



PB20-16 CURRITUCK COUNTY
UTILITY & DRAINAGE EASEMENTS
TEXT AMENDMENT
BOARD OF COMMISSIONERS
SEPTEMBER 7, 2021

Currituck County requests an amendment to the Unified Development Ordinance, Chapter 7 Environmental Protection to clarify that drainage easements shall be dedicated to the county and to reduce the required drainage access easement area from 50' to 25' along major drainage features.

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

7.3.4 Stormwater Management Standards

B. Drainage Requirements

- (10) Development subject to these standards shall provide maintenance access drainage easements and point of entry to the county in accordance with ~~Section 6.2.3.B, Utility Easements~~ and the following standards:
- (a) Easements shall be provided along at least one side of waterway conveyance systems that drain more than five acres provided the waterway conveyance system is not part of a state permitted and functional stormwater management system. The easement shall include the conveyance and an additional twenty-five feet measured from the top of embankment.
 - (b) Easements shall be provided along both sides of the following waterway conveyance systems:
 - (i) Hog Bridge Ditch;
 - (ii) Guinea Mill;
 - (iii) Upper Guinea Mill;
 - (iv) Lateral "A";
 - (v) Lateral "B";
 - (vi) Lateral "C";
 - (vii) Haywood Ditch;

- (viii) Rowland Creek Canal;
- (ix) Eagle Creek Canal (also known as Western Canal); and
- (x) Shingle Landing Creek Canal.

The easement shall include the conveyance and an additional twenty-five ~~fifty~~ feet measured from the top of each embankment.

Item 2: Consistency Statement:

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

1. POLICY WQ6: Currituck County supports the retention or preservation of VEGETATED BUFFERS along the edge of drainage ways, streams and other components of the estuarine system as an effective, low cost means of protecting water quality.
2. POLICY WQ8: Currituck County shall support the development and maintenance of a countywide COMPREHENSIVE DRAINAGE AND FLOOD MANAGEMENT PLAN, including public and private actions in support of plan implementation. Currituck County shall support County, NCDOT and property owner cooperation in preventing and resolving stormwater problems.

The request is reasonable and in the public interest because:

1. It clarifies that required maintenance access drainage easements shall be dedicated to the county to ensure access to maintain drainage infrastructure.

Item 3: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 4: This ordinance amendment shall be in effect from and after the 7th day of September, 2021.


Board of Commissioners' Chairman

Attest:


Leeann Walton
Clerk to the Board

DATE ADOPTED: 9.7.2021
MOTION TO ADOPT BY COMMISSIONER: Selina Jarvis
SECONDED BY COMMISSIONER: Bob White
VOTE: 6 AYES 1 NAYS

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PLANNING BOARD DATE: 8/10/2021
PLANNING BOARD RECOMMENDATION: Approved
VOTE: 5 AYES 0 NAYS

ADVERTISEMENT DATE OF PUBLIC HEARING: 8/25/2021 & 9/1/2021
BOARD OF COMMISSIONERS PUBLIC HEARING: 9/7/2021
BOARD OF COMMISSIONERS ACTION: Approved
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: 9/8/2021
AMENDMENT NUMBER: 73