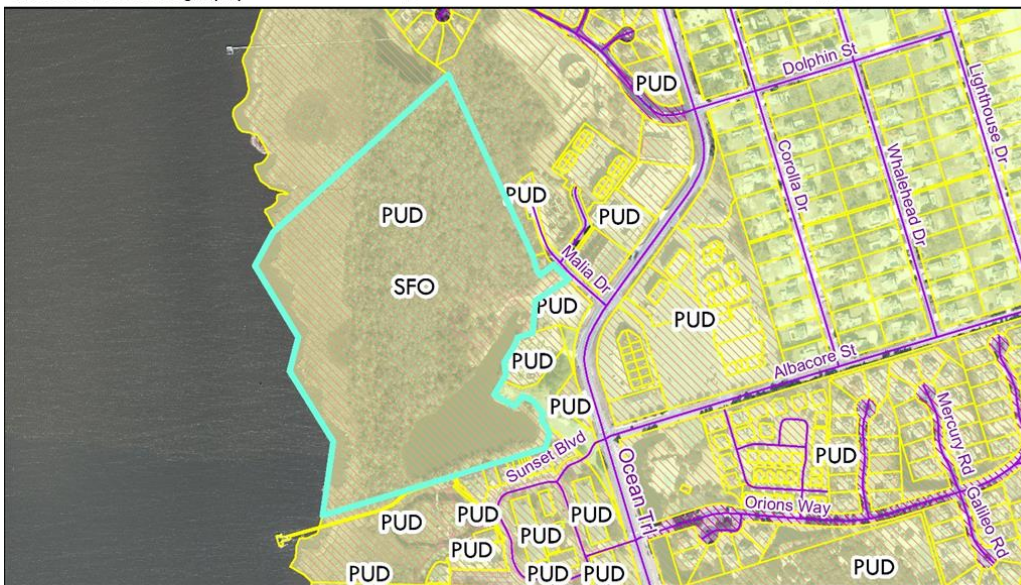
Ms. Krause moved to deny PB 21-19 Outer Banks Ventures Land Use Plan Amendment because the request is not consistent with the Land Use Plan because:

The area is designated Conservation on the Future Land Use Map and the requested amendment will allow more intense development in an area outside of existing Full Service designation.

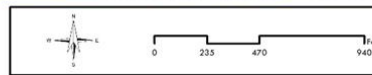
Mr. Doll seconded the motion which resulted in a tie vote with Vice-Chairman Owens, Chairman Ballance, and Mr. Hurley voting nay. The request is **denied** as it did not receive approval by a majority vote as stated in the Currituck County Planning Board Rules of Procedure.



PB 21-19 Outer Banks Ventures
Land Use Plan Amendment
2020 Aerial Photography



PB 21-19 Outer Banks Ventures
Land Use Plan Amendment
Official Zoning Map





PB 21-19 Outer Banks Ventures
Land Use Plan Amendment
2006 LUP Classification



Senior Planner, Jennie Turner, reviewed the Land Use Plan amendment request for Commissioners. A powerpoint was used to display the location within the Monterey Shores Planned Unit Development (PUD). Site maps were used to review current Land Use designations and proposed changes. Ms. Turner reviewed the background and purpose for the request, and it was noted that the Future Land Use Map Classifications would have a similar designation to what the applicant is requesting. Review standards and consistency statements were presented. Staff recommends approval of the request. A 3-3 tie vote at the Planning Board results in a recommendation for denial. Planning Board concerns include the development proposed, traffic, stormwater and environment.

Ms. Turner responded to questions about the status of the Land Use Plan update.

John Morrison, Attorney with Twiford Law Firm, addressed the Board as representative for the applicant, Outer Banks Ventures, LLC. He clarified the Imagine Currituck Land Use Plan would allow the development without the need for an amendment. He discussed the adjoining easement, current designation and requested designation, which is for a portion to become full-service. He described the proposed construction plan with clustered housing to maximize open space and described adjacent commercial use. He said wetlands will remain in Conservation with no development. He reviewed a history of the area and presented reasons to support approval of the request. Mr. Morrison responded to Board questions about the proposal. He confirmed no applications have been made to state agencies for building purposes and the applicant is only requesting the Land Use Plan amendment at this time.

Chairman Payment opened the Public Hearing. No one was signed up nor wished to speak and the Public Hearing was closed.

Commissioner White moved to approve PB 21-19, Outer Banks Ventures Land Use Plan Amendment, because the request is consistent with the 2006 Land Use Plan, and

it meets the Imagine Currituck proposed Land Use Plan, specifically the G-3 zoning for density. The policy emphasis for the Corolla Subarea is to allow for predominately medium density residential development with minimal commercial development arranged in clusters. The requested change may allow for potential commercial or mixed-use development in an existing commercial center in Corolla. Full service designation and commercial development are located to the south, water and sewer are available, the property is in close proximity to North Carolina Highway 12, and an Army Corps certified wetland delineation indicates that the area proposed for full service designation does not contain wetland areas.

Commissioner J. Owen Etheridge seconded the motion. The motion carried, 6-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Commissioner
SECONDER:	J. Owen Etheridge, Commissioner
AYES:	Michael H. Payment, Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner
ABSENT:	Paul M. Beaumont, Vice Chairman

B. PB 21-15 Windswept Pines, Phase 3:

APPLICATION SUMMARY	
Property Owner: Allied Properties, LLC 417-D Caratoke Highway Moyock, NC 27958	Applicant: Allied Properties, LLC 417-D Caratoke Highway Moyock, NC 27958
Case Number: 21-15	Application Type: Conditional Rezoning
Parcel Identification Number: 0009-000-006A-0000	Existing Use: Undeveloped acreage within a residential subdivision
Land Use Plan Classification: Rural	Parcel Size (Acres): 15.55-acres includes 1.48-acre parcel split by the railroad right of way
Moyock Small Area Plan Classification: Full Service	Zoning History: A and GB (1989) C-MXR (2015) (2018)
Current Zoning: C-MXR	Proposed Zoning: C-MXR
Request: The request is to establish Windswept Pines Phase 3 - 14 residential lots and associated infrastructure in an undeveloped area of the subdivision.	

HISTORY

A conditional zoning of this property was approved in 2015 that established the Conditional Mixed Residential (C-MXR) district known as Windswept Pines development. The 2015 approved development plan created 59 lots (including an existing parcel recombined to provide an entrance to Baxter Lane), 1.48-acres of commercial area, and area for a possible future development phase. The future development phase did not have a conceptual design layout that included pedestrian and vehicular circulation plans, drainage facilities or patterns, additional open space, or approximate location of jurisdictional wetlands. Since the 2015 conditional

zoning approval, the applicant has designed, developed, and built out Windswept Pines, Phases 1 and 2. This application is for Phase 3 of the development.

The property in question is zoned C-MXR and at the time of the conditional zoning was identified as future development area with no identified lot or road layout. On November 5, 2018, the Board of Commissioners approved a conditional zoning amending the conditions and project area of the original approval to provide additional stormwater ponds for Phase 2 of the development.

A second amendment to the C-MXR was submitted in 2019 to add Phase 3 which included 14 residential lots. The Board of Commissioners voted to deny the request by a recorded vote of six to one at their October 21, 2019 meeting because:

- The request is inconsistent with the 2006 Land Use Plan Policy PP2 in that it exceeds the County's ability to provide adequate public facilities, particularly school capacity. The proposed development, located in the Moyock Elementary School District, increases the number of projected students by three (based on the Student Generation Rate Study prepared by Tischler and Associates, Inc (2004)). The Average Daily Membership (ADM) for Moyock Elementary School for August 2019 exceeds the actual school capacity adopted by the Currituck County Board of Education.

NARRATIVE

The North Carolina General Statutes (NCGS 160D-703) allows owners of individual parcels to apply for modification of the conditions provided the modification would not result in other properties failing to meet the terms of the conditional zoning.

The application is being resubmitted following the denial by the Board of Commissioners, as allowed per Section 2.3.16 of the UDO which allows the applicant to submit the same application upon waiting one year after the date of the denial (October 19, 2019).

This conditional zoning request for PIN 0009000006A0000 includes proposed phase 3 for 14 residential lots and proposed Phase 4 for the commercial tract located between Caratoke Highway and the railroad. There are no modifications proposed for the commercial tract. The road extension and access for this phase provides interconnectivity to adjacent lands to the north and east.

The development summary of the proposed phases is shown below:

Phase 3:

Total Area:	15.55-acres
Number of Lots:	14 residential lots
Open Space:	7.51-acres proposed, (4.67-acres required)

Phase 4:

Commercial Parcel:	1.48-acres with a 2,500 square foot building
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The development summary of the Windswept Pines development is shown below:

Total Area:	66.87-acre development tract
Residential Lots:	73 lots (including the existing McCrary parcel)
Commercial Lot:	1 parcel with a 2,500 square foot building
Open Space:	
Proposed:	24.57-acres (residential) + 0.15-acres (commercial) = 24.72-acres total
Required:	19.62 acres required (residential) + 0.148-acres commercial = 19.77-acres total

COMMUNITY MEETING

The community meeting was held on May 25, 2021 at 6:00 pm at the Eagle Creek Outdoor Pavilion. The engineer reviewed the proposed development plan and the approval process.

The comments received at the meeting included the association turn-over of the common areas, planned drainage improvements, maintenance of the subdivision and drainage infrastructure in the existing phases of Windswept Pines, and proposed developments in the vicinity. A summary of the community meeting is provided in this agenda packet.

APPLICANT PROPOSED ZONING CONDITIONS

1. **USE: SUBDIVISION**
2. **ALL LOTS TO BE GREATER THAN OR EQUAL TO 20,000 SQUARE-FEET.**
3. **THE PROJECT ENGINEER WILL MODEL STORMWATER TO 100-YEAR STORM EVENT AND STORMWATER WILL BE MANAGED FROM THAT 100-YEAR STORM.**
4. **THE APPLICANT WILL WORK WITH SOIL AND WATER CONSERVATION DEPARTMENT TO EXPLORE IMPROVING THE DRAINAGE OUTLET TO THE EAST OF THE DEVELOPMENT.**
5. **ALL RESIDENTIAL DEVELOPMENT WILL BE SINGLE-FAMILY AND WILL CONFORM TO SAMPLE BUILDING ELEVATIONS PROVIDED.**

SURROUNDING PARCELS

	Land Use	Zoning
North	Residential/Woodland/Farmland/ Sand Mine	GB/AG
South	Residential/Business	GB/AG
East	Farmland	AG
West	Cemetery/Farmland Residential	GB/C-MXR

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The policy emphasis for the Moyock subarea is managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. In areas where on-site wastewater is proposed, and other county services are limited development density should be limited to 1-2 units per acre. The proposed development plan may be considered consistent with the Moyock subarea emphasis, but this consideration does not change the 2006 Land Use Plan land use classification of the subject property. This signifies a discrepancy with the UDO dimensional standards for the MXR district. * **The following land use plan policies are relevant to the request:**

Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and proximity of the site to existing and planned urban services.
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**Prior zoning map amendments (2015 and 2018) adopted by the BOC placed emphasis on the Moyock Small Area plan future land use map classifying this property as Full Service. A zoning map amendment, PB 18-23 effective May 6, 2019, placed emphasis on the CAMA Land Use Plan. The decision emphasizes the 2006 Land Use Plan as the controlling document and the relation to the UDO dimensional standards for the MXR district signifies a discrepancy between the two plans and requires a Land Use Plan map amendment.*

MOYOCK SMALL AREA PLAN

The Moyock Small Area Plan identifies this site as Full Service. Full-Service designations are focal points in the community where high amounts of activity occur. Typical densities in Full-Service designations range from 1.5 – 3 units per acre depending on surround land uses.

Policy FLU1	Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design and includes larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk step downs, or other architectural and site planning measures that encourage harmony.
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Technical Review Committee Comments

The Technical Review Committee reviewed this conditional zoning request and identified the following comments:

1. Adopted Plan Consistency:

- a. The 2006 Land Use Plan identifies this property as Rural within the Moyock subarea. The policy's emphasis for the Moyock subarea is managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. In areas where on-site wastewater is proposed, and other county services are limited development density should be limited to 1-2 units per acre.
 - b. The Moyock Small Area Plan identifies this site as Full-Service. This designation identifies areas where there will be significant public investment in infrastructure, and thus can support higher density of development.
 - c. The UDO dimensional standards in the MXR zoning district provide the maximum gross density of 2 units per acre in the Full-Service area and 1 unit per acre in the Limited-Service Area. The UDO does not provide density allocation for property in the Rural land use classification. The MXR zoning district purpose provides more intense development density and uses than the areas typically identified as the Rural land use classification.
 - d. Prior zoning map amendments, including the amendments in 2015 and 2018, placed emphasis on the Moyock Small Area plan allowing for the full-service development density of 2 units per acre. However, a zoning map amendment, PB 18-23 with an effective date of May 6, 2019, placed emphasis on the 2006 Land Use Plan as the approved CAMA plan. That decision, if applied to this property, would not meet the county UDO since this area is identified as Rural with no development density allocated.
 - i. Windswept Pines, as approved, has a development gross density of 0.88 dwelling units per acre (66.8 acres – including 1.48 acres commercial lot).
 - ii. The total gross development density for phases 1-3 is 1.09 dwelling units per acre.
 - e. Based on the 2019 decision, an amendment to the 2006 Land Use Plan land use map (Rural to Full-Service) is necessary for this increase in development density to be allowed under the UDO.
2. Smaller lots in the Moyock area, including Windswept Pines, generally meet the minimum off-street parking requirements, but some property owners are parking on the street. On-street parking is not permitted for this development. The applicant has agreed to installation of "No Parking" signage. The Board may wish to consider an agreed upon condition to address the parking issues.
3. Conditional zonings are legislative decisions of the board and not controlled by any one factor. In determining whether to adopt or deny a proposed request, the board may consider the standards in UDO, Section 2.4.3.C. One of the factors is whether the proposed development is adequately serviced by public facilities.
- a. The Moyock Elementary School is currently over capacity*. This is a conditional zoning application and conditions that are agreed upon by the applicant and the

county can be placed on the project to address timing of development and the completion of the proposed expansion of the Moyock Elementary School. Timing conditions could include phasing or the submittal of application (preliminary plat/special use permit, construction drawings, or final plat).

****According to an email from the former county manager (June 7, 2021 and June 22, 2021), the contract for Moyock Elementary School expansion was executed by both parties with a substantial completion date of August 1, 2023. The expansion should increase the capacity of Moyock Elementary School to 750 students (529 current capacity).***

ADEQUATE PUBLIC FACILITIES – SCHOOLS ¹		
School	2021-2022 Actual Capacity ²	Committed Capacity ³
Moyock Elementary	116%	122%
Shawboro Elementary	99%	
Central Elementary	91%	
Griggs Elementary	61%	102%
Jarvisburg Elementary	91%	
Knotts Island Elementary	37%	37%
Moyock Middle	95%	91%
Currituck Middle	62%	
Currituck High	80%	99%
JP Knapp Early College	89%	

¹Does not include minor subdivisions, exempt subdivisions, and subdivisions approved prior to the adoption of the adequate public facilities ordinance (October 1994)

²Capacity percentages are based on 2021-2022 school year classroom standards and May 2021 ADM

³Capacity percentages are based on the 2021-2022 school year classroom standards and May 2021 ADM

4. Conditional zonings are not exempt from a spot zoning challenge. Given the size of this request the Board must be assured that all factors defining reasonable spot zoning are considered in their hearing and decision.

Technical Review Committee Recommendation

Provided adequate public facilities are available to serve the proposed development, the Technical Review Committee recommends approval of the conditional zoning application subject to the following conditions (must be agreed upon by the county and the applicant):

1. The 2006 Land Use Plan future land use map must be amended to identify the property as Full-Service as part of the motion for approval.
2. “No Parking” signage shall be installed in Phase 3 at locations suggested by the Fire Official (RECOMMENDED).

A conditional zoning is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a conditional rezoning the Board of Commissioners shall adopt a written statement of consistency.

The conditional zoning request is consistent with and amends the 2006 Land Use Plan by designating this property as Full-Service on the future land use map because the amendment recognizes and implements the Full-Service designation of the Moyock Small Area Plan adopted by the Board of Commissioners.

The request is reasonable and in keeping with the changed conditions acknowledged by the Moyock Small Area Plan and addresses the demonstrated community need of providing a Full-Service area that offers both residential and commercial uses in the development.

CONDITIONS OF APPROVAL

Only conditions mutually agreed to by the owner(s) may be approved as part of a conditional zoning district. Conditions shall be limited to those that address conformance of development and use of the site with county regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use. No condition shall be less restrictive than the standards of the parallel general use zoning district.

Agreed upon conditions of approval:

1. Use: Subdivision
2. All lots to be greater than or equal to 20,000 square-feet.
3. The project engineer will model stormwater to 100-year storm event and stormwater will be managed from that 100-year storm.
4. The applicant will work with Soil and Water Conservation Department to explore improving the drainage outlet to the east of the development.
5. All residential development will be single-family and will conform to sample building elevations provided.

Technical Review Committee recommended condition that must be agreed upon by the applicant and the county:

1. "No Parking" signage shall be installed in Phase 3 at locations suggested by the Fire Official (RECOMMENDED).

Planning Board Recommendation

On August 10, 2021, the Planning Board recommended approval of the conditional zoning application subject to conditions with a 5-0 vote.

Motion

Mr. Doll moved to **approve PB 21-15** because the request is consistent with and amends the 2006 Land Use Plan by designating this property as Full Service on the future land use map because:

- o The amendment recognizes and implements the Full-Service designation of the Moyock Small Area Plan adopted by the Board of Commissioners.
- o The proposed gross density allocation of Phase 3 is 0.90 dwelling units per acre is in keeping with the Full-Services designation of the Moyock Small Area Plan. The designation identifies areas where there will be significant public investment in infrastructure and can support higher density of development.
- o MSAP Policy FLU1 promotes compatibility between new development and existing development to avoid adverse impacts to the existing community.

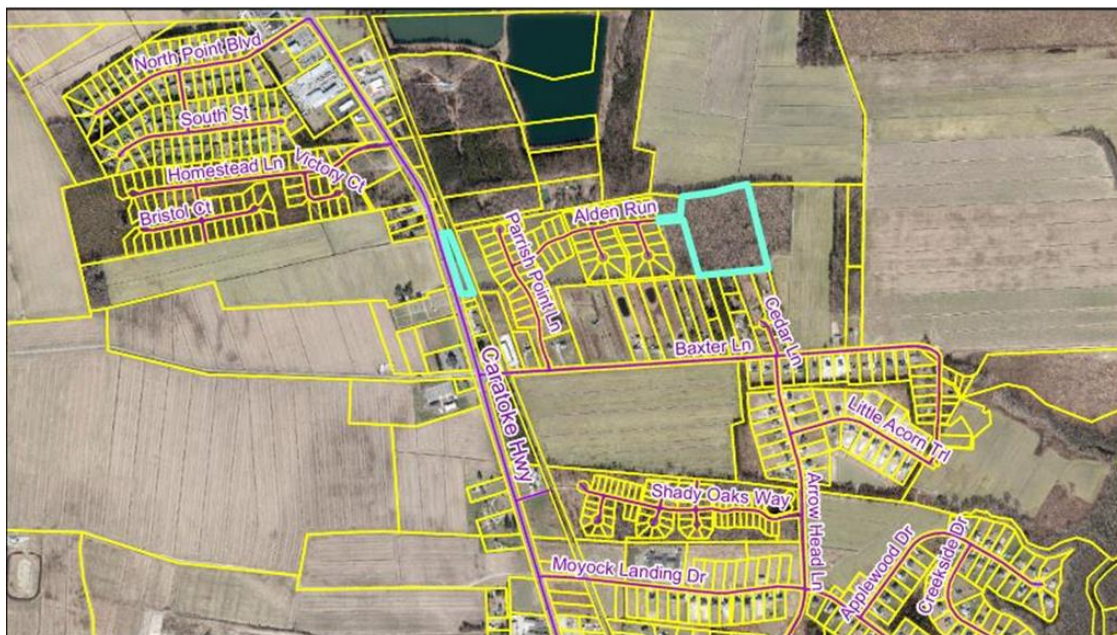
And the request is reasonable and in keeping with:

- o Changed conditions acknowledged by the Moyock Small Area Plan, and
- o Addresses the demonstrated community need of providing a Full-Service area plan that offers both residential and commercial uses in the development.

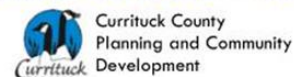
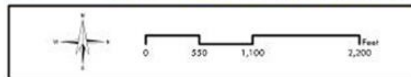
Conditions of Approval:

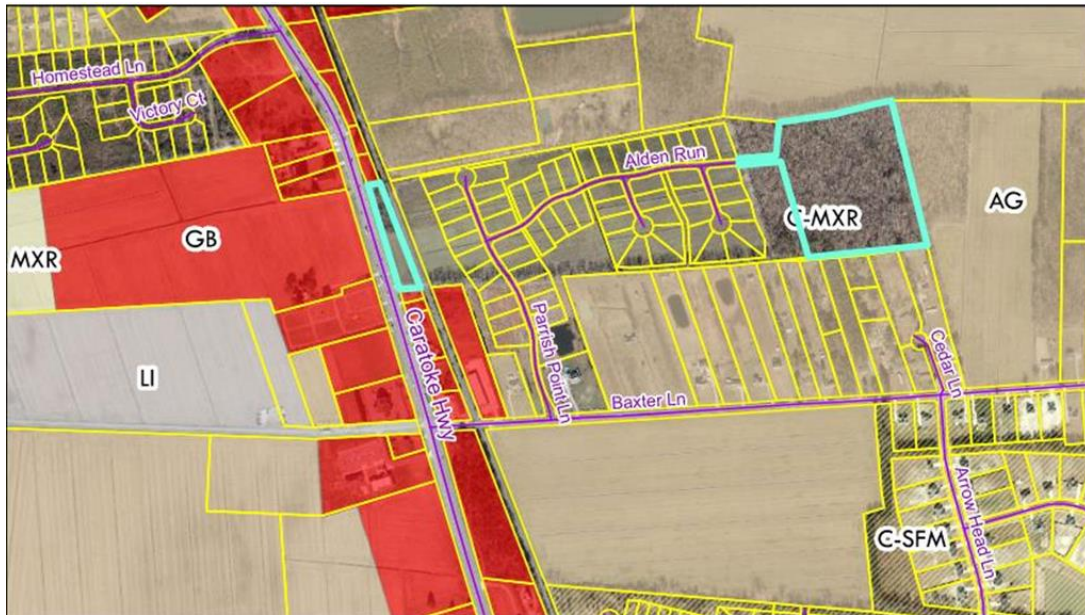
1. Use: Subdivision
2. All lots to be greater than or equal to 20,000 square feet.
3. The project engineer will model stormwater to 100-year storm event and stormwater will be managed from that 100-year storm.
4. The applicant will work with Soil and Water Conservation Department to explore improving the drainage outlet to the east of the development.
5. All residential development will be single family and will conform to sample building elevations provided.
6. "No Parking" signage shall be installed in Phase 3 at locations suggested by the fire Official.

Mr. Bass seconded the motion and the motion carried unanimously.

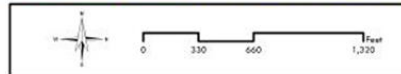


PB 21-15 Windswept Pines
Conditional Zoning
Aerial





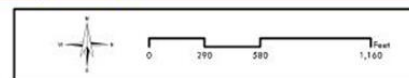
PB 21-15 Windswept Pines
Conditional Zoning
Zoning



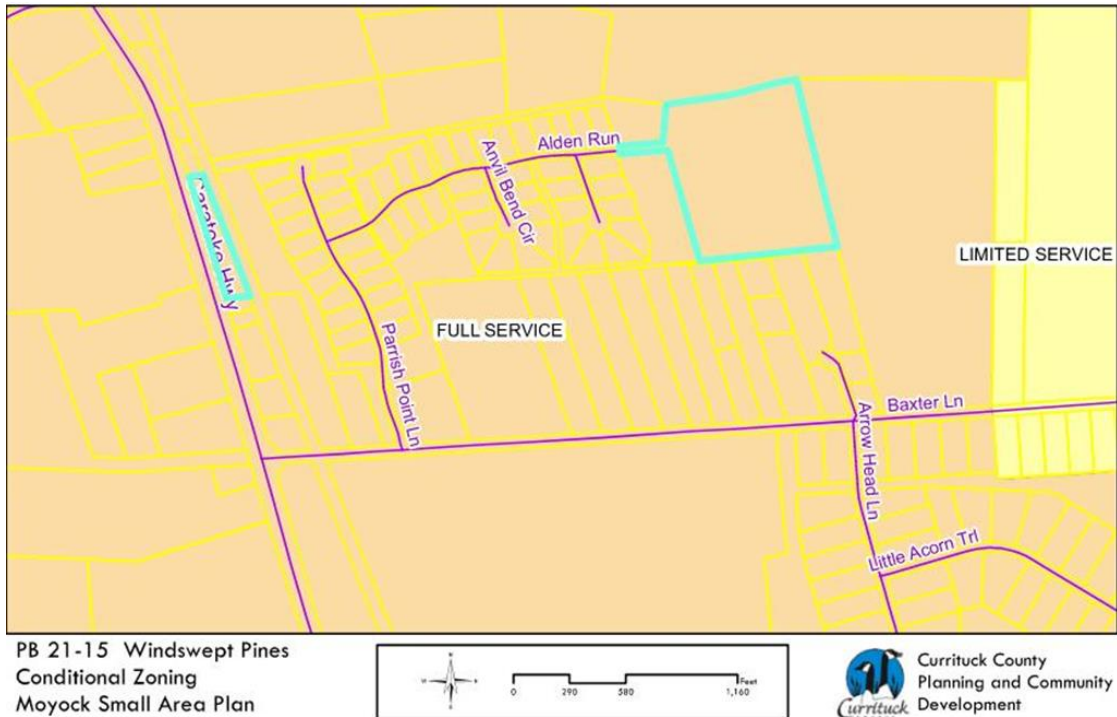
Currituck County
Planning and Community
Development



PB 21-15 Windswept Pines
Conditional Zoning
2006 Land Use Plan



Currituck County
Planning and Community
Development



Donna Voliva, Assistant Planning Director, reviewed the request for Commissioners. She used the overhead to show existing parcels in the development and presented the history of the development which included phased construction. She said the current parcel was included in the conditional zoning but had no conceptual development plan. She displayed the proposed site plan consisting of 14 lots, expanded stormwater pond, and a commercial site. Zoning conditions, drainage improvements and comments from the community meeting and the Technical Review Committee (TRC) were presented. Ms. Voliva explained a Land Use Plan map amendment would be needed if approved. Supporting policies in the Land Use Plan (LUP) and Moyock Small Area Plan (MSAP) were reviewed.

Ms. Voliva responded to Board questions during presentation related to drainage and the fire official's request for signage prohibiting on-street parking. Interim County Manager/County Attorney, Ike McRee, explained the county's authority to regulate private streets only at the request of the owner of the streets.

Concerns with adequate public facilities prompted a request for Superintendent Dr. Matt Lutz, who was in attendance, to provide current school capacity numbers to the Board. Concerned with school capacities, Commissioner Jarvis asked what the timeline was for the buildout of Phase I and II of the subdivision. Ms. Voliva said she would research and provide the information when determined.

Ms. Voliva said the Technical Review Committee (TRC) recommended approval with the condition that no parking signage be installed at locations suggested by fire officials. The Planning Board also recommended approval of the request. She said if approved the LUP would be amended to identify the area as full service. Consistency statements were reviewed.

Mark Bissell, Engineer for the applicant, addressed the Board and reviewed the original

undeveloped plat followed by the parcel with 14 lots delineated. Housing styles, drainage, and proposed improvements were presented. Conditions were reviewed, all of which were agreed to by the parties. Soil and Stormwater Technician, Dylan Lloyd, discussed the existing drainage, new ditching to be installed, and right of way agreements that have been secured for ditch clearing. Mr. Bissell responded to questions posed by Board members related to a timeline for construction. Mr. Bissell said it would be three to four months before the item would be back before the Board for the Use Permit.

Chairman Payment opened the Public Hearing.

Bertrille Bright Lomax of Chesapeake, Virginia, said she is partners with Jamie Jarvis and owns the adjacent property, which is farmed. She said she has not received any notification related to a drainage plan for that part of the land. Ms. Lomax voiced concerns with the ability to grow hemp at the location, as hemp does not like water, and she wanted to make sure the county is aware of what they plan to do on the adjacent parcel.

Justin Old, Applicant, said he expects to be back before the Board in February or March if the item is approved.

No others were signed up nor wished to speak and the Public Hearing was closed.

Ms. Voliva returned to provide the timeline for the approvals and Phase I and II construction for Windswept Pines. She said the Conditional Zoning was approved in 2015. The first home was built in 2018 and the last home was constructed in 2020.

Discussion concluded and Commissioner Mary Etheridge moved to table the item until the November 15, 2021 Board Meeting to allow Commissioners to meet with the Board of Education to address Adequate Public Facilities. Commissioner Jarvis seconded the motion. The motion failed, 4-2. Chairman Payment and Commissioners J. Owen Etheridge, McCord, and White voted against the motion.

Commissioner J. Owen Etheridge hereby adopted by Resolution and moved for approval of PB 21-15 because the request is consistent with and amends the 2006 Land Use Plan (LUP) by designating this property as Full Service on the future land use map because:

- The amendment recognizes and implements the Full-Service designation of the Moyock Small Area Plan (MSAP) adopted by the Board of Commissioners
- The proposed gross density allocation of Phase 3 is 0.90 dwelling units per acre is in keeping with the Full-Services designation of the MSAP. The designation identifies areas where there will be significant public investment in infrastructure and can support higher density of development.
- MSAP Policy FLU1 promotes compatibility between new development and existing development to avoid adverse impacts to the existing community and addresses drainage issues.

The request is reasonable and in keeping with changed conditions acknowledged by the

MSAP and addresses the demonstrated community need of providing a Full-Service area that offers both residential and commercial uses in the development.

The applicant does not propose any changes to the zoning conditions of approval:

1. Use: Subdivision
2. All lots to be greater than or equal to 20,000 square feet.
3. The project engineer will model stormwater to a 100-year storm event and stormwater will be managed from that 100-year storm.
4. The applicant will work with Soil and Water Conservation Department to explore improving the drainage outlet to the east of the development.
5. All residential development will be single family and will conform to sample building elevations provided.
6. "No Parking" signage shall be installed in Phase 3 at locations suggested by the fire office.

Motion is based on unanimous Planning Board and Technical Review Committee recommendations for approval; an added condition to include drainage improvements at the Northern end of Baxter Lane.

Commissioner McCord seconded the motion.

Commissioner Jarvis said she doesn't believe the Board has all of the information at this time and should not rush a decision. Commissioner J. Owen Etheridge suggested conditions and Adequate Public Facilities can be considered when the applicant returns for a Use Permit. Discussion concluded and the motion carried, 5-1, with Commissioner Mary Etheridge opposed.

Chairman Payment called a brief recess at 8:43 PM. The meeting reconvened at 8:51 PM.

RESULT:	APPROVED [5 TO 1]
MOVER:	J. Owen Etheridge, Commissioner
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Michael H. Payment, Chairman, J. Owen Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner
NAYS:	Mary "Kitty" Etheridge, Commissioner
ABSENT:	Paul M. Beaumont, Vice Chairman

C. PB 21-17 Hugh S. Miller, IV:

APPLICATION SUMMARY

Property Owner: Hugh S. Miller, IV 111 Currituck Commercial Drive, Suite B Moyock, NC 27958	Applicant: Hugh S. Miller, IV 111 Currituck Commercial Drive, Suite B Moyock, NC 27958
Case Number: PB 21-17	Application Type: Zoning Map Amendment
Parcel Identification Number: 0070-000-0037-0000 0070-000-0038-0000	Existing Use: Cultivated farmland

APPLICATION SUMMARY

0070-000-0039-0000 0070-000-0040-0000	
Land Use Plan Classification: Full Service and Conservation	Parcel Size (Acres): 164.85 +/- (Application)
Land Use Plan Subarea: Barco-Coinjock-Airport	
Current Zoning: Agricultural (AG) and General Business (GB)	Zoning History: A-40 (1974); A and GB (1989); AG and GB (2013)
Request: Request for a conventional (not conditional) rezoning	Proposed Zoning: SFM (162.5 acres with 2.5 acres remaining GB)

Narrative

The applicant is requesting a conventional rezoning of approximately 165 acres from Agricultural (AG) and General Business (GB) to Single-Family Residential-Mainland with approximately 2.5 acres remaining GB. The applicant is submitting the application to be allowed to develop the property with all uses that are allowed in the SFM and GB zoning districts that would be determined at a later date.

A list of all uses allowed in SFM and GB zoning districts is included at the end of this report for reference.

Community Meeting

A community meeting was held June 23, 2021, at Currituck BBQ, Coinjock. There were four people in attendance including the applicant and county representative. The attendees discussed that their family had owned these lands for over 200 years and while they were sorry to see it being developed and hoped it would remain farmland, they did understand.

SURROUNDING PARCELS

	Land Use	Zoning
North	Cultivated Farmland, Single-Family Dwelling, Middle and High Schools	AG and GB
South	Cultivated Farmland, Single-Family Dwelling, Sand Mine	AG and GB
East	Coinjock Bay	Unzoned
West	Single-family Dwellings, Automobile Repair/Sales	AG and GB

LAND USE PLAN

The 2006 Land Use Plan (LUP) classifies this site as Full Service and Conservation within the Barco-Coinjock-Airport subarea. While the Barco-Coinjock-Airport subarea is, at present, quite sparsely developed (approximately 1 unit per acre), it has many of the ingredients in place to become a significant community center for the mainland. Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available by the public and/or private sectors. Infrastructure investments may include, for example, community level or centralized water, parks, schools, and fire and rescue facilities. The Conservation class is to provide for the long-term management and protection of significant, limited, or irreplaceable areas. Property management is needed to conserve the natural, cultural, recreational, scenic, or biologically productive values of these areas. The following policy is relevant to the zoning map amendment request:

Policy ES2	NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species.
Policy ES3	COASTAL WETLANDS shall be conserved for the valuable functions they perform in protecting water quality and in providing critical habitat for the propagation and survival of important plant and animal species.
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 HN3	Currituck County shall especially encourage OPEN SPACE DEVELOPMENTS and COMPACT, MIXED-USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES with the objective of avoiding traditional urban sprawl.
Policy CD1	NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. Appropriately designated, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks.

In North Carolina, it is illegal to impose conditions on rezonings to conventional zoning districts; therefore, this conventional zoning map amendment is a legislative decision of the Board of Commissioners and is not controlled by any one factor. For example, the applicant has stated that they will develop approximately 80 lots and will retain the trees in the Conservation/wetland area; however, these items cannot legally be made conditions with the request.

For reference, Section 2.4.3.C of the UDO advises that an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed map amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this Ordinance;
2. Is in conflict with any provision of this Ordinance, or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
6. Adversely impacts nearby lands;

7. Would result in a logical and orderly development pattern;
8. Would result in significant adverse impacts on the natural environment— including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
9. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);
10. Would not result in significantly adverse impacts on the land values in the surrounding area; and,
11. Would not conflict with the public interest, and is in harmony with the purposes and intent of this Ordinance.

RECOMMENDATION

PLANNING STAFF

Beginning in 2007, conditional zoning has been a tool to help guide development to align with the community values and character recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board to more appropriately address the impacts expected to be generated by the development. It provides predictability in the rezoning application to ensure that the development and use will conform to the county's adopted plans (2006 Land Use Plan) including LUP Policy HN1, HN 3, ES2, ES3, CD1, CD4, and CD5. This request does not allow for conditions to be placed that would ensure that the result of development of these parcels will be compatible development.

A conventional rezoning application is only required to meet the minimum standards of the UDO. The purpose of the Single-Family Residential-Mainland (SFM) zoning district is to accommodate low density residential neighborhoods and supporting uses on mainland Currituck County. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from Caratoke Highway, or place undue stress on the county's education infrastructure. The General Business (GB) zoning district is to accommodate a wide variety of residential and nonresidential uses on lots bounding major roadways. Without conditions, potential conflicts may occur with uses permitted in the GB and SFM zoning districts (as shown on the list at the end of this report). Possible examples of this include: parking lot; bar, night club, and lounge; pawn shop in the GB district and silviculture/clear-cutting in the SFM area. The USACE Clean Water Act does not prohibit the cutting of vegetation/trees above the ground surface. There is significant tree cover in the Conservation area.

The conditional zoning process can tailor a permitted use in such a way as to accommodate the property owner's interest, community values, and neighborhood character. It can also address impacts that may be associated with the particular property and intended land use. Since the adoption of the 2013 UDO, conventional rezoning approvals included properties that are downzoned to a less intense zoning district, properties that contain bifurcated districts, and one property adjoining the same district on all sides.

This conventional rezoning request results in a substantial density increase for the property. Assumptions for below approximate maximum lot count comparison calculation:

- 159.85 acres (estimate only – GIS used to simplify measurements)
- 10% acreage reduction to account for infrastructure (15.985 ac)
- No dwellings in GB (approx. 5 acres)

- Potential wetlands are not factored into these estimates other than the assumption that delineated wetlands will be placed in open space.
- Suitable soils for septic systems
- NOTE: These numbers are merely rough estimates as true lot counts can only be rendered by a design professional with all known factors provided in a master plan.

AG (Existing) Conservation Subdivision Required	52 lots	62 lots
	Minimum lot size 30,000 sf	Minimum lot size 30,000 sf
	50% open space (79.92 ac)	60% open space (95.91 ac)
	Max Density: .33 u/ac	Max Density: .4 u/ac
SFM (Requested)	98 Traditional Subdivision lots	104 Conservation Subdivision
	40,000 sf minimum lot size	25,000 sf minimum lot size
	30% open space (47.96 acres)	40% open space (63.94 acres)
	Max Density: n/a	Max Density: 1 u/ac in Full Service (75.57 ac) + .33 u/ac in Conservation Area (89.28 ac)

Without a master plan, as required with a conditional zoning request, it is not possible to verify 2006 Land Use Plan consistency for the following:

- LUP POLICY HN1: Encourages development to occur at DENSITIES APPROPRIATE FOR THE LOCATION. Without a master plan, it is not possible to determine if the development's density is compatible with the surrounding developments.
- POLICY HN3: Currituck County shall especially encourage OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space.
- POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.

The LUP further describes highway oriented commercial uses that are more intended along major highways and do not encroach within or immediately adjoining existing residential areas (LUP Policy CD4 and CD5). The request does not provide assurances that all the allowed uses in the GB zoning district would be consistent with the goals, objectives, and policies of the officially adopted plans. The property is located near single-family dwellings and Currituck High and Middle Schools.

Without a master plan, it is not possible to verify consistency with the zoning map amendment review standards of the UDO. For example:

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this UDO;
- Is in conflict with any provision of the UDO or the County Code of Ordinances;
- Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
- Would result in a logical and orderly development pattern; and,

- Would result in significant adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

There are also school capacity concerns since the May 2021 report shows that Committed Capacity for Moyock/Shawboro/Central Elementary schools is at 122% and the high schools are at 99% committed capacity. Pending verification from the school system, it is staff's understanding that school enrollment for the 2021-2022 school year is higher than projection in some of these schools.

To provide assurances that address the 2006 LUP compatibility policies, staff recommends the applicant submit a conditional zoning application with a plan that is more conceptual in nature. The conceptual plan could provide desired flexibility for the applicant with assurances that the application maintains the community values and consistency with the officially adopted plans.

Also, the Board may determine that the location, size of the property, and general district allowable uses are consistent with LUP and compatibility can adequately be addressed through the site plan and subdivision review process and requirements of the UDO.

A zoning map amendment is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a zoning map amendment the Board of Commissioners shall adopt a written statement of consistency and reasonableness.

RECOMMENDATION

PLANNING BOARD

On September 14, 2021 the Planning Board recommended approval (5-1) of the conventional rezoning request as presented.

STAFF NOTES AFTER PLANNING BOARD MEETING

At the Planning Board meeting, staff was asked what type of conditions the BOC could place on the development if this was a conditional rezoning request. Without seeing a conceptual plan of the subdivision, it is not possible to determine conditions necessary for compatibility with the neighborhood, Land Use Plan, and other officially adopted plans, but below are examples of conditions that the Board would typically find relevant in reviewing an application of this type:

- Require a Conservation Subdivision and preservation the wetland area (LUP Policies ES2, ES3)
- Provide water access to all lots in the development (LUP Policies PA1, PA2)
- No clear-cutting of the stand of trees located at the rear of the property in wetlands (LUP Policies ES2, ES3)
- Remove the allowance for potentially incompatible uses in the GB zone (i.e. parking lot; bar, night club, and lounge; pawn shop) (UDO Section 1.3 General Purpose and Intent; Section 3.4.1.F Residential Base Zoning Districts, General Purposes; LUP – Purpose of the Plan)
- Increase landscaping buffers to mitigate the impacts of the development on surrounding properties or Caratoke Highway.
- Set a minimum lot size that is more compatible with surrounding lots (LUP Policies HN1, HN 3)
- Set the maximum number of lots appropriate for the location (LUP Policies HN1, HN3)

- Establish a phasing plan based on milestones for competition of County facilities. (SF4, PP2)

Also, the developer stated that he did not want to conditionally zone the property because of concern that small changes to the plan would result in 'having to go back through the process,' meaning requiring the Board to approve minor modifications to the conditions or the approved plan. There were discrepancies presented as to what a minor change is. UDO Section 2.4.4.1, Minor Modifications from Approved Conceptual Development Plan, calls out what a minor modification is that can be approved by the Director. It is a change that does not materially affect the basic configuration of the approved conceptual development plan. "Subsequent plans and permits for development within a conditional zoning district may include minor modifications from the approved conceptual development plan, provided such modifications are limited to changes addressing technical consideration that could not reasonably be anticipated during the conditional zoning classification process, or any other change that has no material effect on the character of the approved development. Changes in the following shall constitute minor modifications that may be approved by the Director:

- Driveway locations
- Structure floor plan revisions
- Minor shifts in building size or location
- Facility design modifications for amenities and the like."

It is important to note that the above list is not an exclusive list of what constitutes a minor modification, but rather examples of minor modifications. Each modification would be reviewed on a case-by-case basis by the Director to determine if it fits the definition of a minor change. The developer offered examples of changes that forced him to go back and amend plans on projects. Particularly correcting a ROW mapping error for the Sound Woods subdivision. In fact, this was not a conditional zoning issue, as correcting the mapping error changed the shape of lots and the plat had to be accurate for the lots to be legally sellable. The lots had to be mapped as they existed for the deeds to be accurately prepared.

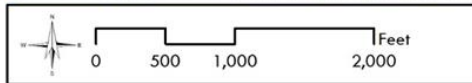
The developer also pointed out very specific items that would require him to go back through the process, such as relocating where a water line comes into the property. That level of detail is not generally provided on a conceptual plan provided as part of a conditional zoning request, and if it was, that most likely does not materially affect the basic configuration of the approved conceptual development plan and could be approved as a minor modification by the Director. The same logic applies to the example of reshaping a drainage pond.

USE COMPARISON	
Uses Allowed in SFM	Uses Allowed in GB
Agriculture/Horticulture; Equestrian Facility; Silviculture; Dwelling (manufactured, single-family detached, duplex) Family care home; Community center/ cultural facility; Library; Museum; Child care center; Elementary and middle school; Government office; Religious institution; Arboretum or botanical garden; Community garden, Park, public or private; Law enforcement, fire, or EMS facility; Telecommunications antenna	Agriculture/Horticulture; Agri-education; Agri-entertainment Agribusiness; Equestrian facility; Farmer's and roadside market; Nursery; Agricultural research facility; Distribution hub for agricultural and agronomic products; Silviculture Dwelling (live/work, manufactured, single-family detached, upper story) Dormitory; Family care home; Rooming or boarding house Community Services Day Care Educational Facilities Government Facilities Health Care Facilities

USE COMPARISON	
collection on tower or building; Minor utility; Athletic facility; Bed and breakfast inn;	Assisted living facility; Auditorium, conference, and convention center; Club or lodge; Halfway house (u); Nursing home; Religious institution Arboretum or botanical garden; Community garden; Park Police, fire, or EMS facility Airport (u); Helicopter landing facility (u) Passenger terminal (surface transportation) Telecommunications antenna and tower (u); Utility, minor/ major (u); Animal Care Eating Establishments Offices Parking lot Recreational/Entertainment, Indoor Arena, amphitheater, or stadium(u); Athletic facility; Golf driving range; Marina; Outdoor tour operator (u); Outdoor Recreation Artisan food and beverage producer; Bar, nightclub, or cocktail lounge; Convenience store; Drug store or pharmacy; Entertainment establishment; Financial institution; Funeral home; Grocery store; Laundromat; Pawn shop (u); Personal services establishment; Repair establishment; Retail sales establishment; Shopping center (u); Winery Boat and marine rental, sales, and service Vehicle sales and service, light Visitor Accommodations Contractor service Crabshedding; Research and development Public convenience center/transfer station (u)



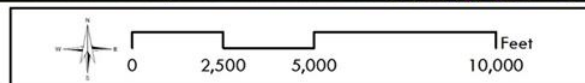
PB 21-17 Hugh S. Miller
Rezoning
2020 Aerial Photography



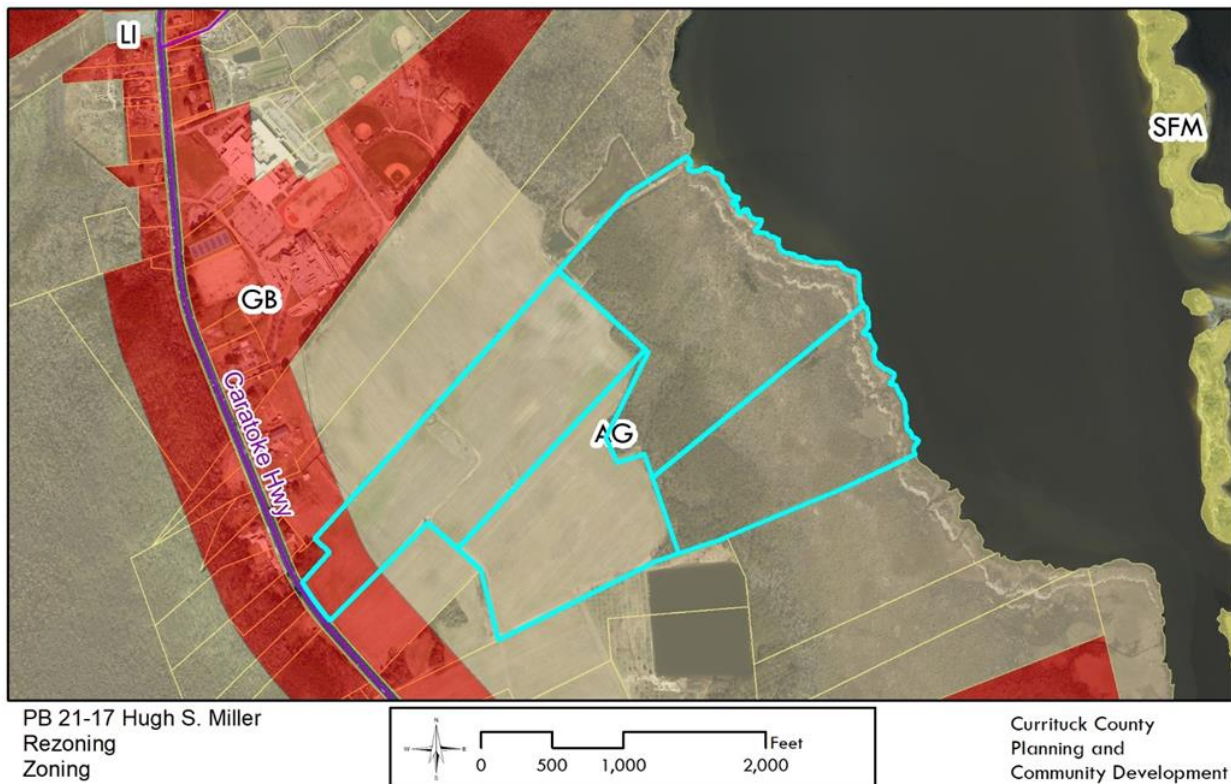
Currituck County
Planning and
Community Development



PB 21-17 Hugh S. Miller
Rezoning
Context Map



Currituck County
Planning and
Community Development



To correct an error in the agenda packet, Senior Planner, Tammy Glave, explained Mr. Miller has a contract to purchase the property but doesn't own the property at this time. Ms. Glave used the overhead to review the site location, surrounding parcels and zoning, Land

Use Plan designations and wetland delineation. Areas to be rezoned were highlighted on the map. Ms. Glave presented the straight rezoning request which would allow all of the uses permitted in the single-family mainland. The density comparison was reviewed to show how the property could be developed without the rezoning approval. Concerns presented by Ms. Glave included school capacities and the possible uses allowed on the property. Staff recommended the applicant resubmit for conditional zoning. Planning Board recommended approval, 5-1, and Planning Board discussion was summarized.

Applicant, Sam Miller, addressed the Board and presented reasons for requesting a straight rezoning rather than conditional. He said straight General Business exists up and down the corridor, and he is asking for a reduction in the General Business that currently exists. He addressed existing wetlands on the property and their ability to be used for stormwater management. He said density calculations netted approximately 80 lots on the site. He said no concerns have been raised by the community, and the land is very suitable for the proposed use. Mr. Miller said there is no need for Conditional zoning, which can add four months to the development process.

Chairman Payment asked what the benefit of conventional rezoning is versus conditional, and Mr. Miller said a straight rezoning saves both time and money.

Commissioner Jarvis addressed buffering, and noted it can protect property values in the future for all concerned even though adjacent parcels are currently vacant.

Uses on the site were clarified and the number of housing units that would be able to be built for Agricultural zoning versus Single Family Mainland were presented. Mr. Miller provided a copy of the wetlands delineation letter for Board review. Ms. Glave said minimum standards of the Unified Development Ordinance would have to be met for a conventional rezoning. Mr. Miller said the Laurel Woods subdivision he developed was a straight rezoning. Ms. Glave explained the straight rezoning was the only option at that time, as conditional rezoning was not part of the UDO in 2006.

Commissioner J. Owen Etheridge said conditional zoning was added to address General Business, and Ms. Glave recollected Residential was also to be addressed. Commissioner Jarvis discussed protections offered by Conditional Zoning for adjoining parcels and potential buyers in the subdivision. Interim County Manager/County Attorney, Ike McRee, reviewed some of the allowable conditions that can be considered for a straight rezoning at Use Permit.

Chairman Payment opened the Public Hearing. No one was signed up nor wished to speak and the Public Hearing was closed.

Chairman Payment moved to deny PB 21-17: Hugh S. Miller IV Rezoning, because the application is inconsistent with the following policies of the Land Use Plan:

- LUP Policy HN1
- Policy HN3
- Policy CD4

The request is not reasonable and not in the public interest because without a master plan as submitted with a conditional rezoning request, it is not possible to verify consistency with zoning map amendment review standards of the UDO, including:

- Is consistent with the goals, objectives and policies of the LUP, other applicable county-adopted plans, and the purposes of this UDO;
- Is in conflict with any provision of the UDO or the County Code of Ordinances;
- Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
- Would result in a logical and orderly development pattern; and,
- Would result in significant adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
- There are school capacity concerns with Moyock/Shawboro/Central Elementary schools at 122% Committed Capacity;
- Conditions should be agreed upon to protect and conserve the wetlands for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff;
- Without conditions, potential conflicts may occur with uses permitted in the GB and SFM zoning districts. Possible examples of this include: Parking lot, bar, nightclub and lounge, pawn shop in the GB district and Silviculture/clear-cutting in the SFM area. The USACE Clean Water Act does not prohibit the cutting of vegetation/trees above the ground surface. There is significant tree cover in the Conservation area.
- The conventional rezoning request results in a substantial density increase for the property, above which is allowed in the current AG zoning district, in a sparsely developed area (approximately one unit per acre) of the County.

Commissioner Mary Etheridge seconded the motion. The motion carried, 4-2, with Commissioners J. Owen Etheridge and McCord opposed.

RESULT:	MOTION PASSED-ITEM DENIED [4 TO 2]
MOVER:	Michael H. Payment, Chairman
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Michael H. Payment, Chairman, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Bob White, Commissioner
NAYS:	J. Owen Etheridge, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Paul M. Beaumont, Vice Chairman

D. PB 21-16 Currituck County Housekeeping Text Amendment:

To: Board of Commissioners

From: Planning Staff

Date: September 20, 2021

Subject: PB 21-16 Currituck County – Housekeeping Amendment

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to revise miscellaneous sections of the Unified Development Ordinance (UDO) as it relates to:

Item 1 Corrects a UDO Section reference related to review of Minor Subdivisions.

Item 2 Corrects “use permit” to “special use permit” for consistency with G.S. 160D update.

Item 3 Corrects G.S. reference for consistency with G.S. 160D update.

Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff Recommendation

Staff recommends approval of the request as submitted and suggests the following Consistency Statement:

The requested zoning text amendment is consistent with the 2006 Land Use Plan including:

POLICY HN8: To protect the County’s tax base and to ensure the long-term viability of the County’s neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments.

and it is required by the changes to G.S. 160-D, the modernization of the entire body of state laws on local planning and development regulation.

Planning Board Recommendation

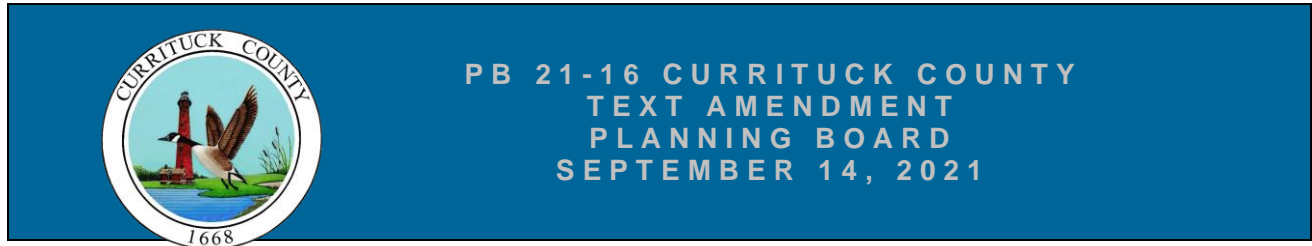
On September 14, 2021, the Planning Board recommended approval of the requested text amendment with a 6-0 vote.

Motion

Mr. Doll moved to approve PB 21-16 because the request is consistent with POLICY HN8 of the 2006 Land Use Plan.

And it is required by the recent changes to G.S. 160-D.

Vice-Chairman Owens seconded the motion and the motion carried unanimously 6-0.



Amendment to the Unified Development Ordinance, Chapter 2. Administration, Chapter 4. Use Standards and Chapter 6. Subdivision and Infrastructure Standards.

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 Chapter 2, Section 2.4.8.D. is amended by removing the following strike-through language and adding the underlined language:

Minor Subdivision

- (1) **Procedure**
- (a) **Pre-Application Conference**
Not applicable.
- (b) **Community Meeting**
Not Applicable.
- (c) **Application Submittal and Acceptance**
Applicable (see Section 2.3.4). Applications shall include a final plat prepared in accordance with the applicable standards in Section 2.4.8.E.8 ~~.5-b~~, Final Plat Review Standards.
Applications for a family subdivision shall include an attestation that the purpose for the subdivision is solely for the conveyance of lots to family members, and that conveyance of a lot in a family subdivision to a non-family member is a violation of this Ordinance.
- (d) **Staff Review and Action**
Applicable (see Section 2.3.5). The Director shall decide an application for a minor subdivision in accordance with Section 2.3.5.D, Applications Subject to Decision by Director or Technical Review Committee, and Section 2.4.8.D.2, Minor Subdivision Review Standards.
- (e) **Public Hearing Scheduling and Public Notification**
Not applicable.
- (f) **Public Hearing Procedures**
Not applicable.
- (g) **Advisory Body Review and Recommendation**
Not applicable.
- (h) **Decision-Making Body Review and Decision**
Not applicable.
- (2) **Minor Subdivision Review Standards**
- (a) **General Standards**
A minor subdivision shall be approved on a finding that:

It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the applicable standards for a final plat in Section 2.4.8.E.8 .5-B; and all other applicable standards in this Ordinance;

Item 2: That Chapter 4, Section 4.2.3.D. is amended by adding the following underlined language:

Religious Institutions

Religious institutions shall comply with the following standards:

Religious institutions in the SFM, SFO, and SFI districts that include a school or sanctuary with a capacity of 800 persons or more shall obtain a special use permit in accordance with Section 2.4.6, Special Use Permit.

Item 3: That Chapter 6, Section 6.2.5. is amended by removing the following strike-through language and adding the underlined language:

Use of Funds

Payments-in-lieu received in accordance with this subsection shall be used for transportation construction consistent with the requirements of the North Carolina General Statutes Section 160D-804 ~~153A-331~~.

Item 3: Statement of Consistency

Item 4: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 5: This ordinance amendment shall be in effect from and after the _____ day of _____, 2021.

Jennie Turner, Senior Planner, reviewed the text amendment for Commissioners which will make corrections to the minor subdivisions and 160D reference language. Review standards and consistency statements were reviewed and both staff and Planning Board recommended approval of the request.

Chairman Payment opened the Public Hearing. No one was signed up nor wished to speak and the Public Hearing was closed.

Commissioner Jarvis moved to approve PB 21-16, Currituck County Housekeeping Text Amendment, because the request is consistent with Policy HN8 of the 2006 Land Use Plan, and it is required by the recent changes to G.S. 160-D. Commissioner White seconded the motion. The motion carried, 6-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Bob White, Commissioner
AYES:	Michael H. Payment, Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner
ABSENT:	Paul M. Beaumont, Vice Chairman

NEW BUSINESS

A) Consent Agenda

Commissioner Mary Etheridge moved for approval of the Consent Agenda. Commissioner White seconded the motion. The motion carried, 6-0, and the Consent Agenda was approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Bob White, Commissioner
AYES:	Michael H. Payment, Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner
ABSENT:	Paul M. Beaumont, Vice Chairman

1. Budget Amendments

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
220548-590000	Capital Outlay	\$ 16,295	
220548-540000	Worker's Comp		\$ 415
220548-506000	Health Insurance Expense		\$ 8,700
220548-502000	Salaries		\$ 7,180
		<u>\$ 16,295</u>	<u>\$ 16,295</u>
Explanation:	Knotts Island Fire District (220548) - Transfer budgeted funds for emergency repairs to the fires suppression and water tank at the Knotts Island Fire Department.		
Net Budget Effect:	Knotts Island Fire District Fund (220) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10796-532001	Educational Supplies		\$ 250
10796-536000	Uniforms	\$ 250	
		\$ 250	\$ 250

Explanation: Currituck County Rural Center (10796) - Transfer budgeted funds for increased uniform costs.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10511-554000	Insurance & Bonds	\$ 85	
10511-506000	Health Insurance		\$ 85
		\$ 85	\$ 85

Explanation: Detention Center (10511) - Transfer budgeted funds for increased insurance cost.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10750-511010	Data Transmission		\$ 3,650
10750-516000	Repairs & Maintenance	\$ 3,650	
		\$ 3,650	\$ 3,650

Explanation: Social Services Administration (10750) - Transfer budgeted funds to increase repair budget to cover cost of office space improvements to include plumbing encasement, drywall patch/repair, flooring replacement, removal of cabinets/countertop. The data plans for computerized tablets will not be needed until FY 2023 due to postponing NCFAS implementation. These funds will be utilized for a portion of this repair work.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10660-532000	Supplies	\$ 4,900	
10460-592000	Courthouse Projects		\$ 4,900
		\$ 4,900	\$ 4,900
Explanation: Community Development - Planning (10660) - Transfer budgeted funds from Courthouse Projects that was originally budgeted for a partition in one of the Planning Offices to Supplies to purchase office furnishings. This will enable the Planning department to better utilize office space.			
Net Budget Effect: Operating Fund (10) - No change.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
67878-553000	DUES & SUBSCRIPTIONS	\$ 15,000	
67878-590000	CAPITAL OUTLAY	\$ 154,539	
67878-502000	SALARIES		\$ 5,000
67878-506000	HEALTH INSURANCE		\$ 2,500
67878-514000	TRAVEL		\$ 2,500
67878-514500	TRAINING & EDUCATION		\$ 2,500
67878-540000	WORKERS COMPENSATION		\$ 67
67390-499900	APPROPRIATED FUND BALANCE		\$ 156,972
		\$ 169,539	\$ 169,539
Explanation: Mainland Sewer (67878) - To carry-forward capital funds and to transfer funds for increased dues and subscriptions for the Mainland Sewer Fund.			
Net Budget Effect: Mainland Sewer Fund (67) - Increased by \$156,972.			

2. Consideration of a Resolution Authorizing Design-Build Construction Delivery Method for New Elementary School in Moyock Township

COUNTY OF CURRITUCK

RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AUTHORIZING DESIGN-BUILD CONSTRUCTION DELIVERY METHOD FOR THE CONSTRUCTION OF A NEW ELEMENTARY SCHOOL IN MOYOCK TOWNSHIP

WHEREAS, pursuant to N.C. Gen. Stat. § 143A-128.1A, a county may

utilize the design-build delivery method for construction contracts; and,

WHEREAS, in order to utilize the design-build delivery method, the governmental entity is to establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for this project; and,

WHEREAS, the criteria proposed and its application to the construction of a new elementary school on Tulls Creek Road in Moyock Township is the following:

Criteria 1 - *The extent to which the County can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications for a design-builder.* Through the Engineering Department and Legal Department, the County has professional personnel with the experience and qualifications needed to thoroughly define the project requirements prior to issuance of a Request for Qualifications for design-builders.

Criteria 2 - *The time constraints for the delivery of the project.* Due to rapid population growth in the Moyock area and the requirement to provide adequate public facilities, the need for additional student capacity within Currituck County Schools' Moyock attendance zone is urgent. The Board of Commissioners has resolved that this project should be completed in the most time-effective and efficient manner available. The design-build delivery method will allow for the project to be completed expeditiously.

Criteria 3 - *The ability to ensure that a quality project can be delivered.* Within the Engineering Department, the County has adequate professional and experienced personnel to ensure that the Design-Build firm will provide a quality project within budget constraints established by the Board.

Criteria 4 - *The capability of the County to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.* Within the Engineering Department and Legal Department, the County has professional and experienced personnel that are knowledgeable of design-build projects. Criteria 5 - *A good-faith effort to comply with N.C. Gen. Stat. § 143-128.2, N.C. Gen. Stat. § 143-128.4, and to recruit and select small business entities.* The County complies with N.C. Gen. Stat. § 143- 128.2 and N.C. Gen. Stat. § 143- 128.4. The County will require contractors to comply with the Historically Underutilized Businesses (HUB) goals set by the Board of Commissioners.

Criteria 6 - *The criteria utilized by the County, including a comparison of the costs and benefits of using the design-build delivery method for a given project in lieu of the other delivery methods identified.* The design-build delivery method provides a one team approach, which leads to lower costs and shorter project timeline. Project time constraints and the opportunity for the general contractor to provide valuable project cost feedback to the designer during the design process

make the design-build option more appealing than the traditional construction delivery methods.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners adopt these written criteria and determine that the design-build delivery method is approved for utilization for the construction of a new elementary school on Tulls Creek Road in Moyock Township. Further, this Resolution shall be effective on and after the 4th day of October 2021.

ADOPTED this, the 4th day October 2021.

3. Job Description Revisions-Airport, Public Works

4. Consideration of Support for Albemarle Regional Broadband Expansion Project

5) Approval Of Minutes-September 20, 2021

1. Minutes for September 20, 2021

ADJOURN

Motion to Adjourn Meeting

There was no further business and Commissioner Jarvis moved to adjourn. Commissioner McCord seconded the motion. The motion carried, 6-0, and the meeting of the Board of Commissioners adjourned at 9:59 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Michael H. Payment, Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner
ABSENT:	Paul M. Beaumont, Vice Chairman



**BOARD OF COMMISSIONERS WORKSHOP – CAMPGROUNDS
OCTOBER 4, 2021**

AGENDA ITEMS:

1. Summary of Alternative Camping Units permitted at campgrounds
2. Summary of conversation with Jeff Simms with the National Association of RV Parks & Campgrounds.
3. Proposed Text Amendment language for New Campgrounds.



**BOARD OF COMMISSIONERS WORKSHOP – CAMPGROUNDS
OCTOBER 4, 2021**

Agenda Item #1:

Alternative Camping Units Summary from BOC Worship 09/20/2021:

The following structures and vehicles are permitted as temporary accommodations on campgrounds:

- Alternative camping units (yurt, eco-tents, glamping tents)
- Camping cabins (not exceeding 400 square feet)
- Recreational vehicles
- Travel trailers

The following vehicles and structures are not permitted as temporary accommodations on campgrounds:

- Park-Model trailers
- Manufactured homes

Agenda Item #2

Conversation with Jeff Sims- Senior Director of State Relations & Program Advocacy

National Association of RV Parks & Campgrounds (ARVC)

1. **Residential Dwellings on Campgrounds:**
 - a. Most residence on campgrounds are in the form of a home that existed on the site, and the owner of the campground resides in.
 - b. National Association of RV Parks & Campgrounds does not support any residents on a campground.
 - c. Emphasized importance of establishing the “transient/guest” relationship. This will drive the residency issues.
 - d. Many campgrounds do have employees that live on site. Most live in RV’s, not stick-built dwelling units. His recommendation would be to have a percentage of sites that would be available for employee housing.
 - e. Does not support allowing manufactured housing on the campground
2. **Permanent/semi-permanent structures and alternative camping units:**
 - a. Camping cabins and tiny homes are one of the fastest growing trends in the industry. These are not regulated as recreational vehicles. The National Association of RV Parks & Campgrounds does not encourage permanent structures.
 - b. Alternative camping units (yurts, glamping tents, eco-tents) are covered under the NFPA 1194, Standards for Recreational Vehicle Campgrounds.
 - c. Recommend a good mix of alternative camping options and RV & trailer hook-up sites.
3. **Size of campgrounds:**
 - a. Most places deal with size not in acreage, but in limiting the number of campsites.
 - b. The other way to regulate impact is by density. 12-14 camp sites per acre is reasonable.
 - c. Consider a small minimum size such as 5 acres if this regulation needs to be established
4. **Storage areas:**
 - a. Storage areas good business. Many campground owners charge a fee to store their RVs or equipment.
 - b. Many guests who rent sites seasonally leave the RV there. Don’t have to drive it back and forth (economical).
 - c. Suggest regulation be based on screening and location, not size.

5. Licensure:

- a. Some localities require merchant's license, some do not.
- b. Any building requires permits and the infrastructure is regulated by the applicable agencies (ex. Albemarle Regional Health for septic).

6. Traffic Impact:

- a. Average guest drives in, stays 3 to 5 days, and uses the tow vehicle to get around.
- b. Not aware of traffic being a concern with recreational campgrounds.
- c. The following table shows the average trips generated for campgrounds and other uses common on the major thoroughfares in Currituck County.
- d. Average trips generated per day for a campground is based on acreage of campground (ITE Trip Generation, 8th Edition):

Acreage of Campground	Trips Per Day
50 acres	3,719
100 acres	7,438

Board of Commissioners
Campgrounds Workshop
October 4, 2021

Agenda Item #3:

Proposed Regulations for New Campgrounds:

ITEM	PROPOSED REGULATION FOR NEW CAMPGROUNDS
Licensure	Set up a process where campgrounds must obtain a yearly license. License will be contingent upon an inspection and meeting requirements of UDO and conditions of rezoning.
Location where camping is allowed	Conditional zoning districts: AG, SFM, SFI, and GB. Use only permitted in campgrounds.
Method to develop a campground	Rezoning application process (Legislative decision)
Access	Must have direct access along a major arterial
Landscaping	Type "C" buffer shall be provided for all adjacent properties, except that the buffer may be increased to a type "D" buffer to accommodate reduced setbacks
Parcel Size	50-acre minimum size. No campsites may be closer than five miles to another campsite.
Number of campsites	Maximum of 500 campsites
Density of campsites	Maximum of 12 campsites per acre (CAMA and 404 Wetland areas not used in density calculation)
Conceptual development plan	Required. Show facilities, structures, buildings, and infrastructure.
Ownership	All land used must be under the same ownership. All land must be one parcel.
Setbacks	100-foot setback for all buildings, facilities, infrastructure, etc. May be reduced up to 50-feet with increased buffer requirements (Type "D")
Designation of campsites	Campsites must be designated as RV/camper/trailer, camping cabins, or tent sites.

Board of Commissioners
Campgrounds Workshop
October 4, 2021

Alternative camping units, camping cabins	Maximum of 20% of the campsites
Seasonal campsites	No more than 20% of the campsites may be seasonal (See definition of “seasonal campsites” below)
Storage	Storage areas to be used only by owner, full-time employees, seasonal or short-term guests. No storage area shall exceed ten percent of the total area of the campgrounds.
Residential dwelling units	No campgrounds shall have more than three dwelling units. Only the owners and their family and full-time employees and their families may be permanent residents of the campground.
Operational plan	Required. Amendments may be administrative if they meet conditions of the rezoning. List number of employees residing on the property.
Period of closure	Designate a 30-day time period between November 1 st and March 1 st each year
Residency	Fulltime residents are not permitted, except for the owners of the facility and their families and full-time employees and their families. No full-time residency shall be accommodated using a recreational vehicle or travel trailer.
Inspections	Annual inspections for compliance required. One inspection shall be during the time of closure and one while the campground is operational.
Flood Zones	Any campsite located within a flood zone shall only accommodate recreational vehicles or another method of camping that can be towed by a “Light Duty Truck.”

Modification to Chapter 10 (Definitions) with Proposed Text Amendment:

Alternative Camping Units	A camping unit constructed of canvas or other similar materials intended to locate in a campground and used as temporary quarters for shelter during period of recreation, vacation, leisure time of travel and shall not be used for permanent living quarters. Such units shall be constructed for compliance with any applicable North Carolina building code and Section 7.4 of this ordinance. The unit may or may not include a kitchen and restroom facilities. The term alternative camping units includes terms such as yurts, eco-tents, safari tents or other similar names.
Camping Cabin	A structure not exceeding 400 square feet and constructed to the North Carolina Residential Code that is intended to locate in a campground. Camping cabins shall be compliant with Section 7.4 of this ordinance.
Campsite	A designated space designed for parking a travel trailer or for the location of a camper cabin, alternative camping unit or a tent along with all camping accommodations, including but not limited to picnic tables, infrastructure hook-ups pedestal, fire rings and constructed platforms.
Light Duty Truck	Any motor vehicle rated at 8,500 pounds Gross Vehicular Rating or less which has a vehicular curb rate of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in Title 40 US Code of Federal Regulations at Subpart 86.082-2 and is: <ul style="list-style-type: none"> (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or; (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or, (c) Available with special features enabling off-street or off-highway operation and use.

Board of Commissioners
Campgrounds Workshop
October 4, 2021

Recreational Vehicle	A vehicle built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel, or seasonal use; fully licensed and ready for highway use; that does not exceed 8.5 feet in width in the transport mode; and of a size and weight that does not require a special highway movement permit when towed by a motorized vehicle. Recreational vehicles shall not have any permanent (hard) wiring, plumbing, or mechanical connections. The term "recreational vehicle" does not include "manufactured home."
Seasonal campsite	A campsite designated for use by a campground guest for a period exceeding thirty (30) consecutive days. This designation allows for a privately owned RV/travel trailer/camper to occupy a campsite for the entire season a campground is open to guests.



STAFF REPORT
PB 21-19 OUTER BANKS VENTURES
LAND USE PLAN AMENDMENT
BOARD OF COMMISSIONERS
OCTOBER 4, 2021

APPLICATION SUMMARY

Property Owner: Richard C. Willis Outer Banks Ventures, Inc. PO Box 549 Corolla, NC 27927	Applicant: Richard C. Willis Outer Banks Ventures, Inc. PO Box 549 Corolla, NC 27927
Case Number: PB 21-19	Application Type: Future Land Use Plan Map Amendment
Parcel Identification Number: 0116-000-0010-0000	Existing Use: Pond/Vacant/Utility Open Space for Monterey Shores PUD
Land Use Plan Classification: Full Service and Conservation	Proposed Land Use Plan Classification: Full Service and Conservation
Parcel Size (Acres): 36.19	Current Zoning: SFO with PUD Overlay, Monterey Shores PUD
Request: Amend future land use plan classification map from Conservation to Full Service to allow for mixed-use development.	

REQUEST

NARRATIVE & STAFF ANALYSIS

Outer Banks Ventures, Inc. is requesting a Future Land Use Plan Map amendment from Conservation to Full Service. The property is in the Monterey Shores PUD and is adjacent to the Timbuck II Shopping Village, Corolla Adventure Golf & Bumper Cars, Monterey Shores commercial area, Monterey Pines Condominiums, and the Monterey Shores Wastewater Treatment Plant.

The site is 36.19 acres, 0.40 acres are designated Full Service and 35.79 acres are designated Conservation. This request will result in 12.22 acres designated Full Service and 23.57 acres designated Conservation. The request is based on a recently approved US Army Corps of Engineers wetland delineation. This request designates the upland portion of the site as Full Service and the wetland area will remain as Conservation. The requested amendment will allow the owner to request Monterey Shores Amended Sketch Plan/Special Use Permit approval of mixed-use development including residential density on the Full Service designated portion of the site.

The property is in the Corolla subarea of the 2006 Land Use Plan. The policy emphasis in this subarea is to allow for predominately medium density residential development (2-3 units per acre) with minimal commercial development arranged in clusters. An overall density of no more than 3 units per acre should also apply to PUDs. Strip commercial development is to be avoided for both aesthetic reasons and traffic movement considerations. Development and redevelopment should be capable of being supported by the area's infrastructure and services – particularly drinking water, sewage treatment, road capacity, parking areas, and required fire suppression capabilities.

Staff finds this request acceptable since it is in line with the draft update to the 2006 Land Use Plan/Map, *Imagine Currituck*. Full Service designation and commercial development is located to the south along the property line, adjacent to the area requested for changed designation. Water and sewer are

available to the site, and the property is close to NC12, a major arterial street. The existing pond will be incorporated into the Full Service area and will be a design and stormwater feature for future development. The applicant has provided a certified wetland delineation dated April 23, 2020. The 404 wetlands area will remain designated Conservation. Given these reasons, the requested change to the 2006 Future Land Use Plan Map is appropriate.

Should the LUP Map amendment be approved, the application must be reviewed and approved by the Division of Coastal Management.

**APPLICANT'S STATEMENTS OF JUSTIFICATION FOR REQUEST
THE FOLLOWING RESPONSES WERE PROVIDED BY THE APPLICANT:**

1. Will the proposed amendment support uses that are suitable in the view of the use and development of adjacent and nearby properties?
 - *Yes. The land that is proposed to be reclassified is adjacent to existing commercial development and to the Full Service Land Classification along its entire southern and eastern boundaries. The land is located adjacent to and will become part of an existing commercial and mixed-use hub in Corolla.*
2. Will the proposed amendment adversely affect the existing use or usability of adjacent or nearby properties?
 - *No. Adjacent properties are commercial condominiums and a wastewater utility. The amendment will provide for additional compatible commercial and mixed-use development.*
3. Will the proposed amendment support uses that could result in an excessive or burdensome use of existing public facilities such as streets, schools, transportation facilities, or utilities?
 - *No. Existing streets will be looped through the development and will be able to accommodate traffic; no impacts on schools are anticipated; pedestrian connections will be made to enhance connectivity, and existing utilities have capacity to serve the site.*
4. How does the proposed amendment conform to the recommendations of the Future Land Use Plan and any other applicable long range plans?
 - *The following policies are supported by this amendment:*
 - *The Corolla Subarea states in part, "the policy emphasis of this plan is to allow for predominantly medium density residential development (2 to 3 units per acre)*
 - *An overall density of no more than 3 units per acres should also apply in PUDs, the prevailing development form in the Corolla Area.*
 - *The property is within the developable part of an existing PUD.*
 - The full service use of this land will be in keeping with the following policies of the Land Use Plan:
 - **POLICY ES2: NON-COASTAL WETLANDS**, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corps of Engineers in protecting such wetlands through the Section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina.
 - *Applicant Comment: The land that is being considered does not contain any wetlands.*
 - **POLICY OB1: Currituck County supports the provision of INFRASTRUCTURE** (e.g. potable water) AND SERVICES (e.g. law enforcement officers) adequate to meet basic quality of life and public health and safety requirements of residents on the Outer Banks, while at the same not stimulating inappropriate intensive development in environmentally fragile, hazardous barrier island areas.

- *Applicant Comment: The land is adjacent to and has access to adequate water and sewer facilities.*
- POLICY PA1: Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County.
 - *Applicant Comment: The development that is proposed will provide an opportunity for access to the sound.*
- POLICY PA2: The County supports MANY FORMS OF “ACCESS” to the water, including scenic outlooks and boardwalks, boat ramps, marinas and docks, fishing piers, canoe and kayak launches, and other means of access. Whenever possible, such facilities shall be designed to accommodate the needs of handicapped individuals.
 - *Applicant Comment: Development of the land is proposed to include boat docks.*
- 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.
 - *Applicant Comment: The site is environmentally suitable, has adequate sewage capacity and transportation facilities available, and is adjacent to existing urban development.*
- POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
 1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
 2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.
 - *Applicant Comment: The proposed development appears to support both of these development policies, except for the lack of a full service designation with regard to the 2nd policy, which this land should technically have based on the land suitability analysis.*
- 5. Are there any existing or changing conditions affecting the use or development of the property which justifies either approval or disapproval of the request?
 - Yes. A new wetland map indicates that the portion of the site that is proposed for classification as full service is not wetlands and is suitable for development.
- 6. Is there a public need for additional land space to be classified to this request?
 - There is a need in Corolla for additional restaurant, housing, entertainment and recreational opportunities which can be made available as a result of the approval.

7. How does this request relate to the land suitability analysis found in the Land Use Plan? Are there factors that have changed since the suitability analysis was completed?

- *The land is not a wetland, most of the land is not in a flood hazard area, it has not been classified as a storm-surge area, does have soils that are suitable for development, and is adjacent to existing water and sewer lines. The original analysis in the 2006 LUP appears to be a high-level analysis that did not focus on this particular land.*

- Statement of how the Land Use Plan amendment otherwise advances public health, safety, and general welfare:
 - *The site is suitable for development in terms of soils, drainage, transportation, utilities, and compatibility with adjacent developments. Public health, safety, and welfare can be advanced through careful planning and design.*

SURROUNDING PARCELS

	Land Use	LUP Classification
North	Monteray Shores Open Space	Conservation
South	Timbuck II Shopping Village	Full Service & Conservation
East	Monteray Shores WWTP/ Corolla Adventure Golf & Bumper Cars/Seaside Farm Market/Coffee Shop	Full Service & Conservation
West	Currituck Sound	N/A

RECOMMENDATION

A Land Use Plan Amendment is a legislative decision of the Board of Commissioners.

Staff recommends approval because:

- The Future Land Use Map in the Draft 2006 Land Use Plan Update, *Imagine Currituck*, shows this area as G3, Mixed Use Center & Corridors which is a similar designation to Full Service.
- The policy emphasis for the Corolla subarea is to allow for predominately medium density residential development with minimal commercial development arranged in clusters. The requested change will allow for commercial or mixed-use development in an existing commercial center in Corolla. The area contains commercial development for Buck Island PUD (Timbuck II Shopping Village) as well as the Monteray Shores PUD (Monteray Plaza Shopping Center) and it abuts the existing Monteray Shores WWTP to the northeast.

Planning Board Recommendation

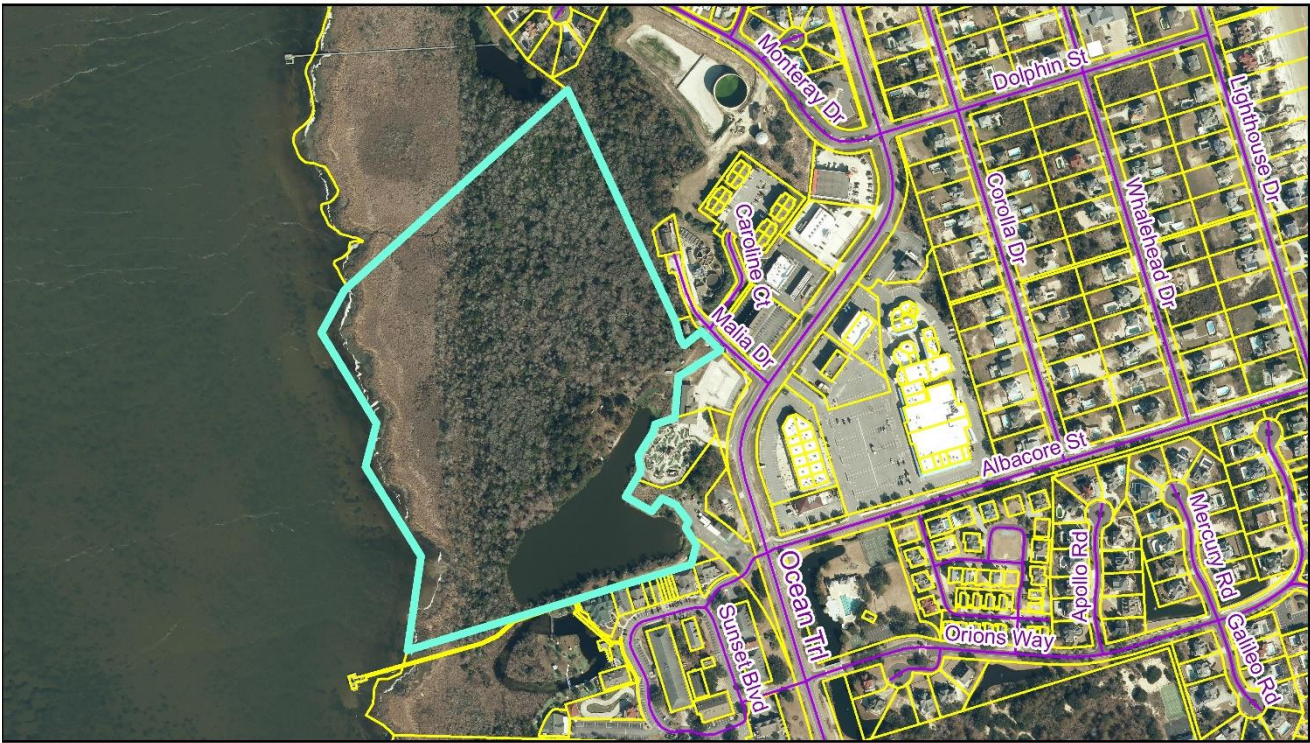
On September 14, 2021, the Planning Board recommended denial of the requested text amendment with a 3-3 vote. The request is **denied** as it did not receive approval by a majority vote as stated in the Currituck County Planning Board Rules of Procedure.

Motion

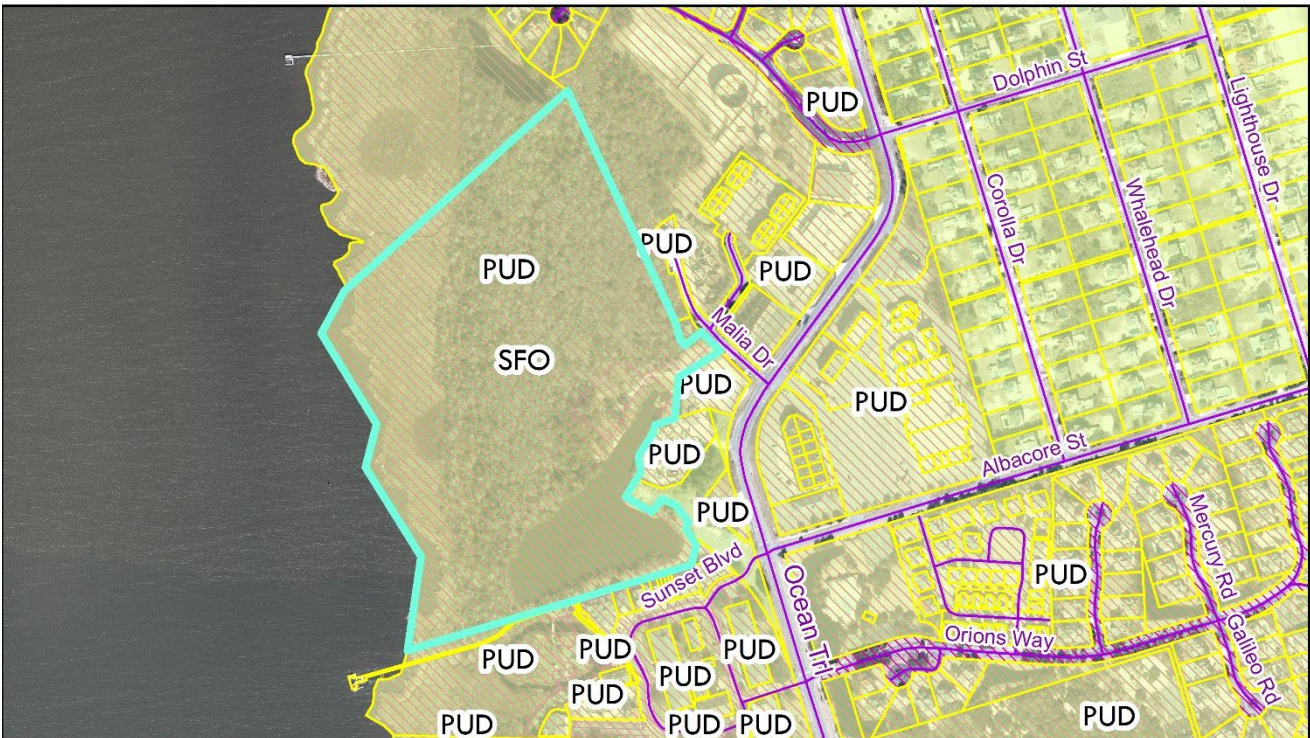
Ms. Krause moved to deny PB 21-19 Outer Banks Ventures Land Use Plan Amendment because the request is not consistent with the Land Use Plan because:

The area is designated Conservation on the Future Land Use Map and the requested amendment will allow more intense development in an area outside of existing Full Service designation.

Mr. Doll seconded the motion which resulted in a tie vote with Vice-Chairman Owens, Chairman Ballance, and Mr. Hurley voting nay. The request is **denied** as it did not receive approval by a majority vote as stated in the Currituck County Planning Board Rules of Procedure.

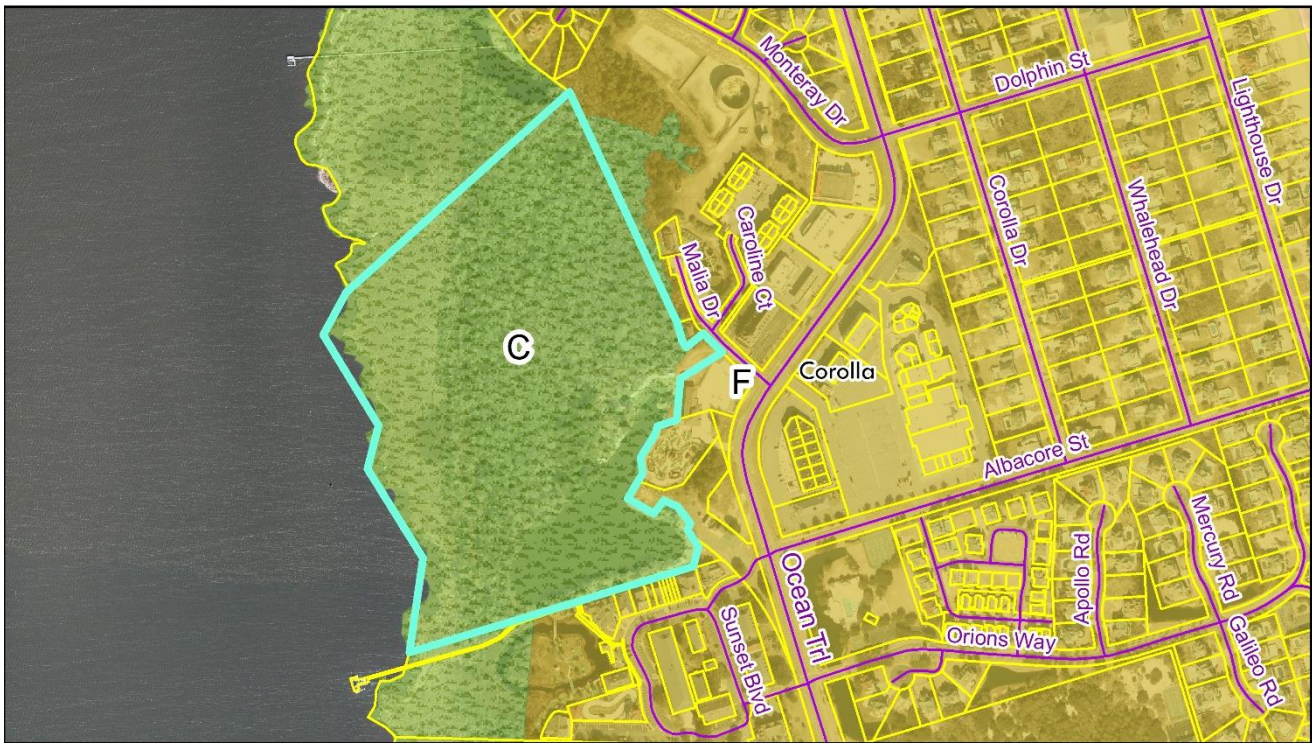


PB 21-19 Outer Banks Ventures
Land Use Plan Amendment
2020 Aerial Photography



PB 21-19 Outer Banks Ventures
Land Use Plan Amendment
Official Zoning Map





PB 21-19 Outer Banks Ventures
Land Use Plan Amendment
2006 LUP Classification



Currituck County
Development Services
Department

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
<http://currituckcountync.igm2.com/Citizens/default.aspx>


Currituck County
Department of Planning and Community Development

153 Courthouse Road, Suite 110

Currituck, North Carolina 27929

252-232-3055

FAX 252-232-3026

MEMORANDUM
To: Rick Willis, Outer Banks Ventures, Inc.

From: Jennie Turner, Senior Planner

Date: August 12, 2021

Re: PB 21-19 Outer Banks Ventures – LUP Amendment

The following comments were received at the August 11, 2021 TRC meeting. In order to be scheduled for the September 14, 2021 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on August 23, 2021.

Planning, Jennie Turner 252-232-6031

Reviewed

1. Please clearly show existing full service and conservation areas with area calculations.
2. Please clearly show proposed full service and conservation areas with area calculations.
3. Please provide wetland delineation approved by Army Corps of Engineers.
4. Provide detail regarding right to access through adjacent NCDOT owned parcel.

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

No comment

Currituck County Building Inspections & Fire, Bill Newns 252-232-6023

No comments at this time

Currituck County Water, Will Rumsey, 252-232-6060

Reviewed

No comments until utilities plans are further along.

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

Reviewed

Currituck County GIS, Harry Lee 252-232-2034

Reviewed

The Parcel ID Number on the application is incorrect. It should be 0116-000-0010-0000.

If approved, please make sure Currituck County GIS receives the final approved plan showing the land use classification change with the appropriate line tables (with Line/Length/Bearing).

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

Reviewed

*NOTE: DEVELOPER/OWNER NEEDS TO SUBMIT INTERIOR LAYOUT OF PROPOSED RESTAURANT FOR HEALTH DEPT. REVIEW.

Attachment: TRC Comments - 8.11.2021 (PB 21-19 Outer Banks Ventures, Inc. LUP Amendment)

*DEVELOPER/OWNER NEEDS TO OBTAIN SEWER ALLOCATION APPROVAL LETTER FROM THE NC DIVISION OF WATER QUALITY (WASHINGTON REGIONAL OFFICE -252-946-6481) .

Currituck County Economic Development, Larry Lombardi, 252-232-6015

Reviewed

Where is the ingress/egress on Peanut Lane? How are vehicles accessing the retail stores with the dwelling units above? Are they going through the Seaside Market parking lot at Sunset Blvd? Don't see the street connection from Currie Lane to Peanut Lane.

US Army Corps of Engineers, Anthony Scarbraugh, 910-251-4619

Reviewed

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

The following items are necessary for resubmittal:

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



August 23, 2021

Ms. Jennie Turner
Senior Planner
Currituck County Department of Planning and Community Development
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929

Re: PB 21-19 Outer Banks Ventures – LUP Amendment

Dear Jennie:

We are responding to comments that were received following the August 11, 2021 TRC meeting as follows:

Planning, Jennie Turner

1. The map has been updated to show existing full service and conservation areas more clearly in color and has area calculations added.
2. A separate map has been prepared to show proposed full service and conservation areas more clearly in color and also has area calculations included.
3. The wetland delineation map approved by the Army Corps of Engineers is attached.
4. While NCDOT has indicated in multiple conversations that they do not foresee a problem with granting approval for the use of the right-of-way for site access, we do not yet have a written agreement. Additional discussions with the appropriate parties are taking place this week. The LUP Amendment request will be the same whether or not this access is utilized in the final development plan.

Currituck County GIS, Harry Lee

The Parcel ID Number on the application has been corrected as requested.

Albemarle Regional Health Services, Joe Hobbs

The restaurant layout and other details will be developed at future stages of the approval process.

Currituck County Economic Development, Larry Lombardi

The ingress/egress to Peanut Lane is through the Seaside Market parking lot. With NCDOT approval, the drive aisle will be improved and better delineated, and will be extended to become Currie Lane. Additional details will be provided at the site plan review stage of this project.

US Army Corps of Engineers, Anthony Scarbraugh

We will obtain approval from the US Army Corps of Engineers for any impacts to jurisdictional waters or wetlands of the US prior to construction plan approval.

We are including two full size copies of revised plans, one 8.5"x11" copy of all revised plans, and one PDF digital copy of all revised documents and plans in order to be scheduled for the September 14, 2021 Planning Board meeting.

Please let me know if any additional information is needed at this time.

Sincerely,

Bissell Professional Group

A handwritten signature in blue ink, appearing to read 'Mark S. Bissell', is written over a faint, light blue circular stamp or watermark.

Mark S. Bissell, P.E.

cc: Mr. Richard Willis

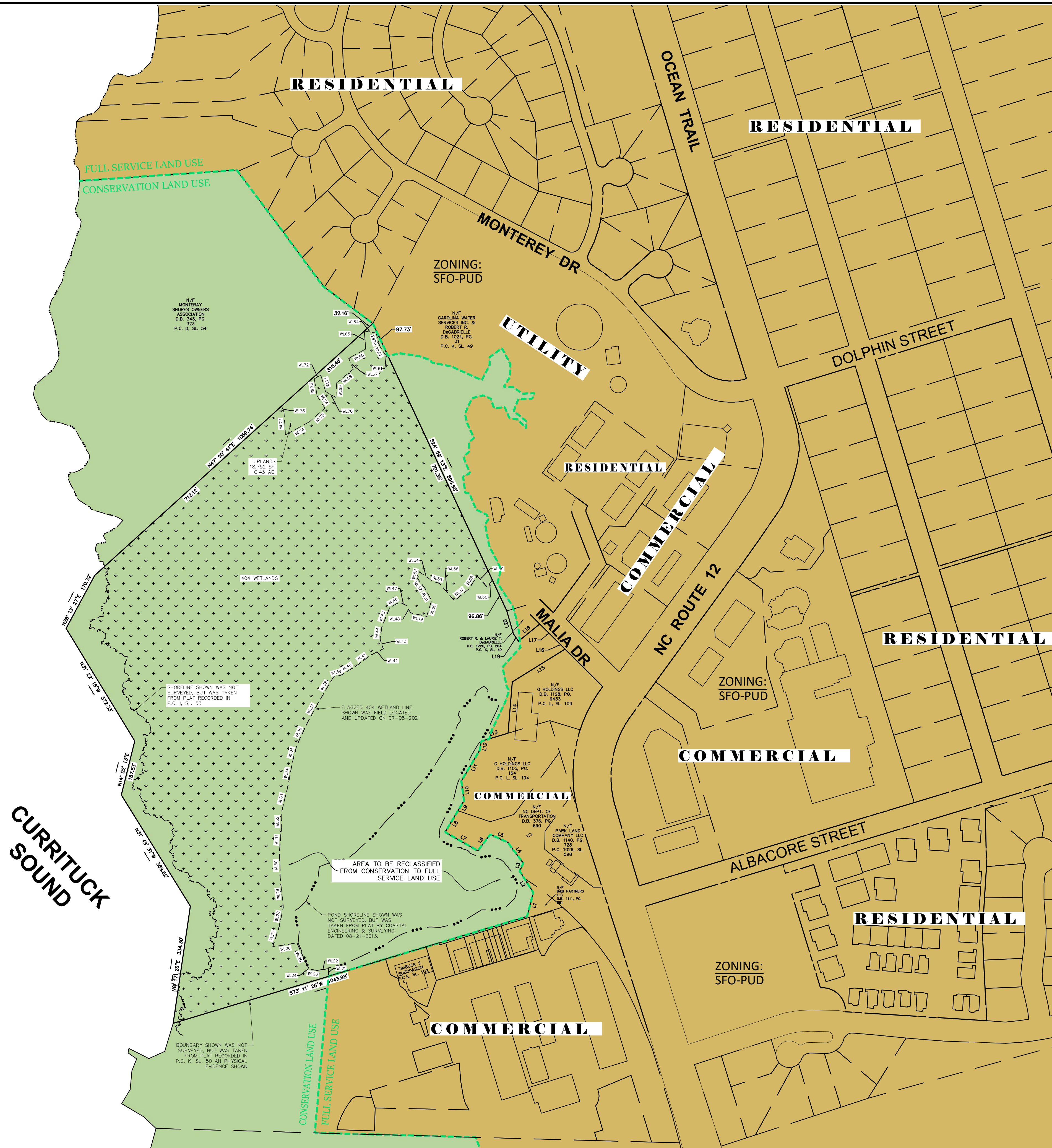
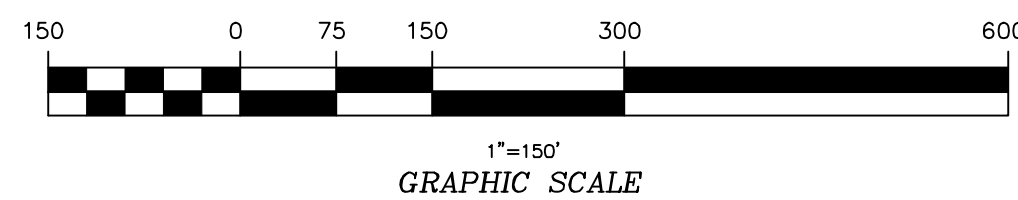
Attachment: 8-23-21 TRC response letter (PB 21-19 Outer Banks Ventures, Inc. LUP Amendment)



LEGEND	
	ROADWAY CENTERLINE
	RIGHT-OF-WAY
	PROPERTY BOUNDARY
	ADJOINING PROPERTY LINE
	SHORELINE
	EXISTING CONCRETE MONUMENT
	SET CONCRETE MONUMENT
	SET IRON ROD
	EXISTING IRON ROD
	EXISTING IRON PIPE
SF	SQUARE FEET
AC	ACRES

LAND USE LEGEND	
EXISTING CONSERVATION LAND USE	
EXISTING FULL SERVICE LAND USE	
EXISTING TRACT AREA	36.19 AC.
EXISTING FULL SERVICE TRACT AREA	0.40 AC.
EXISTING CONSERVATION TRACT AREA	35.79 AC.

PROPERTY LINE TABLE			WETLAND LINE TABLE			WETLAND LINE TABLE		
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	69.81'	S14° 36' 25"W	W121	21.81'	N8° 38' 46"E	W50	46.79'	N5° 05' 18"E
L2	71.75'	S32° 26' 53"E	L222	32.24'	S81° 25' 55"W	W51	37.23'	N28° 01' 19"E
L3	24.88'	S24° 21' 21"E	W123	22.11'	N81° 48' 34"W	W52	36.24'	N64° 48' 28"W
L4	72.84'	S35° 53' 44"E	W124	58.88'	N26° 32' 29"W	W53	19.76'	N13° 59' 55"E
L5	54.23'	S65° 23' 21"E	W125	76.88'	N34° 51' 51"W	W54	47.18'	S54° 42' 20"E
L6	57.93'	N37° 34' 20"E	W126	68.61'	S80° 51' 31"W	W55	18.71'	S73° 18' 51"E
L7	106.34'	S60° 26' 58"E	W127	58.29'	N13° 30' 45"E	W56	16.97'	S41° 04' 55"E
L8	70.75'	S31° 08' 08"W	W128	57.15'	N11° 58' 17"E	W57	51.76'	N5° 02' 32"E
L9	32.69'	S31° 14' 41"W	W129	78.51'	N6° 08' 56"W	W58	44.52'	N32° 57' 57"E
L10	56.14'	S7° 52' 57"E	W130	80.75'	N18° 38' 04"W	W59	42.37'	N4° 50' 18"E
L11	101.58'	S30° 51' 08"W	W131	62.00'	N4° 57' 00"E	W60	25.03'	N35° 01' 51"E
L12	25.83'	S19° 18' 28"W	W132	43.95'	N45° 52' 52"W	W61	7.01'	N83° 42' 05"E
L13	78.87'	S71° 11' 21"W	W133	82.97'	N13° 37' 49"E	W62	29.81'	N31° 13' 17"W
L14	145.59'	S47° 43' 46"W	W134	66.65'	N10° 41' 48"E	W63	33.65'	N15° 15' 09"W
L15	175.00'	S58° 09' 22"W	W135	51.51'	N10° 31' 32"E	W64	33.82'	N81° 03' 06"W
L16	30.17'	S45° 13' 47"E	W136	67.25'	N22° 12' 15"E	W65	50.82'	S31° 23' 23"E
L17	70.44'	S45° 13' 47"E	W137	80.94'	N28° 56' 39"E	W66	34.31'	S61° 25' 41"E
L18	76.92'	N51° 11' 37"E	W138	68.58'	N30° 47' 21"E	W67	33.24'	S22° 39' 54"E
L19	25.28'	S34° 57' 06"E	W139	23.70'	N74° 08' 40"E	W68	60.65'	S50° 18' 53"E
L20	67.05'	S15° 57' 18"E	W140	49.09'	N68° 21' 51"E	W69	41.52'	S31° 41' 56"W
			W141	51.95'	S63° 24' 40"E	W70	34.68'	N60° 23' 45"E
			W142	38.70'	N63° 30' 27"E	W71	48.19'	N15° 50' 11"W
			W143	29.57'	N17° 34' 01"W	W72	21.17'	S60° 18' 12"W
			W144	31.62'	N8° 06' 32"E	W73	48.82'	S8° 59' 03"E
			W145	61.71'	N21° 36' 32"E	W74	40.95'	S33° 02' 00"E
			W146	32.29'	N21° 39' 00"E	W75	57.29'	S48° 30' 49"W
			W147	22.72'	S62° 26' 45"E	W76	78.28'	S61° 02' 41"W
			W148	22.89'	S27° 48' 44"E	W77	14.44'	N3° 42' 09"W
			W149	46.45'	S78° 06' 10"E	W78	68.50'	N21° 27' 21"W



REVISIONS

NO.	DATE	DESCRIPTION	BY	CHK
1	8/6/20	REVIEW COMMENTS		

PROJECT

OUTER BANKS VENTURES, INC.

POPLAR BRANCH TOWNSHIP **CURRITUCK COUNTY** **NORTH CAROLINA**

LAND USE PLAN MAP AMENDMENT

DATE: 07/21/21 **SCALE:** 1" = 150'

DRAWN BY: BPG **CHECKED BY:** MSB

DESIGNED BY: KTFW **APPROVED BY:** BPG

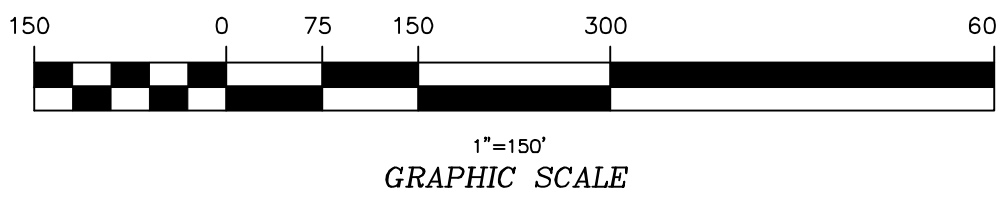
SHEET: 1 OF 2

CAD FILE: 459600LU1

PROJECT NO: 4596

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PROPERTY LINE TABLE			WETLAND LINE TABLE			WETLAND LINE TABLE		
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L14	145.59'	S4° 43' 46"W	WL34	66.65'	N10° 41' 48"E	WL63	36.85'	N15° 15' 09"W
L15	175.00'	S58° 09' 22"W	WL35	51.15'	N14° 31' 52"E	WL64	33.42'	N81° 03' 55"W
L16	30.17'	S45° 13' 47"E	WL36	67.25'	N25° 12' 15"E	WL65	50.82'	S3° 53' 23"E
L17	70.44'	S45° 13' 47"E	WL37	80.94'	N28° 56' 39"E	WL66	54.31'	S61° 25' 41"W
L18	76.92'	N51° 11' 37"E	WL38	68.58'	N30° 47' 21"E	WL67	33.24'	S22° 39' 54"E
L19	25.28'	S34° 57' 06"E	WL39	23.70'	N74° 08' 40"E	WL68	60.65'	S50° 18' 53"W
L20	67.05'	S15° 57' 18"E	WL40	49.09'	N58° 21' 51"E	WL69	41.52'	S3° 01' 46"W
			WL41	51.55'	N53° 24' 40"E	WL70	34.06'	N60° 23' 49"W
			WL42	38.70'	N63° 30' 27"E	WL71	48.19'	N15° 50' 11"W
			WL43	29.57'	N17° 34' 01"W	WL72	21.17'	S60° 18' 12"W
			WL44	31.62'	N8° 06' 32"E	WL73	48.82'	S8° 59' 03"E
			WL45	61.71'	N21° 36' 32"E	WL74	40.95'	S33° 02' 00"E
			WL46	32.29'	N61° 29' 00"E	WL75	57.29'	S48° 30' 41"W
			WL47	22.72'	S62° 26' 45"E	WL76	78.28'	S61° 02' 49"W
			WL48	22.89'	S27° 48' 44"E	WL77	64.44'	N3° 42' 09"W
			WL49	46.45'	S78° 06' 10"E	WL78	18.50'	N21° 27' 21"W

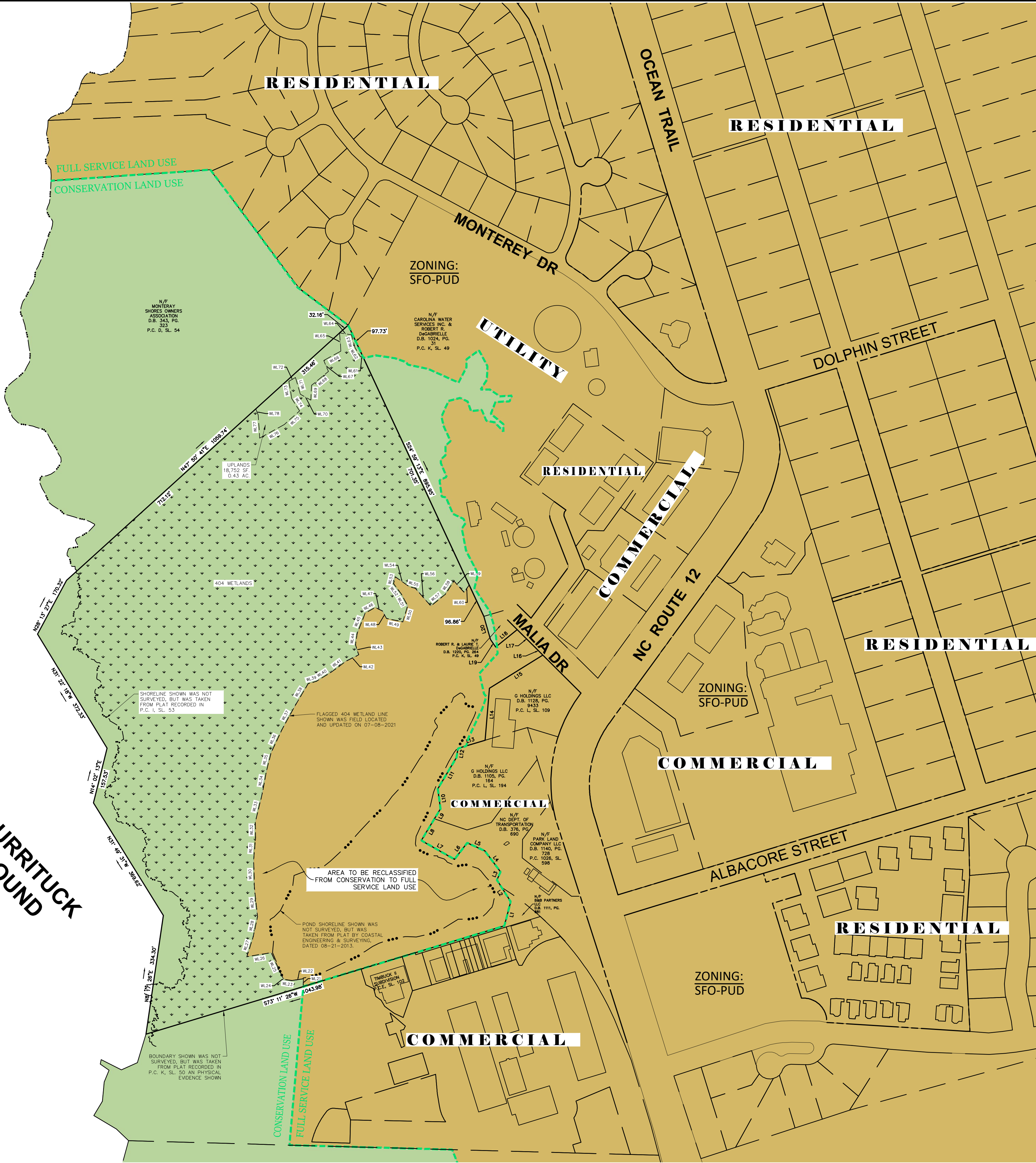


LEGEND	
	ROADWAY CENTERLINE
	RIGHT-OF-WAY
	PROPERTY BOUNDARY
	ADJOINING PROPERTY LINE
	SHORELINE
	EXISTING CONCRETE MONUMENT
	SET CONCRETE MONUMENT
	SET IRON ROD
	EXISTING IRON ROD
	EXISTING IRON PIPE
	SQUARE FEET
	ACRES

LAND USE LEGEND		
EXISTING CONSERVATION LAND USE		
EXISTING FULL SERVICE LAND USE		
EXISTING TRACT AREA	36.19 AC.	
PORTION OF TRACT AREA TO BE DESIGNATED FULL SERVICE LAND USE	12.22 AC.	
TRACT AREA TO REMAIN CONSERVATION LAND USE	23.57 AC.	
RESULTING TOTAL TRACT AREA TO BE DESIGNATED FULL SERVICE LAND USE	12.62 AC.	



CURRITUCK SOUND



Outer Banks Ventures, Inc.

Parcel 10 - Monterey Shores

P.U.D. Revised Land Use

Professional Group

Engineers, Planners, Surveyors and Environmental Specialists

Currituck County

North Carolina

Poplar Branch Township

Monterey Shores

Parcel 10 - Monterey Shores

P.U.D. Revised Land Use

Professional Group

Engineers, Planners, Surveyors and Environmental Specialists

Land Use Plan Map Amendment

Parcel 10 - Monterey Shores

P.U.D. Revised Land Use

Professional Group

Engineers, Planners, Surveyors and Environmental Specialists

Revisions

No.	Date	Description
1	8/23/21	REVIEW COMMENTS

DATE: 07/21/21

SCALE: 1" = 150'

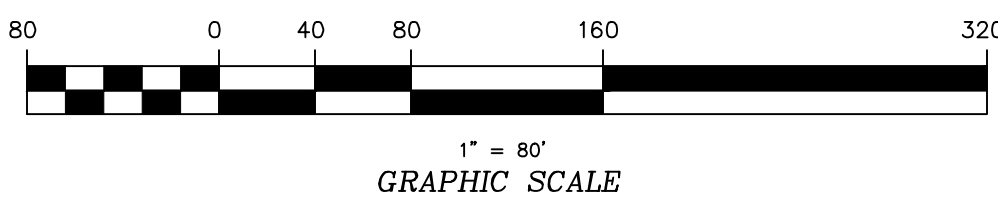
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CHECKED: MSB

SHEET: 2 OF 2

CAD FILE: 459600LU1

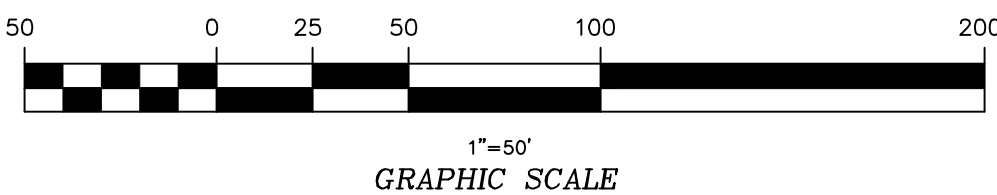
PROJECT NO: 4596



PROJECT:	OUTER BANKS VENTURES		NORTH CAROLINA	
	POPULAR BRANCH TOWNSHIP	CURRITUCK COUNTY		
	LUP AMENDMENT			
OVERALL MIED USE SITE PLAN			THIS DOCUMENT IS THE SOLE PROPERTY OF BPC, INC. OF KITT HAWK, NORTH CAROLINA. THE REPRODUCTION, IN WHOLE OR PART, OF THIS DOCUMENT WITHOUT THE WRITTEN CONSENT OF MARK S. BISSSEL, PRINCIPAL OF INC., COPYRIGHT 2005.	

BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

Bissell Professional Group
Firm License # C-956
3512 North Croatan Highway
P.O. Box 1068 North Carolina 27049
(252) 261-3266
(252) 261-3266
FAX (252) 261-1760



SITE DATA	
TOTAL AREA:	36.19 AC.
CAMA WETLANDS:	9.0 AC.±
NET AREA:	27.19 AC.±
POND AREA:	4.39 AC.±
OTHER WETLANDS AREA:	14.66 AC.±
UPLANDS:	8.14 AC.±
AREA TO BE REMOVED FROM UTILITY OPEN SPACE:	4.65 AC.±
USE OF EXISTING COMMERCIAL AREA:	1.177 AC.±
DEVELOPMENT SUMMARY	
COMMERCIAL BUILDINGS:	8,002 S.F.±
RESTAURANT:	4,560 S.F.±
OUTDOOR ENTERTAINMENT VENUE:	7,626 S.F.±
PARKING REQUIREMENT	
GENERAL COMMERCIAL:	7,500 S.F. @ 1/300 S.F. = 25 SPACES
RESTAURANT:	4,502 S.F./150 S.F. = 30 SPACES
OUTDOOR ENTERTAINMENT VENUE:	7,626 S.F./250 = 31 SPACES
UPPER STORY DWELLINGS:	0.5/UNIT X 6 = 3 SPACES
PADDLE BOAT RENTALS:	1 SPACE/SLIP OR MOORING = 6 SPACES
10 BOAT DOCKS:	1 SPACE/SLIP OR MOORING = 10 SPACES
TOTAL SPACES REQUIRED:	105 SPACES
TOTAL SPACES PROVIDED:	110 SPACES
FLOOR AREA RATIO	
12,562 S.F./1,184,396 S.F. (NET OF CAMA) = 0.0106	

[illegible]

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

DATE: 5/27/21	SCALE: 1"=50'
DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW	APPROVED: BPG

SHEET:
5 OF 6
CAD FILE:
459600AS1
PROJECT NO:
4596

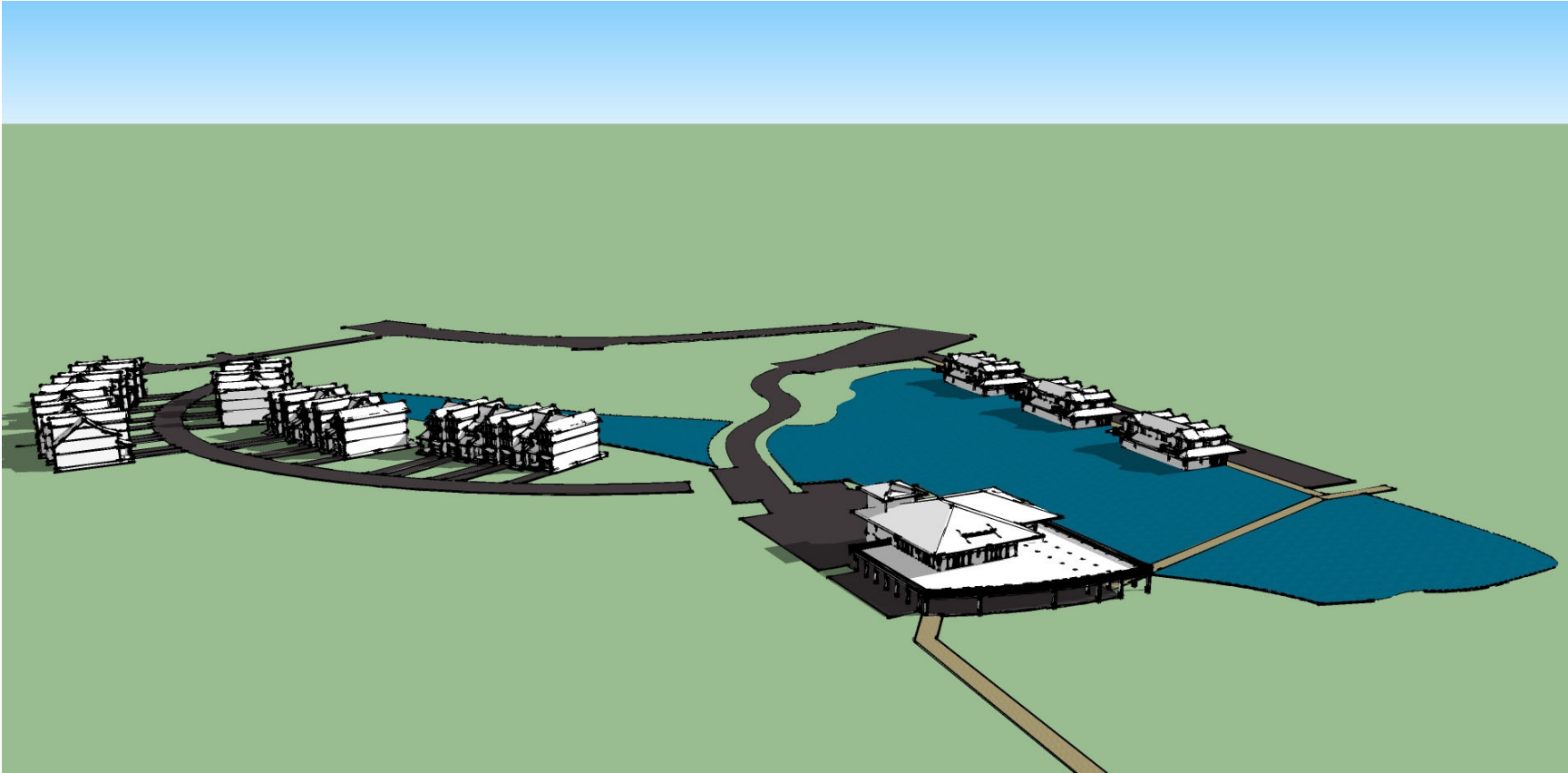
**MIXED USE DEVELOPMENT
LAYOUT & CONCEPTUAL PLAN**

OUTER BANKS VENTURES
RANCH TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA
LUP AMENDMENT

MIXED USE DEVELOPMENT



BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists



Attachment: Shore Sound Preliminary Architecturals (PB 21-19 Outer Banks Ventures, Inc. LUP

Sound Shore
May 27, 2021

cahoon+kasten
ARCHITECTS

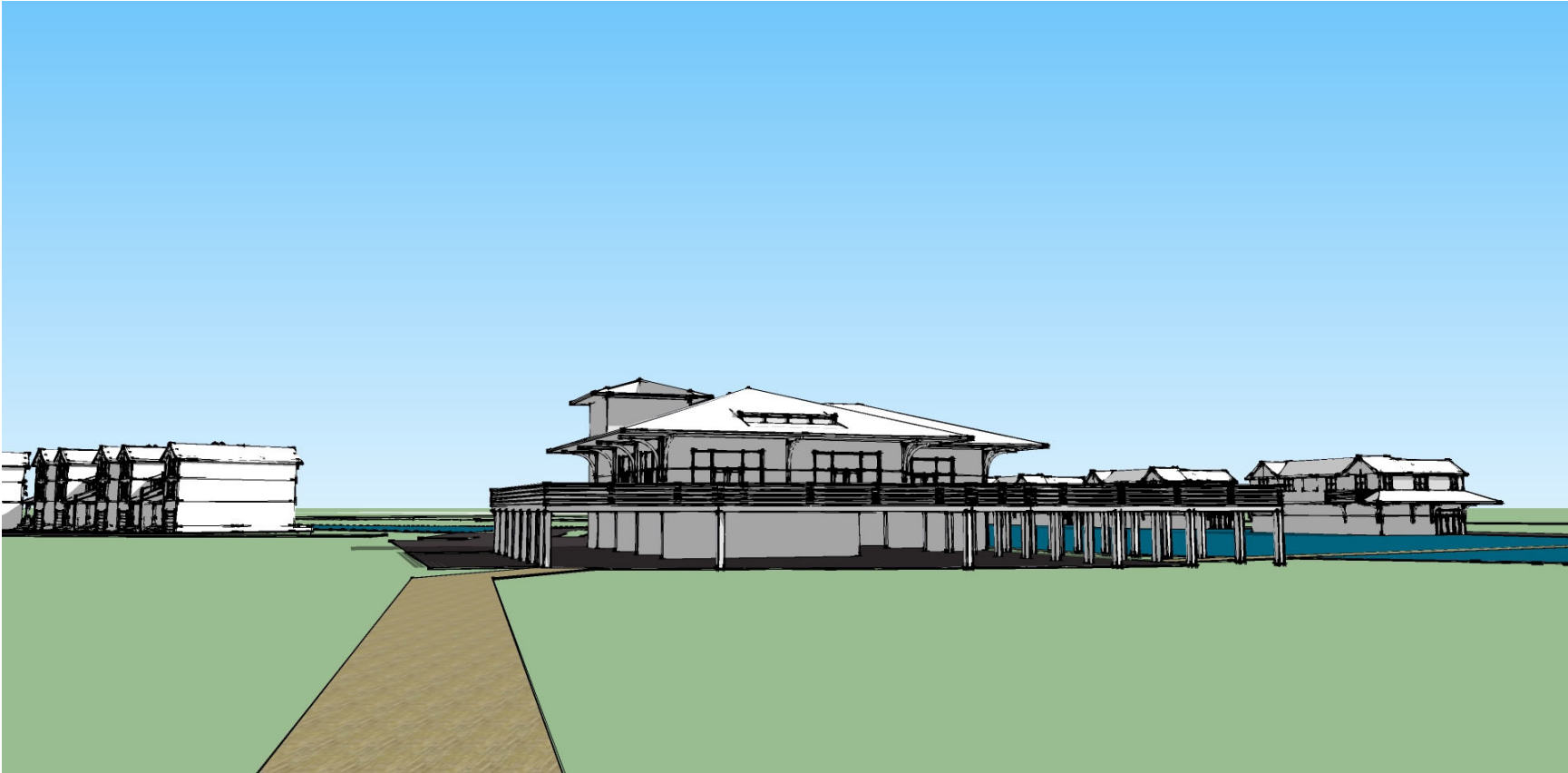


Sound Shore

May 27, 2021

cahoon+kasten

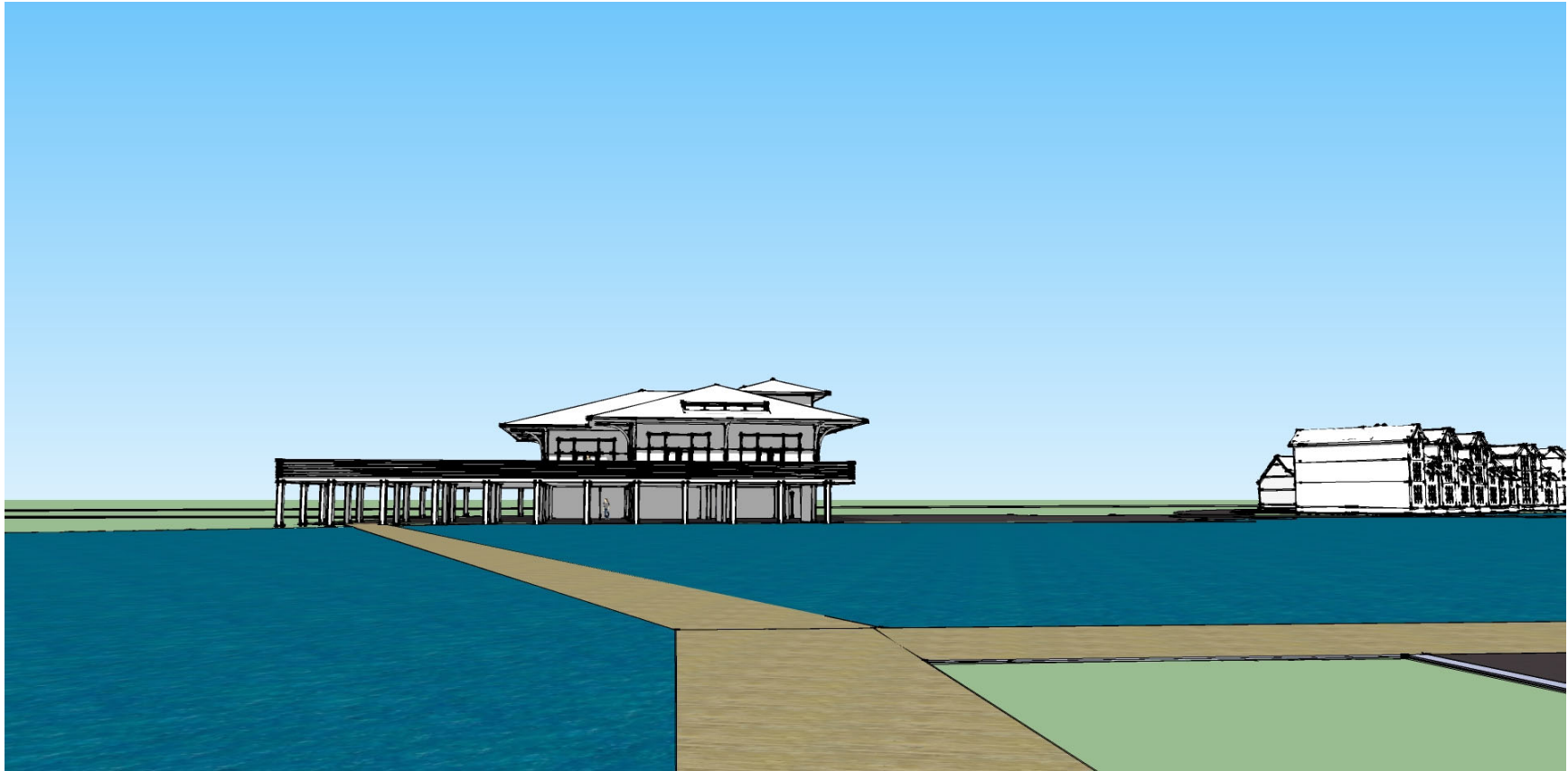
A R C H I T E C T S



Attachment: Shore Sound Preliminary Architecturals (PB 21-19 Outer Banks Ventures, Inc. LUP

Sound Shore
May 27, 2021

cahoon+kasten
ARCHITECTS



Sound Shore

May 27, 2021

cahoon+kasten

A R C H I T E C T S

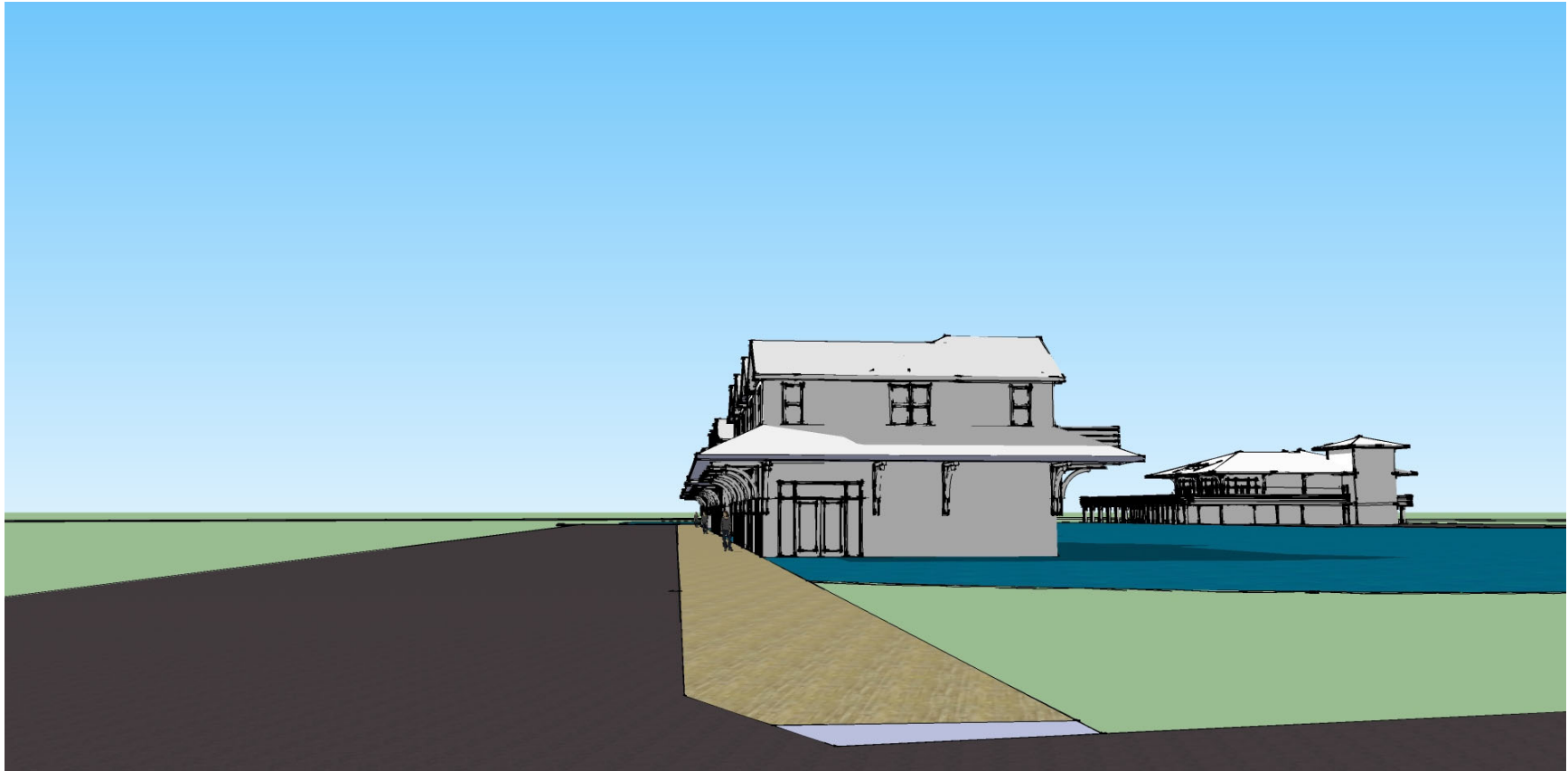


Sound Shore

May 27, 2021

cahoon+kasten

A R C H I T E C T S



Sound Shore

May 27, 2021

cahoon+kasten

A R C H I T E C T S



Land Use Plan Amendment Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information

APPLICANT: Outer Banks Ventures, Inc.
Name: _____
Address: PO Box 549
 Corolla, NC 27927
Telephone: 252-453-4198
E-Mail Address: rcwillis@outerbanksventures.com

PROPERTY OWNER:
Name: Same
Address: _____
Telephone: _____
E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

Property Information

Physical Street Address: Malia Drive
Location: Corolla, NC 27927
Parcel Identification Number(s): 0116-000-0010-0000
Total Parcel(s) Acreage: 36 +/- **Zoning District:** SFO-PUD
Present Land Use: Vacant Land
Current Land Use Plan designation: /Conservation and Full Service

Request (attach additional sheets as necessary)


- **Section of plan to be amended:** Future Land Use Map
- If the request is to amend the Future Land Use Map, please submit a plan showing:
 - General site survey showing lot/parcel dimension
 - Existing uses and structures
 - Zoning of site and surrounding area
 - Current and proposed future land use map designation including sub-area
 - Proposed boundaries of change
 - Location of existing streets that border parcel
- **Statements of Justification – provide sufficient information to explain and justify how the Land Use Plan Amendment request satisfies the following questions:**
 1. Will the proposed amendment support uses that are suitable in the view of the use and development of adjacent and nearby properties? Yes. The land that is proposed to be re-classified is adjacent to existing commercial development and to the Full Service Land classification along its entire southern and eastern boundaries. The land is located adjacent to and will become part of an existing commercial and mixed use hub in Corolla.

2. Will the proposed amendment adversely affect the existing use or usability of adjacent or nearby properties? No. Adjacent properties are commercial condominiums and a wastewater utility.
The amendment will provide for additional compatible commercial and mixed use development.
3. Will the proposed amendment support uses that could result in an excessive or burdensome use of existing public facilities such as streets, schools, transportation facilities, or utilities? No.
Existing streets will be looped through the development and will be able to accomodate traffic; no impacts on schools are anticipated; pedestrian connections will be made to enhance connectivity, and existing utilities have capacity to serve the site.
4. How does the proposed amendment conform to the recommendations of the Future Land Use Plan and any other applicable long range plans? The following policies are supported by this amendment:
(See Attachment)
5. Are there any existing or changing conditions affecting the use or development of the property which justifies either approval or disapproval of the request?
Yes. A new wetland map indicates that the portion of the site that is proposed for classification as full service is not wetlands and is suitable for development.
6. Is there a public need for additional land space to be classified to this request? There is a need in Corolla for additional restaurant, housing, entertainment and recreational opportunities
which can be made available as a result of the approval.
7. How does this request relate to the land suitability analysis found in the Land Use Plan? Are there factors that have changed since the suitability analysis was completed? The land is not a wetland, most of the land is not in a flood hazard area, it has not been classified as a storm-surge area, does have soils that are suitable for development, and is adjacent to existing water and sewer lines. The original analysis in the 2006 LUP appears to be a high-level analysis that did not focus on this particular land.
- Statement of how the Land Use Plan amendment otherwise advances public health, safety, and general welfare: The site is suitable for development in terms of soils, drainage, transportation, utilities, and compatibility with adjacent developments. Public health, safety, and welfare can be advanced through careful planning and design.

Community Meeting (Optional)

Date Meeting Held: _____ Meeting Location: _____

I hereby authorize county officials to enter my property for purposes of determining compliance. All information submitted and required as part of this process shall become public record.



 Property Owner(s)

 Date

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

Answer to Question #4, Continued:

- The Corolla Subarea states in part, “the policy emphasis of this plan it to allow for predominantly medium density residential development (2 to 3 units per acre)... An overall density of no more than 3 units per acre should also apply to PUD’s, the prevailing development form in the Corolla area.”
 - The property is within the developable part of an existing PUD.
- The full service use of this land will be in keeping with many policies of the Land Use Plan, some of which are:
 - Policy ES2 states “ NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the groundwater table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corp of Engineers in protecting such wetlands the section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina.
 - The land that is being considered does not contain any wetlands.
 - Policy OB1 states “Currituck County supports the provision of infrastructure and services adequate to meet basic quality of life and public health and safety requirements of residents of the Outer Banks”.
 - The land is adjacent to and has access to adequate water and sewer facilities.
 - POLICY PA1: Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County.
 - The development that is proposed will provide an opportunity for access to the sound.
 - POLICY PA2: The County supports MANY FORMS OF “ACCESS” to the water, including scenic outlooks and boardwalks, boat ramps, marinas and docks, fishing piers, canoe and kayak launches, and other means of access. Whenever possible, such facilities shall be designed to accommodate the needs of handicapped individuals.

- Development of the land is proposed to include boat docks.

- 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.
 - The site is environmentally suitable, has adequate sewage capacity and transportation facilities available, and is adjacent to existing urban development.

- POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
 - OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
 - COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.
 - The proposed development appears to support both of these development policies, except for the lack of a full service designation with regard to the 2nd policy, which this land should technically have based on the land suitability analysis.



STAFF REPORT
PB 21-15 WINDSWEEP PINES, PHASE 3
(ALLIED PROPERTIES, LLC)
CONDITIONAL ZONING
BOARD OF COMMISSIONERS
OCTOBER 4, 2021

APPLICATION SUMMARY

Property Owner: Allied Properties, LLC 417-D Caratoke Highway Moyock, NC 27958	Applicant: Allied Properties, LLC 417-D Caratoke Highway Moyock, NC 27958
Case Number: 21-15	Application Type: Conditional Rezoning
Parcel Identification Number: 0009-000-006A-0000	Existing Use: Undeveloped acreage within a residential subdivision
Land Use Plan Classification: Rural	Parcel Size (Acres): 15.55-acres includes 1.48-acre parcel split by the railroad right of way
Moyock Small Area Plan Classification: Full Service	Zoning History: A and GB (1989) C-MXR (2015) (2018)
Current Zoning: C-MXR	Proposed Zoning: C-MXR
Request: The request is to establish Windswept Pines Phase 3 - 14 residential lots and associated infrastructure in an undeveloped area of the subdivision.	

REQUEST HISTORY

A conditional zoning of this property was approved in 2015 that established the Conditional Mixed Residential (C-MXR) district known as Windswept Pines development. The 2015 approved development plan created 59 lots (including an existing parcel recombined to provide an entrance to Baxter Lane), 1.48-acres of commercial area and area for a possible future development phase. The future development phase did not have a conceptual design layout that included pedestrian and vehicular circulation plans, drainage facilities or patterns, additional open space or approximate location of jurisdictional wetlands. Since the 2015 conditional zoning approval, the applicant has designed, developed, and built out Windswept Pines, Phases 1 and 2. This application is for Phase 3 of the development.

The property in question is zoned C-MXR and at the time of the conditional zoning was identified as future development area with no identified lot or road layout. On November 5, 2018, the Board of Commissioners approved a conditional zoning amending the conditions and project area of the original approval to provide additional stormwater ponds for Phase 2 of the development.

A second amendment to the C-MXR was submitted in 2019 to add Phase 3 which included 14 residential lots. The Board of Commissioners voted to deny the request by a recorded vote of six to one at their October 21, 2019 meeting because:

- The request is inconsistent with the 2006 Land Use Plan Policy PP2 in that it exceeds the County's ability to provide adequate public facilities, particularly school capacity. The proposed development, located in the Moyock Elementary School District, increases the number of projected students by three (based on the Student Generation Rate Study prepared by Tischler and Associates, Inc (2004)). The Average Daily Membership (ADM) for Moyock Elementary School for August 2019 exceeds the actual school capacity adopted by the Currituck County Board of Education.

NARRATIVE

The North Carolina General Statutes (NCGS 160D-703) allows owners of individual parcels to apply for modification of the conditions provided the modification would not result in other properties failing to meet the terms of the conditional zoning.

The application is being resubmitted following the denial by the Board of Commissioners, as allowed per Section 2.3.16 of the UDO which allows the applicant to submit the same application upon waiting one year after the date of the denial (October 19, 2019).

This conditional zoning request for PIN 0009000006A0000 includes proposed phase 3 for 14 residential lots and proposed Phase 4 for the commercial tract located between Caratoke Highway and the railroad. There are no modifications proposed for the commercial tract. The road extension and access for this phase provides interconnectivity to adjacent lands to the north and east.

The development summary of the proposed phases is shown below:

Phase 3:

Total Area:	15.55-acres
Number of Lots:	14 residential lots
Open Space:	7.51-acres proposed, (4.67-acres required)

Phase 4:

Commercial Parcel: 1.48-acres with a 2,500 square foot building

The development summary of the Windswept Pines development is shown below:

Total Area:	66.87-acre development tract
Residential Lots:	73 lots (including the existing McCrary parcel)
Commercial Lot:	1 parcel with a 2,500 square foot building
Open Space:	
Proposed:	24.57-acres (residential) + 0.15-acres (commercial) = 24.72-acres total
Required:	19.62 acres required (residential) + 0.148-acres commercial = 19.77-acres total

COMMUNITY MEETING

The community meeting was held on May 25, 2021 at 6:00 pm at the Eagle Creek Outdoor Pavilion. The engineer reviewed the proposed development plan and the approval process. The comments received at the meeting included the association turn-over of the common areas, planned drainage improvements, maintenance of the subdivision and drainage infrastructure in the existing phases of Windswept Pines, and proposed developments in the vicinity. A summary of the community meeting is provided in this agenda packet.

APPLICANT PROPOSED ZONING CONDITIONS

1. Use: Subdivision
2. All lots to be greater than or equal to 20,000 square-feet.
3. The project engineer will model stormwater to 100-year storm event and stormwater will be managed from that 100-year storm.

4. The applicant will work with Soil and Water Conservation Department to explore improving the drainage outlet to the east of the development.
5. All residential development will be single-family and will conform to sample building elevations provided.

SURROUNDING PARCELS

	Land Use	Zoning
North	Residential/Woodland/Farmland/ Sand Mine	GB/AG
South	Residential/Business	GB/AG
East	Farmland	AG
West	Cemetery/Farmland Residential	GB/C-MXR

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The policy emphasis for the Moyock subarea is managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. In areas where on-site wastewater is proposed, and other county services are limited development density should be limited to 1-2 units per acre. The proposed development plan may be considered consistent with the Moyock subarea emphasis, but this consideration does not change the 2006 Land Use Plan land use classification of the subject property. This signifies a discrepancy with the UDO dimensional standards for the MXR district. * **The following land use plan policies are relevant to the request:**

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

**Prior zoning map amendments (2015 and 2018) adopted by the BOC placed emphasis on the Moyock Small Area plan future land use map classifying this property as Full Service. A zoning map amendment, PB 18-23 effective May 6, 2019, placed emphasis on the CAMA Land Use Plan. The decision emphasizes the 2006 Land Use Plan as the controlling document and the relation to the UDO dimensional standards for the MXR district signifies a discrepancy between the two plans and requires a Land Use Plan map amendment.*

MOYOCK SMALL AREA PLAN

The Moyock Small Area Plan identifies this site as Full Service. Full-Service designations are focal points in the community where high amounts of activity occur. Typical densities in Full-Service designations range from 1.5 – 3 units per acre depending on surround land uses.

Policy FLU1	Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design and includes larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk step downs, or other architectural and site planning measures that encourage harmony.
--------------------	---

RECOMMENDATION

Technical Review Committee Comments

The Technical Review Committee reviewed this conditional zoning request and identified the following comments:

1. Adopted Plan Consistency:

- a. The 2006 Land Use Plan identifies this property as Rural within the Moyock subarea. The policy's emphasis for the Moyock subarea is managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. In areas where on-site wastewater is proposed, and other county services are limited development density should be limited to 1-2 units per acre.
 - b. The Moyock Small Area Plan identifies this site as Full-Service. This designation identifies areas where there will be significant public investment in infrastructure, and thus can support higher density of development.
 - c. The UDO dimensional standards in the MXR zoning district provide the maximum gross density of 2 units per acre in the Full-Service area and 1 unit per acre in the Limited-Service Area. The UDO does not provide density allocation for property in the Rural land use classification. The MXR zoning district purpose provides more intense development density and uses than the areas typically identified as the Rural land use classification.
 - d. Prior zoning map amendments, including the amendments in 2015 and 2018, placed emphasis on the Moyock Small Area plan allowing for the full-service development density of 2 units per acre. However, a zoning map amendment, PB 18-23 with an effective date of May 6, 2019, placed emphasis on the 2006 Land Use Plan as the approved CAMA plan. That decision, if applied to this property, would not meet the county UDO since this area is identified as Rural with no development density allocated.
 - i. Windswept Pines, as approved, has a development gross density of 0.88 dwelling units per acre (66.8 acres – including 1.48 acres commercial lot).
 - ii. The total gross development density for phases 1-3 is 1.09 dwelling units per acre.
 - e. Based on the 2019 decision, an amendment to the 2006 Land Use Plan land use map (Rural to Full Service) is necessary for this increase in development density to be allowed under the UDO.
2. Smaller lots in the Moyock area, including Windswept Pines, generally meet the minimum off-street parking requirements, but some property owners are parking on the street. On-street parking is not permitted for this development. The applicant has agreed to installation of "No Parking" signage. The Board may wish to consider an agreed upon condition to address the parking issues.
 3. Conditional zonings are legislative decisions of the board and not controlled by any one factor. In determining whether to adopt or deny a proposed request, the board may consider the standards in UDO Section 2.4.3.C. One of the factors is whether the proposed development is adequately serviced by public facilities.
 - a. The Moyock Elementary School is currently over capacity*. This is a conditional zoning application and conditions that are agreed upon by the applicant and the county can be placed on the project to address timing of development and the completion of the proposed expansion of the Moyock Elementary School. Timing conditions could include phasing or the submittal of application (preliminary plat/special use permit, construction drawings, or final plat).

****According to an email from the former county manager (June 7, 2021 and June 22, 2021), the contract for Moyock Elementary School expansion was executed by both parties with a substantial completion date of August 1, 2023. The expansion should increase the capacity of Moyock Elementary School to 750 students (529 current capacity).***

ADEQUATE PUBLIC FACILITIES – SCHOOLS ¹		
School	2021-2022 Actual Capacity ²	Committed Capacity ³
Moyock Elementary	116%	122%
Shawboro Elementary	99%	
Central Elementary	91%	
Griggs Elementary	61%	102%
Jarvisburg Elementary	91%	
Knotts Island Elementary	37%	37%
Moyock Middle	95%	91%
Currituck Middle	62%	
Currituck High	80%	99%
JP Knapp Early College	89%	

¹Does not include minor subdivisions, exempt subdivisions, and subdivisions approved prior to the adoption of the adequate public facilities ordinance (October 1994)

²Capacity percentages are based on 2021-2022 school year classroom standards and May 2021 ADM

³Capacity percentages are based on the 2021-2022 school year classroom standards and May 2021 ADM

4. Conditional zonings are not exempt from a spot zoning challenge. Given the size of this request the Board must be assured that all factors defining reasonable spot zoning are considered in their hearing and decision.

Technical Review Committee Recommendation

Provided adequate public facilities are available to serve the proposed development, the Technical Review Committee recommends approval of the conditional zoning application subject to the following conditions (must be agreed upon by the county and the applicant):

1. The 2006 Land Use Plan future land use map must be amended to identify the property as Full-Service area as part of the motion for approval.
2. "No Parking" signage shall be installed in Phase 3 at locations suggested by the Fire Office (RECOMMENDED).

CONSISTENCY STATEMENT

A conditional zoning is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a conditional rezoning the Board of Commissioners shall adopt a written statement of consistency.

The conditional zoning request is consistent with and amends the 2006 Land Use Plan by designating this property as Full-Service on the future land use map because the amendment recognizes and implements the Full-Service designation of the Moyock Small Area Plan adopted by the Board of Commissioners.

The request is reasonable and in keeping with the changed conditions acknowledged by the Moyock Small Area Plan and addresses the demonstrated community need of providing a Full-Service area that offers both residential and commercial uses in the development.

CONDITIONS OF APPROVAL

Only conditions mutually agreed to by the owner(s) may be approved as part of a conditional zoning district. Conditions shall be limited to those that address conformance of development and use of the site with county regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use. No condition shall be less restrictive than the standards of the parallel general use zoning district.

Agreed upon conditions of approval:

1. Use: Subdivision
2. All lots to be greater than or equal to 20,000 square-feet.
3. The project engineer will model stormwater to 100-year storm event and stormwater will be managed from that 100-year storm.
4. The applicant will work with Soil and Water Conservation Department to explore improving the drainage outlet to the east of the development.
5. All residential development will be single-family and will conform to sample building elevations provided.

Technical Review Committee recommended condition that must be agreed upon by the applicant and the county:

1. "No Parking" signage shall be installed in Phase 3 at locations suggested by the Fire Official (RECOMMENDED).

Planning Board Recommendation

On August 10, 2021, the Planning Board recommended approval of the conditional zoning application subject to conditions with a 5-0 vote.

Motion

Mr. Doll moved to **approve PB 21-15** because the request is consistent with and amends the 2006 Land Use Plan by designating this property as Full Service on the future land use map because:

- o The amendment recognizes and implements the Full-Service designation of the Moyock Small Area Plan adopted by the Board of Commissioners.
- o The proposed gross density allocation of Phase 3 is 0.90 dwelling units per acre is in keeping with the Full-Services designation of the Moyock Small Area Plan. The designation identifies areas where there will be significant public investment in infrastructure and can support higher density of development.
- o MSAP Policy FLU1 promotes compatibility between new development and existing development to avoid adverse impacts to the existing community.

And the request is reasonable and in keeping with:

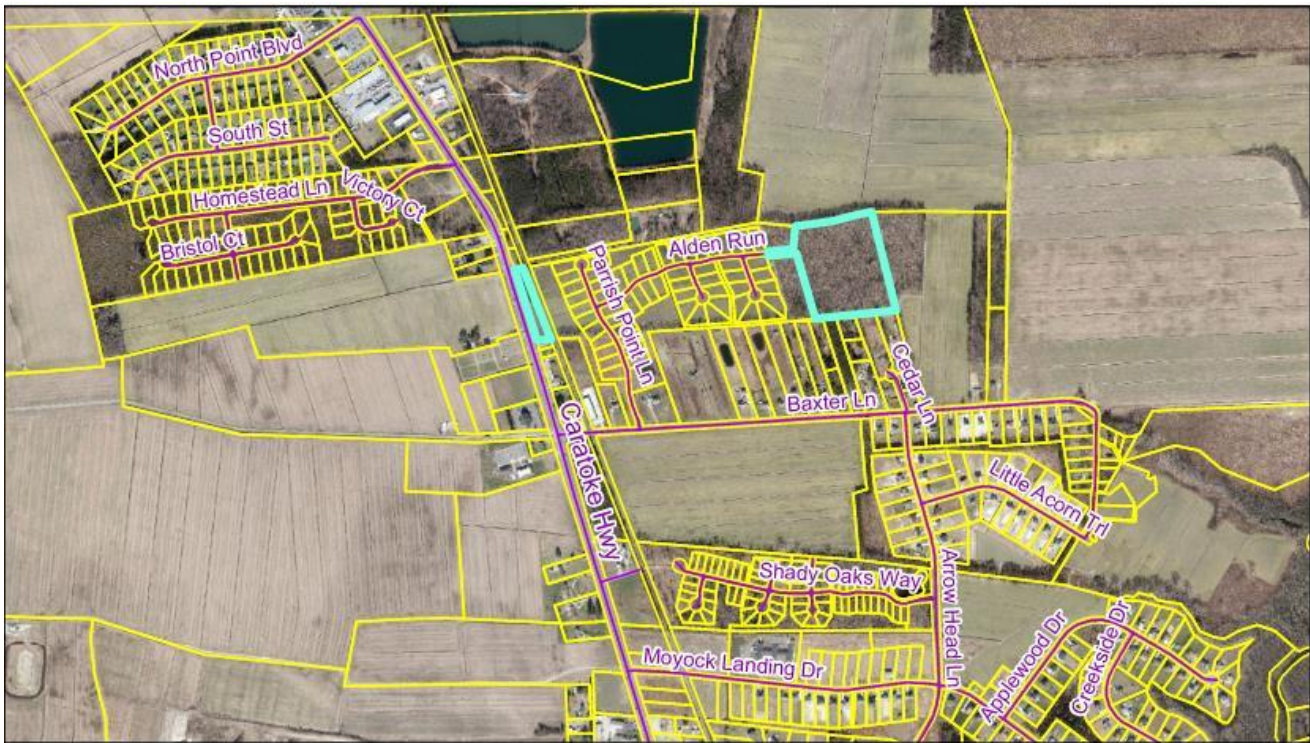
- o Changed conditions acknowledged by the Moyock Small Area Plan, and
- o Addresses the demonstrated community need of providing a Full-Service area plan that offers both residential and commercial uses in the development.

Conditions of Approval:

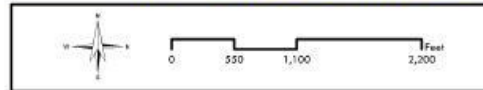
1. Use: Subdivision
2. All lots to be greater than or equal to 20,000 square feet.
3. The project engineer will model stormwater to 100-year storm event and stormwater will be managed from that 100-year storm.
4. The applicant will work with Soil and Water Conservation Department to explore improving the drainage outlet to the east of the development.
5. All residential development will be single family and will conform to sample building elevations provided.
6. "No Parking" signage shall be installed in Phase 3 at locations suggested by the fire Official.

Mr. Bass seconded the motion and the motion carried unanimously.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
[Planning Board](#)
[Board of Commissioners](#)



PB 21-15 Windswept Pines
Conditional Zoning
Aerial



Currituck County
Planning and Community
Development



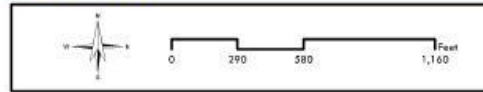
PB 21-15 Windswept Pines
Conditional Zoning
Zoning



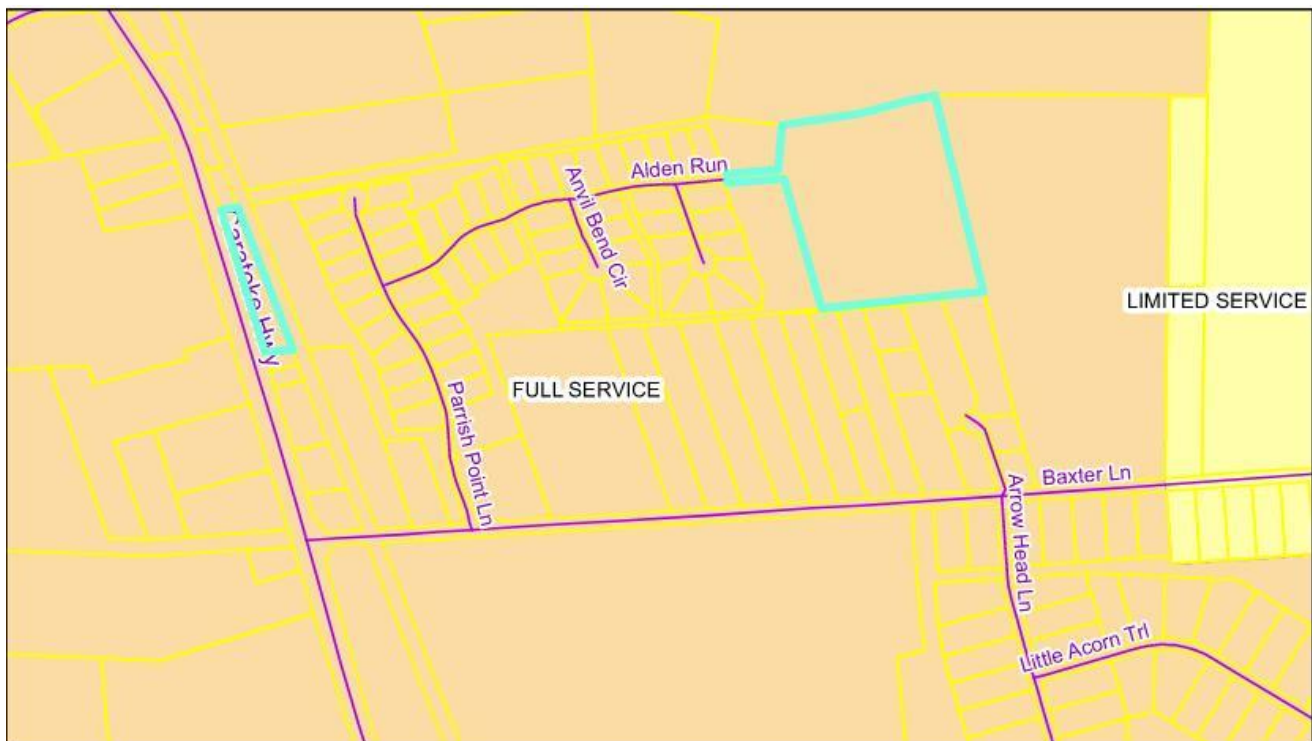
Currituck County
Planning and Community
Development



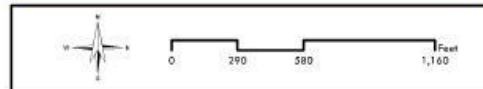
PB 21-15 Windswept Pines
Conditional Zoning
2006 Land Use Plan



Currituck County
Planning and Community
Development



PB 21-15 Windswept Pines
Conditional Zoning
Moyock Small Area Plan



Currituck County
Planning and Community
Development



Conditional Rezoning Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information
APPLICANT:

Name: Allied Properties, LLC
 Address: 417-D Caratoke Hwy.
Moyock, NC 27958
 Telephone: 252-
 E-Mail Address: jold

PROPERTY OWNER:

Name: Same
 Address: _____
 Telephone: _____
 E-Mail Address: _____
Same

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: _____

Property Information

Physical Street Address: Alden Run
 Location: Windswept Pines Phase 3
 Parcel Identification Number(s): 0009-000-006A-0000
 Total Parcel(s) Acreage: 15.55 ac
 Existing Land Use of Property: Vacant phase of MXR Development

Request

Current Zoning of Property: _____ Proposed Zoning District: _____

Community Meeting

Date Meeting Held: _____ Meeting Location: _____

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): Residential Subdivision

Proposed Zoning Condition(s):

1. - Proposed Use: Subdivision.
2. - All lots to be greater than or equal to 20,000 sq. ft.
3. - Model stormwater to 100 year storm event and manage stormwater from 100 year storm.
4. - Work with soil and stormwater department to explore improving drainage outlet to the east.
5. - All residential development will be single family and will conform to sample building elevations provided.

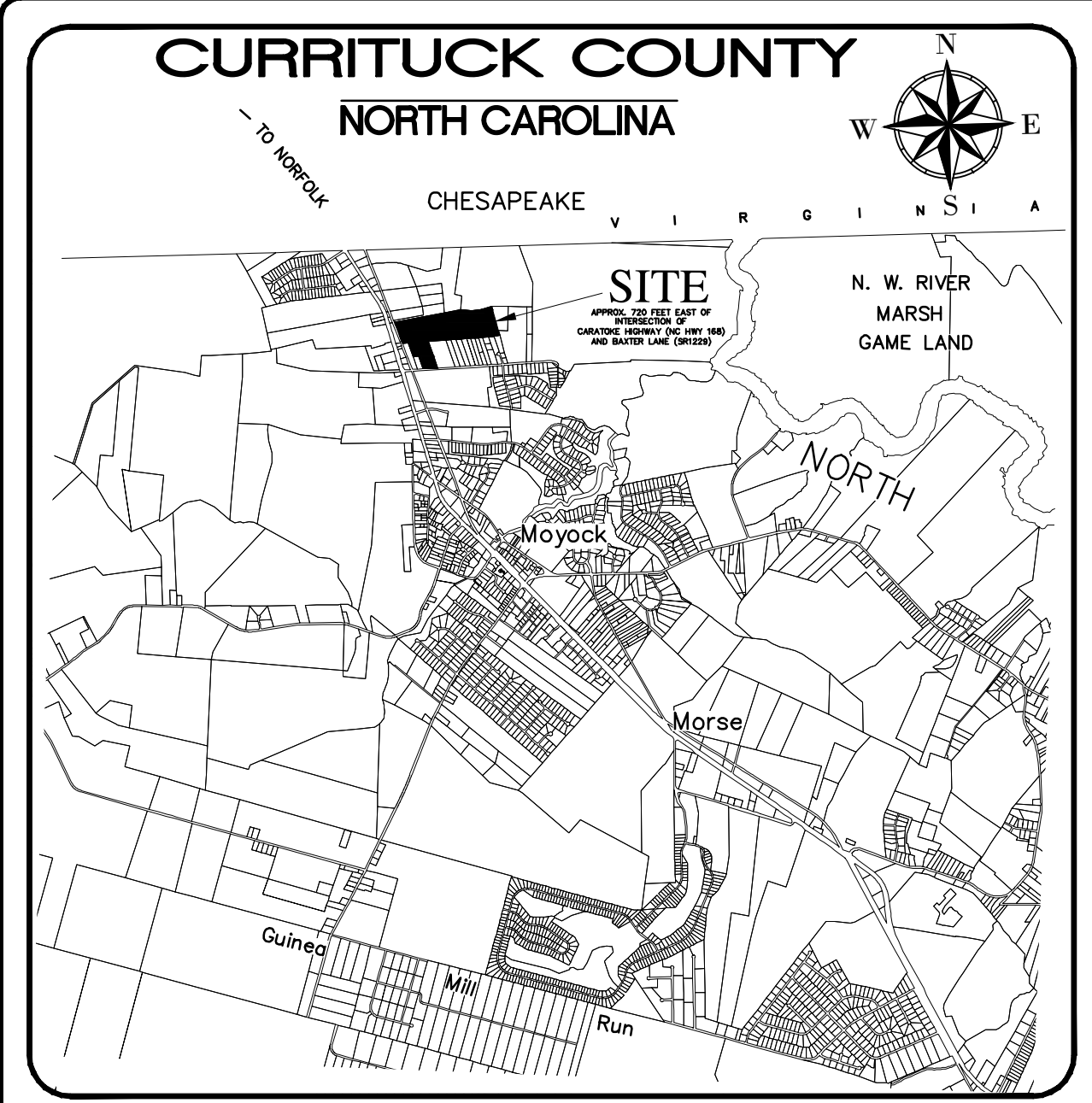
An application has been duly filed requesting that the property involved with this application be rezoned from:
to:

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

Property Owner(s)

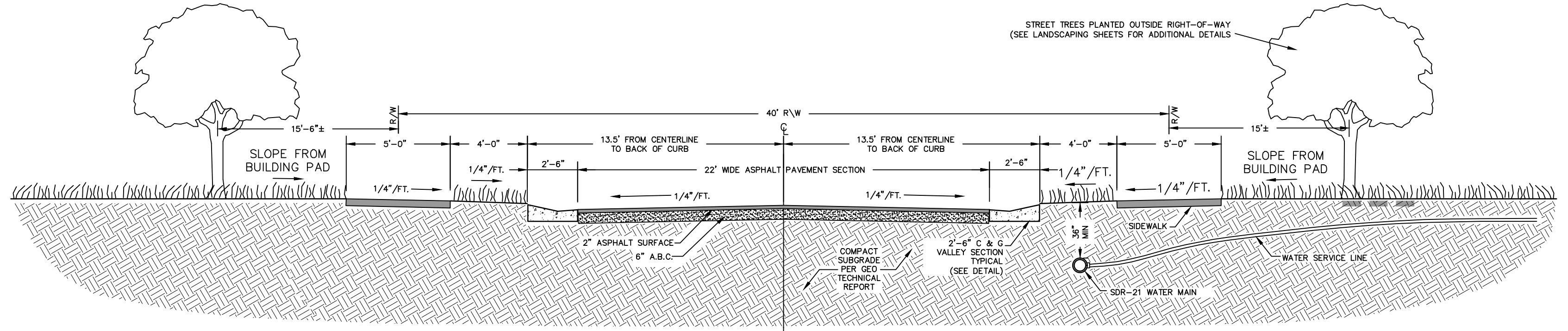
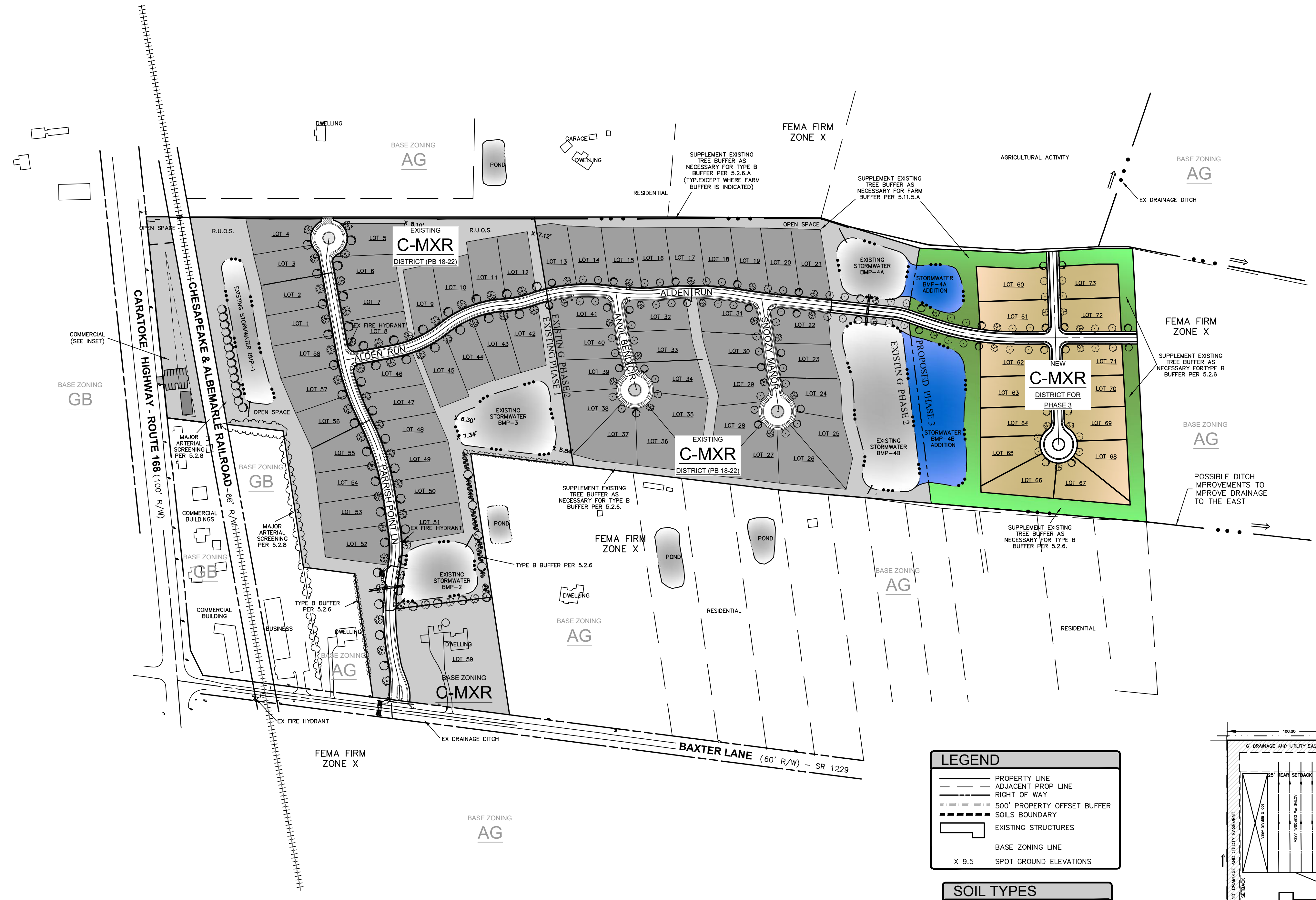
5/12/2021
Date

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.

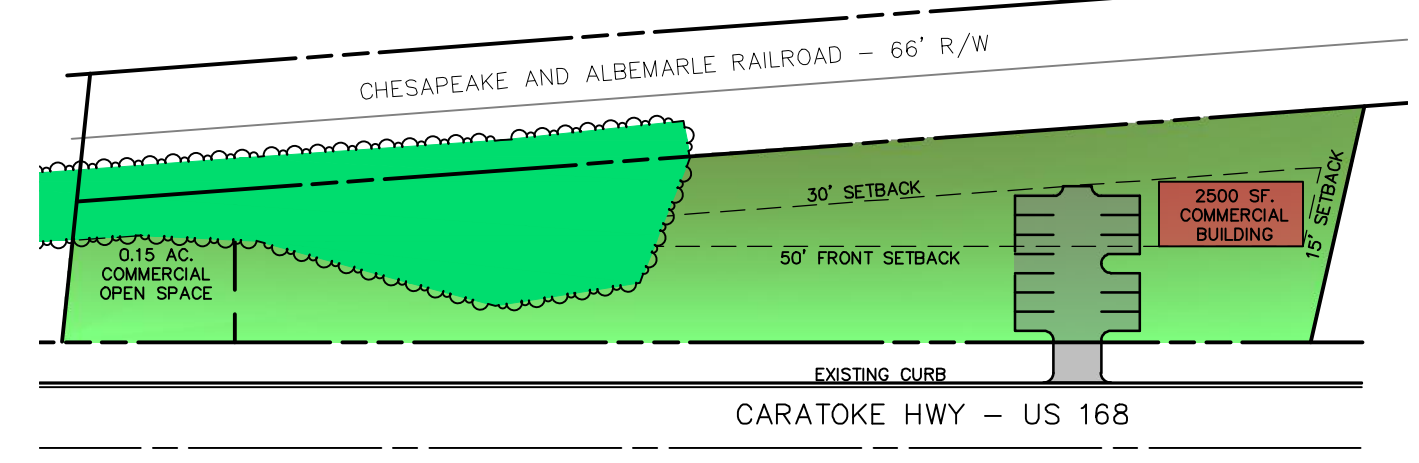
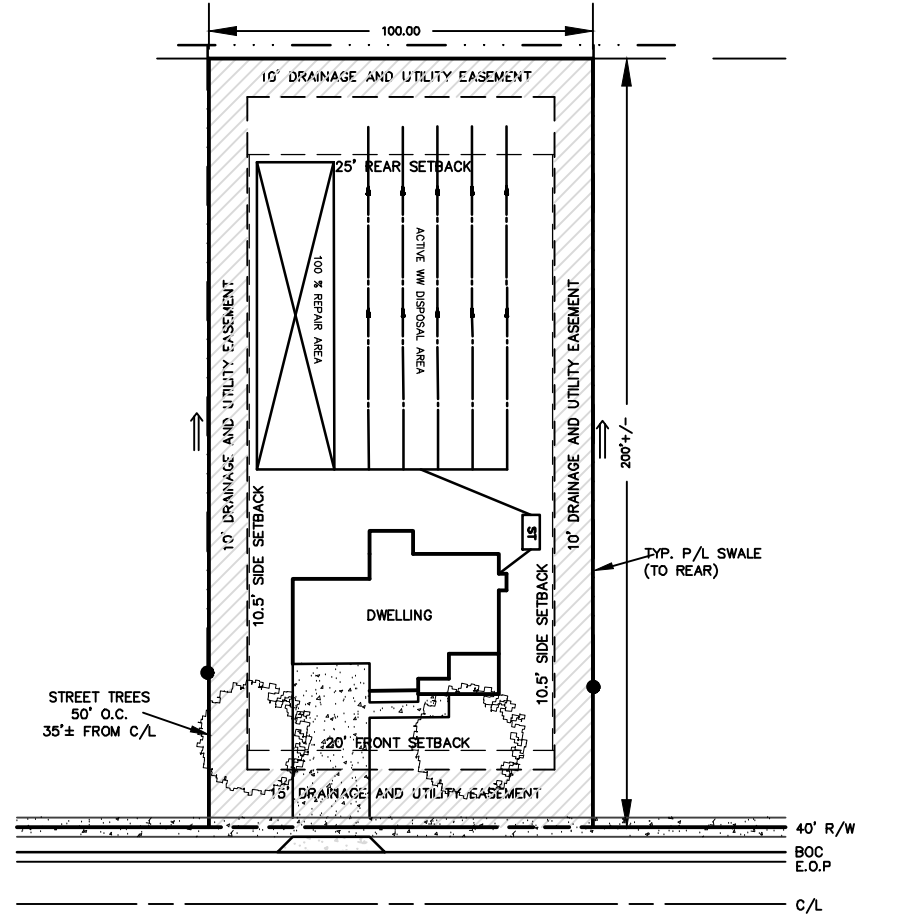
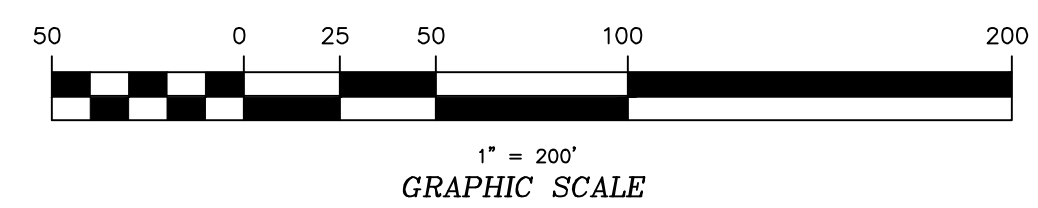


VICINITY MAP
SCALE: 1" = 5000'

PROPERTY OWNERS:	NAME	ADDRESS	PHONE NUMBER	EMAIL
ALLIED PROPERTIES, LLC	417 CARATOKE HWY UNIT D, MOYOCK, NC 27958	252-435-2718	jald@bhac.com	
SITE ADDRESS:	ALDEN RUN, MOYOCK, NC			
PARCEL ID:	0009-000-006A-0000			
EXISTING PROPERTY ZONING:	C-MXR			
INTENDED USE:	ADDITION OF 14 SINGLE FAMILY LOTS			
STREET CONNECTIVITY INDEX = 10/7 = 1.43				
AREA CALCULATIONS:				
1. TOTAL PROPERTY AREA:	66.87 AC.			
McCRARY LOT AREA:	2.50 AC.			
COMMERCIAL AREA:	1.48 AC.			
SUBDIVISION DEVELOPMENT AREA:	62.89 AC.			
2. DEVELOPMENT SUMMARY - PHASE 1				
LOT AREA:	13.41 AC.			
McCRARY LOT AREA:	2.50 AC.			
OPEN SPACE AREA:	10.87 AC.			
R/W AREA:	2.28 AC.			
TOTAL PHASE #1 AREA:	23.66 AC.			
# OF LOTS:	30 (INCLUDES McCRARY LOT)			
AVERAGE LOT AREA:	23,101 SQ. FT.			
3. DEVELOPMENT SUMMARY - PHASE 2				
PROPOSED LOT AREA:	14.30 AC.			
PROPOSED OPEN SPACE AREA:	6.59 AC.			
PROPOSED R/W AREA:	1.87 AC.			
TOTAL PHASE #2 AREA:	22.66 AC.			
# OF PROPOSED LOTS:	29			
AVERAGE LOT AREA:	21,322 SQ. FT.			
4. DEVELOPMENT SUMMARY - PHASE 3				
PROPOSED LOT AREA:	6.86 AC.±			
PROPOSED OPEN SPACE AREA:	7.51 AC.±			
PROPOSED R/W AREA:	1.44 AC.±			
TOTAL PHASE 3 AREA:	15.55 AC.±			
# OF PROPOSED LOTS:	14			
AVERAGE LOT AREA:	21,000 SQ. FT.±			
RIGHT-OF-WAY WIDTH:	40 FT.			
PAVED ROADWAY WIDTH:	27 FT. (W/ C&G)			
LINEAR FEET OF SUBDIVISION ROADWAY:	5,471 LF.±			
5. OPEN SPACE SUMMARY:				
REQUIRED:				
TOTAL SUBDIVISION AREA:	65.39 AC. ± 30% = 19.62 AC.			
TOTAL COMMERCIAL AREA:	1.48 AC. ± 10% = 0.15 AC.			
PROVIDED:				
TOTAL SUBDIVISION OPEN SPACE AREA:	24.57 AC.			
TOTAL COMMERCIAL OPEN SPACE AREA:	0.15 AC.			

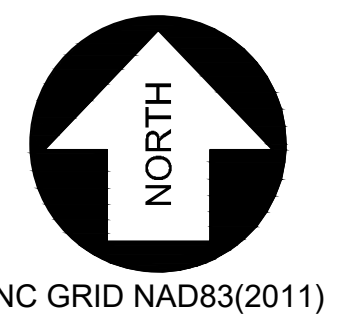


TYPICAL SUBDIVISION ROADWAY SECTION W/ UTILITIES
NOT TO SCALE SECTION VIEW



TYPICAL DIMENSIONAL STANDARDS
COMMERCIAL TRACT SIZE = 1.48 Acres
SCALE 1"=100'

NOTE:
LAYOUT IS CONCEPTUAL
ONLY AND SUBJECT TO
CHANGE IN FINAL
DEVELOPMENT SITE PLAN.



NC GRID NAD83(2011)

BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

C-MXR DISTRICT PLAN
FOR PHASE 3

WINDSWEPT PINES
CURRITUCK COUNTY
MOYOCK TOWNSHIP
NORTH CAROLINA

CONCEPTUAL DEVELOPMENT PLAN

NO.	DATE	DESCRIPTION	BY
1	6/29/18	AMENDED PHASE 1 TO ADD FLOODING	DMK
2	10/26/18	OPEN SPACE CALC.	DMK
3	11/26/18	BASE ZONING CALC.	DMK
4	7/23/20	BASE ZONING CALC.	DMK
5	5/27/21	2021 APPLICATION	DMK
6	6/22/21	TIC COMMENTS	DMK

DATE: 6/29/18 SCALE: 1"=200'

DESIGNED: BPG CHECKED: MSB

DRAWN: KFW/DMK APPROVED: BPG

SHEET: 1 OF 1

CAD FILE: 455800DSP2

PROJECT NO: 4558

Attachment: 3-Windswept Pines P3 Conceptual Plan (PB 21-15 Windswept Pines, Phase 3)

PROGRESS
DRAWING
DO NOT USE FOR
CONSTRUCTION



Attachment: 4-Windswept Pines P3 Typical Homes (PB 21-15 Windswept Pines, Phase 3)



Attachment: 4-Windswept Pines P3 Typical Homes (PB 21-15 Windswept Pines, Phase 3)



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Attachment: 4-Windswept Pines P3 Typical Homes (PB 21-15 Windswept Pines, Phase 3)

4558 Windswept Pines - Phase 3 Conditional Zoning Amendment and Amended Preliminary Plat

Community Meeting Minutes

Tuesday, May 25, 2021

Scheduled Time/Place: 6:00 pm, Eagle Creek Outdoor Pavilion, Moyock, NC

Meeting Began at 6:05 pm

**Attendees: Justin Old, Representing the Developer
Jason Litteral and Dylan Lloyd, Representing Currituck County
Mark Bissell, Representing the Engineering Firm
Nearby Community Residents(please refer to the
attached sign-in sheet)**

Summary:

An outline of the meeting presentation is attached. The residents were provided an overview of the review and approval process for this type of project, and were provided a description of the main elements of the development plan. A map showing the context of the site as well as the preliminary development plan were presented. It was explained that the community **meeting is intended to cover both the conditional zoning and preliminary plat applications.**

An overview of stormwater management was also presented, along with the developer's proposed zoning conditions to model and manage the 100-year storm event, and to work with the county in an effort to improve an off-site drainage way to the east.

The following comments and concerns were expressed by the Community members, and responses that were given are shown next to each comment below. The majority of the comments had to do with operation and maintenance of common areas and elements, and the schedule for HOA turnover.

Comments from the Community	How Addressed
Did the stormwater ordinance change?	The proposed changes were tabled for more study regarding upstream and downstream conditions.
When are the common areas being turned over to the association?	We are waiting for NCDOT to accept the roads. They have been very slow but have started to accept them again. An inspection took place recently and NCDOT is developing a punch list.
The home owners would like to do plantings in the cul-de-sac islands but have been told this cannot be done until turnover.	The developer will look into it.
Pond maintenance is needed on the Phase 2/3 pond.	The same routine maintenance is not being done there because they will be drained and reshaped as part of the Phase 3 development, but the developer will look into getting them treated.
There was discussion regarding the Baxter Station property on the other side of Baxter Lane. What is the schedule for that project, will there be stormwater retention ponds, and what about	The Baxter Station plan is expected to move forward in the next few months. There will be large stormwater basins along Baxter Lane if this plan is approved, and the developer will be work

other drainage improvements?	obtain permission to replace the culvert at the end of Baxter Lane that is currently a constriction with a larger pipe that is properly sized and graded.
What is the plan for the new stormdrain to the east?	(Most of the answer was provided by Dylan Lloyd) Easements are being obtained to improve the boundary ditch along Windswept Pines as well as a ditch that will run due east across a farm field and ultimately discharge to the creek. There is between 3 and 4 feet of fall available to accomplish that, which should provide a better stormwater outlet.
When will this all take place?	It is expected to be at least a year before all permits are in place for construction to begin.
Windswept Pines is not flooding anymore.	Cool.
We are gradually getting the maintenance improved.	The developer is working on getting it standardized.
Who maintains the ponds, weirs, ditches etc.?	The stormwater manager makes monthly visits.
What is the cost of a fountain and can one be added?	The cost between \$10,000 and \$15,000 including electrical work. We will look into providing one in Phase 3.
Is there routine maintenace scheduled for all ponds?	There's monthly treatment for algae in all except the back pond but an algae treatment will be performed there as an interim measure. After Phase 3 is developed that pond will get on the monthly maintenance schedule as well.
Material that was cleaned from the ditches was dumped in Phase 3 and smelled terrible.	It was primarily sand and silt, but there was some mud in there that did have an odor. This was put on the undeveloped Phase 3 property which is their custom.
Rather than fountains, aerators could be provided.	The developer will look into it.
What can be done to require dominion power to put in the power boxes correctly? They are tilted, encroaching into the sidewalks and not at proper grade.	There does not seem to be any accountability and it has been a frustrating experience for all.
Is any other internet provider going to be able to provide service?	Nothing is presently in the works.
What about Mediacom?	So far as we know they are only providing service in Lakeview right now, but keep providing marketing materials in the TRC responses.
How many lots can be served by a single road?	There are some subdivisions that have several hundred, but the UDO now has a schedule of how many connections are required for various numbers of lots. Future stub roads are counted as connectivity roads.
Will there be more development to the east?	There are no plans at this time to move to the east as there are numerous heirs who do not have the same objectives. If that land is developed it is possible that another connection could be made back to Baxter Lane. A road will be stubbed in that direction.

The main part of the meeting ended at approximately 7:10 PM; with a few of the community members staying to look at the maps and further discuss the details of the development after the regular meeting had adjourned, until about 7:40 PM.

Windswept Pines - Phase 3 Community Meeting

Outline of Presentation

May 25, 2021

6:00 PM

A. Housekeeping –

- Please sign-in
- A record of the Community meeting will be provided to Currituck County.
(concerns raised/ attempts to address concerns)

B. What is the Request?

- Amendments to Conditional Zoning and Preliminary Plat
- Next steps in the approval process –before construction plans

C. The Process:

- Pre-application meeting with County
- Community meeting (now)
- TRC review
- PB review
- BOC hearing/action

Then:

- Preliminary Plat Application, TRC & BOC Hearing
- Construction drawings
- State & local permitting & approvals
- Construction
- Final plat application

D. The Plan:

- The street and lot layout is unchanged (Still proposing 20,000 sq ft minimum lots – and most are larger)
- Increasing open space to provide more stormwater ponds
- 100-year storm event modeling & management
- Working with County on SW outlet to the west
- (future Baxter improvements)

E. Questions & Comments

Windswept Pines - Phase 3

Amended Conditional Rezoning

May 25, 2021

NAME	ADDRESS	TELEPHONE	E-MAIL
Mark Bissell	PO 1068 Kitty Hawk	(252) 261-3266	markb@bissellprofessionalgroup.com
Larry Towell	103 Anvil Bend Circle	(757) 615 1591	larry-towell@yahoo.com
Aaron Weaver	102 Anvil Bend Cir	757 374 9168	watkins1022@gmail.com
LARRY RUDS	108 SMOOZY MANOR LN	757 535 0464	homefront05@gmail.com
JASON ROONEY	103 SMOOZY MANOR LN	757-298-6290	jason.l.rooney@gmail.com
Greg Stallard	105 SMOOZY MANOR LN	360 979-6911	kylid2727@yahoo.com
Dylan Lloyd	Local Govt.	252 - 232-3360	dylan.lloyd@currituckcountync.gov
P. Tucker	121 Alden Run	757-	paratucker@verizon.net
JASON LITTELL	156 Courthouse Rd.	252-232-6052	jason.litell@currituckcountync.gov
Sheila York	104 SMOOZY MANOR LN	530-576-7567	sheilayork@hotmail.com
Ken Pollesel	"	530-519-4546	kenpollesel@gmail.com
Chris Sager	116 Paeis Point Lane	(919) 774-3532	CHRIS.SAGER@NOAA.GOV



Currituck County

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

MEMORANDUM

To: Allied Properties, LLC
 Bissell Professional Group

From: Planning Staff

Date: June 10, 2021

Re: Windswept Pines, Phase 3 Conditional Rezoning TRC Comments

The following comments have been received for the June 9, 2021 TRC meeting. In order to be scheduled for the August 10, 2021 Planning Board meeting, please address and satisfy the comments and resubmit a corrected plan by 3:00 p.m. on June 24, 2021. TRC comments are valid for six months from the date of the TRC meeting.

Planning (Donna Voliva 252-232-6032)

Reviewed

1. A minor modification must be filed for the existing conditional district (C-MXR PB 18-22) to address the changes to the conceptual development plan (commercial building setback (30' to 15', pond expansion). Clarify if additional changes are needed to the conceptual development plan.
2. The application for Phase 3 shall include a conceptual development plan for the requested new district, phase 3, including phasing. The existing district can be shown on the Phase 3 plan, but would be identified as C-MXR (PB 18-22).
3. Can you describe the stormwater management infrastructure differences between the proposed 100 year storm event and the minimum stormwater detention requirements for a major subdivision?
4. The county GIS maps indicate the proposed development may contain wetlands (source: NC Division of Coastal Management). Can you provide a copy of the wetland delineation for this area?
5. This area is identified in the 2006 LUP as Rural and under this classification the UDO does not provide development densities in the MXR district. The Moyock Small Area plan identifies this area as full service. Previous approvals placed emphasis on the Moyock Small Area plan. During a BOC decision regarding a planned development application, the applicant's attorney indicated the CAMA adopted plan takes precedence over the Moyock Small Area Plan. The BOC adopted the map amendment with emphasis on the CAMA adopted plan. Additional time shall be given for advertisement necessary to amend the LUP. The board must include, as part of the motion, an amendment to the LUP.
6. In order to address on street parking violations, staff recommends including a zoning condition that requires no parking signage along the streets in this subdivision. County ordinance does not allow on-street parking for this type of development.
7. Conditional zonings are not exempt from a spot zoning challenge. Given the size of this request, the board must be assured that all factors defining reasonable spot zoning are considered in their hearing and decision.

8. Conditional zonings are legislative decisions of the board and not controlled by any one factor. In determining whether to adopt or deny a proposed request, the board may consider the standards in UDO, Section 2.4.3.C. One of the factors is whether the proposed development is adequately serviced by public facilities. The Moyock Elementary School is currently over capacity*. This is a conditional zoning application and conditions can be placed on the project (that are agreed upon by the applicant and the county) to address timing of development and the completion of the proposed expansion of the Moyock Elementary School. Timing conditions could include phasing or submittal of the preliminary plat/use permit application.

****According to a January 15, 2021 email, the County Manager “expects to give the notice to proceed with the school expansion project by June 1st. The expansion should increase the capacity of Moyock Elementary School to 750 students. The project should be completed by the start of the 2023-2024 school session. Because of the expansion project this summer, we will have a solution to our adequate public facility issue regarding Moyock Elementary within two years (from June 1st – staff addition).”***

NC Division of Coastal Management (Charlan Owens, 252-643-3901)

No Comment

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

Reviewed

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

Reviewed

Currituck County Building and Fire Inspections (Bill Newns, 252-232-6023)

Reviewed

1. Fire hydrants must be within 500' of all road frontages.
2. Cul de sacs must be 96' in width curb to curb at the center of the cul de sac.
3. Provide “no street parking” signage at street entrances, cul de sacs, provide “no parking signage at fire hydrants”.
4. Mark fire hydrants locations in the center of road/street with blue reflectors, install no parking signage at hydrant locations.
5. Dwellings greater than 4800 sq. ft. and/or greater than 2 stories will be calculated using the ISO commercial method.
6. Dwellings 4800 sq. ft. and no greater than 2 stories may use setbacks as indicated in the ISO method to determine Needed Fire Flow.
7. Cluster mailbox units must be accessible (accessible route, reach ranges)
8. Accessible routes must be provided to all amenities such as pools, boardwalks, piers, docks, and other amenities within the development. Plans must be designed to the 2018 NC Building Code design loads and structures must meet ADA requirements.
9. Curb cuts at vehicular traffic areas and pedestrian crossings must be ADA compliant and have detectable warning devices installed.
10. Soil engineering reports for footings will be required for lots that have fill placed on them where the footings do not rest at a minimum of 12" below grade on undisturbed natural soil. Site preparation, the area within the foundation walls shall have all vegetation, topsoil and foreign material removed.
11. Compaction testing will be required for slabs and thickened footing areas that exceed 24" of fill. Fill material shall be free of vegetation and foreign material. The fill shall be compacted to ensure uniform support of the slab, and except where approved, the fill depths shall not exceed 24 inches for clean sand or gravel and 8 inches (203 mm) for earth.

Currituck Soil and Stormwater (Dylan Lloyd 252-232-3360)

Approved

1. Soil and Water is in talks with developer and engineer to provide alternate outlet for runoff by regrading ditch line at property boundary between Windswept Pines and Baxter Lane parcels. Ditch shall follow historic alignment eastward from the NE corner of 151 Baxter Ln to 249 Baxter Ln, then north until it intersects and follows existing drainage ways to Shingle Landing Creek.
2. Developer has agreed to regrade and improve ditch line as residents on Baxter lane have agreed to access for repairs. Easements of 25' on both sides of ditch shall be provided for maintenance.

Currituck County Public Utilities, Water (Dave Spence and Will Rumsey 252-232-2769)

No comment

Currituck County Engineer (Eric Weatherly, 252-232-6035)

No comment received

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

Reviewed

1. Owner/developer needs to consult with Kevin Carver, RS (252-232-6603) for these lots that make up this proposed subdivision.

The following items are necessary for resubmittal:

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

U.S. ARMY CORPS OF ENGINEERS WILMINGTON DISTRICT

Action Id. SAW-2017-01621 County: Currituck U.S.G.S. Quad: Moyock SE

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner/Applicant: Windswept Pines / Allied Properties, LLC

Address: 417 Caratoke Hwy, Unit D

Moyock, North Carolina 27958

Telephone Number: 252-435-2718

Size (acres) 13.8-acres
Nearest Waterway Northwest River
USGS HUC 03010205

Nearest Town Moyock
River Basin Pasquotank
Coordinates Latitude: 36.543968 N
Longitude: -76.181195 W

Location description: Property is an approximate 13.8-acre parcel located at the terminus of Alden Run, in the Windswept Pines Subdivision, adjacent to Shingle Landing Creek, in the Town of Moyock, Currituck County, North Carolina. Currituck County Deed Book 1391. Pages 856 & 861. The Project Area includes drainage of 200 linear feet from each existing drainage ditch.

Indicate Which of the Following Apply:

A. Preliminary Determination

PWA There are waters, including wetlands, on the above described property that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). The waters, including wetlands, have been delineated, and the delineation has been verified by the Corps to be sufficiently accurate and reliable. Therefore this preliminary jurisdiction determination may be used in the permit evaluation process, including determining compensatory mitigation. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction.

There are wetlands on the above described property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). However, since the waters, including wetlands, have not been properly delineated, this preliminary jurisdiction determination may not be used in the permit evaluation process. Without a verified wetland delineation, this preliminary determination is merely an effective presumption of CWA/RHA jurisdiction over all of the waters, including wetlands, at the project area, which is not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the waters of the U.S. on your property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

B. Approved Determination

There are Navigable Waters of the United States within the above described property subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

There are waters of the U.S., including wetlands, on the above described property subject to the permit requirements of Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

We recommend you have the waters of the U.S. on your property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

SAW-2017-01621 Windswept Pines Ditches

The waters of the U.S., including wetlands, on your project area have been delineated and the delineation has been verified by the Corps. If you wish to have the delineation surveyed, the Corps can review and verify the survey upon completion. Once verified, this survey will provide an accurate depiction of all areas subject to CWA and/or RHA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

The waters of the U.S., including wetlands, have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on Date. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

- There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

PWS ☒ The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Elizabeth City, NC at 252-264-3901 to determine their requirements.

Placement of dredged or fill material within waters of the US, including wetlands, without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). Placement of dredged or fill material, construction or placement of structures, or work within navigable waters of the United States without a Department of the Army permit may constitute a violation of Sections 9 and/or 10 of the Rivers and Harbors Act (33 USC § 401 and/or 403). If you have any questions regarding this determination and/or the Corps regulatory program, please contact Raleigh W. Bland, PWS at (910) 251-4564 or Raleigh.w.bland@usace.army.mil.

C. Basis For Determination: The delineated wetlands on this site meets the wetland criteria as described in the 1987 Corps Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain Regional Supplement to the 1987 Wetland Delineation Manual. The wetlands are a part of a broad continuum of wetlands connected to Shingle Landing Creek and the Northwest River.

D. Remarks: Department of the Army authorization is required to work within any jurisdictional waters and or wetlands on the property. There is a 200 linear foot drainage setback off of each of the existing drainage ditches in this wooded parcel in this area.

E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers
South Atlantic Division
Attn: Jason Steele, Review Officer
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801

Attachment: 7-Windswept Pines P3 PJD (PB 21-15 Windswept Pines, Phase 3)

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Windswept Pines	File Number: SAW 2017-01621	July 9, 2018
Attached is:		See Section below
<input type="checkbox"/> INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
<input type="checkbox"/> PROFFERED PERMIT (Standard Permit or Letter of permission)		B
<input type="checkbox"/> PERMIT DENIAL		C
<input type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION		D
<input checked="" type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision.
 Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx> or
 Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

Attachment: 7-Windswept Pines P3 PJD (PB 21-15 Windswept Pines, Phase 3)

SAW-2017-01621 Windswept Pines Ditches

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

**District Engineer, Wilmington Regulatory Division,
Attn: Raleigh W. Bland, PWS
2407 West 5th Street
Washington, North Carolina 27889
910-252-4558**

If you only have questions regarding the appeal process you may also contact:

**Mr. Jason Steele, Administrative Appeal Review Officer
CESAD-PDO
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-5137**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
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For appeals on Initial Proffered Permits send this form to:

**District Engineer, Wilmington Regulatory Division, Raleigh W. Bland, PWS, 2407 West 5th Street
Washington, North Carolina 27889**

For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele,
Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801
Phone: (404) 562-5137**

U.S. ARMY CORPS OF ENGINEERS WILMINGTON DISTRICT

Action Id. SAW-2017-01621 County: Currituck U.S.G.S. Quad: Moyock SE

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner/Applicant: Windswept Pines / Allied Properties, LLC

Address: 417 Caratoke Hwy, Unit D

Moyock, North Carolina 27958

Telephone Number: 252-435-2718

Size (acres) 13.8-acres
Nearest Waterway Northwest River
USGS HUC 03010205

Nearest Town Moyock
River Basin Pasquotank
Coordinates Latitude: 36.543968 N
Longitude: -76.181195 W

Location description: Property is an approximate 13.8-acre parcel located at the terminus of Alden Run, in the Windswept Pines Subdivision, adjacent to Shingle Landing Creek, in the Town of Moyock, Currituck County, North Carolina. Currituck County Deed Book 1391, Pages 856 & 861. The Project Area consists of an approximate 6.2-acre area including several drainage ditches.

Indicate Which of the Following Apply:

A. Preliminary Determination

- There are waters, including wetlands, on the above described property that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). The waters, including wetlands, have been delineated, and the delineation has been verified by the Corps to be sufficiently accurate and reliable. Therefore this preliminary jurisdiction determination may be used in the permit evaluation process, including determining compensatory mitigation. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction.
- There are wetlands on the above described property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). However, since the waters, including wetlands, have not been properly delineated, this preliminary jurisdiction determination may not be used in the permit evaluation process. Without a verified wetland delineation, this preliminary determination is merely an effective presumption of CWA/RHA jurisdiction over all of the waters, including wetlands, at the project area, which is not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the waters of the U.S. on your property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

B. Approved Determination

- There are Navigable Waters of the United States within the above described property subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

There are waters of the U.S., including wetlands, on the above described property subject to the permit requirements of Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

- We recommend you have the waters of the U.S. on your property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

SAW-2017-01621 Windswept Pines

****It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.****

Corps Regulatory Official: _____

W.A.W. Bland, P.W.S.Date: March 1, 2019Expiration Date: March 1, 2024

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Copy Furnished: CESA/RG-W/Bland

Attachment: 7-Windswept Pines P3 PJD (PB 21-15 Windswept Pines, Phase 3)

SAW-2017-01621 Windswept Pines

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Attachment: 7-Windswept Pines P3 PJD (PB 21-15 Windswept Pines, Phase 3)



Attachment: 7-Windswept Pines P3 PJD (PB 21-15 Windswept Pines, Phase 3)

Allied Properties, LLC

Wayrock / Currituck County

Attachment: 7-Windswept Pines P3 PJD (PB 21-15 Windswept Pines, Phase 3)



Legend

- 6.2-acre Project Area
- Polygon Measure



STAFF REPORT
PB 21-17 HUGH S. MILLER, IV- REZONING
(BARCO)
BOARD OF COMMISSIONERS
OCTOBER 4, 2021

APPLICATION SUMMARY

Property Owner: Hugh S. Miller, IV 111 Currituck Commercial Drive, Suite B Moyock, NC 27958	Applicant: Hugh S. Miller, IV 111 Currituck Commercial Drive, Suite B Moyock, NC 27958
Case Number: PB 21-17	Application Type: Zoning Map Amendment
Parcel Identification Number: 0070-000-0037-0000 0070-000-0038-0000 0070-000-0039-0000 0070-000-0040-0000	Existing Use: Cultivated farmland
Land Use Plan Classification: Full Service and Conservation	Parcel Size (Acres): 164.85 +/- (Application)
Land Use Plan Subarea: Barco-Coinjock-Airport	
Current Zoning: Agricultural (AG) and General Business (GB)	Zoning History: A-40 (1974); A and GB (1989); AG and GB (2013)
Request: Request for a conventional (not conditional) rezoning	Proposed Zoning: SFM (162.5 acres with 2.5 acres remaining GB)

REQUEST

Narrative

The applicant is requesting a conventional rezoning of approximately 165 acres from Agricultural (AG) and General Business (GB) to Single-Family Residential-Mainland with approximately 2.5 acres remaining GB. The applicant is submitting the application to be allowed to develop the property with all uses that are allowed in the SFM and GB zoning districts that would be determined at a later date.

A list of all uses allowed in SFM and GB zoning districts is included at the end of this report for reference.

Community Meeting

A community meeting was held June 23, 2021, at Currituck BBQ, Coinjock. There were four people in attendance including the applicant and county representative. The attendees discussed that their family had owned these lands for over 200 years and while they were sorry to see it being developed and hoped it would remain farmland, they did understand.

SURROUNDING PARCELS

	Land Use	Zoning
North	Cultivated Farmland, Single-Family Dwelling, Middle and High Schools	AG and GB
South	Cultivated Farmland, Single-Family Dwelling, Sand Mine	AG and GB
East	Coinjock Bay	Unzoned
West	Single-family Dwellings, Automobile Repair/Sales	AG and GB

LAND USE PLAN

The 2006 Land Use Plan (LUP) classifies this site as Full Service and Conservation within the Barco-Coinjock-Airport subarea. While the Barco-Coinjock-Airport subarea is, at present, quite sparsely developed (approximately 1 unit per acre), it has many of the ingredients in place to become a significant community center for the mainland. Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available by the public and/or private sectors. Infrastructure investments may include, for example, community level or centralized water, parks, schools, and fire and rescue facilities. The Conservation class is to provide for the long-term management and protection of significant, limited, or irreplaceable areas. Property management is needed to conserve the natural, cultural, recreational, scenic, or biologically productive values of these areas. The following policy is relevant to the zoning map amendment request:

Policy ES2	NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species.
Policy ES3	COASTAL WETLANDS shall be conserved for the valuable functions they perform in protecting water quality and in providing critical habitat for the propagation and survival of important plant and animal species.
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 HN3	Currituck County shall especially encourage OPEN SPACE DEVELOPMENTS and COMPACT, MIXED-USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES with the objective of avoiding traditional urban sprawl.
Policy CD1	NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. Appropriately designated, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks.

UDO

In North Carolina, it is illegal to impose conditions on rezonings to conventional zoning districts; therefore, this conventional zoning map amendment is a legislative decision of the Board of Commissioners and is not controlled by any one factor. For example, the applicant has stated that they will develop approximately 80 lots and will retain the trees in the Conservation/wetland area; however, these items cannot legally be made conditions with the request.

For reference, Section 2.4.3.C of the UDO advises that an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed map amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed amendment:

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

RECOMMENDATION

PLANNING STAFF

Beginning in 2007, conditional zoning has been a tool to help guide development to align with the community values and character recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board to more appropriately address the impacts expected to be generated by the development. It provides predictability in the rezoning application to ensure that the development and use will conform to the county's adopted plans (2006 Land Use Plan) including LUP Policy HN1, HN 3, ES2, ES3, CD1, CD4, and CD5. This request does not allow for conditions to be placed that would ensure that the result of development of these parcels will be compatible development.

A conventional rezoning application is only required to meet the minimum standards of the UDO. The purpose of the Single-Family Residential-Mainland (SFM) zoning district is to accommodate low density residential neighborhoods and supporting uses on mainland Currituck County. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from Caratoke Highway, or place undue stress on the county's education infrastructure. The General Business (GB) zoning district is to accommodate a wide variety of residential and nonresidential uses on lots bounding major roadways. Without conditions, potential conflicts may occur with uses permitted in the GB and SFM zoning districts (as shown on the list at the end of this report). Possible examples of this include: parking lot; bar, night club, and lounge; pawn shop in the GB district and silviculture/clear-cutting in the SFM area. The USACE Clean Water Act does not prohibit the cutting of vegetation/trees above the ground surface. There is significant tree cover in the Conservation area.

The conditional zoning process can tailor a permitted use in such a way as to accommodate the property owner's interest, community values, and neighborhood character. It can also address impacts that may be associated with the particular property and intended land use. Since the adoption of the 2013 UDO, conventional rezoning approvals included properties that are downzoned to a less intense zoning district, properties that contain bifurcated districts, and one property adjoining the same district on all sides.

This conventional rezoning request results in a substantial density increase for the property. Assumptions for below approximate maximum lot count comparison calculation:

- 159.85 acres (estimate only – GIS used to simplify measurements)
- 10% acreage reduction to account for infrastructure (15.985 ac)
- No dwellings in GB (approx. 5 acres)
- Potential wetlands are not factored into these estimates other than the assumption that delineated wetlands will be placed in open space.
- Suitable soils for septic systems
- NOTE: These numbers are merely rough estimates as true lot counts can only be rendered by a design professional with all known factors provided in a master plan.

AG (Existing) Conservation Subdivision Required	52 lots	62 lots
	Minimum lot size 30,000 sf	Minimum lot size 30,000 sf
	50% open space (79.92 ac)	60% open space (95.91 ac)
	Max Density: .33 u/ac	Max Density: .4 u/ac
SFM (Requested)	98 Traditional Subdivision lots	104 Conservation Subdivision
	40,000 sf minimum lot size	25,000 sf minimum lot size
	30% open space (47.96 acres)	40% open space (63.94 acres)
	Max Density: n/a	Max Density: 1 u/ac in Full Service (75.57 ac) + .33 u/ac in Conservation Area (89.28 ac)

Without a master plan, as required with a conditional zoning request, it is not possible to verify 2006 Land Use Plan consistency for the following:

- LUP POLICY HN1: Encourages development to occur at DENSITIES APPROPRIATE FOR THE LOCATION. Without a master plan, it is not possible to determine if the development's density is compatible with the surrounding developments.
- POLICY HN3: Currituck County shall especially encourage OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space.
- POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.

The LUP further describes highway oriented commercial uses that are more intended along major highways and do not encroach within or immediately adjoining existing residential areas (LUP Policy CD4 and CD5). The request does not provide assurances that all the allowed uses in the GB zoning district would be consistent with the goals, objectives, and policies of the officially adopted plans. The property is located near single-family dwellings and Currituck High and Middle Schools.

Without a master plan, it is not possible to verify consistency with the zoning map amendment review standards of the UDO. For example:

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this UDO;
- Is in conflict with any provision of the UDO or the County Code of Ordinances;
- Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
- Would result in a logical and orderly development pattern; and,
- Would result in significant adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

There are also school capacity concerns since the May 2021 report shows that Committed Capacity for Moyock/Shawboro/Central Elementary schools is at 122% and the high schools are at 99% committed capacity. Pending verification from the school system, it is staff's understanding that school enrollment for the 2021-2022 school year is higher than projection in some of these schools.

To provide assurances that address the 2006 LUP compatibility policies, staff recommends the applicant submit a conditional zoning application with a plan that is more conceptual in nature. The conceptual plan could provide desired flexibility for the applicant with assurances that the application maintains the community values and consistency with the officially adopted plans.

Also, the Board may determine that the location, size of the property, and general district allowable uses are consistent with LUP and compatibility can adequately be addressed through the site plan and subdivision review process and requirements of the UDO.

CONSISTENCY AND REASONABLENESS STATEMENT

A zoning map amendment is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a zoning map amendment the Board of Commissioners shall adopt a written statement of consistency and reasonableness.

RECOMMENDATION

PLANNING BOARD

On September 14, 2021 the Planning Board recommended approval (5-1) of the conventional rezoning request as presented.

STAFF NOTES AFTER PLANNING BOARD MEETING

At the Planning Board meeting, staff was asked what type of conditions the BOC could place on the development if this was a conditional rezoning request. Without seeing a conceptual plan of the subdivision, it is not possible to determine conditions necessary for compatibility with the neighborhood, Land Use Plan, and other officially adopted plans, but below are examples of conditions that the Board would typically find relevant in reviewing an application of this type:

- Require a Conservation Subdivision and preservation the wetland area (LUP Policies ES2, ES3)
- Provide water access to all lots in the development (LUP Policies PA1, PA2)
- No clear-cutting of the stand of trees located at the rear of the property in wetlands (LUP Policies ES2, ES3)
- Remove the allowance for potentially incompatible uses in the GB zone (i.e. parking lot; bar, night club, and lounge; pawn shop) (UDO Section 1.3 General Purpose and Intent; Section 3.4.1.F Residential Base Zoning Districts, General Purposes; LUP – Purpose of the Plan)

- Increase landscaping buffers to mitigate the impacts of the development on surrounding properties or Caratoke Highway.
- Set a minimum lot size that is more compatible with surrounding lots (LUP Policies HN1, HN 3)
- Set the maximum number of lots appropriate for the location (LUP Policies HN1, HN3)
- Establish a phasing plan based on milestones for competition of County facilities. (SF4, PP2)

Also, the developer stated that he did not want to conditionally zone the property because of concern that small changes to the plan would result in 'having to go back through the process,' meaning requiring the Board to approve minor modifications to the conditions or the approved plan. There were discrepancies presented as to what a minor change is. UDO Section 2.4.4.I, Minor Modifications from Approved Conceptual Development Plan, calls out what a minor modification is that can be approved by the Director. It is a change that does not materially affect the basic configuration of the approved conceptual development plan. "Subsequent plans and permits for development within a conditional zoning district may include minor modifications from the approved conceptual development plan, provided such modifications are limited to changes addressing technical consideration that could not reasonably be anticipated during the conditional zoning classification process, or any other change that has no material effect on the character of the approved development. Changes in the following shall constitute minor modifications that may be approved by the Director:

- Driveway locations
- Structure floor plan revisions
- Minor shifts in building size or location
- Facility design modifications for amenities and the like."

It is important to note that the above list is not an exclusive list of what constitutes a minor modification, but rather examples of minor modifications. Each modification would be reviewed on a case-by-case basis by the Director to determine if it fits the definition of a minor change. The developer offered examples of changes that forced him to go back and amend plans on projects. Particularly correcting a ROW mapping error for the Sound Woods subdivision. In fact, this was not a conditional zoning issue, as correcting the mapping error changed the shape of lots and the plat had to be accurate for the lots to be legally sellable. The lots had to be mapped as they existed for the deeds to be accurately prepared.

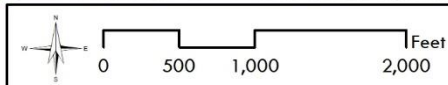
The developer also pointed out very specific items that would require him to go back through the process, such as relocating where a water line comes into the property. That level of detail is not generally provided on a conceptual plan provided as part of a conditional zoning request, and if it was, that most likely does not materially affect the basic configuration of the approved conceptual development plan and could be approved as a minor modification by the Director. The same logic applies to the example of reshaping a drainage pond.

USE COMPARISON	
Uses Allowed in SFM	Uses Allowed in GB
Agriculture/Horticulture; Equestrian Facility; Silviculture; Dwelling (manufactured, single-family detached, duplex) Family care home; Community center/ cultural facility; Library; Museum; Child care center; Elementary and middle school; Government office; Religious institution; Arboretum or botanical garden; Community garden, Park, public or private; Law enforcement, fire, or EMS facility; Telecommunications antenna collection on tower or building; Minor utility; Athletic facility; Bed and breakfast inn;	Agriculture/Horticulture; Agri-education; Agri-entertainment Agribusiness; Equestrian facility; Farmer's and roadside market; Nursery; Agricultural research facility; Distribution hub for agricultural and agronomic products; Silviculture Dwelling (live/work, manufactured, single-family detached, upper story) Dormitory; Family care home; Rooming or boarding house Community Services Day Care Educational Facilities Government Facilities Health Care Facilities Assisted living facility; Auditorium, conference, and convention center; Club or lodge; Halfway house (u); Nursing home; Religious institution Arboretum or botanical garden; Community garden; Park Police, fire, or EMS facility Airport (u); Helicopter landing facility (u) Passenger terminal (surface transportation) Telecommunications antenna and tower (u); Utility, minor/ major (u); Animal Care Eating Establishments Offices Parking lot Recreational/Entertainment, Indoor Arena, amphitheater, or stadium(u); Athletic facility; Golf driving range; Marina; Outdoor tour operator (u); Outdoor Recreation Artisan food and beverage producer; Bar, nightclub, or cocktail lounge; Convenience store; Drug store or pharmacy; Entertainment establishment; Financial institution; Funeral home; Grocery store; Laundromat; Pawn shop (u); Personal services establishment; Repair establishment; Retail sales establishment; Shopping center (u); Winery Boat and marine rental, sales, and service Vehicle sales and service, light Visitor Accommodations Contractor service Crabshedding; Research and development Public convenience center/transfer station (u)

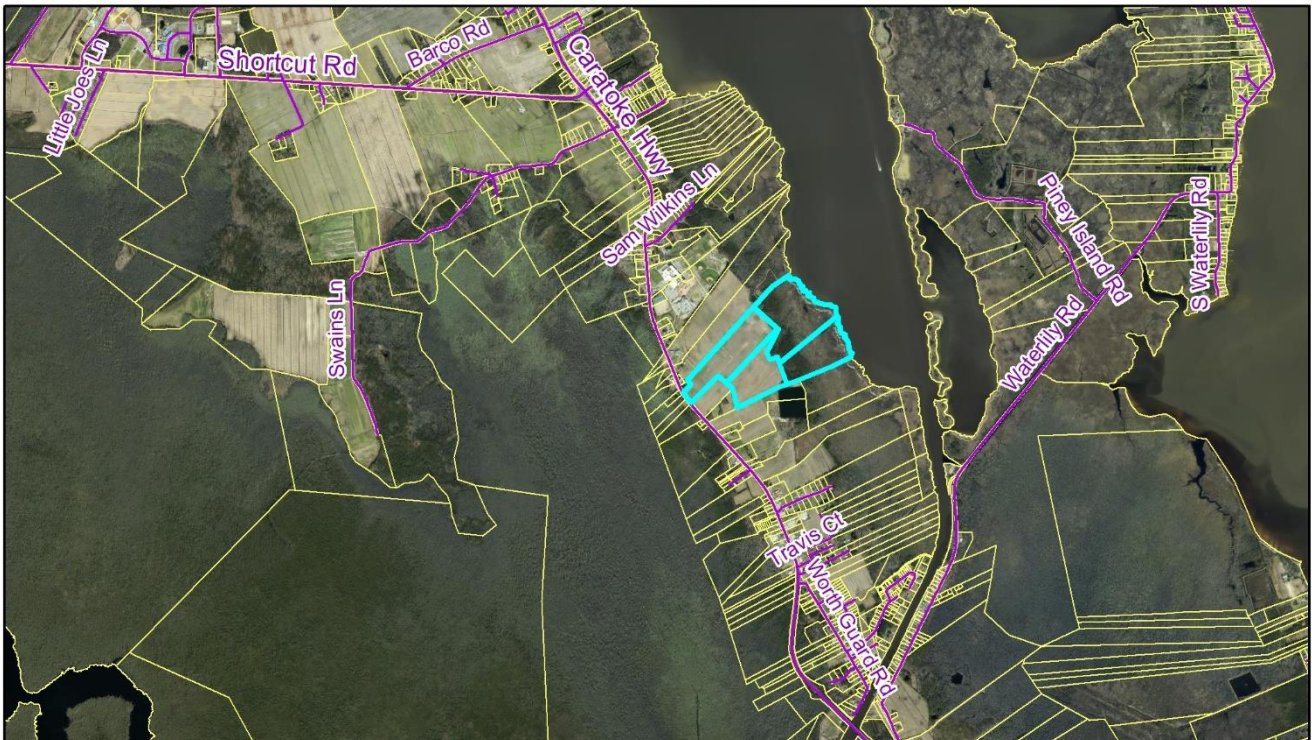
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



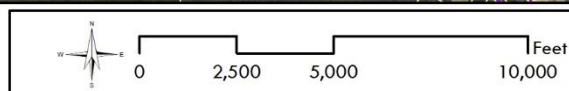
PB 21-17 Hugh S. Miller
Rezoning
2020 Aerial Photography



Currituck County
Planning and
Community Development



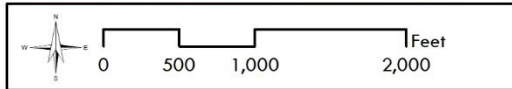
PB 21-17 Hugh S. Miller
Rezoning
Context Map



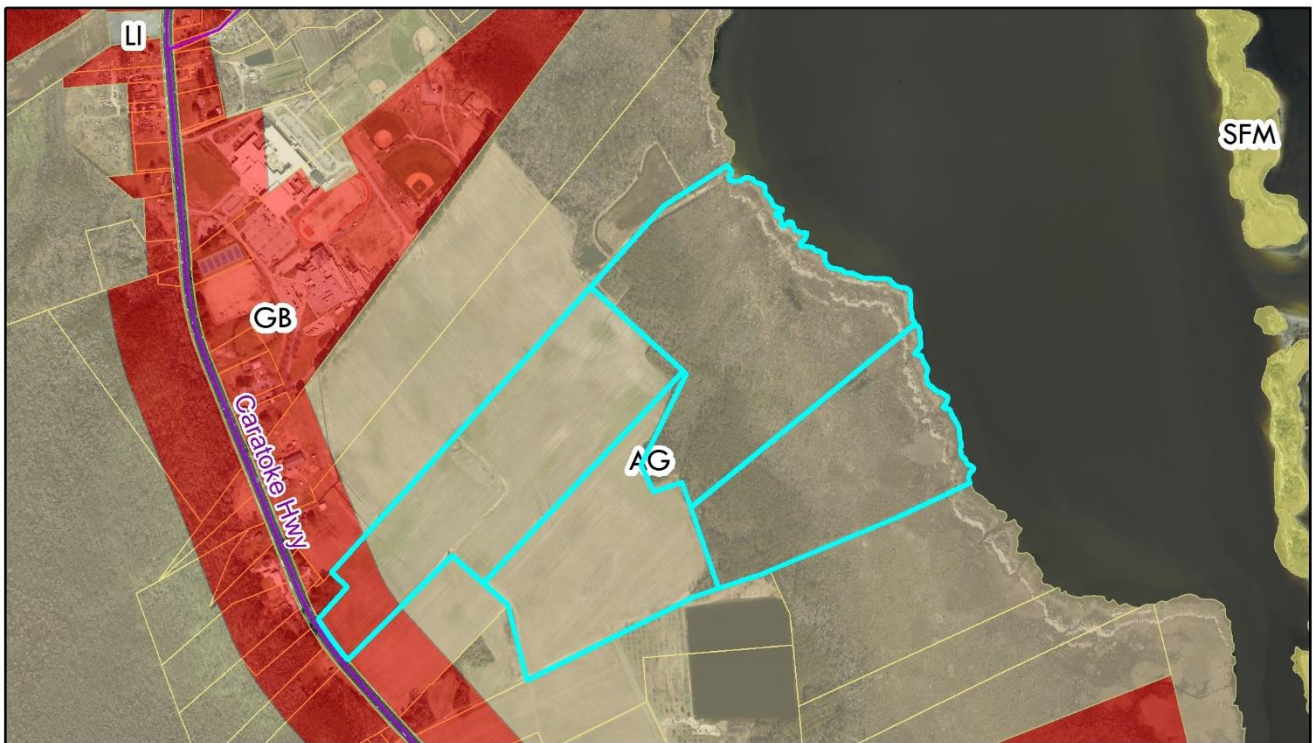
Currituck County
Planning and
Community Development



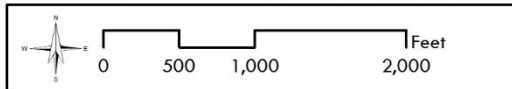
PB 21-17 Hugh S. Miller
Rezoning
LUP Classification



Currituck County
Planning and
Community Development



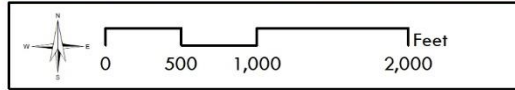
PB 21-17 Hugh S. Miller
Rezoning
Zoning



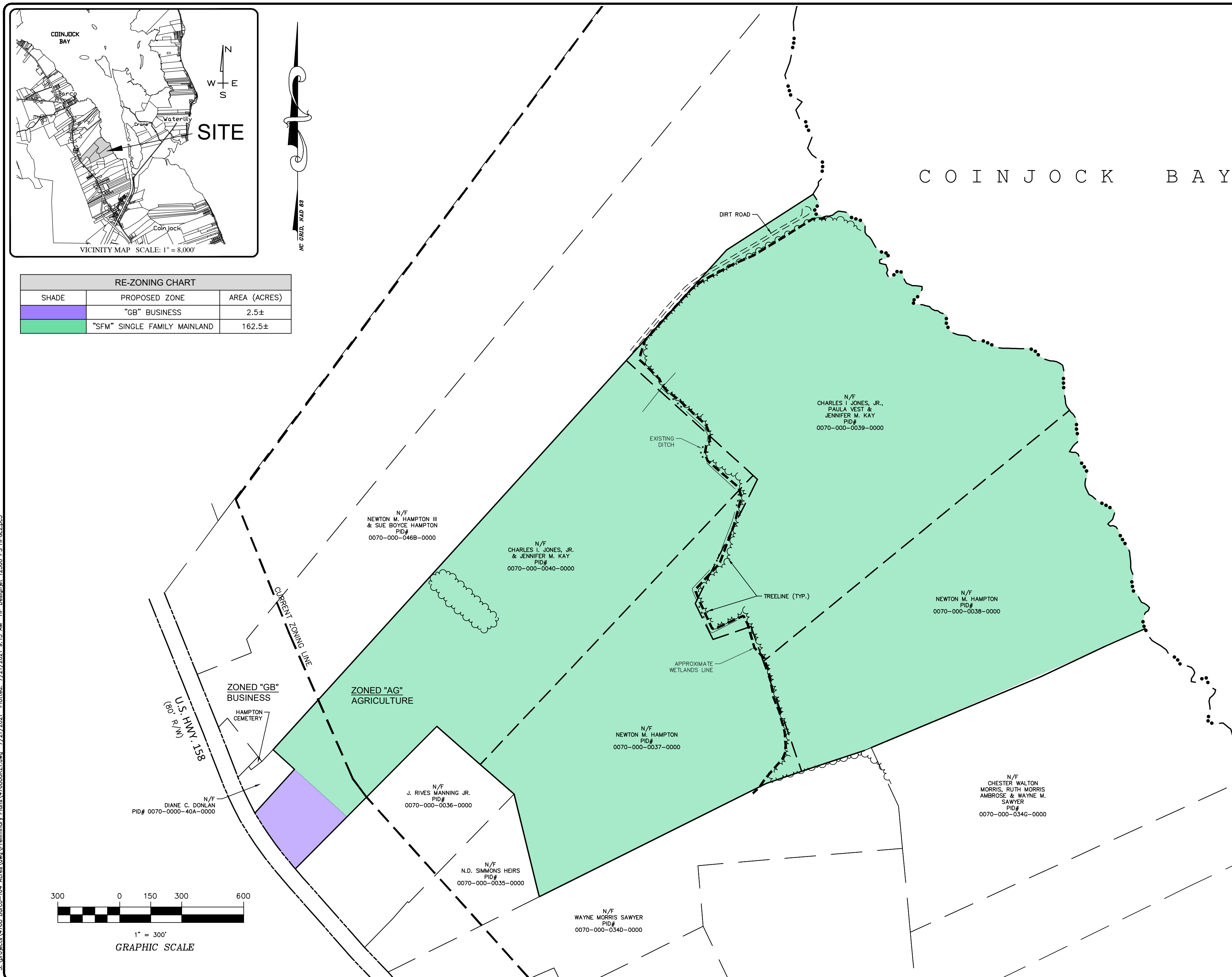
Currituck County
Planning and
Community Development



PB 21-17 Hugh S. Miller
Rezoning
Potential Wetlands



Currituck County
Planning and
Community Development

[illegible]



Currituck County

Department of Planning
 Post Office Box 70
 Currituck, North Carolina 27929
 252-232-3055
 FAX 252-232-3026

MEMORANDUM

To: Sam Miller, Miller Homes and Building

From: Planning Staff

Date: August 11, 2021

Re: PB 21-71 Hugh S. Miller Rezoning, TRC Resubmittal Comments
 (Revisions from Original Review are noted as ~~strike through~~, underline, or *italics*)

The following comments were received for the August 11, 2021 TRC meeting. Your request has been scheduled for the September 14, 2021 Planning Board meeting. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Tammy Glave, 252-232-6025

Resubmit

- ~~1. The application is incomplete.~~ Pursuant to UDO Section 2.3.4.A. Authority to File Applications, provide an application with all owner and contract purchaser signatures ~~or provide a letter or document signed by the owners~~ (Newton Hampton, Charles Jones Jr, Paula Vest, Jennifer Kay) consenting to the rezoning application. *Documents received*
- ~~2. Please correct the Parcel Identification Numbers on the application. The first 4 numbers should be '0070' for each lot, indicating map number.~~ *Corrected*
3. This conventional rezoning request results in a substantial density increase and to ensure the development will be a compatible and well-planned development, it is staff's opinion that a conditional zoning application should be submitted and reviewed. Assumptions for below approximate maximum lot count comparison calculation:
 - 159.85 acres (estimate only – GIS used to simplify measurements)
 - 10% acreage reduction to account for infrastructure (15.985 ac)
 - No dwellings in GB (approx. 5 acres)
 - Roughly 50 acres of wetlands based on soils map at the rear of the property in the Conservation area
 - Suitable soils for septic systems
 - NOTE: These numbers are merely rough estimates as true lot counts can only be rendered by a design professional with all known factors provided in a master plan.

AG (Existing) Conservation Subdivision Required	45 lots	55 lots
	Minimum lot size 30,000 sf	Minimum lot size 30,000 sf
	50% open space (69.43 ac)	60% open space (83.319 ac)
	Max Density: .33 u/ac	Max Density: .4 u/ac
SFM (Requested)	90 Traditional Subdivision lots	104 Conservation Subdivision
	40,000 sf minimum lot size	25,000 sf minimum lot size
	40% open space (55.55 acres)	40% open space (55.55 acres)
	n/a	Max Density: 1 u/ac in Full Service (75.57 ac) + .33 u/ac in Conservation Area (89.28 ac)

4. Without a master plan, as required with a conditional zoning request, it is not possible to verify that Land Use Plan policies are being met. For example:
 - a. LUP POLICY HN1: Encourages development to occur at DENSITIES APPROPRIATE FOR THE LOCATION. Without a master plan, it is not possible to determine if the development's density is compatible with the surrounding developments.
 - b. POLICY HN3: Currituck County shall especially encourage OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space.
 - c. POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.
5. Without a master plan, it is not possible to verify that the zoning map amendment review standards are being met. For example:
 - a. Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this UDO;
 - b. Is in conflict with any provision of the UDO or the County Code of Ordinances;
 - c. Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
 - d. Would result in a logical and orderly development pattern; and,
 - e. Would result in significant adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

6. Staff will not support a conventional rezoning of this property from AG to SFM. The SFM district is established to accommodate low density residential neighborhoods and supporting uses on mainland Currituck County. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from the Caratoke Highway, or place undue stress on the county's educational infrastructure. This request does not ensure that the result of development of these parcels will be compatible development.
7. The conditional zoning process was established in 2007 to offer an option to promote orderly growth in the county by providing tools to help guide development to be in line with the community values recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board of Commissioners to tailor a development in such a way as to accommodate the property owner's interest, community values, and neighborhood character.
8. Since the adoption of the 2013 UDO, conventional rezoning approvals typically include properties that are downzoned to a less intense zoning district or properties that contain bifurcated districts.
9. Staff recommends the applicant submit a conditional zoning application with a conceptual plan. The conceptual plan could provide desired flexibility for the applicant with assurances that the application maintains compatibility, the community values, and consistency with the officially adopted plans.
10. A conditional zoning application must be for the entire property. Perhaps a lot recombination can be considered to separate out the GB zoned portions of property. An NC licensed surveyor can assist you with this portion of the development.
11. There are also general school capacity concerns since the Committed Capacity for Moyock/Shawboro/Central Elementary schools is at 122% and the high schools are at 99% committed capacity.
12. The applicant has verbally indicated approximate minimum lot size of 30,000 sf; preservation of wetlands; and approximately 80 lots to be developed. Without a conditional zoning application, these items cannot be required as part of the approval.

Currituck County Building Inspections, Bill Newns (252-232-6023)

Reviewed without comment.

Currituck Soil and Stormwater, Dylan Lloyd (252-232-3360)

Reviewed without comment.

Currituck County Utilities, Will Rumsey & Dave Spence (Will Rumsey 252-232-2769; Dave Spence 252-232-2769)

Reviewed with comment:

1. It is early on, but we would like to know roughly the amount of water that will be required for this project if possible.

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

Comments were addressed on resubmittal.

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

Reviewed without comment.

Currituck County Economic Development, Larry Lombardi (252-232-6015)

No new comments.

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

Reviewed with comments:

1. Any future development proposed within 75 feet of Normal Water Level (NWL) or over water will need to be authorized through the proper CAMA permit prior to starting. Please contact Robert Corbett, DCM Field Representative, for further information. He can be reached at 252-264-3901.
2. Work with the County to ensure the future project design is consistent with the Currituck County 2006 Land Use Plan certified by the CRC on May 18, 2007 as amended through July 2, 2019 and the applicable "Conservation Areas" and "Full Service Areas" designations on the County's Future Land Use Map.

Comments Not Received From

Albemarle Regional Health Services, Joe Hobbs

The following items are necessary for resubmittal:

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



Currituck County

Department of Planning
 Post Office Box 70
 Currituck, North Carolina 27929
 252-232-3055
 FAX 252-232-3026

MEMORANDUM

To: Sam Miller, Miller Homes and Building

From: Planning Staff

Date: July 15, 2021

Re: PB 21-71 Hugh S. Miller Rezoning, TRC Comments

The following comments were received for the July 14, 2021 TRC meeting. In order to be scheduled for the September 14, 2021 Planning Board meeting, the applicant must submit additional information to address the TRC comments provided below by no later than 3:00 pm on July 22, 2021. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Tammy Glave, 252-232-6025

Resubmit

1. **The application is incomplete.** Pursuant to UDO Section 2.3.4.A. Authority to File Applications, provide an application with all owner and contract purchaser signatures **or** provide a letter or document signed by the owners (Newton Hampton, Charles Jones Jr, Paula Vest, Jennifer Kay) consenting to the rezoning application.
2. Please correct the Parcel Identification Numbers on the application. The first 4 numbers should be '0070' for each lot, indicating map number.
3. This conventional rezoning request results in a substantial density increase and to ensure the development will be a compatible and well-planned development, it is staff's opinion that a conditional zoning application should be submitted and reviewed. Assumptions for below approximate maximum lot count comparison calculation:
 - 159.85 acres (estimate only – GIS used to simplify measurements)
 - 10% acreage reduction to account for infrastructure (15.985 ac)
 - No dwellings in GB (approx. 5 acres)
 - Roughly 50 acres of wetlands based on soils map at the rear of the property in the Conservation area
 - Suitable soils for septic systems
 - NOTE: These numbers are merely rough estimates as true lot counts can only be rendered by a design professional with all known factors provided in a master plan.

Attachment: 4 Sam Miller (Barco) Rezoning 7-14-2021 TRC comments (PB 21-17 Hugh S. Miller)

AG (Existing) Conservation Subdivision Required	45 lots	55 lots
	Minimum lot size 30,000 sf	Minimum lot size 30,000 sf
	50% open space (69.43 ac)	60% open space (83.319 ac)
	Max Density: .33 u/ac	Max Density: .4 u/ac
SFM (Requested)	90 Traditional Subdivision lots	104 Conservation Subdivision
	40,000 sf minimum lot size	25,000 sf minimum lot size
	40% open space (55.55 acres)	40% open space (55.55 acres)
	n/a	Max Density: 1 u/ac in Full Service (75.57 ac) + .33 u/ac in Conservation Area (89.28 ac)

4. Without a master plan, as required with a conditional zoning request, it is not possible to verify that Land Use Plan policies are being met. For example:
 - a. LUP POLICY HN1: Encourages development to occur at DENSITIES APPROPRIATE FOR THE LOCATION. Without a master plan, it is not possible to determine if the development's density is compatible with the surrounding developments.
 - b. POLICY HN3: Currituck County shall especially encourage OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space.
 - c. POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.
5. Without a master plan, it is not possible to verify that the zoning map amendment review standards are being met. For example:
 - a. Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this UDO;
 - b. Is in conflict with any provision of the UDO or the County Code of Ordinances;
 - c. Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
 - d. Would result in a logical and orderly development pattern; and,
 - e. Would result in significant adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management,

wildlife, vegetation, wetlands, and the natural functioning of the environment.

6. Staff will not support a conventional rezoning of this property from AG to SFM. The SFM district is established to accommodate low density residential neighborhoods and supporting uses on mainland Currituck County. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from the Caratoke Highway, or place undue stress on the county's educational infrastructure. This request does not ensure that the result of development of these parcels will be compatible development.
7. The conditional zoning process was established in 2007 to offer an option to promote orderly growth in the county by providing tools to help guide development to be in line with the community values recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board of Commissioners to tailor a development in such a way as to accommodate the property owner's interest, community values, and neighborhood character.
8. Since the adoption of the 2013 UDO, conventional rezoning approvals typically include properties that are downzoned to a less intense zoning district or properties that contain bifurcated districts.
9. Staff recommends the applicant submit a conditional zoning application with a conceptual plan. The conceptual plan could provide desired flexibility for the applicant with assurances that the application maintains compatibility, the community values, and consistency with the officially adopted plans.
10. A conditional zoning application must be for the entire property. Perhaps a lot recombination can be considered to separate out the GB zoned portions of property. An NC licensed surveyor can assist you with this portion of the development.
11. There are also general school capacity concerns since the Committed Capacity for Moyock/Shawboro/Central Elementary schools is at 122% and the high schools are at 99% committed capacity.

Currituck County Building Inspections, Bill Newns (252-232-6023)

Reviewed without comment.

Currituck Soil and Stormwater, Dylan Lloyd (252-232-3360)

Reviewed without comment.

Currituck County Utilities, Will Rumsey & Dave Spence (Will Rumsey 252-232-2769; Dave Spence 252-232-2769)

Reviewed with comment:

1. It is early on, but we would like to know roughly the amount of water that will be required for this project if possible.

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

Reviewed with comment:

1. The Parcel ID Numbers for the parcels are:
 0070-000-0037-0000
 0070-000-0038-0000
 0070-000-0039-0000
 0070-000-0040-0000

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

Reviewed without comment.

Currituck County Economic Development, Larry Lombardi (252-232-6015)

Reviewed with comment:

1. Good to see the property along the highway will still be zoned as GB.

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

Reviewed with comments:

1. Any future development proposed within 75 feet of Normal Water Level (NWL) or over water will need to be authorized through the proper CAMA permit prior to starting. Please contact Robert Corbett, DCM Field Representative, for further information. He can be reached at 252-264-3901.
2. Work with the County to ensure the future project design is consistent with the Currituck County 2006 Land Use Plan certified by the CRC on May 18, 2007 as amended through July 2, 2019 and the applicable "Conservation Areas" and "Full Service Areas" designations on the County's Future Land Use Map.

Comments Not Received From

Albemarle Regional Health Services, Joe Hobbs



Zoning Map Amendment Application

OFFICIAL USE ONLY:
Case Number: PB 21-17Date Filed: 6/24/21Gate Keeper: S. S. MillerAmount Paid: \$1015.00
Contact Information
APPLICANT:
Name: HUGH MILLERAddress: 111 CURRITUCK WOOD DR.SUITE B MARYK, NC 27958Telephone: 757-58-7671E-Mail Address: S.MILLER@MILLERHOMESANDBUILDING.COM
PROPERTY OWNER:
Name: SEE ATTACHED

Address: _____

Telephone: _____

E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: BUYER OF PROPERTIES
Property Information
Physical Street Address: XXX COASTAL HWY. BAZCO, NC 27917Location: HSNParcel Identification Number(s): 0070-00000-0000 (37, 38, 39/40) - 0000Total Parcel(s) Acreage: 164.85 ACExisting Land Use of Property: FARM + WOODS
Request
Current Zoning of Property: AG + GBProposed Zoning District: SFMTotal Acreage for Rezoning: 162.6Are you rezoning the entire parcel(s): Yes ☒ No ☐

Metes and Bounds Description Provided: Yes/No

Community Meeting, If Applicable
Date Meeting Held: 6/23/2021Meeting Location: CURRITUCK BBA

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.



Property Owner(s)/Applicant*

6/24/2021
Date

*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.

7/18/2021

RE: Currituck County Rezoning application by Hugh S Miller IV, PB 21-71

To Whom It May Concern:

We hereby approve and consent the application of rezoning for the properties located at US168 in Barco, NC. We are the listed owners of these properties and approve of this application.

The Parcel ID Numbers for the parcels are:

0070-000-0039-0000

0070-000-0040-0000

Signed:

Charles Jones Jr:

DocuSigned by:

Charles I Jones

BF2F300905004A3...

Date: 7/18/2021

Paula Minges:

DocuSigned by:

Paula S Minges

3F388D235DEC4B6...

Date: 7/18/2021

Jennifer Kay:

DocuSigned by:

Jennifer M Kay

3F388D235DEC4B6...

Date: 7/18/2021

Attachment: 6 App 2 (PB 21-17 Hugh S. Miller)

7/18/2021

RE: Currituck County Rezoning application by Hugh S Miller IV, PB 21-71

To Whom It May Concern:

We hereby approve and consent the application of rezoning for the properties located at US168 in Barco, NC. We are the listed owners of these properties and approve of this application.

The Parcel ID Numbers for the parcels are:

0070-000-0037-0000

0070-000-0038-0000

Signed:

Newton Hampton:

DocuSigned by:

Newton Hampton

8FC628703D734D6...

Date: 7/18/2021

Attachment: 7 App 3 (PB 21-17 Hugh S. Miller)



Currituck County

Planning and Community Development Department
Planning 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: September 20, 2021

Subject: PB 21-16 Currituck County – Housekeeping Amendment

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to revise miscellaneous sections of the Unified Development Ordinance (UDO) as it relates to:

- Item 1 Corrects a UDO Section reference related to review of Minor Subdivisions.
- Item 2 Corrects “use permit” to “special use permit” for consistency with G.S. 160D update.
- Item 3 Corrects G.S. reference for consistency with G.S. 160D update.

Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff Recommendation

Staff recommends approval of the request as submitted and suggests the following Consistency Statement:

The requested zoning text amendment is consistent with the 2006 Land Use Plan including:

POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments.

and it is required by the changes to G.S. 160-D, the modernization of the entire body of state laws on local planning and development regulation.

Planning Board Recommendation

On September 14, 2021, the Planning Board recommended approval of the requested text amendment with a 6-0 vote.

Motion

Mr. Doll moved to approve PB 21-16 because the request is consistent with POLICY HN8 of the 2006 Land Use Plan.

And it is required by the recent changes to G.S. 160-D.

Vice-Chairman Owens seconded the motion and the motion carried unanimously 6-0.



PB 21-16 CURRITUCK COUNTY TEXT AMENDMENT PLANNING BOARD SEPTEMBER 14, 2021

Amendment to the Unified Development Ordinance, Chapter 2. Administration, Chapter 4. Use Standards and Chapter 6. Subdivision and Infrastructure Standards.

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 Chapter 2, Section 2.4.8.D. is amended by removing the following strike-through language and adding the underlined language:

D. Minor Subdivision

(1) Procedure

(a) Pre-Application Conference

Not applicable.

(b) Community Meeting

Not Applicable.

(c) Application Submittal and Acceptance

(i) Applicable (see Section 2.3.4). Applications shall include a final plat prepared in accordance with the applicable standards in Section 2.4.8.E.g ~~.5-b~~, Final Plat Review Standards.

(ii) Applications for a family subdivision shall include an attestation that the purpose for the subdivision is solely for the conveyance of lots to family members, and that conveyance of a lot in a family subdivision to a non-family member is a violation of this Ordinance.

(d) Staff Review and Action

Applicable (see Section 2.3.5). The Director shall decide an application for a minor subdivision in accordance with Section 2.3.5.D, Applications Subject to Decision by Director or Technical Review Committee, and Section 2.4.8.D.2, Minor Subdivision Review Standards.

(e) Public Hearing Scheduling and Public Notification

Not applicable.

(f) Public Hearing Procedures

Not applicable.

(g) **Advisory Body Review and Recommendation**

Not applicable.

(h) **Decision-Making Body Review and Decision**

Not applicable.

(2) **Minor Subdivision Review Standards**

(a) **General Standards**

A minor subdivision shall be approved on a finding that:

- (i) It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the applicable standards for a final plat in Section 2.4.8.E.8 .5-B; and all other applicable standards in this Ordinance;

Item 2: That Chapter 4, Section 4.2.3.D. is amended by adding the following underlined language:

(3) **Religious Institutions**

Religious institutions shall comply with the following standards:

- (a) Religious institutions in the SFM, SFO, and SFI districts that include a school or sanctuary with a capacity of 800 persons or more shall obtain a special use permit in accordance with Section 2.4.6, Special Use Permit.

Item 3: That Chapter 6, Section 6.2.5. is amended by removing the following strike-through language and adding the underlined language:

C. Use of Funds

Payments-in-lieu received in accordance with this subsection shall be used for transportation construction consistent with the requirements of the North Carolina General Statutes Section 160D-804 ~~153A-331~~.

Item 3: Statement of Consistency

Item 4: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 5: This ordinance amendment shall be in effect from and after the _____ day of _____, 2021.

 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: 9/14/2021
 PLANNING BOARD RECOMMENDATION: Approved
 VOTE: 6 AYES 0 NAYS
 ADVERTISEMENT DATE OF PUBLIC HEARING: 9/22/2021 & 9/29/2021
 BOARD OF COMMISSIONERS PUBLIC HEARING: 10/4/2021
 BOARD OF COMMISSIONERS ACTION: _____
 POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
 AMENDMENT NUMBER: _____

Attachment: PB 21-16 Staff Report (PB 21-16 Currituck County Housekeeping)



Text Amendment Application

OFFICIAL USE ONLY:

Case Number:

PB 21-16

Date Filed:

6-24-2021

Gate Keeper:

Amount Paid:

P

Contact Information

APPLICANT:

Name: Laurie B. LoCicero, AICP, Planning Director

Address: 153 Courthouse Road, Suite 110

Currituck, NC 27929

Telephone: 252-232-3055

E-Mail Address: laurie.locicero@currituckcountync.gov

Request

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

Amend Chapter(s) _____ Section(s) _____ as follows:

see attached.

*Request may be attached on separate paper if needed.

Laurie B. LoCicero

Petitioner

6/24/2021

Date

UDO Section 4.2.3.D. (3) (a)
Correct "use permit" to "special use permit"

UDO Section 6.2.5.(C)
Correct GS reference from "153A-331" to "160D-804"

Number

20220022

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th of October 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
220548-590000	Capital Outlay	\$ 16,295	
220548-540000	Worker's Comp		\$ 415
220548-506000	Health Insurance Expense		\$ 8,700
220548-502000	Salaries		\$ 7,180
		<u>\$ 16,295</u>	<u>\$ 16,295</u>

Explanation: Knotts Island Fire District (220548) - Transfer budgeted funds for emergency repairs to the fires suppression and water tank at the Knotts Island Fire Department.

Net Budget Effect: Knotts Island Fire District Fund (220) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Oct 4_General Meeting (Budget Amendments)

Number

20220023

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th of October 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10796-532001	Educational Supplies		\$ 250
10796-536000	Uniforms	\$ 250	
		<u>\$ 250</u>	<u>\$ 250</u>

Explanation: Currituck County Rural Center (10796) - Transfer budgeted funds for increased uniform costs.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Oct 4_General Meeting (Budget Amendments)

Number

20220024

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th of October 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10750-511010	Data Transmission		\$ 3,650
10750-516000	Repairs & Maintenance	\$ 3,650	
		<u>\$ 3,650</u>	<u>\$ 3,650</u>

Explanation: Social Services Administration (10750) - Transfer budgeted funds to increase repair budget to cover cost of office space improvements to include plumbing encasement, drywall patch/repair, flooring replacement, removal of cabinets/countertop. The data plans for computerized tablets will not be needed until FY 2023 due to postponing NCFast implementation. These funds will be utilized for a portion of this repair work.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Oct 4_General Meeting (Budget Amendments)

Number

20220025

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th of October 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10660-532000	Supplies	\$ 4,900	
10460-592000	Courthouse Projects		\$ 4,900
		<u>\$ 4,900</u>	<u>\$ 4,900</u>

Explanation: Community Development - Planning (10660) - Transfer budgeted funds from Courthouse Projects that was originally budgeted for a partition in one of the Planning Offices to Supplies to purchase office furnishings. This will enable the Planning department to better utilize office space.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Oct 4_General Meeting (Budget Amendments)

Number

20220026

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th of October 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
67878-553000	DUES & SUBSCRIPTIONS	\$ 15,000	
67878-590000	CAPITAL OUTLAY	\$ 154,539	
67878-502000	SALARIES		\$ 5,000
67878-506000	HEALTH INSURANCE		\$ 2,500
67878-514000	TRAVEL		\$ 2,500
67878-514500	TRAINING & EDUCATION		\$ 2,500
67878-540000	WORKERS COMPENSATION		\$ 67
67390-499900	APPROPRIATED FUND BALANCE		\$ 156,972
		<u>\$ 169,539</u>	<u>\$ 169,539</u>

Explanation: Mainland Sewer (67878) - To carry-forward capital funds and to transfer funds for increased dues and subscriptions for the Mainland Sewer Fund.

Net Budget Effect: Mainland Sewer Fund (67) - Increased by \$156,972.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Oct 4_General Meeting (Budget Amendments)

Number

20220027

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th of October 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10511-554000	Insurance & Bonds	\$ 85	
10511-506000	Health Insurance		\$ 85
		<u>\$ 85</u>	<u>\$ 85</u>

Explanation: Detention Center (10511) - Transfer budgeted funds for increased insurance cost.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Oct 4_General Meeting (Budget Amendments)



COUNTY OF CURRITUCK

RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AUTHORIZING DESIGN-BUILD CONSTRUCTION DELIVERY METHOD FOR THE CONSTRUCTION OF A NEW ELEMENTARY SCHOOL IN MOYOCK TOWNSHIP

WHEREAS, pursuant to N.C. Gen. Stat. § 143A-128.1A, a county may utilize the design-build delivery method for construction contracts; and,

WHEREAS, in order to utilize the design-build delivery method, the governmental entity is to establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for this project; and,

WHEREAS, the criteria proposed and its application to the construction of a new elementary school on Tulls Creek Road in Moyock Township is the following:

Criteria 1 – *The extent to which the County can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications for a design-builder.* Through the Engineering Department and Legal Department, the County has professional personnel with the experience and qualifications needed to thoroughly define the project requirements prior to issuance of a Request for Qualifications for design-builders.

Criteria 2 - *The time constraints for the delivery of the project.* Due to rapid population growth in the Moyock area and the requirement to provide adequate public facilities, the need for additional student capacity within Currituck County Schools' Moyock attendance zone is urgent. The Board of Commissioners has resolved that this project should be completed in the most time-effective and efficient manner available. The design-build delivery method will allow for the project to be completed expeditiously.

Criteria 3 - *The ability to ensure that a quality project can be delivered.* Within the Engineering Department, the County has adequate professional and experienced personnel to ensure that the Design-Build firm will provide a quality project within budget constraints established by the Board.

Criteria 4 - *The capability of the County to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.* Within the Engineering Department and Legal Department, the County has professional and experienced personnel that are knowledgeable of design-build projects.

Criteria 5 - *A good-faith effort to comply with N.C. Gen. Stat. § 143-128.2, N.C. Gen. Stat. § 143-128.4, and to recruit and select small business entities.* The County complies with N.C. Gen. Stat. § 143- 128.2 and N.C. Gen. Stat. § 143- 128.4. The County will require contractors to comply with the Historically Underutilized Businesses (HUB) goals set by the Board of Commissioners.

Criteria 6 - *The criteria utilized by the County, including a comparison of the costs and benefits of using the design-build delivery method for a given project in lieu of the other delivery methods identified.* The design-build delivery method provides a one team approach, which leads to lower costs and shorter project timeline. Project time constraints and the opportunity for the general contractor to provide valuable project cost feedback to the designer during the design process make the design-build option more appealing than the traditional construction delivery methods.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners adopt these written criteria and determine that the design-build delivery method is approved for utilization for the construction of a new elementary school on Tulls Creek Road in Moyock Township. Further, this Resolution shall be effective on and after the 4th day of October 2021.

ADOPTED this, the 4th day October 2021.

ATTEST:

Michael H. Payment
Chairman of the Board of Commissioners

Leeann Walton,
Clerk to the Board of Commissioners



CURRITUCK COUNTY JOB DESCRIPTION

JOB TITLE: AIRPORT ~~MANAGER~~ DIRECTOR

GENERAL STATEMENT OF JOB

Under general supervision, performs responsible administrative, managerial and supervisory work directing the operations of Currituck County Regional Airport (ONX), a public-use, General Aviation airport.

Additional responsibilities may be assigned. Reports to the ~~Assistant Public Services Director/Assistant County Engineer~~ County Manager.

SPECIFIC DUTIES AND RESPONSIBILITIES

ESSENTIAL JOB FUNCTIONS

AIRPORT MANAGER, CURRITUCK COUNTY REGIONAL AIRPORT

Plans, organizes and directs airport operations, security and maintenance services, emergency situations, and for long range expansion in response to demand.

Performs operational, administrative or any tasks as needed regarding the daily operations or performing the technical aspects of airport functions.

Analyzes business, operational and maintenance functions; recommends modifications, and alternative solutions to improve operations and facilities; develops emergency response plans and formulates procedures for use in event of aircraft fire or other emergencies;

Determines and assigns project priorities based on operational needs and Federal Airport Certification requirements.

Develops and implements operational plans and procedures for aviation facility; confers with federal officials, departmental representatives, tenants and prospective tenants regarding design and development of facilities;

Evaluates quality and effectiveness of airport programs and services and makes sound recommendations to improve operations and facilities.

Prepares and manages annual and capital budgets; projects revenues; recommends and justifies budget for approval; maintains accounting for budget, and approves purchases.

Manages fuel system: updates computerized Fuel Management system on a regular basis; orders and coordinates delivery of fuel; ensures fuel farm is maintained in a safe and secure manner.

Formulates, oversees, updates and enforces Airport Rules & Regulations, Minimum Operating Standards, internal operational procedures, aircraft landing, taxiing, take-off patterns, and aircraft safety arrangements for Currituck County Regional Airport.

Responsible for the establishment, encouragement and continued practice of polite, friendly, customer-oriented service by all County employees and contractors for all travelers, pilots, tenants and other guests of Currituck County Regional Airport.

Supervises lineman staff and private contractors involved in security, trades, equipment operation, custodial, administration, accounting, etc.

Coordinates, and educates where necessary, Airport tenants in safety, security, rules and regulations, and interaction with County Finance Office, and other areas. Maintains required federal, state and local records, including FAA; ensures compliance with all regulations including OSHA safety and health.

Oversees hiring and training of County airport staff; recommends discipline and dismissal of staff to the ~~Assistant Public Services Director/Assistant County Engineer, County Engineer and County Manager.~~

Develops and executes marketing strategies to promote airport facilities and services and to expand business and attract aviation-related tenants; devises new methods to increase revenues.

Consults with Attorney on hanger and business tenant contracts; confers with property management to initiate lease preparation and renovation of facilities to accommodate tenants.

Consults with and coordinates projects with engineering staff; coordinates maintenance and repair activities to minimize impact on operations.

~~Works with Assistant Public Services Director/Assistant County Engineer on preparation and management of~~ Prepares and manages annual and capital budgets; provides annual reporting and forecasting for airport revenues and expenses; recommends fee changes; maintains accounting for budget; requisitions and approves purchases through County finance department.

Establishes and maintains effective working relationships with associates and tenants; promotes effective interrelationships with leasing tenants, fixed base operators, business and guest passengers, federal, state and local officials, and the general public.

Ensures the maintenance, repair and state of all airport facilities including runways, ramps, taxiways and roadways meet Federal Airport Certification requirement

Work is performed under general direction of the ~~Assistant Public Services Director/Assistant County Engineer~~ County Manager. Work is evaluated through annual performance evaluations, supplemented by-weekly meetings and quarterly reports regarding airport operations.

Work includes short and long range planning and budgeting, supervising staff and contractors. Work involves ensuring that facilities are in operational condition at all times and in compliance with FAA safety regulations; developing and recommending policies, procedures, and fee structures for approval by the Board of County Commissioners.

This employee operates with considerable latitude that requires discretion and judgment grounded in extensive technical aviation knowledge and business acumen to make independent professional and managerial decisions. Tact and diplomacy are required in contacts with pilots, corporate and business executives, the general public, employees, local officials and advisory board members.

The employee is subject to hazards in the work including indoor and outside environmental conditions; significant noise and vibrations; physical conditions such as proximity to moving mechanical parts, electrical current; working in high places, narrow aisles, crawl spaces and areas which could cause claustrophobia; and exposure to high heat, chemicals, oils, fumes, dusts, odors, or poor ventilation.

Duties may also expose the employees to human body fluids and thus the work is subject to the OSHA requirements on blood borne pathogens.

ADDITIONAL JOB FUNCTIONS

Performs duties as assigned by the County Manager or his designees during a State of Emergency or other disaster.

Available 24hr by phone call of afterhours number. Able to arrange services on holidays and afterhours.

Performs other related work as required.

MINIMUM TRAINING AND EXPERIENCE

Graduation from four year college with a degree in Aviation Management, Business Administration or related field and at least four (4) years of considerable, progressively responsible airport, business administration, management; or any equivalent combination of education and experience. Must have demonstrated experience in management of personnel.

SPECIAL REQUIREMENT

Possession of a valid North Carolina driver's license.

Ability to pass a security background check.

MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Must be able to perform basic life functions including climbing, balancing, standing, walking, pushing, pulling, lifting, grasping, talking, hearing, and repetitive motions.

Must be able to perform medium work involving exerting up to 50 pounds of force occasionally, and/or up to 20 pounds of force frequently, and/or up to 10 pounds constantly to move objects.

Must have visual acuity to prepare and analyze data and figures; to develop budget figures; operate a computer terminal; to read extensively; to inspect small defects, parts or moving equipment and to use measurement devices; to operate equipment; and to inspect work and determine accuracy and thoroughness.

KNOWLEDGE, SKILLS AND ABILITIES

Considerable knowledge of and skill in utilizing principles of leadership, supervision, organization, and administration.

Considerable knowledge of regional and local economic development issues and relevant NC Statutes covering public information, public meetings law, and client confidentiality.

Skill in analyzing business, operational and maintenance issues and in developing alternative solutions or approaches.

Thorough understanding and knowledge of marketing principles, promotional activities and general sales practices.

Thorough & considerable knowledge of FAA rules, regulations and federal certification standards for operating a general aviation airport, and of airport operations, management and development.

Considerable knowledge of equipment, tools and facilities required for safe, efficient operation of an airport.

Considerable knowledge of modern practices and principles of accounting and budgeting as applied to airport operations.

Considerable knowledge of the occupational hazards and safety precautions involved in the work.

Ability to establish and maintain effective working relationships with pilots, business executives, federal, state and local officials, customers, County departments heads, employees, and the general public.

Ability to be tactful and courteous in dealing with the customers and the general public.

Ability to keep accurate records and to prepare reports.

Ability to interpret and utilize technical sketches and plans.

ED: ~~06/18/2018~~ 10/04/2021 (REV BOC)



CURRITUCK COUNTY JOB DESCRIPTION

JOB TITLE: PUBLIC WORKS DIRECTOR

PUBLIC WORKS DIVISION DEPARTMENT

PUBLIC SERVICES DEPARTMENT

GENERAL STATEMENT OF JOB

~~Under limited supervision,~~ Performs complex duties supervising and exercising direct administrative and management responsibilities for the County Public Works and Solid Waste Divisions, as well as Mosquito Control, and Public Beach Facilities. ~~Work involves~~ preparing and administering departmental budgets, administering and managing contractual services, significant accountability for planning, program development and implementation, and supervising and evaluating employees within the departments in accordance with federal, state and local environmental laws and regulations. Work involves extensive public contact with general public, contractors, County, State, and Federal officials, and County Departments. Work requires considerable independent judgment. Individual in this capacity is on call 24 hours per day, 7 days per week. This position is classified as essential personnel and must maintain duty assignment in adverse conditions. ~~Reports to the Assistant Public Services Director/Assistant County Engineer.~~ Reports to County Manager

SPECIFIC DUTIES AND RESPONSIBILITIES

ESSENTIAL JOB FUNCTIONS

Plans, supervises, coordinates and implements the management of the County's Public Works Division, Solid Waste/Recycling, Mosquito Control, Public Beach Facilities with Contract Administration and Capital Improvements pertaining to the aforementioned programs; identifies, negotiates and selects organizations to provide services to the County; recommends any changes to the County Manager. ~~and/or Assistant Public Services Director/Assistant County Engineer.~~

Ensures coordination of activities with other departments, governmental jurisdictions and agencies.

Participates in contract negotiation, monitors contractors for performance, costs, and approves payment upon acceptance of services.

Meets with Facility Managers to obtain information about facility issues.

Reviews construction drawings for new facilities.

Acts as a liaison between other departments and the County Manager; directs department supervisors in policy and procedures established by the County Manager ~~and/or Assistant Public Services Director/Assistant County Engineer.~~

Develops, implements and manages annual budgets and allocated resources for Public Works, Solid Waste/Recycling, Public Beach Facilities, Court Facilities and Mosquito Control.

Develop and maintain five-year maintenance plan with budget estimates

Develops, maintains, analyzes a variety of data and reports as required and needed for effective management and decision making, both in the department and for the County Manger.

Develops, implements and manages a Facility Improvement Plan to guide budgetary decisions.

Works with the County's Safety Officer and implements safety training to staff.

Prioritize daily workload and assign proper resources to accomplish tasks.

Monitors Division activities to determine problems and needs, and recommends solutions.

Maintains current knowledge of legislative trends and developments in the industry for application to regulatory compliant solid waste operations.

Oversees transfer station operation and contract to ensure compliance with NC DENR.

Enforces the Solid Waste Ordinance.

Interviews applicants and makes recommendation for hiring. Review work of subordinates through reports, periodic conferences, results of directives and annual evaluations.

Reviews and formulates bid specifications and requests for proposals.

Oversees and administers contracted services operations and ensures compliance with contract specifications.

Conducts or directs the completion of special projects as assigned by the County Manager and/or Assistant Public Services Director/Assistant County Engineer.

Develops solid waste collection and recycling programs, applies for grant funding, implements programs as funding is secured.

Promotes and ensures proper employee training and compliance with County safety program and departmental safety procedures; ensures that all equipment, materials and work conditions are adequately maintained to prevent accidents.

Prepares schedule for the public works department and community service workers; verifies and authorizes time sheets.

~~Conducts surplus auction, vehicle title transfers and reconciliation of funds collected.~~

Answers telephones, receiving inquiries and providing information or referring callers to appropriate personnel; records and relays messages, as appropriate.

Duties may also expose the employees to human body fluids and thus the work is subject to the OSHA requirements on blood borne pathogens. Must follow rules, methods and safe handling in connections with blood borne pathogens.

ADDITIONAL JOB FUNCTIONS

Attends meetings of department heads, and Albemarle Regional Solid Waste Authority meetings.

Accompany NCDEQ on solid waste violation investigations

Performs duties as assigned by the County Manager or his designees during a State of Emergency or other disaster.

Performs other related work as required.

CUSTOMER SERVICE

This is a front-line position for providing excellent customer service to members of the general public and other County employees. Personal contact occurs with the employees of the unit, employees of other departments in the County, citizens and customers of the department. Service is provided in person, by telephone contact and electronic means.

SUPERVISION

Direct supervision over a number of individuals, including supervisory and indirect supervision over other individuals. Includes assigning, directing, evaluating and reviewing work of subordinate employees. Responsibilities include providing on-the-job training; evaluating job performance; recommending selection of new staff members, promotions, status changes, and discipline; and planning, scheduling, and coordinating work operations.

MINIMUM TRAINING AND EXPERIENCE

Bachelor's degree in business administration, planning or related field, and three to five years of experience in management, preferably related to public works; or any equivalent combination of training, education and experience which provides the required skills, knowledge and abilities. Must possess a valid North Carolina driver's license.

MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Physical Requirements: Must be physically able to operate a variety of machinery and equipment, including computers, typewriters, calculators, copiers, facsimile machines, dictation recorders, etc. Requires the ability to exert up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. Physical demand requirements are in excess of those for sedentary work. Light Work usually requires walking or standing to a significant degree. However, if the use of arm and/or leg controls requires exertion of forces greater than that for Sedentary Work and the worker sits most of the time, the job is rated for Light Work.

Data Conception: Requires the ability to compare and/or judge the readily observable, functional, structural, or composite characteristics (whether similar to or divergent from obvious standards) or data, people or things.

Interpersonal Communications: Requires the ability to speak and/or signal people to convey or exchange information. Includes receiving assignments and/or directions from superiors.

Language Ability: Requires the ability to read a variety of reports, correspondence, invoices, checks, forms, procedural manuals, etc. Requires the ability to prepare a variety of correspondence, reports, forms, charts, etc. Must be able to speak to people with poise, voice control and confidence.

Intelligence: Requires the ability to apply rational systems to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists; to interpret a variety of instructions furnished in written, oral, diagrammatic, or schedule form.

Verbal Aptitude: Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages.

Numerical Aptitude: Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide.

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width and shape.

Motor Coordination: Requires the ability to coordinate hands and eyes rapidly and accurately in using automated office equipment.

Manual Dexterity: Requires the ability to handle a variety of items, such as keyboards, control knobs, toggle switches, etc. Must have minimal levels of eye/hand/foot coordination.

Color Discrimination: Requires the ability to differentiate between colors and shades of color.

Personal Temperament: Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

Physical Communication: Requires the ability to talk and/or hear: (talking - expressing or exchanging ideas by means of spoken words; hearing - perceiving nature of sounds by ear). Requires the ability to communicate via telephone.

KNOWLEDGE, SKILLS AND ABILITIES

Thorough knowledge of modern techniques and methods used in the development and operation of Public Works and Solid Waste programs.

Thorough knowledge of federal, state and local laws, rules, regulations and ordinances.

Knowledge of the equipment, materials and engineering used in the construction, maintenance and repair of buildings, grounds.

Considerable knowledge of Solid Waste operations and programs.

Considerable knowledge of governmental budgeting, personnel, and purchasing practices.

Considerable knowledge of the current literature, trends, and developments of County operations within various departments.

Considerable knowledge of the principles and practices used in public speaking and making presentations.

General knowledge of the application of information technology to the work of the department.

Ability to prepare complex and detailed records and reports.

Ability to deal tactfully and courteously with business and industrial officials and the general public.

Ability to promote and educate the public with concerns.

Ability to express ideas effectively both orally and in writing.

Ability to establish and maintain effective working relationships with County officials, other public officials, County employees, contractors, and the public as necessitated by work assignments.

Ability to supervise employees in a manner conducive to full performance and high morale.

Considerable knowledge of modern office practices and procedures.

Considerable knowledge of arithmetic, grammar, spelling, and vocabulary.

Skill in the operation of common office machines, including popular computer-driven word processing, spreadsheet and file maintenance programs.

Ability to develop and modify work procedures, methods and processes to improve efficiency.

Ability to take a teamwork approach to the job by cooperating with others, offering to help others when needed, and considering larger organization or team goals rather than individual concerns. Includes the ability to build a constructive team spirit where team members are committed to the goals and objectives of the team.

ED: ~~07/01/2019~~ 10/4/2021 (REV BOC)



CURRITUCK COUNTY JOB DESCRIPTION

JOB TITLE: Public Works Operations Manager

PUBLIC WORKS DIVISION

GENERAL STATEMENT OF JOB

Under limited supervision, performs complex duties supervising and exercising direct administrative and management responsibilities for the Solid Waste Divisions and County Public Works, as well as Mosquito Control, and Public Beach Facilities. Work involves preparing and administering departmental budgets, administering and managing contractual services, significant accountability for planning, program development and implementation, and supervising and evaluating employees within the departments in accordance with federal, state and local environmental laws and regulations. Work involves extensive public contact with general public, contractors, County, State, and Federal officials, and County Departments. Work requires considerable independent judgment. ~~Individual in this capacity is on call 24 hours per day, 7 days per week.~~ This position is classified as essential personnel and must maintain duty assignment in adverse conditions. Reports to the Public Works Director.

SPECIFIC DUTIES AND RESPONSIBILITIES

ESSENTIAL JOB FUNCTIONS

Plans, supervises, coordinates and implements the management of the County's Public Works Division, Solid Waste/Recycling, Mosquito Control, Public Beach Facilities with Contract Administration and Capital Improvements pertaining to the aforementioned programs; identifies, negotiates and selects organizations to provide services to the County.

Ensures coordination of activities with other departments, governmental jurisdictions and agencies.

Participates in contract negotiation, monitors contractors for performance, costs, and approves payment upon acceptance of services.

~~Meets with Facility Managers to obtain information about facility issues.~~

~~Reviews construction drawings for new facilities.~~

Acts as a liaison between other departments.

~~Develops implements and manages annual budgets for Public Works, Solid Waste/Recycling, Public Beach Facilities, Court Facilities and Mosquito Control.~~

~~Develops implements and manages a Facility Improvement Plan to guide budgetary decisions.~~

Works with the County's Safety Officer and implements safety training to staff.

Prioritize daily workload and assign proper resources to accomplish tasks.

Monitors Division activities to determine problems and needs, and recommends solutions.

Maintains current knowledge of legislative trends and developments in the industry for application to regulatory compliant solid waste operations.

Oversees transfer station operation and contract to ensure compliance with NC DENR.

Enforces the Solid Waste Ordinance.

Interviews applicants and makes recommendation for hiring. Review work of subordinates through reports, periodic conferences, results of directives and annual evaluations.

Reviews and formulates bid specifications and requests for proposals.

Oversees and administers contracted services operations and ensures compliance with contract specifications.

Conducts or directs the completion of special projects as assigned

Develops solid waste collection and recycling programs, applies for grant funding, implements programs as funding is secured.

Promotes and ensures proper employee training and compliance with County safety program and departmental safety procedures; ensures that all equipment, materials and work conditions are adequately maintained to prevent accidents.

Prepares schedule for the public works department and community service workers; verifies and authorizes time sheets.

Answers telephones, receiving inquiries and providing information or referring callers to appropriate personnel; records and relays messages, as appropriate.

Duties may also expose the employees to human body fluids and thus the work is subject to the OSHA requirements on blood borne pathogens. Must follow rules, methods and safe handling in connections with blood borne pathogens.

ADDITIONAL JOB FUNCTIONS

Attends meetings of department heads, and Albemarle Regional Solid Waste Authority meetings.

Performs duties as assigned by the County Manager or his designees during a State of Emergency or other disaster.

Performs other related work as required.

CUSTOMER SERVICE

This is a front-line position for providing excellent customer service to members of the general public and other County employees. Personal contact occurs with the employees of the unit, employees of other departments in the County, citizens and customers of the department. Service is provided in person, by telephone contact and electronic means.

SUPERVISION

~~Direct~~ supervision over employees in the Public Works Department. Includes assigning, directing, evaluating and reviewing work of subordinate employees. Responsibilities include providing on-the-job training; evaluating job performance; recommending selection of new staff members, promotions, status changes, and discipline; and planning, scheduling, and coordinating work operations.

MINIMUM TRAINING AND EXPERIENCE

~~Bachelor's degree in business administration, planning or related field, and~~ three to five years of experience in management, preferably related to public works; or any equivalent combination of training, education and experience which provides the required skills, knowledge and abilities. Must possess a valid North Carolina driver's license.

MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Physical Requirements: Must be physically able to operate a variety of machinery and equipment, including computers, typewriters, calculators, copiers, facsimile machines, dictation recorders, etc. Requires the ability to exert up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. Physical demand requirements are in excess of those for sedentary work. Light Work usually requires walking or standing to a significant degree. However, if the use of arm and/or leg controls requires exertion of forces greater than that for Sedentary Work and the worker sits most of the time, the job is rated for Light Work.

Data Conception: Requires the ability to compare and/or judge the readily observable, functional, structural, or composite characteristics (whether similar to or divergent from obvious standards) or data, people or things.

Interpersonal Communications: Requires the ability to speak and/or signal people to convey or exchange information. Includes receiving assignments and/or directions from superiors.

Language Ability: Requires the ability to read a variety of reports, correspondence, invoices, checks, forms, procedural manuals, etc. Requires the ability to prepare a variety of correspondence, reports, forms, charts, etc. Must be able to speak to people with poise, voice control and confidence.

Intelligence: Requires the ability to apply rational systems to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists; to interpret a variety of instructions furnished in written, oral, diagrammatic, or schedule form.

Verbal Aptitude: Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages.

Numerical Aptitude: Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide.

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width and shape.

Motor Coordination: Requires the ability to coordinate hands and eyes rapidly and accurately in using automated office equipment.

Manual Dexterity: Requires the ability to handle a variety of items, such as keyboards, control knobs, toggle switches, etc. Must have minimal levels of eye/hand/foot coordination.

Color Discrimination: Requires the ability to differentiate between colors and shades of color.

Personal Temperament: Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

Physical Communication: Requires the ability to talk and/or hear: (talking - expressing or exchanging ideas by means of spoken words; hearing - perceiving nature of sounds by ear). Requires the ability to communicate via telephone.

KNOWLEDGE, SKILLS AND ABILITIES

Thorough knowledge of modern techniques and methods used in the development and operation of Public Works and Solid Waste programs.

Thorough knowledge of federal, state and local laws, rules, regulations and ordinances.

Knowledge of the equipment, materials and engineering used in the construction, maintenance and repair of buildings, grounds.

Considerable knowledge of Solid Waste operations and programs.

Considerable knowledge of governmental budgeting, personnel, and purchasing practices.

Considerable knowledge of the current literature, trends, and developments of County operations within various departments.

Considerable knowledge of the principles and practices used in public speaking and making presentations.

General knowledge of the application of information technology to the work of the department.

Ability to prepare complex and detailed records and reports.

Ability to deal tactfully and courteously with business and industrial officials and the general public.

Ability to promote and educate the public with concerns.

Ability to express ideas effectively both orally and in writing.

Ability to establish and maintain effective working relationships with County officials, other public officials, County employees, contractors, and the public as necessitated by work assignments.

Ability to supervise employees in a manner conducive to full performance and high morale.

Considerable knowledge of modern office practices and procedures.

Considerable knowledge of arithmetic, grammar, spelling, and vocabulary.

Skill in the operation of common office machines, including popular computer-driven word processing, spreadsheet and file maintenance programs.

Ability to develop and modify work procedures, methods and processes to improve efficiency.

Ability to take a teamwork approach to the job by cooperating with others, offering to help others when needed, and considering larger organization or team goals rather than individual concerns. Includes the ability to build a constructive team spirit where team members are committed to the goals and objectives of the team.

ED: ~~10/05/2020~~ 10/04/2021 (REV BOC)



COUNTY OF CURRITUCK

BOARD OF COMMISSIONERS

Michael H. Payment, Chairman
 Paul Beaumont, Vice-Chairman
 J. Owen Etheridge
 Mary R. Etheridge
 Selina S. Jarvis
 Kevin E. McCord
 Bob White

153 Courthouse Road, Suite 204
 Currituck, NC 27929

Telephone (252) 232-2075 / Fax (252) 232-3551
 State Courier # 10-69-17

DONALD I. MCREE, JR.
 Interim County Manager
 County Attorney

LEEANN WALTON
 Clerk to the Board

October 4, 2021

To Whom It May Concern:

The Currituck County Board of Commissioners is pleased to support the Albemarle Regional Broadband Expansion Project.

The communities of northeastern North Carolina have long recognized that the need for broadband is a most pressing challenge. The COVID-19 pandemic exposed just how dire the situation is for many areas – and just how integral broadband access is to meeting other vital needs, such as healthcare, education and workforce development, and business recruitment and expansion. North Carolina's Broadband Infrastructure Office (NC BIO) estimates that 25-40% of residents in the state's most rural and poorest counties lack access to the minimum 25Mbps download and 3Mbps upload broadband speeds recommended by the Federal Communication Commission (FCC). In addition, significant areas of the Albemarle region have only one choice of broadband service provider.

Without strong coordination of public and private broadband funding sources, leveraging of existing regional broadband assets, and inclusive strategic broadband planning led by the public sector, the Albemarle region may never bridge this broadband service gap. A strategic, county-by-county, regional approach is necessary to help local leaders identify the greatest broadband needs. The Albemarle Commission Broadband Expansion Project proposes, with the support of the NC Rural Center, to build upon regional broadband assets by working directly with leaders in each county and municipality to accomplish three main strategies:

- 1) Build a county-by-county strategy for working with broadband service providers (BSPs) to maximize the utility of state and federal broadband funds.
- 2) Explore county-level opportunities to use ARPA funds to build government-owned broadband networks that could be leveraged or leased by private BSPs to substantially upgrade broadband service in the region.

- 3) Structure a long-term system of accountability by which BSPs receiving these funds are accountable to county and/or municipal governments as a requirement for receiving county and municipal assistance

It is our pleasure to support the Albemarle Commission Broadband Expansion Project, which will provide regional oversight to ensure that northeastern North Carolina is connected to this century's most vital infrastructure. Solving the broadband access challenge for the region will have a profound impact on access to healthcare resources, advanced education, workforce participation, and individual and community economic opportunity.

Sincerely,

Michael H. Payment
Chairman



**CURRITUCK COUNTY
NORTH CAROLINA**

September 20, 2021

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 5:00 PM Campgrounds

The Board of Commissioners met at 5:00 PM in the Board Meeting Room to resume discussion and develop language for the Unified Develop Ordinance to allow Campgrounds as a use in Currituck County.

Planning and Community Development Director, Laurie LoCicero, used a powerpoint to review text amendment language agreed to at prior work sessions, the most recent held on September 7, 2021. Interim County Manager/County Attorney, Ike McRee, provided information in response to questions raised at the earlier work session, and determined that the number of campgrounds in a geographical area could not be set but the Board could establish distance buffers between campgrounds. In addition to limiting the number of campgrounds through distance requirements, license restrictions and denial of rezoning requests at the legislative process can also be used. Mr. McRee advised that distance buffers should be included in the text amendment. Commissioner Jarvis wanted distance buffering between campgrounds and, following discussion, the Board settled on a five mile separation. A minimum parcel size of fifty acres for new campgrounds was confirmed.

Traffic concerns prompted Commissioners to direct Planning staff to research traffic and trip generation statistics for campgrounds to determine whether to require a Traffic Impact Analysis. The Board asked staff to continue to reach out to other campgrounds to try to determine the industry standard for on-site residential dwelling units for full-time staff. The Board confirmed campgrounds can designate 20% of total campsites as seasonal, and year-round storage would be allowed at a maximum of 10% of existing sites. Stored items would require valid registrations and tags.

During review, Commissioners requested the proposed language be clarified to ensure only full-time campground employees are permitted to live on-site year-round and better defines the type and frequency of on-site inspections.

Commissioners agreed to allow yurts, camping cabins, tents, glamping tents, and eco-tents as alternative camping units, all of which are not to exceed 400 square feet. Park Model units and manufactured homes will be prohibited. Modular homes will be allowed for employee housing.

Ms. LoCicero responded to questions related to definition requirements under the Coastal Area Management Act and the relation to the County's participation in the

Communication: Minutes for September 20, 2021 (Approval Of Minutes-September 20, 2021)

National Flood Insurance Program. Discussion prompted Commissioners to require that limitations be set for any campsites that fall within an established flood zone.

Planning staff said they will bring back the information requested for Board consideration with updated text amendment language. Discussion concluded and the Work Session closed at 5:50 PM.

6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners held its regular meeting at 6:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Michael H. Payment	Chairman	Present	
Paul M. Beaumont	Vice Chairman	Present	
J. Owen Etheridge	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	
Bob White	Commissioner	Absent	

Chairman Payment called the meeting to order and announced the earlier Campgrounds work session.

A) Invocation & Pledge of Allegiance

Commissioner Beaumont offered the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Commissioner Beaumont moved to amend the agenda to add a Work Session after the Closed Session to discuss the Fost Subdivision plat approval process and regulated utility connection. Commissioner Mary Etheridge seconded the motion. The motion carried, 6-0.

Approved agenda:

Work Session

5:00 PM Campgrounds

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance

B) Approval of Agenda

Public Comment

Please limit comments to matters other than those appearing on

this agenda as a PublicHearing. Public comments are limited to 3 minutes.

Commissioner's Report

County Manager/County Attorney

Reports

New Business

- A) **Consideration of Bid Award Recommendation for the Historic Jail Stabilization Project, Phase I, and Authorize County Manager to Execute Contracts**
- B) **Board Appointments**
 - 1. Tourism Advisory Board
- C) **Consent Agenda**
 - 1. Budget Amendments
 - 2. Project Ordinance-Historic Jail Stabilization, Phase 1
 - 3. FY 20-21 Settlement for Current and Delinquent Taxes for Years 2012-2020
 - 4. Tax Order of Collections-2021
 - 5. Consideration of Travel Approval for Commissioners: Clerk of Superior Court Swearing-In Ceremony, Carteret County, & Waters Summit, Pitt County
 - 6. Job Description Revisions
 - 7. Approval Of Minutes: 9/7/2021, SM-6/3/2021

Recess

Special Meeting-Tourism Development Authority

TDA-Budget Amendment

Adjourn TDA

Special Meeting-Ocean Sands Water & Sewer District Board

OSWSD-Budget Amendment

Adjourn OSWSD and Reconvene

Closed Session

Closed Session Pursuant to G.S. 143-318.11(a)(3) to Consult with the County Attorney and Preserve the Attorney-Client Privilege

Amended-Work Session

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Amended-Work Session: Fost Subdivision Plat Approval
Process and Regulated Utility Connection

Adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Vice Chairman
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Bob White, Commissioner

PUBLIC COMMENT

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.

Chairman Payment opened the Public Comment period and addressed speakers as to the rules for Public Comment.

Cindy Midkiff, resident of Swan Beach, expressed concerns with increased traffic on the off-road area, particularly behind the dune lines, and said the weight of horse tour vehicles are speeding up erosion and damaging utility cables. She said there is very little traffic behind the dune lines with the exception of horse tours, and asked that they be limited with rotating routes, and that only essential traffic be allowed to pass when road flooding is present.

Mildred Fowler of Swan Beach addressed the Board on behalf of off-road resident Tom Hurley. Concerns with the development of deep holes, exposed wires, and deterioration caused by repetitious action when flooded. She said the volume of horse tour vehicles exceeds that of tourists, residents and commercial vehicles and reported challenges with road maintenance and suggested establishing resources and funds for road repairs, reducing horse tour traffic and driver training, and flagging of utility lines.

Diane Hageman, an off-road resident on Midland Road, said although no vacation rentals exist on Midland traffic that is typically ten to fifteen vehicles per day jumps to over seventy when horse tour vehicles are included. She said the tour vehicles loop in front of her home, creating a bowl, and encouraged Commissioners to view videos previously sent. She asked that a balance be struck that would allow homeowners to enjoy their property and businesses to operate.

Bonita Bertovich, a Carova resident on Tuna Road, asked Commissioners to reduce the time that horse tours may operate behind the dunes. She reported the use of the Carova Park facility by Tour drivers results in additional wear and tear on Ocean Pearl Road and impacts response times for emergency vehicles, particularly when flooding exists.

Attorney Nick Ellis addressed Commissioners as representative of the group of concerned citizens. He summarized the concerns expressed by the speakers and referred to a letter shared earlier with Board members also outlining those concerns. He reviewed meeting

notes and survey results from prior years when similar comments were stated. He said the problem is not new but has been exacerbated, and asked the Board to use the authority given in County Ordinances to limit the number of tour operators or vehicles and to establish approved routes. He also requested tour operators be kept off of roads when standing water exists. Mr. Ellis offered to work with the Board to address citizen concerns.

No others were signed up nor wished to speak and the Public Comment period was closed.

Chairman Payment assured speakers their comments were heard and said the Board will discuss the topic at the Board Retreat early next year. Commissioner Beaumont said the Board is not interested in increasing the number of tour vehicles or licenses. Commissioner McCord said violations are increasing and licenses can be suspended for multiple violations. Commissioner J. Owen Etheridge encouraged citizens to attend the Board Retreat, as it is open to the public.

COMMISSIONER'S REPORT

Commissioner J. Owen Etheridge asked people to be extra careful on the roadways due to the presence of large trucks and combines during harvest season. He commented that drivers do not pay attention to posted Speed Limit signs.

Commissioner McCord reported a meeting with Social Services Director, Samantha Hurd, to discuss possible State funding cuts for mental health. A Memorial Service was held over the weekend for a young girl tragically killed on the roadway in front of the school. He offered his condolences and said police presence has been doubled in the school zones. He said grant funds had been awarded to the County for the purchase of permanent, electronic speed limit signs, and noted the steady traffic still on the beach. Information on Aviation Day and Community Day events were announced.

Commissioner Beaumont noted the rain date for Aviation Day. He said this month's Albemarle Regional Planning Organization meeting was cancelled because the North Carolina Department of Transportation has no funds for road improvements. He gave information on the Currituck Cooperative Extension Farm Festival event. Commissioner Beaumont will be out of town and unable to attend the October 4th Commissioners meeting.

Chairman Payment acknowledged the absence of Commissioner White, who is vacationing with family.

Commissioner Mary Etheridge announced she will be attending the North Carolina Association of County Commissioners' Risk Management Team Fall Retreat and would like to invite the group to have next year's meeting in Currituck County. The Board was agreeable to extending the invitation.

Commissioner Jarvis discussed the Aviation Day event and the plane rides planned for kids. She recognized Commissioner J. Owen Etheridge and all farmers for the work they do.

Following comments, Commissioner McCord and Commissioner J. Owen Etheridge reported they, along with Sheriff Beickert and Mr. McRee, will attend a ceremony for Currituck County Clerk of Superior Court, Ray Matusko, who will be sworn in as President of the North Carolina Conference of Clerks of Superior Court, an office never held by

Currituck County. An upcoming Legislative Update presented by Representative Bobby Hanig was also announced.

COUNTY MANAGER/COUNTY ATTORNEY REPORTS

Interim County Manager/County Attorney, Ike McRee, announced he will attend a meeting with other area County Managers to discuss additional funding for retiree benefits for former employees of Albemarle Mental Health. He said he will let Board of Commissioners know what Currituck County's share will be and he responded to questions about the county's requirement to fund the entity's retiree healthcare liability. He reported a grant previously submitted by Rebecca Gay, when serving as Deputy Emergency Management Coordinator, resulted in an award of \$1,040,864 from Federal Emergency Management Act (FEMA) to raise seven homes in the county that are subject to flooding.

NEW BUSINESS

A. Consideration of Bid Award Recommendation for the Historic Jail Stabilization Project, Phase I, and Authorize County Manager to Execute Contracts

Interim County Manager/County Attorney, Ike McRee, reviewed the bid tab for the Historic Jail Renovation. He remarked on the significant spread between the two lowest bids and confirmed the architect is comfortable with the low bidder's ability to perform. Mr. McRee reviewed the recommendation of award to Midwest Maintenance, Inc., in the amount of \$177,000.

Commissioner Jarvis moved for approval and the motion was seconded by Commissioner Beaumont. The motion carried, 6-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Paul M. Beaumont, Vice Chairman
AYES:	Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Bob White, Commissioner

B) Board Appointments

1. Tourism Advisory Board

Commissioner J. Owen Etheridge moved to approve Janice Farr to serve on the Tourism Advisory Board. Chairman Payment seconded the motion. The motion carried, 6-0.

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RESULT: **APPROVED [UNANIMOUS]**
MOVER: J. Owen Etheridge, Commissioner
SECONDER: Michael H. Payment, Chairman
AYES: Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT: Bob White, Commissioner

C) Consent Agenda

Commissioner Beaumont moved for approval of Consent Agenda. Commissioner Mary Etheridge seconded the motion. The motion carried, 6-0.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Paul M. Beaumont, Vice Chairman
SECONDER: Mary "Kitty" Etheridge, Commissioner
AYES: Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT: Bob White, Commissioner

1. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
50447-590511	Historic Jail Preservation	\$ 275,000	
50390-495015	T F - Occupancy Tax Fund		\$ 275,000
		<u>\$ 275,000</u>	<u>\$ 275,000</u>
Explanation:	County Governmental Facilities Fund (50) - Increase appropriations for stabilization of the Historic Jail.		
Net Budget Effect:	County Governmental Construction Fund (50) - Increased by \$200,000.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10430-532001	Supplies	\$ 1,521	
10440-514000	Travel	\$ 14,435	
10440-514500	Training & Education	\$ 3,210	
10440-532000	Supplies	\$ 6,000	
10440-545100	Credit Card Fees	\$ 15,000	
10460-545000	Contract Services	\$ 2,261	
10460-592000	Courthouse Projects	\$ 17,935	
10490-561000	Professional Services	\$ 31,391	
10510-590000	Capital Outlay	\$ 42,656	
10511-590000	Capital Outlay	\$ 89,974	
10530-545000	Contract Services	\$ 12,649	
10530-590000	Capital Outlay	\$ 205,756	
10531-545000	Contract Services	\$ 11,250	
10535-545000	Contract Services	\$ 3,391	
10660-561000	Professional Services	\$ 14,580	
10795-592000	Recreation Projects	\$ 155,814	
10390-499900	Appropriated Fund Balance		\$ 627,823
20609-516000	Contract Services	\$ 3,970	
20609-590000	Capital Outlay	\$ 31,884	
20390-499900	Appropriated Fund Balance		\$ 35,854
28450-545000	Contract Services	\$ 49,023	
28390-499900	Appropriated Fund Balance		\$ 49,023
63838-532000	Supplies	\$ 12,843	
63838-545001	Contract Services	\$ 15,041	
63838-561000	Professional Services	\$ 25,760	
63390-499900	Appropriated Retained Earnings		\$ 53,644
66868-590000	Capital Outlay	\$ 75,670	
66390-499900	Appropriated Retained Earnings		\$ 75,670
67878-533200	Chemicals	\$ 3,095	
67878-545000	Contract Services	\$ 47,405	
67878-590000	Capital Outlay	\$ 4,746	
67390-499900	Appropriated Retained Earnings		\$ 55,246
		<u>\$ 897,260</u>	<u>\$ 897,260</u>
Explanation:	Various Departments - Carry forward prior year budgeted amounts for purchase orders encumbered in prior fiscal year and still open at year end.		
Net Budget Effect:	Operating Fund (10) - Increased by \$627,823.		
	Whalehead Stormwater Drainage District Fund (20) - Increased by \$35,854.		
	Revaluation Fund (28) - Increased by \$49,023.		
	Solid Waste Fund (63) - Increased by \$53,644.		
	Southern Outer Banks Water Fund (66) - Increased by \$75,670.		
	Mainland Sewer Fund (67) - Increased by \$55,246.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10650-526650	Economic Development Incentive	\$ 14,305	
10320-411000	Article 39 Sales Tax		\$ 14,305
		\$ 14,305	\$ 14,305
Explanation: Economic Development (10650) - Increase appropriations to provided funding for partial cost required for Buffalo City Distillery LLC's connection to the County water system as approved by Board of Commissioners Resolution Authorizing Incentives Contract with Buffalo City Distillery LLC on August 5, 2019.			
Net Budget Effect: Operating Fund (10) - Increased by \$14,305.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10752-558200	LINKS - Special	\$ 20,000	
10330-430004	DSS COVID Funding		\$ 20,000
		\$ 20,000	\$ 20,000
Explanation: Social Services Public Services (10752) - Increase budgeted line items for one-time allocation of Chafee funding for low-income utility funding.			
Net Budget Effect: Operating Fund (10) - Increased by \$20,000.			

2. Project Ordinance-Historic Jail Stabilization, Phase 1

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is design and construction for the Historic Jail Museum: Phase 1 - Stabilization.

SECTION 2. The following amounts are appropriated for the project:

Historic Jail Restoration	\$ 275,000
	<u>\$ 275,000</u>

SECTION 3. The following funds are available to complete this project:

Transfer from Occupancy Tax	\$ 275,000
	<u>\$ 275,000</u>

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 20th day of September 2021.

3. FY 20-21 Settlement for Current and Delinquent Taxes for Years 2012-2020

Communication: Minutes for September 20, 2021 (Approval Of Minutes-September 20, 2021)

FY 20-21 SETTLEMENT FOR CURRENT & DELINQUENT TAXES FOR TAX YEARS 2012-2020 (G.S. 105-373)

COLLECTION TOTALS FOR THE YEARS 2012 -2020*							
YEARS	Levy All Charge Codes	Adjustments Releases/Writeoffs	Net Levy	Interest Collected	Tax Payments*	Unpaid Balance*	% COLL
2020	36,968,119.26	-20,812.81	36,947,306.45	78,473.61	36,644,429.56	302,876.89	99.18%
2019	36,309,890.31	-35,356.02	36,274,534.29	108,860.34	36,135,056.74	138,477.55	99.62%
2018	35,527,521.71	-24,560.36	35,502,961.35	86,291.50	35,456,328.58	46,632.77	99.87%
2017	32,887,340.66	1,794.50	32,889,135.16	94,509.89	32,864,028.94	25,106.22	99.92%
2016	31,866,781.01	-52,553.81	31,816,227.20	94,738.09	31,802,807.33	13,419.87	99.96%
2015	31,147,789.18	-34,096.38	31,113,692.80	112,337.53	31,104,113.29	9,579.51	99.97%
2014	30,606,696.75	-31,064.99	30,575,631.76	103,739.52	30,569,073.49	6,558.27	99.98%
2013	30,945,021.92	-74,408.82	30,870,613.10	117,476.62	30,862,410.52	8,202.58	99.97%
2012	30,147,850.90	-86,796.80	30,061,054.10	117,656.74	30,052,952.68	8,101.42	99.97%
TOTALS	296,407,011.70	-357,855.49	296,051,156.21	914,083.84	295,491,201.13	558,955.08	99.81%

*Collections through June 30, 2021

Note: 2017 Adj/Rel/Writeoff positive
Due to \$19,997.55 demolition fee added
198 Shortcut Rd

Respectfully Submitted
and Sworn to this the 13th day of September, 2021



Tracy Sample, Tax Collector

4. Tax Order of Collections-2021

STATE OF NORTH CAROLINA
COUNTY OF CURRITUCK

ORDER OF COLLECTIONSTO THE TAX COLLECTOR OF THE COUNTY OF CURRITUCK:

You are hereby authorized, empowered, and commanded to collect the taxes due, for the current year and the nine prior years, set forth in the tax records filed in the office of the Tax Collector and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Currituck, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 20th day of September, 2021.

5. **Consideration of Travel Approval for Commissioners: Clerk of Superior Court Swearing-In Ceremony, Carteret County, & Waters Summit, Pitt County**
6. **Job Description Revisions**
- 7) **Approval Of Minutes: 9/7/2021, SM-6/3/2021**
 1. **Sept. 7, 2021 Minutes**
 2. **SM Minutes-6-3-2021**

RECESS

The Regular Meeting of the Board was recessed by Chairman Payment in order for the Board to hold Special Meetings of the Tourism Development Authority and the Ocean Sands Water and Sewer District Board.

SPECIAL MEETING-TOURISM DEVELOPMENT AUTHORITY

The Currituck County Board of Commissioners, during a recess of its Monday, September 20, 2021 regular meeting, entered into a Special Meeting to sit as the Tourism Development Authority. The Special Meeting was called to order at 6:44 PM and was held in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for the purpose of considering Budget Amendments.

TDA-Budget Amendment

Ike McRee, Interim County Manager/County Attorney, reviewed the Budget Amendments for consideration: Funding for the Historic Jail Stabilization Project, funding for the Corolla Wild Horse Fund and carry funds from the prior fiscal year.

Commissioner Jarvis moved for approval. Commissioner McCord seconded the motion. The motion carried, 6-0.

Communication: Minutes for September 20, 2021 (Approval Of Minutes-September 20, 2021)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15447-587050	T T - County Govt Facilities Fund	\$ 275,000	
15320-415000	Occupancy Tax		\$ 275,000
		<u>\$ 275,000</u>	<u>\$ 275,000</u>
Explanation:	Tourism Related Expenses (15447) - Increase appropriations to budget for Phase I Stabilization of the Historic Jail in Currituck.		
Net Budget Effect:	Occupancy Tax Fund (15) - Increased by \$200,000.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15442-526200	Promotional Efforts	\$ 5,962	
15447-545000	Contract Services	\$ 2,380	
15447-545002	Historic Preservation	\$ 29,481	
15447-590000	Capital Outlay	\$ 150,420	
15390-499900	Appropriated Fund Balance		\$ 188,243
		<u>\$ 188,243</u>	<u>\$ 188,243</u>
Explanation:	Tourism Promotion (15442); Tourism Related Expenses (15447) - Increase appropriations or funds encumbered in prior fiscal year but not completed by June 30, 2021.		
Net Budget Effect:	Occupancy Tax Fund (15) - Increased by \$188,243.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15447-545004	Corolla Wild Horse Fund	\$ 69,200	
15390-499900	Appropriated Fund Balance		\$ 69,200
		<u>\$ 69,200</u>	<u>\$ 69,200</u>
Explanation:	Tourism Related Expenses (15447) - Increase appropriations to fund the Corolla Wild Horse fund for herd maintenance.		
Net Budget Effect:	Occupancy Tax Fund (15) - Increased by \$69,200.		

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Bob White, Commissioner

ADJOURN TDA

There was no further business and Commissioner Mary Etheridge moved to adjourn. Commissioner J. Owen Etheridge seconded the motion. The motion carried, 6-0, and the meeting of the Tourism Development Authority adjourned at 6:46 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	J. Owen Etheridge, Commissioner
AYES:	Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Bob White, Commissioner

SPECIAL MEETING-OCEAN SANDS WATER & SEWER DISTRICT BOARD

The Currituck County Board of Commissioners, during a recess of its 6:00 PM regular meeting on Monday, September 20, 2021, entered into a Special Meeting to sit as the Ocean Sands Water and Sewer District Board. The meeting was held at 6:46 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for the purpose of considering Budget Amendments.

OSWSD-Budget Amendment

Ike McRee, Interim County Manager/County Attorney, reviewed the Budget Amendment for consideration which will carry over funds from the prior fiscal year.

Commissioner J. Owen Etheridge moved for approval. Commissioner Beaumont seconded the motion. The motion carried, 6-0.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
60808-545001	Contract Services	\$ 3,740	
60808-590001	Capital Outlay	\$ 15,948	
60390-499900	Appropriated Retained Earnings		\$ 19,688
		\$ 19,688	\$ 19,688
Explanation: Ocean Sands Water and Sewer (60808) - To carry forward funds that were encumbered in the prior fiscal year but had not been paid out by June 30, 2021.			
Net Budget Effect: Ocean Sands Water and Sewer District Fund (60) - Increased by \$ 19,688 .			

RESULT: APPROVED [UNANIMOUS]
MOVER: J. Owen Etheridge, Commissioner
SECONDER: Paul M. Beaumont, Vice Chairman
AYES: Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT: Bob White, Commissioner

ADJOURN OSWSD AND RECONVENE

There was no further business and Commissioner Beaumont moved to adjourn the Special Meeting of the Ocean Sands Water and Sewer District Board and reconvene the Regular Meeting. Commissioner Mary Etheridge seconded the motion. The motion carried, 6-0, and the Regular Meeting reconvened at 6:47 PM.

RESULT: APPROVED [UNANIMOUS]
MOVER: Paul M. Beaumont, Vice Chairman
SECONDER: Mary "Kitty" Etheridge, Commissioner
AYES: Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT: Bob White, Commissioner

CLOSED SESSION

Chairman Payment asked for a motion to enter Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and preserve the attorney-client privilege.

Closed Session Pursuant to G.S. 143-318.11(a)(3) to Consult with the County Attorney and Preserve the Attorney-Client Privilege

Commissioner Beaumont moved to enter into Closed Session. The motion was seconded by Commissioner Mary Etheridge. The motion carried, 6-0, and the Board went into Closed Session.

AMENDED-WORK SESSION**D. Amended-Work Session: Fost Subdivision Plat Approval Process and Regulated Utility Connection**

The Board returned from Closed Session and called a recess at 7:18 PM. The meeting reconvened at 7:24 PM for a work session on the subdivision approval process and utility connections for the Fost tract, Moyock Township.

Mr. McRee said the Work Session was being held to respond to concerns voiced by Justin Old, Allied Properties, LLC, about County processes for project approvals. Mr. McRee stated the county is in no way trying to hinder or halt any projects and is satisfied that staff is fulfilling their responsibility to move projects forward in accordance with County ordinances. Commissioners were updated on wastewater availability at Fost and were presented with issues of concern for state agencies that will need to be resolved in order for the intended purchaser of the Eagle Creek wastewater plant, Currituck Water and Sewer, LLC, to acquire the facility and provide service to the Fost subdivision.

Kevin Kemp, Development Services Director, used a powerpoint to present a full review of the process and timeline for the Fost development, beginning with the applicant's initial submittal. Wastewater infrastructure issues at the site and related requirements in the Unified Development Ordinance (UDO) were presented. Mr. Kemp reviewed requests by Allied Properties to begin construction and resulting staff determinations of incomplete due to the absence of the off-site wastewater system on the construction drawings, inconsistent with the amended plat. Mr. Kemp said pipes and roads within the subdivision have been installed and the wastewater connection is the last bit of infrastructure remaining. Certification from the North Carolina Department of Environmental Quality, required in the UDO, was recently received by the County. Conditions and concerns presented to the county by state agencies pertaining to the acquisition and operation of the Eagle Creek wastewater plant by Currituck Water and Sewer, LLC, were discussed. Mr. Kemp reviewed overhead maps to show the route of the proposed force main. He said it will require about fifteen weeks for installation.

Mr. McRee relayed conversation with the Attorney for the North Carolina Utilities Commission, who said Currituck Water and Sewer, LLC, does not want to comply with a consent judgment issued against the current owner of the Eagle Creek plant. Mr. McRee explained the conditions would have to be met by the new owners and includes converting the current vacuum system to a gravity system for collections. Other conditions include installation of a return line from the Eagle Creek plant back to Fost and a 150,000 gallon infiltration pond. Mr. McRee reviewed the role of the Public Staff at the North Carolina Utilities Commission.

Mr. Kemp summarized by saying 136 dwelling units are approved at Fost with no ability at this time to treat or dispose of wastewater. He responded to questions pertaining to UDO requirements relative to when construction can begin, submittals and state permits. Commissioners discussed the Eagle Creek plant, its issues with collections, and the need for amended submittals for Fost and an amended Use Permit for Currituck

Water and Sewer, LLC, as consequences of the return effluent line and pond requirements of the state.

Mr. Old was in attendance and asked to address the Board. Commissioner J. Owen Etheridge moved to amend the rules to allow Board discussion with Mr. Old and Commissioner McCord seconded the motion.

Chairman Payment said he agreed to discuss the issue with the applicant at a later date and the Work Session was for Commissioners to have a good understanding of the issues at Fost. Commissioner J. Owen Etheridge called the question and, following additional comments provided by Board members, the motion failed in a 3-3 tie. Commissioner J. Owen Etheridge, Paul Beaumont, and Kevin McCord voted in favor. Chairman Payment, Commissioner Mary Etheridge and Commissioner Selina Jarvis were opposed.

When asked by Commissioner Mary Etheridge about the County's liability, Mr. McRee said the County would not be liable but expressed concerns with what could happen if final plat went to record before there is a force main and the purchasing public can't get Certificates of Occupancy to move into their homes because there is no sewer.

Commissioner Beaumont said the County should have issued a stop work as required by the UDO and doesn't feel the builder should have to wait at this point. Mr. McRee said the Zoning Administrator has sole authority to interpret the UDO and recommends the Board amend the ordinance rather than direct the individual who has the authority.

Mr. Old was able to pose a question to staff and asked what ordinances were violated. Mr. Kemp provided section numbers which related to final plat, submissions, and central wastewater system connection certifications. Commissioners clarified the force main from the site to the plant has not been installed and must be before certification can be given.

Mr. McRee discussed the authority of the Zoning Administrator and provided options to remedy the issue by way of text amendment or letter of determination. Mr. Kemp said the county is not holding up the project, as the installation of the force main is not a County responsibility, and he believes pipe is at the site and ready for installation.

Discussion continued and Commissioners directed staff to follow what is written in the UDO going forward and to not deviate from the language. Commissioners discussed allowing the final plat and sewer line install to run concurrently, as directed by the previous County Manager, Ben Stikeleather. Commissioner J. Owen Etheridge made a motion to allow staff to develop a text amendment to address the issue and implement the process for concurrent tracking as discussed. Commissioner McCord seconded the motion. The motion carried, 6-0. Commissioners directed Mr. Kemp to move forward to develop a solution on how to proceed with a text amendment for a parallel review of the matter. Mr. Kemp said he will consult with Eric Weatherly, Engineer, regarding the force main connection to the system.

Chairman Payment said he will follow up with the applicant to see if he would like to meet with staff for further discussion. The Work Session concluded at 9:00 PM.

ADJOURN**Motion to Adjourn Meeting**

There was no further business following the work session and Commissioner Beaumont moved to adjourn. The motion was seconded by Commissioner Jarvis. The motion carried, 6-0, and the meeting of the Board of Commissioners concluded at 9:00 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Vice Chairman
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Bob White, Commissioner