

**TENTATIVE AGENDA & MEETING NOTICE
BOARD OF COUNTY COMMISSIONERS**

**TUESDAY, SEPTEMBER 19, 2017
5:30 P.M.**

**WATAUGA COUNTY ADMINISTRATION BUILDING
COMMISSIONERS' BOARD ROOM**

TIME	#	TOPIC	PRESENTER	PAGE
5:30	1	CALL REGULAR MEETING TO ORDER		
	2	APPROVAL OF MINUTES: September 5, 2017, Regular Meeting September 5, 2017, Closed Session		1
	3	APPROVAL OF THE SEPTEMBER 19, 2017 AGENDA		11
5:35	4	PUBLIC HEARING TO ALLOW CITIZEN COMMENT ON PROPOSED AMENDMENTS TO THE ORDINANCE TO GOVERN SUBDIVISIONS AND MULTI-UNIT STRUCTURES	MR. RIC MATTAR MR. JOE FURMAN	13
5:40	5	SANITATION MATTERS A. Bid Award Request for Brush Grinding B. Bid Award Request for Sanitation and Animal Care & Control Vehicles C. Bid Award Request for Recycling Facility Floor Repairs	MR. J. V. POTTER	89 91 93
5:45	6	PROJECT ON AGING REQUEST TO ACCEPT FY 2018 SENIOR'S HEALTH INSURANCE INFORMATION PROGRAM (SHIIP) GRANT/CONTRACT	MS. ANGIE BOITNOTTE	95
5:50	7	TAX MATTERS A. Monthly Collections Report B. Refunds & Releases	MR. LARRY WARREN	115 117
5:55	8	BUDGET AMENDMENTS	MS. MARGARET PIERCE	121
6:00	9	MISCELLANEOUS ADMINISTRATIVE MATTERS A. Boards and Commissions B. Announcements	MR. DERON GEOUQUE	125 131
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7:05	11	BREAK		134
7:10	12	CLOSED SESSION Attorney/Client Matters – G. S. 143-318.11(a)(3)		134
7:30	13	ADJOURN		

AGENDA ITEM 2:

APPROVAL OF MINUTES:

September 5, 2017, Regular Meeting
September 5, 2017, Closed Session

DRAFT**MINUTES****WATAUGA COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 5, 2017**

The Watauga County Board of Commissioners held a regular meeting, as scheduled, on Tuesday, September 5, 2017, at 8:30 A.M. in the Commissioners' Board Room of the Watauga County Administration Building, Boone, North Carolina.

PRESENT: John Welch, Chairman
Billy Kennedy, Vice-Chairman
Jimmy Hodges, Commissioner
Larry Turnbow, Commissioner
Perry Yates, Commissioner
Anthony di Santi, County Attorney
Deron Geouque, County Manager
Anita J. Fogle, Clerk to the Board

Chairman Welch called the meeting to order at 8:31 A.M.

Commissioner Yates opened with prayer and Vice-Chairman Kennedy led the Pledge of Allegiance.

APPROVAL OF MINUTES

Chairman Welch called for additions and/or corrections to the August 15, 2017, regular and closed session minutes.

Vice-Chairman Kennedy, seconded by Commissioner Hodges, moved to approve the August 15, 2017, regular meeting minutes as presented.

VOTE: Aye-5
Nay-0

Vice-Chairman Kennedy, seconded by Commissioner Hodges, moved to approve the August 15, 2017, closed session minutes as presented.

VOTE: Aye-5
Nay-0

APPROVAL OF AGENDA

Chairman Welch called for additions and/or corrections to the September 5, 2017, agenda.

County Manager Geouque requested to add Land Acquisition to the scheduled Closed Session, per G. S. 143-318.11(a)(5)(i), and possible action after closed session.

Commissioner Yates, seconded by Vice-Chairman Kennedy, moved to approve the September 5, 2017, agenda as amended.

VOTE: Aye-5
Nay-0

APPALCART MATTERS

A. Rural Operating Assistance Program (ROAP) Grant Application Request

Mr. Craig Hughes, AppalCART Director, presented the Rural Operating Assistance Program (ROAP) grant application for FY 2018. Watauga County is to be awarded \$157,894 which does not require a local match.

Vice-Chairman Kennedy, seconded by Commissioner Yates, moved to approve the Rural Operating Assistance Program (ROAP) grant application for FY 2018 and accept the funds to be awarded in the amount of \$157,894.

VOTE: Aye-5
Nay-0

B. Update Report

Mr. Craig Hughes provided an update on AppalCART matters. Mr. Hughes stated that the buses are staying full with heavy ridership. AppalCART is using “tripper” buses to compensate when regular route buses are full. Students have also been asked to allow extra time to get to class as they may have to wait for a second bus. AppalCART is expecting ten new buses. Nine are replacements and one will cover the extra volume on the Red Route due to the new ASU Health Science Building. The buses are approximately \$437,000 each and are funded with 80% Federal funds, 10% State funds and 10% local funds. Mr. Hughes stated that funding was stable in Watauga County as the formulas used are performance based. The report was for information only and, therefore, no action was required.

HABITAT FOR HUMANITY ROAD CONSTRUCTION REQUEST

In 2009, the Watauga County Habitat for Humanity (WCHFH) presented a request and was granted approval for assistance from the County of heavy equipment use in preparation of their new planned development located immediately behind the Green Valley School. The request called for County crews to build the road and to prepare level building pads for Phase I of the development which consisted of the first six sites on the plat. It was additionally requested that County staff also assist with the removal of trees, stumps, and waive the tipping fees.

Mr. Alex Hooker, WCHFH Chairman, presented a similar request asking for like assistance from the County for Phase II of the Greenwood Development project. Mr. Hooker requested County personnel clear, grade, and waive tipping fees associated with the project.

County Manager Geouque stated that Mr. J. V. Potter indicated that this amount of work would take his crew, working intermittently, six to eight weeks to complete the project with County operations taking precedence.

Vice-Chairman Kennedy, seconded by Commissioner Hodges, moved to authorize staff to assist Habitat for Humanity with their GreenWood Development project located behind Green Valley School by providing clearing, grading, and waiving the tipping fee at the Landfill.

VOTE: Aye-5
Nay-0

PROPOSED RESOLUTION IN SUPPORT OF MARSY’S LAW

Mr. Matthew Hebb, with Marsy’s Law, presented a proposed resolution in support of HB 551/SB 595 - Marsy’s Law. Marsy’s Law would establish “co-equal” rights to victims of violent crimes with that of the accused. Specifically, the bill requires notification of release, hearings, appropriate restitution, and the right to speak during criminal proceedings.

Commissioner Turnbow, seconded by Commissioner Hodges, moved to adopt the resolution in support of HB 551/SB595 – Marsy’s Law as presented.

VOTE: Aye-5
Nay-0

MAINTENANCE MATTERS

A. Bid Award Request for Repaving the Winkler’s Creek Facility

Mr. Robert Marsh, Maintenance Director, presented the following bids for paving at the Winklers Creek Facility (New Tag Office):

Bidder	Amount
Moretz Paving, Inc.	\$20,240
Tri-County Paving, Inc.	\$31,430
Carol Rose Paving	No Bid Received
Champion Paving	No Bid Received

Paving of the parking lot for the tag office has been completed. The current request is to pave the parking lot and lay down areas for the Maintenance Department. Four (4) companies were solicited with only two (2) responses received. Moretz Paving was the lowest responsive bidder in the amount of \$20,240. Adequate funds have been included in the current budget to cover the expenditure. Mr. Marsh stated that the paving may not take place until the spring or summer of 2018; however, the price would be guaranteed.

Commissioner Yates, seconded by Vice-Chairman Kennedy, moved to award the contract to Moretz Paving in the amount of \$20,240 for paving at the Winklers Creek Facility.

VOTE: Aye-5
Nay-0

B. Bid Award Request for Health Department Building Renovations

Mr. Marsh presented the following bids for renovations at the Health Department building to accommodate the relocation of Planning and Inspections, Veterans Service, and Red Cross offices:

Bidder	Amount
Greene Construction, Inc.	\$160,000
Houck Contracting, LLC	\$209,391
VPC Builders, LLC	\$159,183
Wishon & Carter Builders, Inc.	\$172,925

Four (4) bids were received with VPC Builders being the lowest responsive bidder in the amount of \$159,183. Funds would be allocated from the General Fund Balance as discussed during the County's budget retreat.

Commissioner Yates, seconded by Vice-Chairman Kennedy, moved to award the contract to VPC Builders in the amount of \$159,183 for renovations to the Health Department building to accommodate the relocation of County services.

VOTE: Aye-5
Nay-0

PLANNING AND INSPECTIONS MATTERS

A. Acceptance of Grants allocated in the 2017-2018 State Budget

Mr. Furman, Planning and Inspections Director, presented two (2) grants awarded to the County in the 2017-18 State Budget. Approval is required to accept the grants so the funds can be recognized in the County budget. Both grants, each in the amount of \$50,000 will be disbursed to the County on a reimbursement basis. One is for the Guy Ford Road River Access, funded through the Office of State Budget and Management, and is available due to the efforts of Senator Ballard. Mr. Furman anticipates construction to be in the spring or summer of 2018. The other grant is to go toward construction of a greenway connector between Watauga Medical Center and the Wellness Center, to be located almost entirely on County-leased land adjacent to the Optimist Fields. Appalachian Regional Healthcare System (ARHS) was granted a like amount for the project. The project will be completed through a partnership between the County, ARHS and the Town of Boone. The funding will be through the NC Department of Natural and Cultural Resources.

Vice-Chairman Kennedy, seconded by Commissioner Yates, moved to accept both grants as presented by Mr. Furman.

VOTE: Aye-5
Nay-0

B. Report on Old Hwy 421 and Hwy 421 Intersection

Mr. Furman stated that at a previous Board meeting, staff was requested to contact the North Carolina Department of Transportation (NCDOT) regarding potential improvements to the US Highway 421 and Old Highway 421 intersection near Food Lion to reduce the dangers experienced there by motorists. NCDOT staff has begun assessing the intersection and their preliminary analysis is that an overpass would be the most effective long-term solution in addressing the issues at the intersection. Most of the property required for the overpass is owned by NCDOT. The US Highway 421 and Old Highway 421 intersection was submitted as a transportation project to the High Country RPO to be scored for possible inclusion in the next State Transportation Improvement Plan (STIP). Mr. Furman stated that it would be two years until the next STIP.

The County Manager contacted Mike Pettyjohn, Division 11 Engineer, who stated that NCDOT has a project that will provide advanced flashing arrows and redesign the signal heads to be closer to the stop bars.

By consensus, the Board agreed to direct Mr. Furman to move forward with the proposed project.

MISCELLANEOUS ADMINISTRATIVE MATTERS

A. Proposed Lease of County Property to Skyline Telephone Membership Corporation

County Manager Geouque stated that at the July 18, 2017, regular meeting, a lease with Skyline/Skybest for a .057 acre parcel of land located at the entrance of Watauga High School was presented. The School Board had expressed approval for the lease. However, due to the property serving as collateral for the loan on the high school the County is the owner of record. The lease was modified to conform to North Carolina General Statutes and incorporate any changes by the County Attorney.

Property owned by the County may be leased or rented for such terms and upon such conditions as the Board may determine, for up to ten (10) years. Property may be rented or leased only pursuant to a resolution of the Board authorizing the execution of the lease or rental agreement adopted at a regular Board meeting upon a thirty (30) day public notice. Notice shall be given by publication describing the property to be leased or rented, stating the annual rental or lease payments, and announcing the Board's intent to authorize the lease or rental at a future meeting.

The required resolution which would authorize the lease was adopted with formal approval requested as the thirty day notification period has been met.

Vice-Chairman Kennedy, seconded by Commissioner Turnbow, moved to approve the lease contingent upon the County Attorney's approval.

VOTE: Aye-5
Nay-0

B. Blue Ridge Electric Membership Corporation Easement Request

County Manager Geouque stated that Blue Ridge Electric Membership Corporation has requested an easement on the undivided interest of property the County owns located at Tweetsie Railroad. The purpose is to upgrade the power line to Tweetsie.

Commissioner Yates, seconded by Commissioner Turnbow, moved to grant the easement to Blue Ridge Electric Membership Corporation for the Tweetsie property, contingent upon county attorney review.

VOTE: Aye-5
Nay-0

C. Community/Recreation Center Report

County Manager Geouque stated that proposals were recently solicited for firms to serve as the Construction Manager at Risk (CMAR) for the Community/Recreation Center. Five (5) firms attended the mandatory pre-proposal conference on July 11, 2017. On August 16, 2017, the committee appointed by the Board conducted interviews with the four (4) firms who submitted proposals. The committee thoroughly reviewed the firms' experience and recommended the selection of Harper Corporation General Contractors to serve as the Community/Recreation Center CMAR.

Mr. Chad Roberson, architect for the Community/Recreation Center, presented a contract with Harper Corporation General Contractors. The contract is for preconstruction services and the fee for construction services for the project. The preconstruction fee is \$97,500 and construction services for the project are 3.75% of the total Guaranteed Maximum Price (GMP). Vice-Chairman Kennedy stated that the committee was unanimous in their recommendation.

County Attorney di Santi stated that Mr. Wilson, with his firm, had reviewed the contract and suggested changes, and the contract was in final form for approval. Mr. di Santi also stated that the Construction Manager at Risk format was used for and worked very well in the high school project.

Commissioner Turnbow, seconded by Vice-Chairman Kennedy, moved to approve the contract with Harper Corporation General Contractors for pre-construction services in the amount of \$97,500 and construction services in the amount of 3.75% of the total Guaranteed Maximum Price (GMP).

VOTE: Aye-5
Nay-0

D. Sheriff's Office Out-of-State Travel Request

County Manager Geouque stated that Captain Dee Dee Rominger has requested out-of-state travel for Detective Seth Morrison to attend DARE school training in Sykesville, MD. The out-of-state training is necessary due to the upcoming retirement of the current DARE officer.

VOTE: Aye-5
Nay-0

E. Boards and Commissions

County Manager Geouque presented the following:

Economic Development Commission

The terms of two members of the Economic Development Commission expired in June. Mr. Ed Evans and Mr. Tommy Sofield have served two consecutive terms and are, therefore, not eligible for reappointment. Each term is for three years.

Valle Crucis Historic Preservation Commission

The term of Susan Mast expires in September on the Valle Crucis Historic Preservation Commission. Ms. Mast is willing to continue to serve if reappointed. The term would be for three years. The Commission meets infrequently. This is a first reading.

Vice-Chairman Kennedy, seconded by Commissioner Yates, moved to waive the second reading and reappoint Ms. Susan Mast to the Valle Crucis Historic Preservation Commission.

VOTE: Aye-5
Nay-0

F. Announcements

County Manager Geouque announced the following:

- The High Country Council of Governments' Annual Banquet is scheduled for Friday, September 8, 2017, at Linville Ridge. If you wish to attend, please notify Anita so she may assist with registration.
- The Trustees of Caldwell Community College & Technical Institute invites the Board of Commissioners to a meeting on Wednesday, September 20, 2017, at 6:00 P.M. at the Watauga Instructional Facility on Hwy 105 Bypass, Boone NC, in Room 112.

PUBLIC COMMENT

There was no public comment. Mr. Jeff Deal had signed up to speak prior to the meeting but was not present when called upon.

CLOSED SESSION

At 9:14 A.M., Vice-Chairman Kennedy, seconded by Commissioner Hodges, moved to enter Closed Session to discuss Attorney/Client Matters, per G. S. 143-318.11(a)(3).

VOTE: Aye-5
Nay-0

[Clerk's Note: Commissioner Yates momentarily stepped out of the meeting just prior to the below motions and returned immediately after the meeting was adjourned. Therefore, he was absent from the room when the votes took place.]

Vice-Chairman Kennedy, seconded by Commissioner Turnbow, moved to resume the open meeting at 9:52 A.M.

VOTE: Aye-4(Welch, Kennedy, Hodges, Turnbow)
Nay-0
Absent-1(Yates)

ADJOURN

Vice-Chairman Kennedy, seconded by Commissioner Turnbow, moved to adjourn the meeting at 11:22 A.M.

VOTE: Aye-4(Welch, Kennedy, Hodges, Turnbow)
Nay-0
Absent-1(Yates)

John Welch, Chairman

ATTEST: Anita J. Fogle, Clerk to the Board

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AGENDA ITEM 3:

APPROVAL OF THE SEPTEMBER 19, 2017, AGENDA

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AGENDA ITEM 4:**PUBLIC HEARING TO ALLOW CITIZEN COMMENT ON PROPOSED AMENDMENTS TO THE ORDINANCE TO GOVERN SUBDIVISIONS AND MULTI-UNIT STRUCTURES****MANAGER'S COMMENTS:**

In January of 2017 the Board requested the Planning Board review the Ordinance to Govern Subdivisions and Multi-Unit Structures. The Planning Board presented the recommended changes to the ordinance and a public hearing was conducted on May 16, 2017. After completion of the public hearing the Board recommended the Planning Board further consider the amendments and the questions raised during the public hearing.

The Planning Board's revised proposal was presented for Board consideration and the decision was made to conduct another public hearing to consider the additional changes. The proposed amendments as presented in May are in red ink and strikethrough and the subsequent revised amendments are in blue ink.

Board direction is sought in adopting the changes as presented, remand the ordinance back to the Planning Board for further consideration, or schedule a work session with the Planning Board.

PUBLIC HEARING NOTICE

THE WATAUGA COUNTY BOARD OF COMMISSIONERS WILL HOLD A PUBLIC HEARING TO ALLOW CITIZEN COMMENT ON PROPOSED AMENDMENTS TO THE ORDINANCE TO GOVERN SUBDIVISIONS AND MULTI-UNIT STRUCTURES. THE PUBLIC HEARING WILL BE HELD ON TUESDAY, SEPTEMBER 19, 2017, AT 5:30 P.M. IN THE COMMISSIONERS' BOARD ROOM LOCATED IN THE WATAUGA COUNTY ADMINISTRATION BUILDING AT 814 WEST KING STREET, BOONE, NORTH CAROLINA. INTERESTED PARTIES ARE ENCOURAGED TO ATTEND. FOR INFORMATION OR QUESTIONS PLEASE CALL 828-265-8043.

JOHN WELCH
CHAIRMAN



WATAUGA COUNTY

331 Queen Street Suite A • Boone, North Carolina 28607

Department of
Planning & Inspections

Phone (828) 265-8043
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Memorandum

Date: September 14, 2017

To: Board of Commissioners

From: Joe Furman

RE: Ordinance to Govern Subdivisions and Multi-Unit Structures

In January, 2017, the Board of Commissioners requested the Planning Board to review the Ordinance To Govern Subdivisions and Multi-Unit Structures, particularly the PUD chapter, in the wake of the Supreme Court ruling regarding the Town of Boone ETJ. Subsequently, the Planning Board presented recommendations of proposed amendments to the Commissioners. Following the May 16, 2017 public hearing on the proposal, the Board referred the subject ordinance back to the Planning Board for further consideration of proposed amendments as well as questions raised at the hearing. The Planning Board's revised proposal is attached along with several other documents. The proposed amendments as they appeared May 16th are indicated in red ink and line-through. Subsequent proposed amendments are indicated in blue ink, and are found on pages 9, 17, 26, 27, 31 and 39. The page 9 proposed amendment results from a change in the General Statutes, included in Session Law 2017-10 that took effect in May. Discussion is included in the attached documents.

Attachments:

- The ordinance
- Planning Board June and July meeting minutes
- June memorandum to Planning Board
- Responses to questions raised during May 16 public hearing
- Green space provision summary
- Slope discussion
- Slope diagram



Ordinance to Govern Subdivisions and Multi-Unit Structures

PROPOSED AMENDMENTS

Adopted April 17, 1985
~~Amended June 17, 2014~~
As Amended _____, 2017

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Appendix A:	Guide for Subdivision Development
Appendix B:	Guidelines for Developing Erosion and Sedimentation Control Plans
Appendix C:	Sedimentation and Erosion Control Plan Checklist
Appendix D:	Ownership/Responsibility Form
Appendix E:	Preliminary Plat Checklist
Appendix F:	Final Plat Checklist
Appendix G:	Subdivision Specifications Checklist
Appendix H:	Method of Defining Slope
Appendix I:	Minor Maintenance Checklist
Appendix J:	Buffering and Screening
Appendix K:	Fire Apparatus Access Roads
Appendix L:	Affordable Workforce Housing Policy
Appendix M:	Developer Authorization Form

**ORDINANCE TO GOVERN SUBDIVISIONS
AND MULTI-UNIT STRUCTURES**

WATAUGA COUNTY, NORTH CAROLINA

AN ORDINANCE ESTABLISHING COMPREHENSIVE SUBDIVISION REGULATIONS AND REGULATIONS FOR MULTI-UNIT STRUCTURES FOR WATAUGA COUNTY, NORTH CAROLINA, AND PROVISION FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF.

ARTICLE I - TITLE

This ordinance shall be known and may be cited as the Ordinance to Govern Subdivisions and Multi-Unit Structures for Watauga County, North Carolina

ARTICLE II - AUTHORITY AND ENACTMENT CLAUSE

The County Commissioners of the County of Watauga, pursuant to the authority conferred by Chapter 153A, Article 18, of the General Statutes of the State of North Carolina, do hereby ordain and enact into law these Articles and Sections.

ARTICLE III - JURISDICTION AND PURPOSE

SECTION 30. Jurisdiction

On and after the date of adoption, these regulations shall govern each and every subdivision of land and/or multi-unit structure within Watauga County (hereinafter referred to as the "County") and outside the jurisdiction of any incorporated municipality. However, this ordinance may also regulate territory within the subdivision regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulation provided, however, that any such municipal governing body may, upon one year's written notice, withdraw its approval of these County Regulations, and those regulations shall not have further effect within the municipality's jurisdiction.

SECTION 31. Purpose

The purpose of these subdivision regulations is to guide and regulate the subdivision of land and/or multi-unit structures within the county in order to preserve the public health, safety, and welfare. The regulations included herein are designed to insure an adequately planned street system and to avoid hazardous conditions; to avoid overcrowding of the land and extreme concentration of population; to secure safety from fire, panic, and other dangers; to provide for adequate water and sewage systems, schools, parks and playgrounds; to insure against flood damage and soil erosion; to facilitate an orderly system for the design, layout, and use of the land; to insure the proper legal description and monumenting of subdivided land; and to provide for the re-subdivision of large land parcels.

ARTICLE IV - INTERPRETATION AND DEFINITIONS

SECTION 40. Word Interpretations

For the purpose of this ordinance, certain words shall be interpreted as follows:

- 40.01 The word "County" shall mean Watauga County, North Carolina.
- 40.02 The words "County Commissioners" shall mean the Board of Commissioners of Watauga County, North Carolina.
- 40.03 The words "Planning Board" shall mean the Planning Board of Watauga County, North Carolina.
- 40.04 The words "Planning Staff" shall mean the staff of Planning and Inspections Department of Watauga County, North Carolina.
- 40.05 The words "Register of Deeds" shall mean the Register of Deeds for Watauga County, North Carolina.
- 40.06 The words "ordinance", "regulations" and "subdivision regulations" shall mean the Ordinance to Govern Subdivisions and Multi-Unit Structures for Watauga County, North Carolina.
- 40.07 The word "may" is permissive.
- 40.08 The word "shall" is mandatory.
- 40.09 The word "lot" includes the words "plot", "parcel", "tract", or "site".
- 40.10 The word "building" includes the word "structure".
- 40.11 The word "street" includes the words "roads and "highway".

SECTION 41. Definitions

For the purpose of this ordinance, certain words or terms used herein shall be defined as follows:

- 41.01 BUILDING LINES. Lines tangent to the exterior surface of a building and parallel to front, side and rear property lines.
- 41.02 BUILDING SETBACK LINE (MINIMUM). A line parallel with the property line designating an area bordering the property lines on which no building shall be placed.
- 41.03 CUL-DE-SAC. A short subdivision street having but one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.
- 41.04 DOUBLE FRONTAGE LOT. A continuous (through) lot which borders two or more streets.
- 41.05 EASEMENT. A strip of land designated by the property owner for a specified purpose and use by the public, a corporation, or persons.

- 41.06 LOT. A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both.
- 41.07 OFFICIAL MAPS OR PLANS. Any maps or plans officially adopted by the County Commissioners as a guide to the development of the County.
- 41.08 PLANNED UNIT DEVELOPMENT. (PUD)The planned unit development is a permitted use designed to provide for developments incorporating a single type or a variety of related uses which are planned and developed as a unit. Such development may consist of individual lots or common building sites. Common land must be an element of the plan related to affecting the long-term value of the entire development.
- 41.09 PLAT. A map or plan of a parcel of land which is to be, or has been, subdivided.
- 41.10 PRIVATE DRIVEWAY. A roadway serving three (3) or fewer lots, building sites or other divisions of land and not intended to be public ingress or egress.
- 41.11 ROAD, COUNTY STANDARD. A road constructed and dedicated in accordance with provisions as set forth in Article VII, Section 71, with provisions for private maintenance.
- 41.12 ROAD, STATE STANDARD. A dedicated and accepted public right-of-way for vehicular traffic on which is constructed a road which meets the specifications of North Carolina Department of Transportation, (See Article VII, Section 71).
- 41.13 RIGHT OF WAY. A strip of land designated by the owner or other authority or acquired by other over which other person may legally pass, and on which may be constructed a road or utilities.
- 41.14 SEWAGE TREATMENT SYSTEMS.
- 41.141 Individual Systems. Sewage treatment and disposal systems designed to serve a single connection utilizing the soil for the subsurface disposal of partially treated or treated sewage effluent. Individual systems with a design capacity of less than 3,000 gallons per day will be designed and approved by the Appalachian District Health Department. Individual systems with a design capacity of 3,000 gallons per day or more will be designed by a professional engineer and approved by the designated state agency or the Appalachian District Health Department, whichever is applicable. Individual systems may be shared upon approval of the appropriate agency.
- 41.142 Non-Discharge Systems. Sewage treatment and disposal systems designed to serve multiple connections utilizing the soil for the subsurface disposal of partially treated or treated sewage effluent. Non-Discharge systems will be approved by the designated state agency.
- 41.143 NPDES Systems. Sewage treatment and disposal systems designed to serve multiple connections discharging into surface waters of the state and subject to the National Pollutant Discharge Elimination System (NPDES) permit program. NPDES systems include those that are owned and operated by the County, a municipality, a sanitary district, a property owners association, utility company and any connections thereto. NPDES Systems will be approved by the designated state agency.
- 41.15 SUBDIVIDER. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision.
- 41.16 SUBDIVISION. A "subdivision" shall include all divisions of a tract of land into two or more lots, building sites, (including buildings constructed for rental purposes) or other divisions when any one or more of those divisions are created for the purpose whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new

street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations prescribed by this ordinance:

41.161 The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in this ordinance, and documented with a recorded plat or a map attached to recorded deed(s).

41.162 The division of land into parcels greater than (10) acres where no street right-of-way dedication is involved.

41.163 The public acquisition by purchase of strips of land for the widening or opening of streets.

41.164 The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the county as shown in this ordinance.

41.165 The division of land solely among members of the same family, which shall include all lineal descendants or ancestors plus brothers, sisters, aunts, uncles, fathers-in-law, mothers-in-law, brothers-in-law, sisters-in-law, nieces, nephews and stepchildren by any method of transfer except where the parties contemplate development for resale, and where the resultant lots are equal to or exceed the standards of the county as shown in this ordinance.

41.166 The division of land by court ordered/approved division except where the parties contemplate development for resale.

41.17 UNIT. A structure or portion of a structure which is a single, habitable dwelling or single place of business.

41.18 WATER SUPPLY SYSTEMS.

41.181 Individual Systems. A well, spring, stream or other source used to supply a single connection.

41.182 Community Systems. A water system serving two (2) or more connections and not qualifying as a public water supply (PWS) under North Carolina regulations.

41.183 Public Systems. A water system owned and/or operated by the county, any municipality, water district, property owner's association, or utility company that qualifies as a public water supply (PWS) under North Carolina regulations.

41.19 WORKING DAYS. Days the Watauga County Administrative offices are open for business.

ARTICLE V - PLANNING BOARD REVIEW AND LEGAL STATUS PROVISIONS

SECTION 50 PLANNING BOARD REVIEW AND APPROVAL.

Pursuant to N.C.G.S. 153A-332 unless otherwise noted, no real property within the jurisdiction of this ordinance shall be subdivided and offered for sale or a plat thereof recorded until a preliminary and final plat have been reviewed and approved by the Watauga County Planning Board as provided hereinafter. Plans of group developments for housing, commercial, industrial, or other uses, or for any combination of uses shall be submitted in the same manner as other plats for review by the Planning Board.

SECTION 51 BUILDING PERMITS.

Approval of the final plat by the Planning Board shall be required before issuance of any building permit for a structure to be erected in a subdivision, except in Planned Unit Developments, or up to two (2) may be issued in any subdivision to the owner/developer only, when the owner is also the developer.

SECTION 52 RECORDING OF PLATS.

No subdivision plat of land within the County's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Watauga County Planning Board or Staff, and until this approval is entered in writing on the face of the plat by the designated representative of the County Planning Board.

SECTION 53 DUTY OF REGISTER OF DEEDS.

The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the County that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section. No subdivision plat of land within a Public Water Supply Watershed shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of Watauga County's Watershed Protection Ordinances. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would be in conflict with the watershed protection ordinances.

SECTION 54 SEVERABILITY.

Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 55 EFFECTIVE DATE.

This ordinance shall take effect and be in force from and after its enactment the 17th day of April, 1985.

SECTION 56 RELATIONSHIP TO EFFECTIVE CHANGES IN THE ORDINANCE.

It is not intended that this ordinance will in any way repeal, annul, or interfere with any valid permits or approvals which were legally issued under previous ordinances for the use or development of land or structures. In addition, future changes in this ordinance shall not repeal, annul, or interfere with any valid permits or approvals issued pursuant to this ordinance prior to said changes. This provision shall include approved master plans for phased developments. If the density in the approved master plan is not increased, any plats and extensions thereof shall be subject to the ordinance under which the original master plan was approved.

ARTICLE VI - PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISIONS

SECTION 60. Plat Required on Any Subdivision of Land.

Pursuant to N.C.G.S. 153A-330, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place. Prior to recording, such plat shall be approved pursuant to Article V. To secure such approval, the subdivider shall follow the procedures established in this Article as applicable.

SECTION 61. Submission of Preliminary Plat.

A preliminary plat meeting the requirements of this ordinance shall be submitted for review and shall be approved by the Planning Board before any improvements or land disturbing activities are made in a subdivision. One(1) copy of this plat shall be submitted to the Planning Staff at least two (2) weeks before the meeting of the Planning Board at which time it is to be reviewed. Prior to the meeting and subsequent to staff review, eight (8) copies along with the plat fee as specified in Section 61.01 shall be submitted.

A Developer Authorization Form (Appendix M) must accompany the Preliminary Plat application when the application is made by person(s) other than the land owner(s).

The Planning Staff shall provide that the following agencies be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved: Appalachian District Health Department, Department of Transportation, County School District. The Planning Staff shall transmit copies of the plat to those agencies and others upon their request.

The Planning Board shall review the preliminary plat and ~~negotiate with the subdivider for~~ identify any changes required in order that the subdivision may comply with the provisions of this ordinance. ~~and for such other changes as may be found desirable.~~ The Planning Board shall take formal action on the preliminary plat at the first regular meeting date (Normally the 3rd Monday evening of each month) after receipt of the plat. Within five (5) days after its action on the plat, the Staff shall notify the subdivider by letter indicating the action taken.

After receiving approval of the preliminary plat by the Planning Board and the erosion control plan by the staff (and not before that time), the subdivider may proceed to construct the proposed road and other improvements in accordance with the requirements of this ordinance and as shown on the approved preliminary plat.

61.01 Fees. The developer shall pay an inspection fee of an amount specified from time to time by the Watauga County Commissioners. Half of said fee shall be paid at the time of submission of the preliminary plat (the fee shall be paid before the plat will be placed on the Planning Board meeting agenda); the remainder shall be paid at submission of the final plat.

For a planned unit development the developer shall pay an inspection fee at the rate provided above for each structure in the development. No fees are required for master plan review.

SECTION 62. Specifications for Preliminary Plat.

The preliminary plat shall be at a scale of one-hundred (100)feet to one (1) inch or larger and shall be on a sheet, 18" x 24". However, if the size and shape of the property is such that a sheet 18" x 24" will not accommodate the entire tract, a sheet not larger than 24" x 36" may be used, and in unusual circumstances may be at a scale of no smaller than 1"=200'. In addition, the developer shall provide one (1) reproducible 11"x 17" or smaller copy of the plat.

The following information shall be required as applicable:

- 62.01 A sketch vicinity map showing the relationship of the proposed subdivision with the surrounding area.
- 62.02 The location of existing property lines, streets, buildings, water courses, transmission lines, sewers, bridges, and water mains, city and county lines (if adjoining) and any public utility easements.
- 62.03 Boundaries of the tract shown with distances and approximate acreage.
- 62.04 Evidence of access right-of-way from state road.
- 62.05 Names of adjoining property owners and/or subdivisions.
- 62.06 Zoning classification, if any, both on the land to be subdivided and on adjoining land.
- 62.07 Proposed streets, street names, rights-of-way, roadway widths, approximate grades, curve radiuses, and proposed drainage facilities.
- 62.08 Other proposed rights-of-way or easements showing locations, widths and purposes.
- 62.09 Proposed lot lines, lot numbers, and approximate area. Statement that all lots will comply with the Subdivision Regulations.
- 62.10 Proposed minimum building set back lines.
- 62.11 Proposed utility layouts (sewer, water, electricity) showing connections to existing systems or plans for central water system or package sewage system, or designation for individual water and sewage.
- 62.12 Proposed parks, open spaces, or any other public areas.
- 62.13 Name of owner, developer, engineer and registered surveyor.
- 62.14 Title, date, north point, and graphic scale.
- 62.15 Statement of intended use of the lots (single or multi-family).
- 62.16 Evidence of N.C.D.O.T. driveway connection permit, ~~if applicable,~~ shall be submitted prior to ~~preliminary plat approval.~~ commencement of construction.
- 62.17 When an area covered in the plan includes or abuts a water area (stream, river or lake) the following additional information is required:
 - 62.171 Relationship with floodway and flood plain as delineated by the county floodway boundary and flood insurance rate maps.
 - 62.172 Any proposed dock lines beyond which no dock structure may be constructed.
 - 62.173 Methods of providing ingress and egress from uplands to water area.
 - 62.174 Names of the owners of the water area.
- 62.18 A soil erosion control plan (3 copies) shall be submitted to the Planning Staff. Grading shall not commence until the erosion control plan is reviewed and approved by the Planning Staff and the

Soil and Water Conservation District and a grading permit is issued. See appendix B - D for further detail.

- 62.19 If road (s) are to be "county standard", the developer shall maintain the road(s) until such time as a property owners association assumes maintenance. Prior to final plat approval, the developer shall comply with Section 71.011 concerning recording of property owners association road maintenance provisions.

SECTION 63. Minor Subdivisions

- 63.01 Procedures set forth here for handling applications for approval of minor subdivisions are intended to simplify processing of routine small subdivisions with due regard to protection of the public interest.
- 63.02 For the purpose of these regulations, a minor subdivision is defined as any subdivision requiring no variances and consisting of not more than ten (10) lots. One phase of a phased development cannot be considered a minor subdivision unless the entire development is not more than 10 lots.
- 63.03 After January 1, 2006, all new divisions of land shall comply with all of the requirements of this ordinance, with the exception of the following: The division of one (1) lot or tract out of a larger tract will be allowed provided 1) the new lots meet the size, dimensional, and setback requirements of this or any applicable ordinance; 2) no public street or road dedication or change in existing public streets or road is involved; 3) the original lot or tract was created prior to January 1, 2006 and is over ten (10) acres in size; or 4) if the original tract is less than ten (10) acres, it shall have been created prior to June 15, 1973, or be otherwise exempt from this ordinance; 5) only one (1) such division shall be allowed from the original tract without total compliance with this ordinance.
- 63.04 The Watauga County Planning Staff shall review the preliminary plat of each minor subdivision and shall find that it either is or is not a minor subdivision and shall find that it either does or does not meet the requirements of this ordinance. Said findings shall be stated in writing and recorded in the records of the Planning Board. Based upon said findings the Staff shall either approve, not approve, or approve conditionally the proposed minor subdivision.
- 63.05 A decision by the Planning Staff shall be made within fifteen days of submission of the proposed minor subdivision to the Staff and the decision of the Staff is subject to appeal by the subdivider to the Planning Board which must act on appeals at its next regular meeting.
- 63.06 A final plat shall be submitted to the Watauga County Planning Staff for consideration and approval before the conveyance of any of the property or the recording of the plat.
- 63.07 The County may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:
- (1) The tract or parcel to be divided is not exempted under Section 41.162 of this ordinance.
 - (2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
 - (3) The entire area of the tract or parcel to be divided is greater than five acres.
 - (4) After division, no more than three lots results from the division.
 - (5) After the division, all resultant lots comply with all of the following:
 - a. Any lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.

SECTION 64. Phased Developments.

If a developer proposes that a subdivision (including PUD's) will be constructed in phases, the following procedure shall apply.

- 64.01 A master plan showing the entire proposed subdivision and the phases of development, proposed density, proposed type and location of utilities, and proposed development timetable shall be submitted to the Planning Board for approval.
- 64.02 Each phase of development shall be preceded by submission and approval of a preliminary plat as outlined in Section 62 unless such plat submission is waived by the Planning Board. The master plan may be submitted prior to or simultaneously to submission of the preliminary plat for the first phase of development.
- 64.03 As each phase is completed, a final plat must be submitted and approved for that phase as outlined in Sections 65 and 66.
- 64.04 Approval of the master plan need not be renewed unless density increases are proposed.

SECTION 65. Submission of Final Plat.

Unless a final plat is submitted to the Planning Board within eighteen (18) months from the date on which the preliminary plat was approved, such action on the preliminary plat shall become void and of no effect, and will necessitate the resubmission of the preliminary to the Planning Board for consideration, except in the case of preliminary plats for Planned Unit Developments, which do not expire. One (1) copy of this plat shall be submitted to the Planning Staff at least two (2) weeks before the meeting of the Planning Board at which time it is to be reviewed. Prior to the meeting and subsequent to staff review, eight (8) copies along with the plat fee as specified in Section 61.01 shall be submitted. Roads and lots shall be clearly marked in the field upon submission of the final plat.

- 65.01 Final Plat. The final plat shall be drawn on reproducible mylar. The final plat shall constitute only that portion of the approved preliminary sketch plan which the subdivider proposes to record provided that such portion conforms to all requirements of this ordinance. All final plats shall be on sheets with overall measurements of 18" x 24" and shall be on a scale no smaller than 1" = 100'. In addition, the developer shall provide one (1) reproducible 11"x 17" or smaller copy of the plat.

The final plat shall show as applicable:

- 65.011 A sketch vicinity map showing the location of the subdivision in relation to the surrounding area.
- 65.012 The right-of-way lines and easements of all streets and roads, and access right-of-way to state road.
- 65.013 Lot lines and lot numbers showing bearings and distances, and lot sizes. All dimensions should be to the nearest one-hundredth (0.01) of a foot and angles to the nearest minute.
- 65.014 Minimum building setback lines. (Show typical lot setback; not required of all lots.)
- 65.015 Relationship with floodway and flood plain as delineated by the county floodway boundary and flood insurance maps.

65.016 Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, and block line whether curved or straight.

65.017 Accurate location and description of all monuments and markers and block tie lines.

65.018 The names and locations of adjoining subdivisions and streets, and the location and ownership of adjoining un-subdivided property, including water areas.

65.019 Title, date, name, and location of subdivision, graphic scale, and true north point.

65.020 Name of owner, developer, surveyor, engineer and land planner.

65.021 Reservations for easements, and areas to be dedicated to public use or sites for other than residential use shall be shown on the plat with notes stating their purposes.

65.022 One of the following statements:

Drinking water source to be individual or shared wells (not a community or public water supply). Wastewater disposal method to be septic tanks. Individual lots have/have not been approved by Appalachian District Health Department for septic system.

OR

Drinking water source to be a public water supply (name system if to be connected to existing system, or indicate proposed new supply). Wastewater disposal method to be septic tanks. Individual lots have/have not been approved by Appalachian District Health department for septic system.

OR

Drinking water source to be a community water system (name system if to be connected to existing system, or indicate proposed new supply). Wastewater disposal method to be septic tanks. Individual lots have/have not been approved by Appalachian District Health Department for septic system.

OR

Drinking water source to be individual or shared wells (not a community or public water system). Wastewater disposal method to be NPDES sewer (name system if to be connected to existing system, or indicate proposed new system).

OR

Drinking water source to be a public water supply (name system if to be connected to existing system, or indicate proposed new supply). Wastewater disposal method to be NPDES sewer (name system if to be connected to existing system, or indicate proposed new system).

OR

Drinking water source to be a community water supply (name system if to be connected to existing system, or indicate proposed new supply). Wastewater disposal method to be NPDES sewer (name system if to be connected to existing system, or indicate proposed new system).

- 65.023 Location and size of culverts/ drainage facilities.
- 65.024 Density in units per acre if PUD.
- 65.025 Variances granted, if any.
- 65.026 Reference shall be made on final plat to deed book and page number of recorded Restrictive Covenants and/or Road Maintenance Agreement.

65.03 The following certificates shall be shown on the final plat as applicable:

65.031 Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described here on, that the property is within the regulatory jurisdiction of Watauga County, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish all lots, and dedicate all streets, alleys, walks, parks, easements, right-of way, and other open spaces to public or private use as noted.

_____ DATE _____ OWNER

65.032 Certificate of Accuracy

"The undersigned surveyor, being duly sworn, deposes and says that the plat upon which this certificate appears was prepared in accordance with N.C.G.S.47-30 as amended, is in all respects correct according to the best of his knowledge and belief, and was prepared from an actual survey made by him on the _____ day of _____ 20____, with maximum linear error of closure of _____ and a maximum field error of angular closure of _____.

65.0321 (may be combined with 65.032)

Pursuant to N.C.G.S. 47-30, the surveyor shall certify to one of the following.

- a. That this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- b. That this survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- c. Any one of the following:
 - 1. That the survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
 - 2. That the survey is of an existing building or other structure, or natural feature, such as a watercourse; or
 - 3. That the survey is a control survey.
- d. That this survey is of another category, such as the recombination of existing parcels, a court ordered survey, or other exception to the definition of subdivision;
- e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

65.033 Certificate of the Approval of Water and Sewage System

I hereby certify that the water supply and sewage disposal utility system installed, or proposed for installation, in each lot of the subdivision entitled _____ fully meets the requirements of the undersigned agency(ies), and are hereby approved as shown.

DATE APPALACHIAN DISTRICT HEALTH DEPARTMENT

NC PUBLIC WATER SUPPLY SECTION

NC DEPT. OF ENVIRONMENT AND NATURAL RESOURCES

65.034 Certification of the Approval of Streets and Utilities

I hereby certify: (1) that streets, utilities and other improvements have been installed in an acceptable manner and according to County specifications in the subdivision entitled _____ or (2) that a security guarantee in the amount of \$ _____ or cash in the amount of \$ _____ has been posted with the county to assure completion of all required improvements in case of default.

DATE WATAUGA COUNTY AUTHORIZED REPRESENTATIVE

65.035 Certificate of Approval of Recording.

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Watauga County, North Carolina, with the exception of such variances, if any, as are noted in the Minutes of the Planning Board and are recorded on the plat and that it has been approved by the Watauga County Planning Board at their regular meeting of _____ for recording in the office of the County Register of Deeds.

DATE WATAUGA COUNTY AUTHORIZED REPRESENTATIVE

65.036 Certificate of Approval of Recording.
(watershed; can be combined with 65.035 or 65.040)

I certify that the plat shown here on complies with the Watershed Protection Ordinance and is approved by the Watauga County Planning Board or Staff (choose which is applicable) for recording in the Register of Deeds Office.

DATE WATAUGA COUNTY AUTHORIZED REPRESENTATIVE

NOTICE: This property is located within a Public Water Supply Watershed – development restrictions may apply.

65.037 Certificate of Approval and Acceptance of Dedications

I, _____, the Authorized Representative of Watauga County, North Carolina, do certify that Watauga County approved of this plat or map and has accepted the dedication of the streets, easements, right-of-way, and public parks shown

thereon, but assume no responsibility to open or maintain the same until, in the opinion of the governing body of Watauga County it is in the public interest to do so.

DATE WATAUGA COUNTY AUTHORIZED REPRESENTATIVE

65.038 Certification of Approval of N.C.D.O.T Division of Highways

NCDOT DIVISION OF HIGHWAYS
PROPOSED SUBDIVISION ROAD
CONSTRUCTION STANDARDS CERTIFICATION

APPROVED _____
DISTRICT ENGINEER

DATE _____
(or as otherwise specified by D.O.T.)

65.039 Certificate of Exemption

I hereby certify that the plat shown here on is exempt from the Watauga County Ordinance to Govern Subdivisions and Multi Unit Structures pursuant to Section _____ of the ordinance. No approval is required.

DATE WATAUGA COUNTY AUTHORIZED REPRESENTATIVE

65.040 Certificate of Approval of Minor Subdivision

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Watauga County, North Carolina. It has been approved as a minor subdivision as defined in Section 63 of the Subdivision Regulations for recording in the office of the County Register of Deeds.

DATE WATAUGA COUNTY AUTHORIZED REPRESENTATIVE

(NOTE: Authorized representatives shall be the Director of Planning and Inspections and the Property Development Coordinator II, and in their absence, the Chairman and Vice Chairman of the Planning Board.)

SECTION 66. APPROVAL OF FINAL PLAT.

Upon receipt of the final plat, the Planning Board and Staff shall review it for compliance with the provisions of the ordinance. The Planning Board may approve the plat in whole or in part, or subject to modifications. Failure of the Planning Board to take formal action on the final plat after receipt of the plat at least two (2) weeks prior to the regular meeting date(3rd Monday evening of each month) shall be deemed approval of submitted plat. (The regular meeting may be postponed, but for no more than one (1) week.)The approval of the final plat by the Planning Board shall be on the condition that such plat be recorded in the office of the Register of Deeds within one (1) year after such approval. The original tracing of the final shall be made available by the subdivider for authentication when the Planning Board takes final action approving the plat.

- 66.01 The developer shall pay an inspection fee of an amount specified from time to time by the Watauga County Commissioners. Half of said fee shall be paid at the time of submission of the preliminary plat; the remainder shall be paid at submission of the final plat. Fees shall be paid before the plat will be placed on the Planning Board meeting agenda.
- 66.02 For a planned unit development the developer shall pay an inspection fee at the rate provided above for each structure in the development. No fees are required for master plan review.

SECTION 67. Appeals

~~If either a preliminary or final plat is not approved by the Planning Board, the subdivider may appeal his case to the Watauga County Board of Commissioners within 30 days, by submitting written notice of appeal to the County Manager's Office. The notice of appeal shall state the grounds for the appeal. The County Manager shall schedule a hearing for the next regular Board of County Commissioners' meeting (provided the appeal is received prior to the meeting agenda deadline) and notify the appellant of this meeting. The Board of Commissioners shall render a decision affirming, reversing, or modifying the decision of the Planning Board.~~

~~A decision of the Board of Commissioners on an application for Appeal may be appealed to the Watauga County Superior Court by an aggrieved party. Such appeal shall be in the nature of certiorari and must be filed within thirty (30) days of the filing of the decision with the Clerk to the Board.~~

SECTION 68. Advisory Opinion.

A subdivider is encouraged to submit a sketch to the Planning Staff prior to submission of a preliminary plat if s/he wishes to ascertain the feasibility of development of his property.

ARTICLE VII - GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

SECTION 70. General Requirements.

The subdivider shall observe the following general requirements and principles of land subdivision.

- 70.01 Suitability of Land. Land which has been determined by the Watauga County Planning Board on the basis of engineering and/or other studies prepared by licensed professionals to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.

70.011 Land subject to flooding may be considered unsuitable for building development. The decision by the Planning Board shall be based on flooding history of the area and survey information furnished by Federal Emergency Management Agency (FEMA) as delineated on the Watauga County Floodway Boundary and Flood Rate Insurance Maps. Subdivision developments shall comply with the Watauga County Flood Damage Prevention Ordinance.

70.012 Generally, property which has a natural cross slope of fifty (50) percent or more is considered unfeasible for subdivision development. Any variance beyond a fifty (50) percent slope shall require the approval of the Planning Board. See Appendix H for method of defining average cross slope

- 70.02 Conformity to Existing Plans. All proposed subdivisions shall conform to any adopted plans for the county and to any applicable regulations of any existing County Zoning Ordinance. Whenever a tract to be subdivided embraces any part of a state maintained road, as designated on any officially adopted plan, such part of such public right-of-way shall be platted by the subdivider in the location and at the width indicated by said plan and provisions of this ordinance.

70.03 Driveway Connection Permit. A driveway connection permit issued by NC

Department of Transportation shall be obtained. A Traffic Impact Analysis shall be required from the applicant under the following circumstances, unless the Planning Staff and NCDOT concur that one is unnecessary:

- (1) The development proposes to have access to any public road at a location where sight distance in any direction along the road is less than 500 feet; or
- (2) The development proposes access onto a public road that does not have a paved width of at least 18 feet; or
- (3) The development proposes access to a public road with current NCDOT traffic counts that are 85% of capacity shown in the most recent Watauga County Comprehensive Transportation Plan and based upon ITE trip generation rates is projected to generate 1,500 or more weekday trips; or
- (4) The Planning Staff determines that the proposed project will have a potential negative impact on the public road system due to the size of the project or existing transportation system or determines that there are safety concerns with the driveway location and design. If a traffic impact analysis is performed and that analysis concludes that improvements are required to the transportation system, the applicant may be required to complete those improvements in connection with the project as a condition of issuing a permit. Unless an agreement is executed by the County in which the time for the improvement is specified, the improvement shall be completed prior to issuance of final plat approval.

70.04 Coordination and Continuation of Streets. The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area and where possible, existing principle streets shall be extended.

70.05 Access to Adjacent Properties. Where, in the opinion of the Planning Board it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround shall be provided. This provision shall apply only to roads which will be state maintained (dedicated to the public).

70.06 Access Right-of-Way. Where a right-of-way, less than forty-five (45) feet, which provides access to property proposed for subdivision had been granted prior to June 15, 1973, and the developer presents proof in writing that s/he cannot feasibly obtain a forty-five (45) foot right-of-way to the property then s/he may be permitted to develop the property provided s/he secure at least a thirty (30) foot right-of-way into the property proposed for subdivision. If the right-of-way is less than thirty (30) feet, the Planning Board may grant a variance for development provided that the road width will meet county standards. Less-than-county-standard-width may be permitted under extreme circumstances in the judgment of the Planning Board, provided the access right-of-way is no greater than 300 feet in length and there are no view obstructions from either end of the access. Roads providing access to subdivisions shall meet the same standard as the roads

within the subdivision unless a variance specifying otherwise is granted by the Planning Board. In all cases where less than a forty-five (45) foot right of-way is used for access to a subdivision, this fact shall be contained in the disclosure statement and shown on the final plat as specified in Subsection 65.012. For purposes of this section, access road shall not include any state-maintained road. When an access road passes by an existing structure, the subdivision developer shall make efforts to protect the structure(s) from visual, noise, stormwater and other impacts potentially caused by the access road.

- 70.07 Large Tracts or Parcels. Where land is subdivided into larger parcels than ordinary building lots, such parcels should be arranged so as to allow for the opening of future streets and logical further re-subdivisions.
- 70.08 Marginal Access Streets. Where a tract of land to be subdivided adjoins a principal arterial street or a major arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the expressway.
- 70.09 Lots. All lots shall front, except as provided in Section 72.016, with a minimum of forty (40) feet on a dedicated through street; thirty (30) feet on cul-de-sacs. Double frontage lots shall be encouraged where terrain necessitates double frontage for reasonable access to property.
- 70.010 Street Names. Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, the provisions of the Ordinance Establishing Names For Public And Private Roads In Watauga County shall apply. Street names shall be subject to the approval of the Planning Staff.
- 70.10 Name of Subdivision. The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the county.
- 70.11 Natural Assets. In any subdivision due consideration will be given to preserving natural features such as trees, ponds, streams, rivers, lakes and for any historical sites which are of value not only to the subdivision but to the county as a whole.
- 70.12 Erosion Control. In order to prevent soil erosion and sedimentation of streams, springs, flat water bodies, or other drainage networks, the subdivider shall retain the natural vegetation cover wherever possible. Further, land cleared of the natural vegetation shall be reseeded or replanted with an appropriate vegetative cover which shall be approved by the Planning Staff and Soil and Water Conservation District. In all cases of street construction, or land disturbing activity of one half (1/2) acre or more, the subdivider shall comply with the Watauga County Soil Erosion Control Ordinance. **In addition, the grading plan and specifications controlling execution of land-disturbing activities shall adhere to the following standards:**
- A. **Maximum cut slopes shall be 2H: 1V.**
 - B. **Maximum fill slopes shall be 2H: 1V.**
Innovative designs exceeding the slope standards specified herein may be approved when accompanied by a site-specific subsurface investigation, report and recommendation performed by a registered professional engineer competent in geotechnical engineering. ~~In any event, a~~ All grades shall be sloped to drain surface water away from buildings, pavements, slopes and structures, as applicable.

Also see appendix B-D for further detail.

70.13 Storm Water Drainage. The subdivider shall provide an adequate drainage system for the proper drainage of all surface water. The design of such a system shall be subject to the approval of the Planning Staff.

70.131 No surface water shall be channeled or directed into a sanitary sewer.

70.132 Where feasible, the subdivider shall connect to an existing storm drainage system.

70.133 Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development and adjoining property from water damage.

70.14 Proposed Water and Sewage Systems. The preliminary subdivision plat must be accompanied by satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal.

70.141 Where the system is to be connected to the system owned and operated by the Towns of Boone, Blowing Rock, Beech Mountain, Seven Devils, or any associated sanitary district, or any sanitary facility of Watauga County, but not constructed by the municipalities or county, the preliminary subdivision plat shall be accompanied by a letter of approval from the proper official representing the owner of the existing system to which the proposed system is to be connected. After preliminary approval but prior to installation of a public water or sewer system, the developer shall present to the Planning Board plans for the proposed system, prepared by a registered engineer and approved by the proper official representing the owner of the system to which the proposed system is to be connected, and by the designated state agency.

70.142 Where community water/sewer systems are proposed, the preliminary plat shall be accompanied by a letter of approval from the proper official of the designated state agency or the Appalachian District Health Department, whichever is applicable. The developer shall note the type of systems to be utilized on the preliminary and final plat and shall record with the Watauga County Register of Deeds an instrument setting forth provisions for the establishment of a property owner's association for the purpose of assessing dues for maintenance of the community systems by purchasers of property which will be served within the development. The developer shall maintain community systems at least until such time that the property owner's association assumes maintenance.

70.143 Where the proposed system does not contemplate the use of facilities owned and operated by any of the above, the developer shall note on the preliminary and final plat that each lot shall have an individual water supply and sewage disposal facility to be approved by the Appalachian District Health Department. The developer shall note further which lot(s) have or have not received prior approval for septic tank use by the Appalachian District Health Department.

70.15 Cemeteries: Where a subdivision plat encompasses an existing cemetery - whether active or abandoned - the subdivider shall provide permanent access to the cemetery.

SECTION 71. Design Standards for Streets

The design standards for subdivision streets shall meet either the minimum construction standards for secondary roads as required by the N.C. Department of Transportation or the minimum construction requirements for county standard roads. When state standards are to be met, the developer shall submit proposed road specifications for the approval of the local Department of Transportation office prior to submitting a preliminary plat. It is recommended that subdivision roads be constructed to meet D.O.T. requirements in all areas where terrain is suitable for D.O.T. approval.

71.01 County Standard Roads. County standards may be utilized under the following conditions:

71.011 Prior to the recording of the final plat, the developer shall record a Declaration of Restrictions and/or approved Road Maintenance Agreement having provisions for the establishment of a property owner's association for the purpose of assessing dues for road maintenance. The developer shall maintain the road at least until such time that the property owner's association assumes maintenance.

71.012 County standard roads shall be maintained to the original graveled or paved width.

71.013 The Planning Staff may perform periodic inspections to insure that the roads are being maintained to the required width.

71.02 Design Requirements for County Standard Roads.

71.021 Right-of-Way Width. Right of way width for County standard roads shall be not less than forty-five (45) feet.

71.022 Width of Road. Graded width of road bed including ditch and shoulder areas shall have a minimum width of twenty five (25) feet. This amount may be reduced pursuant to Section 71.024.

71.023 Stoned or Paved Area. Road travel area may be either stoned or paved, and shall have a minimum width of twenty (20) feet.

71.0231 Where stone is used, it shall be "crusher-run" or DOT approved "ABC" stone compacted to a minimum of four (4) inches. In locations where soil conditions require additional stone to attain a stable road bed, the developer shall add the required amount of stone before attaining approval of the final plat.

71.0232 If the developer elects to pave county standard roads, s/he shall meet requirements of the State Department of Transportation pertaining to stone base and top surface.

71.0233 In the case of roads which were approved and for which construction began prior to the adoption of the 20-foot width requirement on May 15, 2012 the Planning Board may allow 18-foot road width provided the Board determines the following:

- a) the subject road received a preliminary plat approval prior to May 15, 2012, and
- b) the road was substantially completed to the formerly-required 18 foot width, and
- c) it is impractical from an engineering or environmental perspective to increase the width to 20 feet. Examples include, but are not limited to : 1) underground utilities have been placed in the road right-of-way, 2) cut and fill slopes have been stabilized and additional grading would unnecessarily affect the slopes, and 3) the subject road segment is the final segment of an existing road.

71.024 Shoulder Areas and Ditches. Shoulder area on cut side shall be a minimum of four (4) feet in width and shall provide a drainage ditch of adequate size to accommodate storm water run-off based on terrain and location. Shoulder width on fill side shall be a minimum width of three (3) feet. In locations where cuts are required on both sides of the road, drainage ditches and shoulders shall occupy approximately three and one-half (3 1/2) feet wide on each side. The Planning Staff may recommend shoulder design which differs from the above during site inspection and depending upon terrain and cut and fill. In addition, the staff may approve a reduction in shoulder area on the ditch side of up to one and one-half (1 1/2) feet where the road is paved and "roll type" curb and gutter is used. The total reduction in shoulder area could be three (3) feet if there is a ditch on both sides. This reduction is dependent upon adequacy of this design to handle runoff as calculated by the erosion control plan.

71.025 Road Grades. Maximum grade shall be fifteen (15) percent. A variance up to eighteen (18) percent may be granted by the Planning Board in extreme cases where terrain prohibits a lesser grade to attain access to a nearby area, if in the opinion of the Planning Board such variance will not create a hazardous or destructive condition. In no case shall a variance be granted for road grades exceeding eighteen (18) percent.

In addition, for any road containing grade(s) exceeding fifteen (15) percent, the entire road network shall be paved unless deemed unnecessary by the Planning Board in considering the variance. The Planning Board may require the placement of safety barriers on curves of such roads. The Planning Board shall also require a slope stake road profile for roads (or portions of roads where practical) with grade(s) fourteen (14) to eighteen (18) percent subsequent to preliminary plat approval. Certification of road grade by a NC licensed surveyor shall be required when deemed necessary by the Planning Board or Staff.

71.026 Culverts and Drainage. Culverts shall be of adequate size to discharge storm water from any given area depending upon terrain and location. Minimum culvert size shall be eighteen (18) inches (may be reduced at the discretion of the Planning Staff) inside diameter and shall be located and installed as recommended by the project engineer or as recommended by the Planning Staff.

71.0261 Culverts may be made of any NCDOT approved material and design and shall be installed on a constant grade of a sufficient degree to insure proper drainage and a minimum danger of becoming clogged with debris or mud.

71.0262 All culverts shall have a minimum cover of twelve (12) inches of well compacted earth. The first six (6) inches of earth surrounding the culvert shall be free of stones larger than two (2) inches square.

71.027 Curve Radius. All curves in county standard roads shall have a radius of no less than thirty five (35) feet.

71.028 Bridges. Proposed bridges which will be part of a county standard road or bridges used by more than one house, townhouse or duplex shall be constructed and maintained in accordance with AASHTO HB-17 and designed to accommodate two (2) lanes of traffic unless a variance for a one (1) lane bridge is granted by the Planning Board. Factors to be considered by the Board in deciding upon such variances are: (1) environmental impact of a one (1) lane bridge as opposed to a two (2) lane bridge; (2) density (number of houses to be served by bridge); (3) traffic flow (one lane bridges should not be placed so as to cause traffic to back up onto a major thoroughfare).

In any event, bridges serving more than one house, townhouse or duplex shall be permitted and constructed to meet NC Department of Transportation specifications, except that the width may be reduced to twenty (20) feet. Confirmation that bridges meet such specifications may be provided by either Department of Transportation engineer or a registered private engineer. In addition, one-lane bridges shall include gravel or paved turnouts on each side of the bridge(s) to provide access to the water body for fire-fighting equipment where feasible. Developers proposing bridges should request an advisory opinion from the Planning Staff to assist in designing appropriate and adequate bridges. Private bridges shall be maintained by the developer or property owners association. Suggested maintenance procedures are found in Appendix I. It is recommended that these or similar procedures be adopted as an annual procedure.

71.029 Cul-de-sacs. Turn-around right-of-way width shall be a minimum of one hundred (100) feet in diameter for round-design cul-de-sacs; the travel surface shall be a minimum of seventy (70) feet in diameter. Provided, however, that if terrain prevents construction of a round-

design cul-de-sac, "tee" and "y" types of turn-arounds may be constructed; right-of-way shall be forty-five (45) feet in width; travel surface shall be eighteen (18) feet. See Appendix K for drawings.

71.030 Turnarounds. County standard roads shall be provided with turnarounds located as near as practical to the first 1000 foot point and each 1000 foot point thereafter, but not to vary by more than 100 feet longer. Road right-of-way shall be established so as to encompass turnarounds.

71.031 Property Lines - - Concerning County Standard Roads. Roads which are to have a forty-five (45) foot right-of-way may also have the property line located along and with the centerline of the road with a twenty-two and one-half (22 1/2) foot road right-of-way measured from the centerline to each side of the road. If this method is used it shall be clearly indicated on the plats and incorporated in all deed conveyances. If the developer elects, s/he may place property line(s) twenty-two and one-half (22 1/2) feet from the centerline of the road(s) thereby providing a forty-five (45) foot right-of-way.

71.0311 Property line markers (iron rod, granite, or concrete monument) shall be placed on the side property lines at a point measured twenty-two and one-half (22 1/2) feet from the center of the road where a forty-five (45) foot right-of-way is provided.

71.0312 The minimum building set-back distance from the road abutting the front of the property shall be forty (40) feet from the center of a forty-five (45) foot right-of-way. This will place the structure 17 1/2 feet behind the right-of-way line.

71.032 Designation of Road Status. All roads shown on the preliminary and final plats shall be clearly noted as to which roads are county standard and which are constructed to meet N.C. Department of Transportation requirements.

71.0321 It is permissible to have both county standard and state approved roads within a subdivision. It is suggested that for a subdivision of substantial size with a main entrance road entering from an existing state road which will have a length of one thousand (1000) feet or more and may be extended in the foreseeable future, the entrance road should be constructed to meet N.C. Department of Transportation standards. This plan is suggested in order to insure mail delivery, state road maintenance and school bus service to a closer proximity of property owners located on county standard roads which may intersect the new public road.

71.0322 Construction of a county standard road intersecting an existing state road with the intention of connecting and serving a new state approved road is prohibited.

71.033 Disclosure. The developer shall comply with N.C.G.S.136-102.6 which provides for a Disclosure Statement from the developer to the purchaser setting forth the status (whether public or private) of the road on which the property is located. The disclosure statement shall also fully disclose the party or parties upon whom responsibility for maintenance of such roads shall rest.

SECTION 72. Design Standards for Lots

The lot size, width, depth, shape and orientation, shall be appropriate for the location and terrain of the subdivision and for the type of development and use contemplated.

72.01 Lot Area. (SEE ALSO TABLE 1)

72.011 Lots served by public/community water and NPDES sewer shall have an area of at least eight thousand (8000) square feet.

72.012 Lots served by NPDES sewer but individual water shall have an area of at least ten thousand (10,000) square feet.

72.013 Lots served by individual sewer shall have an area of at least twenty-one thousand, seven hundred eighty (21,780) square feet (one-half acre). These requirements shall be increased on the recommendation of the Appalachian District Health Department based on site investigations or percolation rates and subsoil conditions.

72.014 Lots located within drinking water supply watersheds shall comply with the size requirements specified for WS-I, WS-II, WS-III, or WS-IV found in the Watauga County Watershed Protection Ordinances.

72.015 Individual lots within townhouse developments or townhome conversions must include an individual dwelling, together with front and rear yards or rights to yards in common areas, but are otherwise exempt from minimum lot area and setback requirements.

TABLE 1 - LOT AREA REQUIREMENTS

	PUBLIC/COMMUNITY WATER, NPDES & NON-DISCHARGE SEWER SYTEMS	PUBLIC/COMMUNITY WATER, INDIVIDUAL SEWER SYSTEMS	INDIVIDUAL WATER INDIVIDUAL SEWER SYSTEMS	INDIVIDUAL WATER NPDES SEWER SYSTEMS
Minimum Lot area in square feet	8,000	21,780	21,780	10,000
Minimum Lot width in feet	75-average 40-street line**	75-average 40-street line	75-average 40-street line	75-average 40-street line
Minimum lot depth in feet	125-average	125-average	125-average	125-average
Density in units per acres	5.4 (conventional) 6.155 (PUD***)	2 (conventional) 2.261 (PUD***)	2 (conventional) 2.261 (PUD***)	4.3 (conventional) 4.924 (PUD***)

** Street line width for cul-de-sacs may be 30 feet.

*** Multiply gross area by figures shown here. These figures have 15% deduction for roadways built in. These figures do not apply where the average cross slope is 30% or greater.

NOTES: (1) PUDs served by shared individual sewer systems (see definitions) shall be permitted density of 4.522 units per acre (this figure has 15% roadway deduction built it); density permitted where average cross slope exceeds 30% shall be 4 units per acre.

(2) Minimum lot size requirements may exceed those shown above if subdivision is located in areas of the County affected by the following state and local regulations:

- Valle Crucis Historic District Ordinance (9-1-90)
- Foscoe-Grandfather Zoning Ordinance (11-6-90)
- Watershed Protection Zoning Ordinance (Winklers Creek, Howards Creek, Norris Branch, Flat Top Branch, South, East and Middle Forks New River) (1-1-94)
- High Quality Waters (HQW) regulations (Watauga River, Boone Fork Creek, Howards Creek) (8-1-90)
- Outstanding Resource Waters (ORW) regulations (Elk Creek) (3-1-89)

(3) Setback: 15 feet from side and rear property lines; 40 feet from center of 45 foot right-of-way.

(4) Appalachian District Health Department regulations require that 1 unit = 2 bedrooms for individual sewer systems.

(5) Minimum lot areas are exclusive of road right-of-way.

(6) Formula for units per acre: #units divided by total acres. Example: 10 units on 2 acres = $10/2=5$ units per acre.

(7) Except as set forth in Section 72.06, A residential lot, meeting the minimum standards of this ordinance, or being a lot which was established prior to June 15, 1973, may accommodate a single residence, a duplex, or a single residence and a detached secondary residence such as a garage apartment, provided there are no more than two (2) units.

72.02 Lot Width. All lots shall have an average width of seventy-five (75) feet and a minimum width at the street line of forty (40) feet, thirty (30) feet on a cul-de-sac.

72.03 Lot Depth. All lots shall have an average depth of at least one hundred twenty-five (125) feet.

72.04 Orientation of Lot Lines. Side lot lines are encouraged to be designed substantially at right angles or radial to street lines depending upon terrain.

72.05 Panhandle Lots. The Planning Board or Staff may approve panhandle lots where it is impractical to serve an isolated lot by a state or county standard road. The frontage of the panhandle lot shall have a minimum width of thirty-five (35) feet which will provide an access strip between two standard lots to the isolated building site. The area of such strip shall be excluded in computing the lot area and the length of said strip shall not exceed three-hundred (300) feet. If the panhandle widens to seventy (70) feet or more, it shall be included in the acreage calculation.

72.06 Access to Lots. All lots within a subdivision shall have direct vehicular access to state or county standard roads, provided however that access to a maximum of three (3) lots (each lot containing no more than one residential unit) may be provided through use of a shared private driveway. A shared private driveway shall not exceed eighteen (18) percent grade, shall be contained within a 20 foot or greater right-of-way, and shall have a 35 foot minimum curve radii. Driveway travel area may be either stoned or paved and shall have a minimum width of ten (10) feet with a vertical clearance of not less than 13 feet 6 inches. The travel area must be designed to support the loads imposed by fire apparatus and provide all weather driving capabilities. Driveways that exceed 1,000 feet in length shall have an approved pullout area with a minimum width of 10 feet and minimum length of 40 feet to allow for two-way traffic. Shared driveways shall be constructed at the time of final plat submission. There shall be no obstructions within the right-of-way of shared driveways. The developer shall record with the Watauga County Register of Deeds an instrument setting forth provisions for maintenance of the shared driveway and shall maintain the driveway at least until such time that the maintenance is assumed by others. The provisions of this subsection are applicable to shared driveways serving more than one subdivision, or a subdivision and property outside of the subdivision. Decisions of the staff may be reviewed by the Planning Board upon written appeal submitted to the Director of Planning and Inspections within thirty (30) days of the staff decision.

72.07 Building Setback Lines. The minimum building setback distance shall be as stipulated in Table 2. Structures subject to setback requirements may be completed without regard to older, more stringent setback requirements found in older subdivisions. Building setbacks shall be measured from the property line to any part of the structure above ground, including eaves and overhangs, but not including walkways or driveway/parking areas. The owner or contractor shall certify compliance with setbacks prior to inspection of the building footings.

TABLE 2 - BUILDING SETBACK REQUIREMENTS

<u>Type of Setback</u>	<u>Amount of Setback</u>
1. Distance from center of right-of-way on Highways 321, 421, 221, 105, 194. (includes all frontages of multiple frontage lots)	80 feet, but shall in all cases be at least 15 feet from the street right-of-way line.
2. Distance from center of right-of-way on all other streets. (includes all frontages of multiple frontage lots)	45 feet, or 40 feet per Section 71.0312.
3. Distance from cul-de-sac right-of-way.	15 feet
4. Distance from side property line.	15 feet
5. Distance from rear property line. (if rear property line does not front on a road)	15 feet
6. Distance (horizontal) from a stream, river, or lake.	To be determined by Watauga County Flood Damage Prevention Ordinance or other applicable regulations including but not limited to High Quality Waters, Outstanding Resource Waters, and Watershed Protection

7. Pre-existing Situations. Setback requirements contained herein are not applicable to structures and lot lines which pre-existed this ordinance and/or pre-existed the subdivision of the land upon which the structures are located. The setbacks contained herein shall apply to any new or rebuilt structures located on the subject land.

SECTION 73. Design Standards for Easements.

Easements shall be provided as follows:

73.01 Utility Easements. Easements for underground or above ground utilities shall be provided where necessary across lots or preferably centered on rear or side lot lines and shall be at least ten (10) feet in width.

73.02 Drainage Easements. Where a subdivision is traversed by a stream or drainage way, a minimum easement of fifteen (15) feet shall be provided conforming to the lines of such stream.

ARTICLE VIII - PLANNED UNIT DEVELOPMENT

SECTION 80. Definition.

A "planned unit development" (PUD) is a tract of land under single, corporate, firm, partnership, or association ownership which is planned and developed as an integral unit. It is established in a single development operation or a definitely programmed series of development operations according to an approved master development plan and a preliminary site plan.

SECTION 81. Purpose.

It is the objective of this Article to encourage PUD proposals that exhibit such special qualities or concepts that they may deviate from standard ordinance requirements. These regulations are established in order

that each PUD proposal will be evaluated on its own merits. It is recognized that some proposals or concepts will be more successful than others and the approval of a specific proposal in one situation does not mean that a similar proposal would be acceptable in other circumstances. It is also recognized that only through ingenuity, imagination, and high quality design can residential or commercial developments be produced which are in keeping with the intent of this article but which are not constrained by the strict application of conventional use and dimensional requirements of the subdivision regulations.

A Voluntary Alternate Procedure

Use of the PUD procedure is not mandatory for the development of any site or area. Rather, this process will provide a voluntary alternate development procedure which has one or more of the advantages listed below.

- a) Permit creative approaches to the development of residential or commercial land, reflecting changes in the technology of land development.
- b) Accomplish a more desirable environment than would otherwise be possible, by providing for a variety of housing types, designs and arrangements.
- c) Provide for an efficient use of land which can result in smaller networks of utilities and streets and reduce development costs.
- d) Enhance the appearance of neighborhoods through the preservation of natural features, and the provision of recreational and open space areas.
- e) Provide an opportunity for new approaches to home ownership.
- f) Provide an environment of stable character compatible with surrounding residential and natural areas.

81.01 Minimum Requirements.

- a) The normal lot size, setbacks and frontage requirements are hereby waived for lots or building sites within the planned unit development, provided that the spirit and intent of this article are complied with in the total development plan, as determined by the Planning Board. Compliance with ~~standard subdivision setback requirements~~ **the buffering and screening requirements found in Appendix J** along the perimeter of a PUD is required. ~~The Planning Board shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section.~~
- b) Height limitations: All buildings shall comply with the Watauga County Ordinance to Govern the Height of Structures or the NC Ridge Law, whichever is applicable.
- c) All streets providing access to a PUD and streets within a PUD shall be constructed to at least County standards regarding right-of-way and width, and must be paved.
- d) Every dwelling unit shall have access to a public or private street, walkway or other area dedicated to common use, and there shall be provision for adequate vehicular circulation to all development properties, in order to ensure acceptable levels of access for emergency vehicles.
- e) Every planned unit development shall provide at least two (2) off-street parking spaces per dwelling unit and commercial/office parking and loading space according to the following schedule.
 1. Parking space for commercial/office shall consist of one (1) off-street parking space for each two hundred (200) square feet of gross floor area for operations designed to attract and serve customers and clients on the premises; one (1) space for each four hundred (400) square feet

- of gross floor area for operations designed to attract little or no customer or client traffic other than employees of the operation; one and one half (1.5) spaces per bedroom for hotels, motels, and inns; one and one half (1.5) spaces per three (3) employees for industrial and warehouse uses.
2. Parking spaces shall be a minimum of nine feet by eighteen feet (9' x 18') in size.
 3. Loading/unloading space for commercial/ office uses shall consist of one (1) space at least three hundred (300) square feet in size for each five thousand (5000) square feet of gross floor area.
 4. Parking and loading areas for all multi-unit buildings shall be accessible to fire department apparatus through the use of fire lanes or other means of access approved by the County Fire Marshal /Emergency Management Office.

g) Grading and erosion control shall be undertaken in accordance with Section 70.12.

81.02 Land Development Standards. Subject to the provisions set forth herein, residential, office, commercial, or mixed use PUD's are permitted uses. Common land must be an essential element of the PUD, provided in lieu of standard individual lots. **A minimum of thirty- three percent (33%) of the total land area must be permanently dedicated permanent** as any combination of common space, open space or green space. Road and parking areas and buildings ~~are~~ shall not be included in common land for purposes of this subsection; ~~areas designated for septic drain fields and repair areas and well buffers shall be included.~~ Also included, for example, are outdoor recreation areas and no-wall structures such as picnic shelters.

81.021 Residential Uses. Residential units within a PUD may include single family detached or attached units, townhouse developments, garden apartments, patio homes, and other type residential units. Condominium, cooperative, individual, municipal, or any other type of ownership development may be recorded, and the plan shall be approved as a preliminary and final plat according to the requirements of the subdivision regulations.

81.022 Non-Residential Uses. Non-residential uses (commercial and office) within residential PUD's shall not constitute the primary use in the PUD, and non-residential uses shall be carefully designed to complement the residential uses within the PUD. Commercial/office PUD's are permitted, and are subject to the same requirements as residential PUD's including Subsection 81.021 above.

81.023 Privacy. Each development shall provide reasonable visual and acoustical privacy for all dwelling units. Fences, insulation, walkways, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants.

81.024 Perimeter Requirements. ~~If topographical or other barriers within two hundred (200) feet of the development do not provide reasonable privacy for existing uses adjacent to the development, the Planning Board may require that structures located on the perimeter of the development be well screened in a manner which is approved by the Planning Board. If screening is required, the standards of Appendix J shall apply.~~

81.03 Density. The density which may be constructed within the Planned Unit Development shall be determined by dividing the gross project area minus fifteen percent (15%) of the total (to account for roadways) by the required lot area per unit which is required on Table 1 for conventional subdivisions, and modified by the increases in density permitted under this Section. Density (units per acre) may be increased (see Table 1) if the character of the development and/or amenities incorporated in the development warrant such increases provided that in no case shall the density

increase cause the density of the Planned Unit Development to be more than thirty-three percent (33%) in excess of the density which would be achieved under standard subdivision regulations.

81.031 Limits Upon Density Increases. If the Planning Board finds that any of the following conditions would be created by an increase in density, it may either deny an application for increase in density, or limit the increase in density by an amount sufficient to avoid the creation of any of the following conditions:

- a) Inconvenient or unsafe access to the development.
- b) Traffic congestion in streets adjoining the development.
- c) An excessive burden imposed on parks, recreational areas, schools, and other public facilities which serve or are proposed to serve the development.

81.032 Denial of Density Increases. The increases in density shall not apply where the average cross slope is thirty (30) percent or greater. See appendix H for method of determining average cross slope.

81.04 Conveyance and Maintenance of Common Land. Conveyance and maintenance of common land, common elements, open space, green space, recreational areas and other facilities owned in common shall be in accordance with the Unit Ownership Act (Chapter 47-A of the North Carolina General Statutes), the Condominium Act (Chapter 47-C), the Planned Community Act (Chapter 47-F) and/or any other applicable state or federal law.

81.05 Improvements

81.051 Circulation Facilities. The arrangement of public and common ways for pedestrian and vehicular circulation in relation to other existing or planned streets in the area, together with provisions for street improvements, shall be in compliance with standards set forth in Subsections 71.023 and 71.024 above (unless a variance for one lane traffic has been granted). Upon application by the developer and good cause shown, the Planning Board may permit changes or alterations of such standards which are consistent with the spirit and intent of this section.

81.052 Utilities. Whenever reasonably possible, all Planned Unit Developments shall provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutters, piping, treatment of turf to handle storm waters and erosion prevention. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the appropriate governmental authority having jurisdiction thereof.

A planned unit development application shall not be approved unless adequate assurance is given that public or community water and sanitary sewer service will be available, except that upon application by the developer and good cause shown, the Planning Board may modify or waive this requirement provided such action is consistent with the spirit and intent of this section.

81.053 Pedestrian Circulation. Any pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include where deemed to be necessary by the Planning Board pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.

81.06 PUD Reviewed As Subdivision

It is the intent of this regulation that subdivision review under these regulations be carried out as an integral part of the review of a Planned Unit Development under the Section. The plans required under this Section must be submitted in a form which substantially will satisfy requirements of these regulations for the preliminary and final plat approvals. The plans may also be subject to review by the County Board of Adjustment if the PUD is proposed in a zoned area. Approval of a Conditional Use Permit for a PUD by the Board of Adjustment shall constitute preliminary plat approval; Planning Board approval of preliminary plat(s) is not required. The Planning Board shall approve all final plats. The Planning Staff has the authority to approve final plats consisting of up to ten (10) lots or buildings. The Planning Board shall approve all other final plats.

81.061 Phased Developments. If the proposed PUD is to be developed in phases, the developer shall submit a master plan as specified in Section 64 of this Ordinance.

81.062 Advisory Opinion. Prior to formal master plan or a preliminary plat submission, the developer is encouraged to submit a sketch plan of the PUD to the Planning Staff in order to obtain an advisory opinion of the project's feasibility.

SECTION 82. Affordable Housing PUD.

It is the objective of this section to encourage the provision of housing that is affordable to low and moderate income households. These regulations are established in support of Watauga County's adopted Affordable Workforce Housing policy (See Appendix "L") and provide a voluntary alternative procedure to encourage development of housing affordable to all income levels, particularly first time home buyers.

The following are definitions of the words or terms utilized in this Section:

Affordable Dwelling Unit. A dwelling unit that is offered for sale or rent at a total monthly mortgage or rental price (including utilities) which is no greater than 1/12 of 30% of the Area Median Income as established annually by the United States Department of Housing and Urban Development, adjusted for assumed household size based on unit size. The assumed household size shall be (2) persons in a one bedroom unit, (3) persons in a two bedroom unit, and (4) persons in units containing three or more bedrooms.

Affordable Housing PUD. A Planned Unit Development, as defined by Section 80., in which 51% or more of the included dwelling units meet the definition of an Affordable Dwelling Unit.

82.01 Minimum Requirements.

The minimum requirements for development of an Affordable Housing PUD shall be as established in Section 81.01, with the exception of the following:

- a.) Streets within an Affordable Housing PUD shall be constructed in accordance with Section 71.023. The right-of-way shall not be less than thirty (30) feet.
- b.) Affordable Dwelling Units within an Affordable Housing PUD shall provide one (1) off-street parking space per unit.
- c.) When an Affordable Housing PUD contains both Affordable Dwelling Units and market rate housing, the Affordable Dwelling Units shall be intermixed with the market rate units.
- d.) When an Affordable Housing PUD contains both Affordable Dwelling Units and market rate housing, the general exterior design and appearance of the Affordable Dwelling Units shall be compatible with the market rate units.

82.02 Land Development Standards.

The land development standards for an Affordable Housing PUD shall be as established in Section 81.02.

82.03 Density.

The density which may be constructed within an Affordable Housing PUD shall be determined by the capacity of the proposed water and sewer systems, provided that the proposed density does not result in the any of the following conditions:

- a.) Inconvenient or unsafe access to the development.
- b.) Traffic congestion in the streets adjoining the development.
- c.) An excessive burden imposed on parks, recreation areas, schools and other public facilities which serve or are proposed to serve the development.

82.04 Conveyance and Maintenance of Common Land.

Conveyance and maintenance of common land within an Affordable Housing PUD shall be as established in Section 81.04.

82.05 Improvements.

Required improvements within an Affordable Housing PUD shall be as established in Section 81.05.

82.06 Procedure.

Applications for an Affordable Housing PUD shall be reviewed by Planning Board or Board of Adjustment in accordance with Section 81.06. In addition:

- a.) Applications containing Affordable Dwelling Units shall be processed with priority over others.
- b.) Highest priority for processing shall be given to applications involving partnerships with a community land trust or other non-profit organization responsible for ensuring long-term retention of affordable housing.
- c.) The County shall waive review fees associated with Affordable Housing PUDs meeting the criteria established herein.
- d.) If market rate housing units are included within an Affordable Housing PUD constructed in phases or over a time period exceeding 12 months, a proportional amount of Affordable Dwelling Units must be completed concurrently with the market rate housing units.
- e.) An agreement in a form approved by the County must be recorded with the Register of Deeds requiring Affordable Dwelling Units which are provided under this section to remain as affordable housing for the life of the project. This agreement shall be a covenant running with the land, binding on the assigns, heirs and successors of the applicant.

ARTICLE IX - INSTALLATION OF PERMANENT REFERENCE POINTS AND IMPROVEMENTS

SECTION 90. PERMANENT REFERENCE POINTS.

Prior to the approval of the final plat, permanent reference points shall have been placed in accordance with N.C.G.S. 89C and N.C.G.S. 47-30, which provide regulations for surveyors for the mapping of subdivisions. Additionally, the following requirements shall be met:

- 90.01 Block Tie Lines. Each block shall have adequate tie line(s) showing bearing and distance between one established point on each side of the road.
- 90.02 Certificate. A certificate signed by the surveyor meeting the requirements of N.C.G.S. 47-30 et. seq. for proof upon oath that the plat is in all respects correct, written as shown in Subsection 65.032.

SECTION 91. Installation of Improvements.

Prior to the approval of the final plat, the subdivider shall have complied with the following requirements.

- 91.01 Streets and Storm Drainage Facilities. All streets and storm drainage facilities in the subdivision shall be constructed in accordance with specifications and standards of the State Department of Transportation, Division of Highways, or the Watauga County Road Standards.
- 91.02 Water Lines. Where public water is reasonably accessible, the subdivider shall connect with the public supply and shall provide water mains and a suitable water connection to each lot. Where a public water supply is not reasonably accessible, the subdivider may provide for connection to a community system, establishment of a new public or community system, or for shared or individual wells. Water source shall be noted on the final plat.
- 91.03 Sanitary Sewers. Where a public sanitary sewer system is reasonably accessible, the subdivider shall connect with the public system and shall provide a connection for each lot. Where a public sanitary sewer system is not accessible, the subdivider may provide for connection to an existing private system, establishment of a new private system, or for shared or individual septic systems. Sewage disposal method shall be noted on the final plat.
- 91.04 Installation at time of Final Plat. In the event that any public or community utilities are not installed at the time of final plat approval, bond or other security guarantee may be required by the Planning Board as specified in Section 92.

SECTION 92. Deferment of Improvements.

Where it is in the best interest of all parties concerned to defer the installation or completion of some required improvement, the Planning Board may approve the final plat if the subdivider posts a bond with surety or other guarantees satisfactory to the County Commissioners in an amount equal to the estimated cost of the deferred improvements plus twenty (20) percent. Such guarantees shall assure either the performance of the specified work or payment of the specified sum to the County if such improvements have not been installed within the time specified on the final plat. At least fifty percent (50%) of the required improvements shall be completed prior to submission of a request for approval of a performance guarantee by a subdivider.

ARTICLE X - REGULATION OF MULTI-UNIT STRUCTURES

SECTION 100. Definition.

A "multi-unit" structure is a building containing three (3) or more separate and independent dwellings, offices, or commercial establishments (excluding hotels/motels). This definition shall apply whether the building and/or individual units contained within are for sale, lease, or rent.

An "Affordable Housing Multi-Unit Structure" is a multi-unit structure containing at least (3) dwelling units, 51% or more of which are offered for sale or rent at a total monthly mortgage or rental price (including utilities) which is no greater than 1/12 of 30% of the Area Median Income as established annually by the United States Department of Housing and Urban Development, adjusted for assumed household size based on unit size. The assumed household size shall be (2) persons in a one bedroom unit, (3) persons in a two bedroom unit, and (4) persons in units containing three or more bedrooms.

SECTION 101. Purpose.

The purpose of this article is to provide for a site plan review of multi-unit structures in order to regulate density, parking/loading, building setbacks, and other public health, safety, and general welfare concerns.

SECTION 102. Application of Article.

This Article shall apply to any multi-unit construction which consists of one (1) building only. Any multi-unit development consisting of two (2) or more building sites or any townhouse development regardless of the number of buildings, shall comply with Article VIII (Planned Unit Development) of this Ordinance, including phased developments where each phase consists of one (1) building only.

SECTION 103. Standards of Design.

The developer shall observe the following standards of design.

103.01 Density.

The number of units per acre allowed shall depend upon the availability of public/community water and sewer facilities, and shall be determined as described in Subsection 81.03 and depicted on Table 1. If no roadway is to be constructed, the same method of calculating density shall be used, except that the gross area will not be required to be reduced by fifteen (15) percent. **A minimum of thirty- three percent (33%) of the total land area must be permanently dedicated permanent** as any combination of common space, open space or green space. Road and parking areas and buildings ~~are~~ shall not be included in common land for purposes of this subsection; areas designated for septic drain fields and repair areas and well buffers shall be included. Also included, for example, are outdoor recreation areas and no-wall structures such as picnic shelters.

For Affordable Housing Multi-Unit Structures, the number of units per acre allowed shall depend upon the capacity of proposed water and sewer system(s), provided that the proposed density does not result in the any of the following conditions:

- a.) Inconvenient or unsafe access to the development.
- b.) Traffic congestion in the streets adjoining the development.
- c.) An excessive burden imposed on parks, recreation areas, schools and other public facilities which serve or are proposed to serve the development.

103.02 Off-Street Parking/Loading.

The provisions of Subsection 81.01 (e) shall apply. At a minimum, parking areas shall be graveled.

For Affordable Multi-Unit Structures, one (1) required off-street parking space may be eliminated for each Affordable Dwelling Unit provided. Additional parking reductions may be allowed when development:

- a.) Is an adaptive re-use of previously developed property, or
- b.) Is located within 1 mile of Appalachian State University or other major employment center, or
- c.) Is located on an established AppalCart Route, or
- d.) Has transit service or other acceptable alternative transportation provided by the developer.

103.03 Streets and Private Drives.

All multi-unit structures shall front on a state maintained road or a county standard road as defined in this Ordinance. A private drive may be used to provide access to one three (3) unit structure.

103.04 Height Requirements.

All multi-unit structures shall comply with the Ordinance Governing the Height of Structures in Watauga County or the North Carolina Ridge Law, whichever is applicable. Building Height will be determined by the Watauga County Building Inspector.

103.05 Building Setback Requirements.

Building setbacks shall conform with Table 2 (Subsection 72.017), **unless superseded by Appendix J.**

103.06 Utilities.

Developers of multi-unit structures are encouraged to provide public/community water and sewer facilities whenever feasible. Developers are also encouraged to provide underground electric and telephone lines where feasible.

103.07 Buffers.

It is the intent of this ordinance to promote high quality multi-unit developments which do not create a nuisance, aesthetic or otherwise, for existing adjacent residential areas. Therefore, the ~~Planning Board or Staff may require planted buffer(s) in order to prevent such nuisance. If a buffer is required, the provisions of Appendix J shall apply. A Staff decision to require a buffer is subject to review by the Planning Board upon written appeal submitted to the Director of Planning and Inspections within thirty (30) days of the staff decision.~~

SECTION 104. Submission of Site Plans.

Developers of proposed multi-unit structures which will be regulated by this Article shall submit a site plan to the Planning Staff. If the proposed structure contains ten (10) or less units, the Staff shall approve or disapprove said plan. If the proposed structure contains eleven (11) or more units, or the developer is requesting a variance, the Planning Board shall approve or disapprove said plan. Construction may begin upon such approval. Site plans shall show how the requirements of Section 103 will be met. Specifically, site plans shall include as applicable:

- 104.01 A sketch vicinity map showing the relationship of the proposed development with the surrounding area.

- 104.02 The location of existing and platted property lines, streets, buildings, water courses, transmission lines, sewers, bridges, culverts, and drain pipes, water mains, city and county line (if adjoining) and any public utility easements.
- 104.03 Boundaries of the tract shown with distances and approximate acreage.
- 104.04 Names of adjoining property owners or subdivisions.
- 104.05 Zoning classification, if any, both on the land to be developed and on adjoining land.
- 104.06 Proposed streets, street names, rights-of-way, roadway widths, approximate grades and proposed drainage facilities.
- 104.07 Other proposed rights-of-way or easements showing locations, widths and purposes.
- 104.08 Proposed building set back lines.
- 104.09 Proposed utility layouts (sewer, water, electricity showing connections to existing systems or plans for central water system or package sewage system, or designation for individual water and sewage).
- 104.10 Proposed parks, open spaces, or any other public areas.
- 104.11 Name of owner, developer, engineer and registered surveyor.
- 104.12 Title, date, north point and graphic scale.
- 104.13 When an area covered by the plan includes or abuts a water area (stream, river or lake) the following additional information is required:
- 104.131 Relationship with floodway and flood plain as delineated by the county floodway boundary and flood insurance rate maps.
- 104.132 Any proposed dock lines beyond which no dock structure may be constructed.
- 104.133 Methods of providing ingress and egress from uplands to water area.
- 104.134 Names of the owners of the water area.
- 104.14 ~~A soil erosion control plan shall be submitted along with the site plan if required by ordinance or statute.~~ Grading and erosion control shall be undertaken in accordance with Section 70.12.

SECTION 105. Inspections.

Prior to issuance of an Inspection Certificate for a final building inspection, the Planning Staff shall conduct a site inspection to assure that the multi-unit structure meets the requirements of this Article. The developer of a multi-unit structure shall pay an inspection fee (in addition to purchase of a building permit) in the same amount per structure as is assessed for Planned Unit Developments.

ARTICLE XI - VARIANCES

Where, because of topographical or other conditions peculiar to the site, or as otherwise specified in this ordinance (Sections 70.05, 70.012, 71.025, 71.028), strict adherence to the provisions of this ordinance

would cause an unnecessary hardship, the Planning Board may authorize a variance, if such variance can be made without destroying the intent of this ordinance. The Planning Board shall make written findings which either supports the granting of the variance or which specify why the variance should not be granted. All requests for variances must be made in writing by the developer or by the affected property owner. All requests for variance from setbacks shall be accompanied by a surveyed drawing showing property lines, right-of-way lines, existing structures, and proposed structures.

A variance may also be proper when environmental concerns are viewed in light of the spirit and intent of the planning ordinances. Such request may be made by the applicant or any member of the planning board. Variances will not ordinarily be granted if the special circumstances on which the applicant relies are a result of the actions of the applicant or owner or previous owners.

Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood, and otherwise secure the purpose and requirement of this chapter.

When unnecessary hardships would result from strict application of the ordinance, upon application by an aggrieved party with standing, the Planning Board may hold a hearing pursuant to NCGS §160A-388 (a2) and may grant variances to the provisions of the ordinance in accordance with the standards and procedures established in NCGS §160A-388(d), and as established by County policy.

ARTICLE XII - PENALTIES

SECTION 120. Building Permits

No permits for any building or structures will be issued upon any land requiring approval as a subdivision under the conditions set forth herein, unless a final plat is recorded, except as set forth elsewhere in this ordinance.

SECTION 121. Misdemeanor.

It shall be a violation of N.C.G.S.153A-334, if a person who is the owner or the agent of the owner of land located within the territorial jurisdiction of this subdivision ordinance, subdivides his land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing such subdivision before the plat has been properly approved under this ordinance and recorded in the Office of the Register of Deeds. Such violation shall be a Class 1 misdemeanor.

121.01 The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty.

121.02 The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under this ordinance or recorded with the Register of Deeds, provided the contract complies with the provisions of NCGS 153A-334(b) or (c).

SECTION 122. Injunctive Relief and Other Equitable Remedies.

The County may bring an action for injunction and order abatement for any illegal subdivision, or transfer, conveyance or sale of land therein and the Court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this subdivision ordinance, under N.C.G.S.153A-123(e).

This ordinance may also be enforced by other appropriate equitable remedies issued from a court of competent jurisdiction under N.C.G.S.153A-123(d).

SECTION 123. Civil Penalties.

In lieu of or in addition to the criminal penalties set forth above, a subdivider or other person violating this ordinance may be subject to a civil penalty pursuant to N.C.G.S.153A-123 of not more than \$500.00. Each day the individual is in violation of this ordinance shall be considered a separate offense. Prior to assessing a civil penalty, the County shall give notice to the offending party and a period of not less than ten (10) days to cure the violation. Once notice of the initial violation is given to the offending party, it shall not be necessary for subsequent notice to be given for subsequent days in which the offending party is in violation of this ordinance. If the offending party does not pay such penalty within thirty (30) days of notification of the assessment, it may be recovered by the County in a civil action in the nature of a debt. The offending party may contest said penalty in the court of appropriate jurisdiction.

SECTION 124. ~~Appellate Procedure.~~ Appeals.

~~Any action taken by the Watauga County Planning Board pursuant to this ordinance adverse to any party with standing to contest said decision, may be taken to the Watauga County Board of Commissioners within thirty (30) days of the date of the decision by submitting written notice of appeal to the Watauga County Manager's Office. The notice of appeal shall state the grounds for the appeal with specificity. The County Manager shall schedule a hearing for the next regular Board of County Commissioners meeting (provided the appeal is received prior to the meeting agenda deadline) and notify the appellant of this meeting. The Board of County Commissioners shall conduct a *de novo* review and render a decision affirming, reversing, remanding or modifying the decision of the Planning Board.~~

~~Any action taken by the Ordinance Administrator pursuant to this ordinance adverse to any party with standing to contest said decision, may be taken by giving notice of appeal in writing to the Ordinance Administrator and the Clerk to the Board of Commissioners within thirty (30) days following issuance of the final order. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or reverse the order.~~

~~A decision of the Watauga County Planning Board or the Board of Commissioners on the appellants appeal may be appealed to the Watauga County Superior Court by the appellant. Such appeal shall be in the nature of a petition for certiorari and must be filed within thirty (30) days of the date of the decision of either Board.~~

~~Nothing in this section shall be deemed to amend or replace any appeals procedure set forth more specifically under any specific provision of this ordinance.~~

Any action taken by the Watauga County Planning Board pursuant to this ordinance adverse to any party with standing to contest said decision may be taken to the Superior Court of Watauga County, pursuant to NC General Statute 153A-336, within thirty (30) days of the decision.

ARTICLE XIII -AMENDMENTS

SECTION 130. Amendment Procedure.

This ordinance may be amended from time to time by the Board of County Commissioners as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have thirty (30) days within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

Should any Federal or State regulation or statute incorporated herein by reference or otherwise referred to herein, be changed or amended, or should either require or mandate a different procedure or change or impose new, different or additional requirements, then, in that event, this ordinance shall be deemed to have been amended without further action to have complied with such new, additional or amended requirements.

APPENDIX A

GUIDE FOR SUB-DIVISION DEVELOPMENT IN WATAUGA COUNTY

1. Evaluate your property for either sub-dividing or planned unit development (resorts, clusters, time-shares, condominiums, townhouses, apartments, etc.) suitability.
2. Evaluate your capital outlay for road(s) and other improvement and environmental protection measures.
3. Consult the Department of Planning and Inspections at (828)265-8043 to ascertain the legal aspects and requirements for any such projects.
4. Consult a licensed surveyor and/or professional engineer for project drawings and layout.
5. Maintain close contact with those persons contracted for the planning phase of the project so as to have a working knowledge of the project.
6. Solicit bids and/or contract a grading contractor to complete all planned construction.
7. The developer will be responsible for environmental protection measures during development and also will be financially responsible for all work on the project.
8. Present a finished development that complies with all local and state ordinances concerning land use and also one that is appealing to the consumer.
9. In working with the Watauga County Ordinance to Govern Subdivisions and Multi-Unit Structures, the Watauga County Soil Erosion and Sedimentation Control Ordinance and the Watauga County Building Inspectors and Fire Marshal, those persons responsible for each area will assist you in the construction stages of development.
10. Obtain copies of the following additional Ordinances from the Department of Planning and Inspections as needed:

Flood Damage Prevention Ordinance.
 N.C. Ridge Law.
 Ordinance to Govern the Height of Structures.
 Mobile Home Parks Ordinance.
 Subdivision Regulations for Recreational Vehicle Parks.
 Valle Crucis Historic District Ordinance.
 Foscoe Grandfather Zoning Ordinance.
 Watershed Protection Zoning Ordinance.
 Watershed Protection Ordinance for Pond Creek.

APPENDIX B

GUIDELINES FOR DEVELOPING
EROSION AND SEDIMENT CONTROL PLANS
FOR WATAUGA COUNTY, NORTH CAROLINA

I. INTRODUCTION

Extensive amounts of sediment are produced from grading streets and roads in the mountain sections of North Carolina when erosion control measures are not properly designed and installed. Irreversible damage to land, streams and lakes is occurring from acceleration of development in this area. This is offered as a minimal guideline, but the developer must keep in mind that the Sediment and Pollution Control Act and the Watauga County Soil Erosion and Sedimentation Control Ordinance are performance oriented and s/he must do whatever is necessary to prevent off-site damage.

This guide is developed to assist planners and developers to protect land and streams from sedimentation as required by the Watauga County Soil Erosion and Sedimentation Control Ordinance.

The Ordinance requires that an erosion control plan be prepared and its measures installed where one-half acre or more is disturbed by grading. This also applies to all subdivision roads and any land disturbing activity which causes off-site erosion damage regardless of acreage.

The practices in this guide, when properly installed and maintained, are methods used in the past that have minimized erosion and sedimentation and meet the mandatory standards required by the Sedimentation Pollution Control Act of 1973 and the Watauga County Soil Erosion and Sedimentation Control Ordinance. The mandatory standards are listed on the following page.

II. MANDATORY STANDARDS FOR LAND DISTURBING ACTIVITY

No land disturbing activity subject to this article shall be undertaken except in accordance with the following mandatory requirements:

a. Buffer Zone

- (1) No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity. Waters that have been classified as trout waters by the Environmental Management Commission shall have an undisturbed buffer zone 25 feet wide or of sufficient width to confine visible siltation within the twenty-five (25%) of the buffer zone nearest the land-disturbing activity, whichever is greater. Provided, however, that the county may approve plans which include land-disturbing activity along trout waters when the duration of said disturbance would be temporary and the extent of said disturbance would be minimal. This subdivision shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.
- (2) Unless otherwise provided, the width of a buffer zone is measured from the edge of the water to the nearest edge of the disturbed area, with the 25 percent of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.
- (3) The 25 foot minimum width for an undisturbed buffer zone adjacent to designated trout waters shall be measured horizontally from the top of the bank.
- (4) Where a temporary and minimal disturbance is permitted as an exception by Section 7(a)(1) of this ordinance, land-disturbing activities in the buffer zone adjacent to designated trout waters shall be

limited to a maximum of 10% of the total length of the buffer zone within the tract to be distributed such that there is not more than 100 linear feet of disturbance in each 1000 linear feet of buffer zone. Larger areas may be disturbed with the written approval of the Director.

- (5) No land-disturbing activity shall be undertaken with a buffer zone adjacent to designated trout waters that will cause adverse temperature fluctuations, as set forth in 15A NCAC 2B.0211 "Fresh Surface Water Classification and Standards", in these waters.
- a. Graded Slopes and Fills - ~~The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event,~~ **The grading plan and specifications controlling execution of land-disturbing activities shall adhere to the following standards:**
- A. **Maximum cut slopes shall be 2H: 1V.**
 - B. **Maximum fill slopes shall be 2H: 1V.**

Innovative designs exceeding the slope standards specified herein may be approved when accompanied by a site-specific subsurface investigation, report and recommendation performed by a registered professional engineer competent in geotechnical engineering. ~~In any event,~~ All grades shall be sloped to drain surface water away from buildings, pavements, slopes and structures, as applicable.

Slopes left exposed will, within 15 working days or 30 calendar days of completion of any phase of grading, whichever period is shorter, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.

- b. Ground Cover - Whenever land-disturbing activity is undertaken on a tract comprising more than one-half acre, if more than one-half acre is uncovered, the person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in Section III (b)(5) of this ordinance, provisions for a ground cover sufficient to restrain erosion must be accomplished within 15 working days or 90 calendar days following completion of construction or development whichever period is shorter.
- c. Prior Plan Approval - No person shall initiate any land-disturbing activity on a tract if more than one-half acre is to be uncovered unless, thirty or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with and approved by Watauga County, or unless for land-disturbing activity or more than a half acre but less than an acre the requirement for such plan had been waived as specified in Section 17. The County will attempt to review plans as quickly as possible. The initiation of land-disturbing activities shall not be restricted when the plan is approved and permit issued in less than 30 days.

III. DESIGN AND PERFORMANCE STANDARD

- a. Except as provided in Section 8(b)(2) of this ordinance erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide protection from the calculated maximum peak rate of runoff from the 10-year storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices", or other acceptable calculation procedures.
- b. In High Quality Water (HQW) zones the following design standards shall apply:

- (1) Uncovered areas in HQW zones shall be limited at any time to a maximum total area within the boundaries of the tract of 20 acres. Only the portion of the land-disturbing activity within a HQW zone shall be governed by this section. Larger areas may be uncovered within the boundaries of the tract with the written approval of the Director.
- (2) Erosion and sedimentation control measures, structures, and devices within HQW zones shall be so planned, designed and constructed to provide protection from the run off of the 25-year storm which produces the maximum peak rate of run off as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.
- (3) Sediment basins within HQW zones shall be designed and constructed such that the basin will have a settling efficiency of at least 70% for the 40 micron (0.04 mm) size soil particle transported into the basin by the runoff of that 2-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.
- (4) Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than 2 horizontal to 1 vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices or other acceptable ditch liners. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.
- (5) Ground cover sufficient to restrain erosion must be provided for any portion of a land-disturbing activity in a HQW zone within 15 working days or 60 calendar days following completion of construction or development, whichever period is shorter.

IV. PLANNING AND DESIGN CONSIDERATIONS TO CONTROL EROSION AND SEDIMENTATION

The following list of considerations, activities, and techniques of development within Watauga County should all be taken into account during the planning phase of a development:

1. Reducing the Potential for Off-site Sediment Damage
2. Location of Roads
3. Soil Types and Properties
4. Buffer Zones
5. Construction Techniques
6. Sequence of Construction and Time of Soil Exposure
7. Seasonal Construction Scheduling
8. Clearing and Grubbing
9. Stream Crossings and Stream Protection
10. Road Grades and Side Ditches
11. Road Cut & Fill Slopes
12. Underground Seepage or Wetlands
13. Culvert Placement and Sizing
14. Borrow and Waste Areas
15. Utility Placement
16. Roadbed Stabilization
17. Floodplain/Floodway
18. Specifications Guide for Application of Temporary Seeding
19. Permanent Vegetation
20. Specifications Guide for Permanent Planting of Vegetation on Road and Right-of-Way

When planning for the considerations listed above, minimum acceptable standards must be adhered to. These standards have been established to control erosion and sedimentation during construction, and also to control erosion during the life-time operation of roads built in Watauga County.

APPENDIX C

EROSION AND SEDIMENTATION CONTROL PLAN CHECKLIST

The following items shall be incorporated with respect to specific site conditions, in an erosion and sedimentation control plan

LOCATION INFORMATION

- _____ Project location
- _____ Roads, street
- _____ North arrow
- _____ Scale
- _____ Adjoining lakes, streams or other major drainage ways

GENERAL SITE FEATURES

- _____ North arrow
- _____ Scale-
- _____ Property line
- _____ Legend
- _____ Existing contours
- _____ Proposed contours
- _____ Limit and acreage of disturbed area
- _____ Planned and existing building locations and elevations
- _____ Planned and existing road locations and elevations
- _____ Lot and/or building numbers
- _____ Land use of surrounding areas
- _____ Rock outcrops
- _____ Seeps or springs
- _____ Wetland limits
- _____ Easements
- _____ Streams, lakes, ponds, drainage ways, dams
- _____ Boundaries of the total tract
- _____ If the same person conducts the land-disturbing activity and any related borrow or waste activity, the related borrow or waste activity shall constitute part of the land-disturbing activity unless the borrow or waste activity is regulated under the Mining Act of 1971, or is a landfill regulated by the Division of Solid Waste Management. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same person, they shall be considered separate land-disturbing activities
- _____ Stockpiled topsoil or subsoil location
- _____ Street profiles

SITE DRAINAGE FEATURES

- _____ Existing and planned drainage patterns (include off-site areas that drain through project)
- _____ Size of Areas to be disturbed (Acreage)
- _____ Size and location of culverts and sewers
- _____ Soils information (type, special characteristics)
- _____ Design calculations for peak discharges of runoff (including the construction phase and final runoff coefficients of the site)
- _____ Design calculations and construction details for culverts and storm sewers

- _____ Design calculations cross sections and method of stabilization of existing and planned channels (include temporary linings)
- _____ Design calculations and construction details of energy dissipators below culvert and storm sewer outlets (for rip-rap aprons, include stone sizes (diameters and apron dimensions)
- _____ Soil information below culvert storm outlets
- _____ Design calculations and construction details to control ground-water, i.e., seeps, high water table, etc.
- _____ Names of receiving watercourse or name of municipal operator (only where stormwater discharges are to occur)

EROSION CONTROL MEASURES

- _____ Legend
- _____ Location of temporary and permanent measures
- _____ Construction drawings and details for temporary and permanent measures
- _____ Design calculations for sediment basin and other measures
- _____ Maintenance requirements during construction
- _____ Person responsible for maintenance during construction
- _____ Maintenance requirements and responsible person(s) of permanent measures

VEGETATIVE STABILIZATION

- _____ Areas and acreage to be vegetatively stabilized
- _____ Planned vegetation with details of plants, seed, mulch and fertilizer
- _____ Specifications for permanent and temporary vegetation
- _____ Method of soil preparation

NOTE: Should include provision for ground cover on exposed slopes within 15 working days following completion of any phase of grading, permanent ground cover for all disturbed areas within 30 working days or 90 calendar days (which- ever is shorter) following completion of construction or development.

OTHER REQUIREMENTS

- _____ Narrative describing construction sequence (as needed)
- _____ Narrative describing the nature and purpose of the construction activity
- _____ Completed Financial Responsibility/Ownership Form (to be signed by person financially responsible for project)
- _____ Bid specifications regarding erosion control
- _____ Construction sequence related to sedimentation and erosion control (include installation of critical measures prior to initiation of the land-disturbing activity and removal of measures after areas they serve have been permanently stabilized)

APPENDIX D
FINANCIAL RESPONSIBILITY /OWNERSHIP FORM
SEDIMENTATION POLLUTION CONTROL ACT

No person may initiate a land-disturbing activity on one or more acres as covered by the Act before this form and an acceptable erosion and sedimentation control plan have been completed and approved by the Land Quality Section, NC Department of Environment, and Natural Resources. (Please type or print and, if question is not applicable, place N/ A in the blank).

Part A.

- 1. Project Name _____
- 2. Location of land-disturbing activity: County _____
City or Township _____, and Highway/Street _____
- 3. Approximate date land-disturbing activity will be commenced: _____
- 4. Purpose of development (residential, commercial, industrial, etc.): _____
- 5. Total acreage disturbed or uncovered (including off-site borrow and waste areas):

Amount of fee enclosed \$ _____

Has an erosion and sedimentation control plan been filed? Yes _____ No _____

Enclosed _____

- 8. Person to contact should sediment control issues arise during land-disturbing activity.

Name _____ Telephone _____

- 9. Landowner(s) of Record (Use blank page to list additional owners):

Name(s)	
	Current Street Address

- 10. Page No. _____

Part B.

Person(s) or firm(s) who are financially responsible for this land-disturbing activity (Use a blank page to list additional persons or firms):

Name of Person(s) or Firm(s)	
Current Mailing Address	Current Street Address
City State Zip	City State Zip
Telephone _____	Telephone _____

2. (a) If the Financially Responsible Party is not a resident of North Carolina give name and street address of a North Carolina Agent.

_____	_____
Name	
_____	_____
Mailing Address	Street Address
_____	_____
City State Zip	City State Zip
Telephone _____	Telephone _____

(b) If the Financially Responsible Party is a Partnership or other person engaging in business under an assumed name, attach a copy of the certificate of assumed name. If the Financially Responsible Party is a Corporation give name and street address of the Registered Agent.

_____	_____
Name of Registered Agent	
_____	_____
Mailing Address	Street Address
_____	_____
City State Zip	City State Zip
Telephone _____	Telephone _____

The above information is true and correct to the best of my knowledge and belief and was provided by me under oath. (This form must be signed by the financially responsible person if an individual or his attorney-in-fact or if not an individual by an officer, director, partner, or registered agent with authority to execute instruments for the financially responsible person). I agree to provide corrected information should there be any change in the information provided herein.

_____	_____
Type or print name	Title or Authority
_____	_____
Signature	Date

I, _____, a Notary Public of the County of _____

State of North Carolina, hereby certify that _____ appeared personally before me this day and being duly sworn acknowledged that the above form was executed by him.

Witness my hand and notarial seal, this _____ day of _____, 20____

Seal	_____
	Notary
	My commission expires _____

APPENDIX E

PRELIMINARY PLAT CHECKLIST

FOR SUBDIVISION RECORD _____ DATE SUBMITTED _____

NAME OF SUBDIVISION _____

LOCATION _____

OWNER _____

LAND PLANNER _____ ADDRESS _____

SURVEYOR _____ ADDRESS _____

CHECKLIST

- _____ 1. Surveyor shall submit CHECKLIST with signed certification stating that plat complies with Subdivision Regulations.
- _____ 2. Vicinity map embracing subdivision and surrounding area.
- _____ 3. SCALE: 1" = 100' or larger. In EXTREME cases may be 1" = 200'. One (1) reproducible 11"x 17" or smaller copy of plat.
- _____ 4. Name of subdivision and owner.
- _____ 5. North point, graphic scale, date.
- _____ 6. Boundaries of the tract shown with distances and approximate acreage.
- _____ 7. Names of adjoining property owners or subdivisions.
- _____ 8. The locations of existing sewers and water facilities and other utilities if any.
- _____ 9. The locations of existing streets, easements, bridges, culverts, watercourses, etc.
- _____ 10. Name, location and approximate dimensions of proposed streets, easements, parks and reservations, lot lines, etc.
- _____ 11. Proposed lot lines, building lines and approximate area.
- _____ 12. Lot numbers, if any.
- _____ 13. Types of proposed utilities shown or described.
- _____ 14. Proposed minimum building setbacks (typical section).
- _____ 15. Location of existing water areas/floodway if applicable as delineated by the county floodway boundary and flood insurance rate maps.
- _____ 16. Upon submission of Preliminary Plat, 3 copies of a sufficient soil erosion plan shall be submitted to the soil erosion coordinator.
- _____ 17. This plat conforms to general requirements and minimum design standards.

- _____ 18. Evidence of NCDOT driveway connection permit.
- _____ 19. Evidence of access right-of-way.
- _____ 20. Statement of average cross slope if applicable.

COMMENTS:

APPENDIX F
FINAL PLAT CHECKLIST

FOR SUBDIVISION RECORD _____ DATE SUBMITTED _____

PRELIMINARY APPROVAL DATE _____

NAME OF SUBDIVISION _____

LOCATION _____

OWNER _____ ADDRESS _____ TEL. _____

ENGINEER _____ ADDRESS _____ TEL. _____

SURVEYOR _____ ADDRESS _____ TEL. _____

CHECKLIST

- _____ 1. Submitted to the Planning Staff within 18 months of preliminary approval and two(2)weeks prior to the scheduled meeting of the Planning Board.
- _____ 2. Eight (8) copies of final plat. One reproducible (Sepia) and seven paper copies. One (1) reproducible 11"x 17" or smaller copy of plat.
- _____ 3. A sketch vicinity map showing location in relation to the surrounding area.
- _____ 4. SCALE: 1" = 100' or larger.
- _____ 5. Names, right-of-way, lines and easements of streets and roads.
- _____ 6. Minimum building setback lines when applicable.
- _____ 7. Lot lines, numbers, and/or tract numbers.
- _____ 8. Reservations, easements, public areas, of sites for other than residential use with explanation of purpose.
- _____ 9. North point, graphic scale, date.
- _____ 10. Location and description of monuments.
- _____ 11. Names and location of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.
- _____ 12. Conforms to general requirements and minimum design standards.
- _____ 13. Required improvements have been made or \$_____bond posted.
- _____ 14. Required certificate for Recordation.
- _____ 15. Location of existing water Areas/Floodway if Boundary and Flood Insurance Rate Maps.
- _____ 16. Types of proposed utilities shown or statement that individual lots have or have not been approved for septic tank use by Appalachian District Health Department.

- _____ 17. Density in units per acre.
- _____ 18. Culvert/drainage facility location and size.
- _____ 19. Variances granted, if any.

ON-SITE FIELD INSPECTION (DATE) _____

PERSONS MAKING INSPECTION _____

COMMENTS:

APPENDIX G

SUBDIVISION SPECIFICATIONS CHECKLIST

- _____ 1. Plat fee paid.
- _____ 2. Variance requested in writing.
- _____ 3. Bond to be submitted.
- _____ 4. Meets floodplain regulations.
- _____ 5. Acceptable average cross slope.
- _____ 6. Roads:
 - _____ a) State
 - _____ b) County. If County then:
 - _____ Meets criteria permitting county standards.
 - _____ Meets right-of-way requirements.
 - _____ Meets road bed requirements.
 - _____ Sufficient drainage provided.
 - _____ Meets grade requirements.
 - _____ Meets curve radius requirements.
 - _____ Sufficient turnarounds provided.
 - _____ Meets bridge requirements.
 - _____ c) Access road meets right-of-way requirements.
- _____ 7. Lots:
 - _____ Meet frontage requirements.
 - _____ Meet area requirements.
 - _____ Panhandles used.
 - _____ Meet access requirements.
 - _____ Private drives used.
- _____ 8. Meets building setback requirements.
- _____ 9. Sufficient erosion control plan submitted.
- _____ 10. Property owners association rules established.
- _____ 11. Compliance with other applicable local ordinances (zoning, etc.).

APPENDIX H

METHOD OF DEFINING SLOPE

The chief source of information for determination of slope is a contour map. The contour map supplies the necessary data for using the following formula to determine the average slope of a parcel:

$$S = \frac{.0023 \times I \times L}{A}$$

Where .0023 is a conversion factor, of square feet to acres, "I" is the contour interval (or the distance between adjacent contour lines on the map) in feet, "L" is the total length of the contour lines within the subject parcel, and "A" is the area in acres of the subject parcel.

- Step 1. Determine "I", the contour interval, by examining the interval, using the key on the map. For purposes of this example, an interval of five feet is used. (To achieve accuracy within one percent, the contour interval must be 10 feet or less).
- Step 2. Determine "L", the total length of the contour lines within the subject area, by tracing each line with a planimeter or similar device and converting to feet. In this example, "L" is 1,000 feet.
- Step 3. Determine "A", area (in acres) from the development plans or permit application. In this example, "A" is 5 acres.

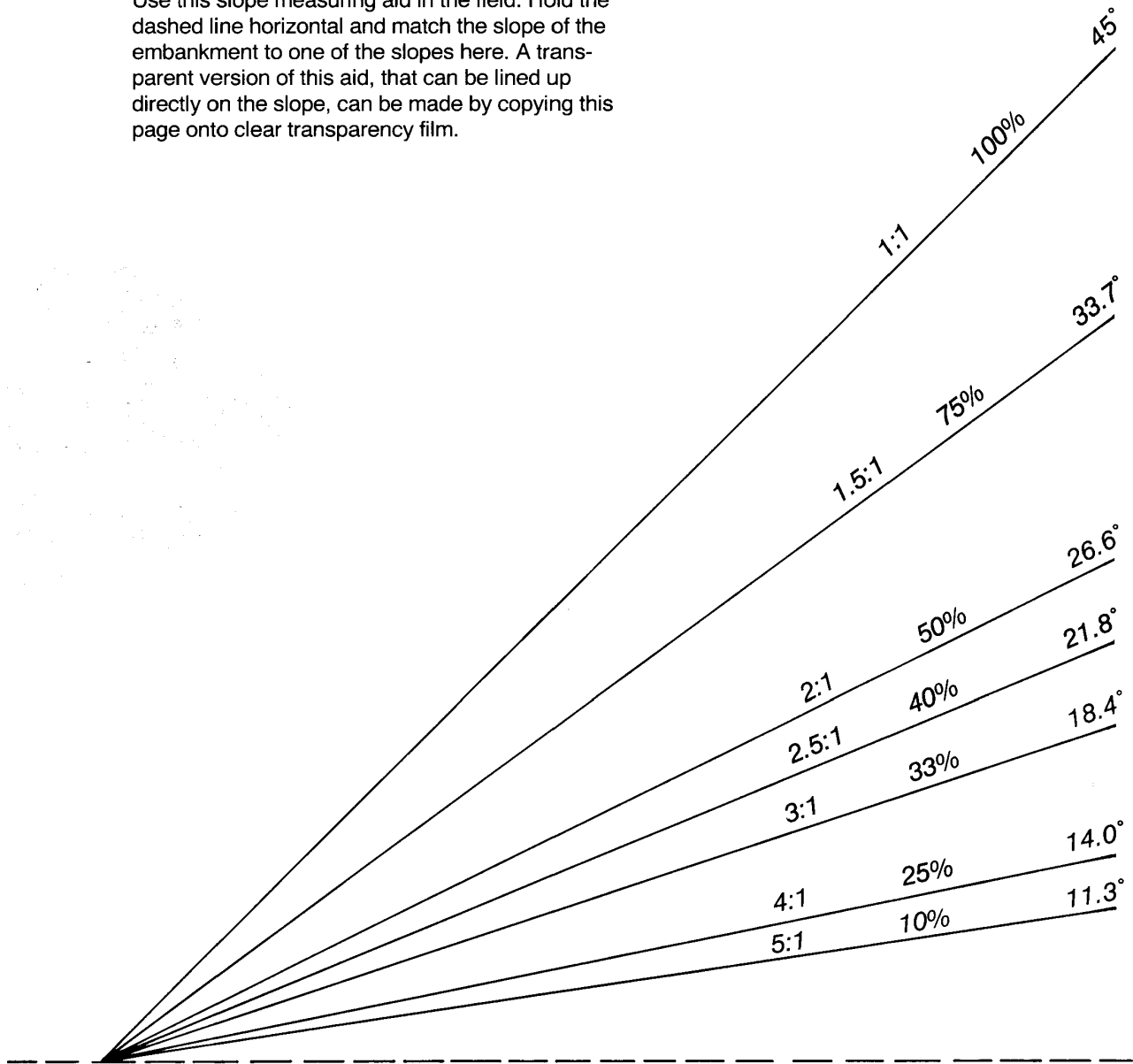
Step 4. Determine "S" by using the equation:

$$S = \frac{.0023 \times 5 \times 1,000}{5} = 2.3 \text{ percent average slope}$$

NOTE: Other methods of calculating average cross slope - using computer mapping/GIS technology - may be acceptable.

Slope Measurement

Use this slope measuring aid in the field. Hold the dashed line horizontal and match the slope of the embankment to one of the slopes here. A transparent version of this aid, that can be lined up directly on the slope, can be made by copying this page onto clear transparency film.



APPENDIX I

MINOR MAINTENANCE CHECKLIST

A. Bridge Approach

1. Check Signs on both ends of bridge.
Warning and Information Signs (straighten, clean, and cut weeds).
Bridge End Markers (clean and visible).
Check Guard Rails along approach (repair and straighten).
2. Clear Weed, Brush, and Overhanging Limbs.
Require clear visibility of bridge.
Police and clean area around bridge.
Remove all debris from site.

B. Side Ditches and Stream Channel

1. Clear side ditches of all brush, weeds and debris.
2. Clear debris and obstructions from stream channel through full width of R.O.W.
3. Eliminate all brush growing under the bridge.

C. Erosion of Bridge Approach

1. At gutter line on shoulder - fill any eroded areas.
2. At gutter line, build (if needed) paved channel to carry water to side ditch at non-erosive velocity.
3. Check shoulders for erosion signs - fill and tamp erosion channels.

D. Condition of Approach Road Traffic Lanes

1. Fill all ruts.
2. Check transition from road to bridge - must be smooth.
3. Build short bituminous ramp to provide transition in difficult cases.

E. Bridge Structure

1. Cleaning Deck
Clean all dirt, gravel, trash and debris from deck. Clear all gutters and all drainage outlets.
Remove any obstructions causing ponding of water. Direct deck drains away from all structural components.
2. Deck Maintenance (Wood Decks)
Check transverse planking for breaks, rotting, or any weakness. Replace individual planks if needed. Check longitudinal "tread" planks for damage, excessive wear, breaks, shattering, looseness or rot. Replace damaged planks - re-nail old planks if required. Pull any protruding nails and replace.
3. Deck Maintenance (Concrete Decks)
Clean, check depth, and flush all open cracks. Dry such cracks and fill totally with liquid asphalt or other such sealing compound. Make notes on any system of patterned crack and report them to road supervisor. For small shrinkage cracks (those not fully opened) check with road supervisor about a spray coat sealant. Pop-outs, surface deterioration, or chuck holes in deck must be cleaned thoroughly and packed smooth with bituminous road surface mixture. Provide a mechanical "lock" to hold patch in place. Eliminate "low" spots to prevent water ponding.

F. Expansion Joints

Deck expansion joints should be identified and cleaned. Remove dirt, gravel, debris and other obstructions from expansion joint opening. Do this when bridge is cool so joint is as wide open as possible. For open expansion joint slot, fill the opening with an elastic joint sealer compound or a special compressible composite joint filler. For plate covered joint slot, clean the sliding surface of any obstructions and treat sliding surface if necessary to make it free operating.

G. Bridge Structural Components

1. Truss Bridges

Clear debris from truss joints, flanges of truss members, or any pockets that have collected debris, gravel or dirt.

2. Girders and Beams

Clear any debris found on flanges or on any bracing occurring on the structure.

3. Handrails and Curbs

Repair any bent, broken, or missing parts of the bridge handrail or curbs.

4. Bearing Devices

Bearing devices are points where bridge structure is attached to the substructure (piers, abutments, or other supports). Identify the "fixed" and movable bearings. Clear all dirt, disintegrated concrete, debris of any kind which collects around the bearings - fixed or movable. Especially clear any obstruction that would prevent movable support from being able to function. Once cleared, spray with oil to prevent rusting and to assist movement.

H. Substructure

1. Abutments

Note cracking of main wall or wing wall. Assess serious movement of any part of the abutment. Report out-of-plumb components and any serious deterioration of the abutment. Note any erosion of stream that may undermine the abutment, and eliminate cause. Fill and tamp any rodent holes along base of the abutment and its wing walls.

2. Piers

Note and correct any water drainage on pier or the pier cap. Note any cracks or deterioration of pier. Repair where possible. Check for undermining of pier foundation and correct cause if possible. Check pier for "plumb-ness" or any signs of movement.

Source: Minor Maintenance Manual For County Bridges, Highway Extension and Research Project for Indiana Counties and Cities, Purdue University, 1984.

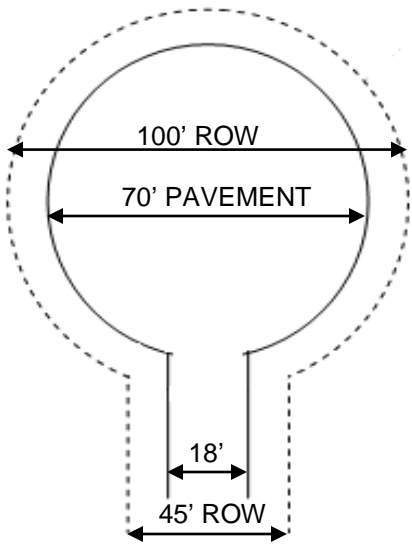
APPENDIX J

BUFFERING AND SCREENING

- (A) Where a ~~commercial or multi-family use~~ PUD is proposed adjacent to a single family residential use, side and rear yard setback of 30 feet shall be observed for buildings, parking, or storage. This area is to be used as a buffer and shall be landscaped as follows. Buffers shall consist of plantings of evergreen and/or deciduous trees spaced no more than thirty (30) feet apart. Such trees shall be at least six to seven (6-7) feet tall for evergreens and six to eight (6-8) feet tall with a one and one half (1-1/2) inch caliper (trunk diameter 6 inches above grade) for deciduous trees at time of planting and shall reach a height of no less than twenty (20) at maturity. Where utility easements conflict with this height requirement, the requirement may be lessened at the discretion of the ~~Watershed Administrator.~~ Planning Staff. In addition, plantings of low growing shrubs, and/or trees shall be placed at ten (10) foot intervals. Plantings within buffer zones shall be staggered unless topography is prohibitive. No planting shall be placed in the road right-of-way. Lists of recommended plantings are available from the Planning and Inspections Department.
- (B) Where a ~~commercial or multi-family use~~ PUD is proposed adjacent to a commercial or multi-family use side and rear yard setback of 15 feet shall be observed for buildings, parking, or storage. This area is to be used as a buffer and shall be landscaped as follows. Buffers shall consist of plantings of evergreen and/or deciduous trees spaced no more than thirty (30) feet apart. Such trees shall be at least six to seven (6-7) feet tall for evergreens and six to eight (6-8) feet tall with a one and none half (1-1/2) inch caliper for deciduous trees at time of planting and shall reach a height of no less than twenty (20) feet at maturity, except as described in section 602(A). In addition, permanent ground cover such as grasses shall be established.
- (C) Walls, fences, earthen berms, or other natural features may be used in combination with or in lieu of planted buffers if approved as part of a permit. Considerations include but are not limited to:
- (1) Any existing significant vegetation within the buffer(s) may be preserved and credited towards meeting the standard for the required buffer. Existing fences, berms and or walls within the buffer(s) may be used to fulfill the standards set forth for the buffer providing these elements are healthy and in a condition of good repair. Chain link fencing is not acceptable in meeting the performance criteria of this ordinance.
 - (2) Installation of supplemental vegetation and/or site features may be required at the time of site plan review, if existing vegetation and/or site features within the buffer do not meet or exceed the requirements of this ordinance.
- (D) Open storage areas, exposed machinery and outdoor areas used for the storage and collection of rubbish must be visually screened from roads and surrounding land uses. Suitable types of screening include opaque wood fences and dense evergreen hedges of six (6) feet or more in height.

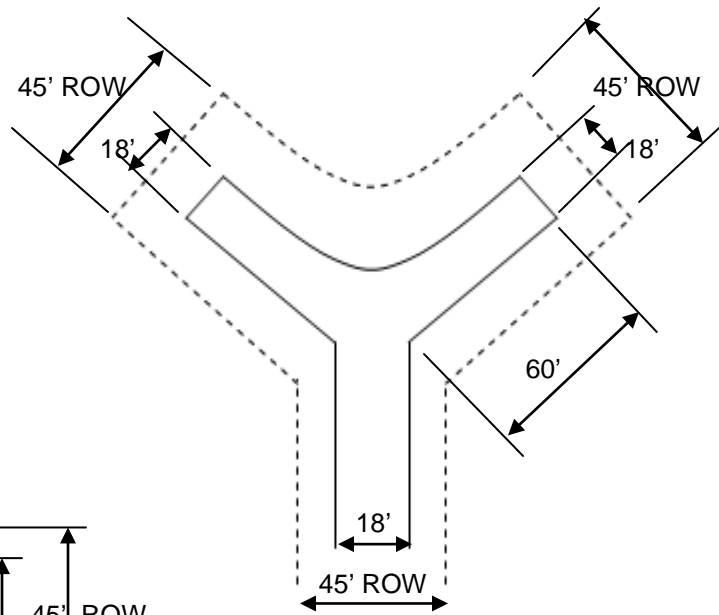
~~NOTE: These are excerpts from Watershed Zoning Ordinance, use that which is applicable.~~

APPENDIX K
FIRE APPARATUS ACCESS ROADS

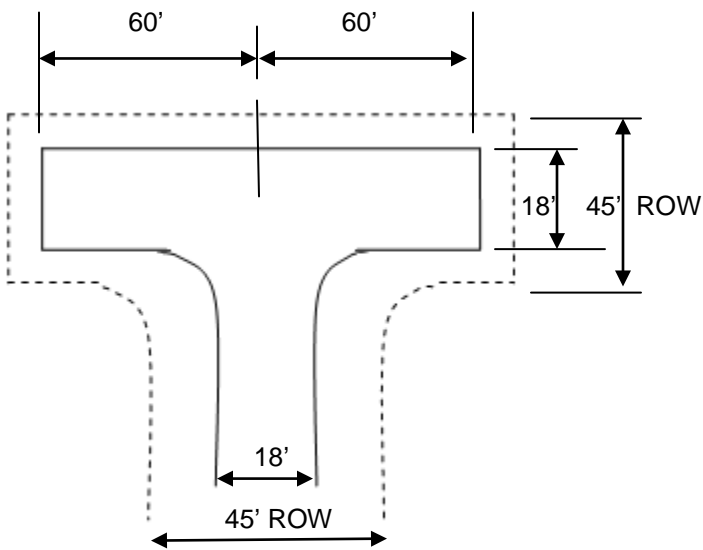


CUL-DE-SAC

----- Right of Way
_____ Travel Surface



60' Y



120' HAMMER HEAD

(Drawings not to scale)

APPENDIX L
POLICY STATEMENT
AFFORDABLE WORKFORCE HOUSING

Background

The generally accepted definition of affordability is for a household to pay no more than 30 percent of its annual income on housing. An estimated 12 million renter and homeowner households now pay more than 50 percent of their annual income on housing. The lack of affordable housing is a significant hardship for low-income and working households and prevents them from meeting other basic needs, such as food, clothing, transportation and medical care.

Availability of housing for all income levels is critical for balanced and healthy growth of the County. Employers seeking to locate in Watauga County need to first attract and then maintain a workforce. A key component to workforce recruitment and retention is affordable and centrally located housing. Job satisfaction becomes more of a challenge when workers can only find affordable housing by living far from their jobs and enduring long commutes.

Policy

The county will seek to work with the developers and nonprofit housing organizations to provide for affordable units in developments and ensure that such units are compatible with other homes in the development. Affordable units should include both units for sale and units for rent. Developers should promote a design criterion that disperses affordable homes throughout a development and encourages a variety of housing types.

Streamlined Permitting Process

Improved coordination of the permitting process at the state and local levels could result in lower housing costs. The permitting process often involves dealing with city, county and state approval boards, all of which require a variety of permits and approvals (i.e. – fire protection, sewer hookup, plumbing, environmental, road construction, electrical, building, etc.). Often the various levels of governmental authorities do not have effective communication and co-approval systems, which cause unnecessary delays, increase construction costs and ultimately hinder affordable housing.

Density

Real estate of all types flourishes best in livable communities that offer a high quality of life at a reasonable cost. Livable communities offer a variety of affordable housing choices, good schools, quality public services, open space, and a strong employment base. One of the most challenging aspects to promoting these essential livable community elements is density. Building at higher densities in the appropriate locations is vital to provide greater choice and affordability in housing.

Employer-Assisted Housing

Employer-assisted housing (EAH) refers to benefits that enable employees to purchase homes or secure affordable rental housing, often within designated neighborhoods located near the workplace. Benefits can take a number of forms, including grants or forgivable loans for down payments and closing costs, reduced-cost financing, and matched savings plans. Providing an EAH benefit can help employers reduce turnover, leading to lower training and hiring costs. In addition, EAH can increase loyalty and morale, support bottom-line business goals, and strengthen links with the local community.

APPENDIX M

DEVELOPER AUTHORIZATION FORM

For projects being developed by person(s) other than land owner(s)

Name of Project: _____

Land Owner(s) _____

Developer(s) _____

The above-named Developer(s) is/are authorized to submit the subject project to Watauga County for development approval on behalf of the above-named Land Owner(s).

Land Owner(s) Signature

Date

MINUTES

WATAUGA COUNTY PLANNING BOARD

June 19, 2017

Members Present: Ric Mattar, Neil Hartley, Nikki Robinson, Patrick Morgan, Todd Castle, Jamey Hodges

Staff Present: Joe Furman, John Spear

The Watauga County Planning Board was called to order by Chairman Mattar at 5:34 p.m. in the Commissioners Board Room, Administration Building.

The minutes of the April 17, 2017 regular meeting were approved as written.

MOTION: Hartley; 2nd; Morgan

VOTE: Aye - 5

Nay - 0

Abstain - 1 (Hodges - not present at April meeting)

Ordinance to Govern Subdivisions and Multi-Unit Structures: Mr. Furman informed the Board that the draft amendment to the Ordinance was presented at the Board of Commissioner's May 16, 2017 public hearing. During the hearing, concerns were expressed by Commissioners and members of the public primarily regarding the proposed 33% green space requirement and the 2:1 slope requirement. Those speaking at the hearing were of the opinion that these provisions were too strict and add unnecessary expense. Former Planning Board member Jim West submitted written comments and questions.

Following the hearing, the Commissioners referred the ordinance back to the Planning Board to consider and address the concerns and Mr. West's submittal. In addition, Furman noted new legislation (SL 2017-10) has been enacted pertaining to "expedited review" of certain subdivisions. That legislation will become effective on July 1, 2017. Mr. Furman discussed the proposed language and recommended the Board add the "expedited review" requirement into the Minor Subdivision section of this ordinance.

Following discussion, Mr. Mattar called for a motion.

MOTION: Morgan; 2nd; Hartley

VOTE: Aye - 6

Nay - 0

Absent - 1(Scanlin)

The Board discussed the proposed 33% minimum green space requirement and reviewed a staff summary of the amount of green space that has been provided in several recent PUD's. The summary included PUD's both small and large, workforce housing, student housing, and exclusive housing developments. All provided 58% or greater amount of green space. Mr. Furman also provided a Water Supply Watershed map of the County to demonstrate large areas of the County's jurisdiction that already have green space requirements that are much more restrictive than 33%. Watersheds designated by the State as WS-IV have a 64% minimum green space requirement for PUDs and those designated as WS-II have a 88% minimum requirement.

The Board concluded there is a misconception regarding the green space requirement and expanding the definition or introducing additional terminology may provide necessary clarity. Staff agreed to study and draft alternative text. The Board agreed to review alternative language.

The Board next discussed the proposed 2:1 slope requirement and the staff summary regarding this provision. The summary includes provisions found in the North Carolina State Building Code and in the North Carolina Erosion and Sedimentation Control Design Manual that limit cut and fill slopes that can be "safely be retained by vegetative cover" to a maximum of 2:1. Mr. Furman noted the erosion control ordinance requires cut and fill slopes to be no steeper than the "maximum that can be retained by vegetative cover", i.e. 2:1.

Additional site specific engineering and design of adequate structures or devices become necessary when slopes exceed 2:1. This provision is proposed for consistency with existing state requirements and standard engineering practice. The Board agreed to leave this language as is.

The Board discussed the concern raised over the Traffic Impact Analysis provision that allows staff and NCDOT to *wave* the TIA requirement if both the

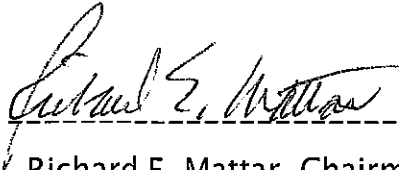
staff and NCDOT concur that the TIA is unnecessary. This provision provides applicants relief from the TIA requirement. Otherwise, applicants would have to seek a variance in order to get relief. The Board felt this may need to be better explained but can be left as is.

The Board next discussed the concern regarding the setback language. Mr. Furman noted the language is intended to clarify a long-standing Board Policy allowing for a setback variance for structures and lots created prior to the adoption of the ordinance. The purpose of this proposed text is to eliminate unnecessary setback variances. The Board concluded the language is fine as is.

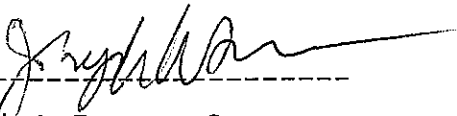
In concluding their review, the Board agreed to allow staff additional time to make recommended revisions and then re-evaluate the proposed text in July.

Corridor Planning: Mr. Furman noted that Appalachian State has offered to provide the services of an intern to begin a GIS-level assessment of existing conditions along the Highway 321 Corridor. Accordingly, the Board's Corridor Committee may want to begin meeting to create a framework for the Highway 321 Gateway Corridor Plan. The Corridor Committee currently consists of Mr. Mattar, Mr. Hodges, and Mrs. Robinson. Following discussion, the Committee members agreed to meet on Wednesday, June 28 at 3:30 pm in the planning office to kick things off.

No further business, the meeting adjourned at 7:00 p.m.



Richard E. Mattar, Chairman



Joseph A. Furman, Secretary

MINUTES
WATAUGA COUNTY PLANNING BOARD
July 17, 2017

Members Present: Ric Mattar, Neil Hartley, Patrick Morgan,
Dennis Scanlin, Nikki Robinson

Staff Present: Joe Furman, Chris Grubb

The Watauga County Planning Board was called to order by Chairman Mattar at 5:35 p.m. in the Commissioners Board Room, Administration Building.

The minutes of the June 19, 2017 regular meeting were approved as written.

MOTION: Morgan; 2nd: Robinson

VOTE: Aye - 4

Nay - 0

Absent - 2

Abstain - 1 (Scanlin, not present June 19)

The Board resumed discussion of proposed amendments to the Ordinance To Govern Subdivisions and Multi-Unit Structures, specifically wording in Articles VIII and X regarding common, open, and green space, and clarifying wording in Article VII and Appendix B regarding drainage of surface water. Staff recommended that roads, parking and buildings not be included in open space calculations and that septic system and well areas be included. The Board decided to also include, as examples, outdoor recreation areas and picnic shelters and similar structures. The Board voted to recommend the proposed amendments, including tonight's changes, to the Board of Commissioners.

MOTION: Morgan; 2nd: Hartley

VOTE: Aye - 5

Nay- 0

Absent - 2

The Board decided by consensus to present the changes as well as supporting information discussed at the June 19 Planning Board meeting to the Board of Commissioners at the August 15, 2017 Commissioners meeting.

No further business, the meeting adjourned at 6:08 p.m.

Richard E. Mattar, Chairman

Joseph A. Furman, Secretary



WATAUGA COUNTY

Department of
Planning & Inspections

331 Queen Street Suite A • Boone, North Carolina 28607

Phone (828) 265-8043

TTY 1-800-735-2962

Voice 1-800-735-8262

or 711

FAX (828) 265-8080

Memorandum

Date: June 9, 2017

To: Planning Board

From: Joe Furman, Director

RE: Proposed amendments to subdivision regulations

The Board of Commissioners held a public hearing May 16th on the proposed amendments to the Ordinance to Govern Subdivisions and Multi-Unit Structures. At the conclusion, the Commissioners referred the ordinance back to the Planning Board for further consideration. During the hearing, three people spoke and two Commissioners expressed concerns. One of the speakers was former Planning Board Jim West; he submitted questions and comments which the Commissioners referred to the Planning Board. Those questions and comments with staff responses are attached. The concerns were over the proposed 33% green space requirement and the 2:1 slope requirement; the opinion of those who spoke was that these requirements are overly strict and will be costly. Following are staff responses to those points.

33% green space. Currently the ordinance states “Common land must be an essential element of the PUD, provided in lieu of standard individual lots.” There are at least 3 purposes in mind: 1) the developer is giving something in return for the density bonus s/he received, 2) the individual owner is receiving access to common/open/green space to compensate for having no lot or a very small lot, and 3) since Watauga County is rural, it is important to try to maintain a rural “feel” even in a PUD, which could be located anywhere in the county. The current wording does not specify an amount of common land to be provided; the proposed amendment is an attempt to quantify the requirement. 33% is the amount of density bonus allowed, so 33% is the proposed amount of green space to be required. As can be seen in the attached materials, 33% is a minimal requirement. We may want to discuss alternative terms to green space as mentioned in the attachment.

2:1 Slope. Currently the ordinance simply references the erosion control ordinance, which states that the “angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures.” Generally speaking, a 2:1 slope is the angle which can be retained by vegetative cover, which is preferred. The “other adequate erosion control devices or structures” are what is described in the proposed wording – “Innovative designs exceeding the slope standards.....” A discussion of the 2:1 standard is attached. See also the Grade Comparison Chart, which is an appendix to the ordinance. A 2:1 slope is a 50% slope; for comparison purposes, the steepest road the ordinance permits is 18%.

Draft of Ordinance to Govern Subdivisions and Multi-Unit Structures

COMMENTS AND QUESTIONS:

Article VII - Subdivision General Requirement and Minimum Standards of Design-

1. [70.03 Driveway Connection Permit] A driveway connection permit issued by NC Department of Transportation shall be obtained. A Traffic Impact Analysis shall be required from the applicant under the following circumstances, unless **the Planning Staff and NCDOT concur** that one is unnecessary:

Why must BOTH Staff and NCDOT concur that one is unnecessary? What is the timing and mechanism by each for reviewing IF a Traffic Impact Analysis is required?

ANSWER: BECAUSE WE WANT TO BE IN AGREEMENT WITH THE NCDOT STAFF. DRIVEWAY CONNECTION PERMITS ARE ALWAYS APPROVED JOINTLY BY LOCAL GOVERNMENTS AND NCDOT. REVIEW OF THE ANALYSIS IS NOT ANTICIPATED TO EXTEND THE TIME OF THE PERMIT REVIEW PROCESS. IT ALLOWS FOR THE POSSIBILITY TO NOT REQUIRE ONE EVEN IF THE "FOLLOWING CIRCUMSTANCES" CALL FOR ONE, THEREBY PROVIDING RELIEF, NOT DELAY.

2. [70.03 Traffic Impact Analysis not required if...] (4) **The Planning Staff determines that the proposed project will have a potential negative impact on the public road system due to the size of the project or existing transportation system or determines that there are safety concerns with the**

Won't ANY vehicle entering a street become a "potential negative impact on the public road system"??

ANSWER: NO. THE REST OF THE SENTENCE HAS TO BE INCLUDED TO PUT THIS PROVISION IN PROPER CONTEXT. THE FULL TEXT READS: (4) THE PLANNING STAFF DETERMINES THAT THE PROPOSED PROJECT WILL HAVE A POTENTIAL NEGATIVE IMPACT ON THE PUBLIC ROAD SYSTEM DUE TO THE SIZE OF THE PROJECT. CONSIDER ALSO THAT THE PLANNING STAFF REGULARLY CONSULTS WITH THE NCDOT AND HAVE TO CONCUR ON THE ISSUE OF THE TIA, AS PROVIDED FOR IN THE PREVIOUS ANSWER.

3. [70.12 General Requirements, Erosion Control] [B the following language should NOT be indented. It should not be a part of 70.12 B Maximum fill slopes...] **Innovative designs exceeding the slope standards specified herein may be approved when accompanied by a site-specific subsurface investigation, report and recommendation performed by a registered professional engineer competent in geotechnical engineering. In any event, all grades shall be sloped to drain surface water away from buildings, pavements, slopes and structures. How can ALL grades be sloped away from these? Where can surface go? Water MUST be directed to sloped surfaces OR it will stagnate.**

ANSWER: PERHAPS A NEW SECTION AS FOLLOWS:

70.13 Grading. The grading plan and specifications controlling execution of land-disturbing activities shall adhere to the following standards:

70.131. Maximum cut slopes shall be 2h:1v.

70.132. Maximum fill slopes shall be 2h:1v.

Innovative designs exceeding the slope standards specified herein may be approved when accompanied by a site-specific subsurface investigation, report and recommendation performed by a registered professional engineer competent in geotechnical engineering. ~~In any event,~~ **All grades shall be sloped to drain surface water away from buildings, pavements, slopes and structures, as applicable,**

THE PROVISION TO SLOPE GRADES TO DRAIN SURFACE WATER AWAY BUILDINGS, SLOPES, ETC. RELATES TO THE CONTROL OF SURFACE WATER FROM THE BEGINNING OF THE DEVELOPMENT PROCESS. THIS PROVISION WAS RECOMMENDED TO PROTECT THE PROPOSED DEVELOPMENT AND ADJOINING PROPERTY FROM SEDIMENT DAMAGE CAUSED BY SURFACE WATER RUN-OFF. SURFACE WATER RUN-OFF FROM UNDISTURBED AREAS IS DIVERTED FROM DISTURBED AREAS AND SEDIMENT-LADEN WATER IS DIVERTED TO SEDIMENT BASINS. NUMEROUS RUN-OFF CONVEYANCE METHODS ARE USED IN EROSION CONTROL TO DIRECT SURFACE WATER TO DESIRABLE LOCATIONS INCLUDING TEMPORARY AND PERMANENT DIVERSIONS; GRASS-LINED, RIP-RAP-LINED, OR PAVED SWALES; TEMPORARY SLOPE DRAINS; TEMPORARY BASINS; ETC. THE BUILDING CODE REQUIRES "POSITIVE DRAINAGE" FROM BUILDINGS. PARKING LOTS WILL GENERALLY BE SURROUNDED BY DITCHES, WHICH ARE LOWER THAN THE LOT; NOBODY WOULD BUILD A BUILDING OR PARKING LOT WITH A SLOPE GOING ALL THE WAY TO THE EDGE OF THE STRUCTURE.

IN ADDITION, NC BUILDING CODE §109 REQUIRES DRAINAGE SYSTEMS AND TERRACING ON ALL SLOPES EXCEEDING 3:1 TO CONTROL SURFACE WATER RUN-OFF AND DEBRIS. TERRACES MUST BE A MINIMUM OF 6' IN WIDTH AND SPACED AT 30' VERTICAL INTERVALS ON BOTH CUT AND FILL SLOPES. ALL TERRACES MUST HAVE DRAINAGE SWALES OR DITCHES WITH MINIMUM GRADIENTS DEPENDING UPON THE CHOSEN MATERIALS. THESE STANDARDS ARE MANDATORY UNLESS AN ALTERNATIVE DESIGN IS PREPARED BY A REGISTERED DESIGN PROFESSIONAL.

4. [Table 2 Building Setback Requirements][Language is not clear about setbacks] 7. **Pre-existing Situations.** **Setback requirements contained herein are not applicable to structures and lot lines which pre-existed this ordinance and/or pre-existed the subdivision of the land upon which the structures are located. The setbacks contained herein shall apply to any new or rebuilt structures located on the subject land. What setbacks apply for an existing building just added on but not rebuilt? What setbacks apply for pre-existing structure and lots?**

ANSWER: THE NC RESIDENTIAL CODE REQUIRES ONLY MINIMAL SETBACKS FOR AN ADDITION TO AN EXISTING BUILDING OR FOR A NEW BUILDING LOCATED ON A PRE-EXISTING LOT (OR PROPERTY NOT LOCATED IN A SUBDIVISION FOR THAT MATTER). THERE WOULD BE NO SETBACK REQUIREMENTS FOR A PRE-EXISTING STRUCTURE OR PRE-EXISTING LOT USED FOR SINGLE-FAMILY PURPOSES BEYOND THOSE ALREADY REQUIRED BY THE RESIDENTIAL CODE. THIS PROVISION CODIFIES THE LONG-STANDING POLICY OF THE PLANNING BOARD. THE PURPOSE IS TO ELIMINATE UNNECESSARY VARIANCES.

ARTICLE VIII - PLANNED UNIT DEVELOPMENT

5. [81.01 Minimum Requirments] g) **Grading and erosion control shall be undertaken in accordance with Section 70.12. See comments at 70.12**

ANSWER: SEE PRIOR ANSWER.

6. [81.02 Land Development Standards] **A minimum of thirty three percent (33%) of the total land area must be dedicated permanent green space.** Road and parking areas are not included in common land for purposes of this subsection. **Permanent Green Space is not defined. A definition of Green Space could help differentiate between Green Space Open Space and Common Area. Perhaps a description of what can count as green space and what other uses are permitted and prohibited could help understand this standard**

ANSWER: GREEN SPACE INCLUDES ANY UNDERGROUND SEWER AND REQUIRED AREA AROUND WELLS. ALTERNATIVE TO "GREEN SPACE" COULD BE "COMMON AREA" OR, A LIMIT UPON "BUILT-UPON AREA" (SIMILAR TO WATERSHED ORDINANCES) COULD BE USED INSTEAD. "BUILT UPON AREA IS VERY CLEARLY DEFINED IN THE WATERSHED ORDINANCES. ALSO SEE ATTACHMENT.

ARTICLE X - REGULATION OF MULTI-UNIT STRUCTURES

8. [SECTION 103. Standards of Design. 103.01 Density] **A minimum of thirty three percent (33%) of the total land area must be dedicated permanent green space. See comments at PUD section 81.02**

ANSWER: SEE PRIOR ANSWER. SEE ATTACHMENT.

9. [Section 104 Submission of Site Plans 104.14] **Grading and erosion control shall be undertaken in accordance with Section 70.12. See comments at 70.12**

ANSWER: SEE PRIOR ANSWER.

APPENDIX

10. [Appendix B, II Mandatory Standards for Land Disturbing Activity] No land disturbing activity *subject to this article* shall be undertaken except in accordance with the following mandatory requirements: **The Appendix does NOT have an article number. To which article number do these standards apply?**

ANSWER: THIS APPENDIX IS AN EXCERPT FROM THE EROSION CONTROL ORDINANCE

11. [Appendix B, II Mandatory Standards for Land Disturbing Activity – a. Buffer Zone – 5 a. Graded Slopes and Fills] **See comments at section 70.12**

ANSWER: SEE PRIOR ANSWER

GREEN SPACE PROVISION SUMMARY

EXAMPLES

1. Workforce Housing Development:

Greenwood PUD Habitat for Humanity

Proposed:	30 Single-Family Homes	
Parcel Size:	20.6 Acres	
Average Cross-Slope:	23%	
Density Allowed:	2.26 Units/Acre	
Density Proposed:	1.7 Units/Acre	
Gross Land Area:	20.6 acres x 43,560SF/Ac	897,366 SF
Housing:	30 Homes x 1,440SF	43,200 SF
Parking:	60 Spaces x 300SF	18,000 SF
Roadway:	County Std. 2,700LF x 18'	48,600 SF
	Private 450 LF X 10'	4,500 SF

Common Area Remaining 783,066 SF or **87.3%**

2. Exclusive Housing Development (Small):

Turtle Creek PUD Phase 1

Proposed:	24 Single-Family (12 Duplex) Homes	
Parcel Size:	25.7 Acres	
Average Cross-Slope:	11%	
Density Allowed:	2.26 Units/Acre	
Density Proposed:	.94 Units/Acre	
Gross Land Area:	25.7 acres x 43,560SF/Ac	1,119,492 SF
Housing:	12 Duplex Homes (w/Parking)	
	12 x 8,350SF	100,200 SF
Roadway:	County Std. 3,300LF x 18'	59,400 SF

Common Area Remaining 959,892 SF or **85.7%**

3. Exclusive Housing Development (Large):**Sweet Grass PUD** Excluding 89 Conventional Single Family Lots)

Proposed:	48 Single-Family Cabins	
	36 Town Homes	
Parcel Size:	184 Acres (Excluding 90 Acres – Conventional SF)	
Average Cross-Slope:	13%	
Density Allowed:	2.26 Units/Acre	
Density Proposed:	.46 Units/Acre	
Gross Land Area:	184 Acres x 43,560SF/Ac	8,015,040 SF
Total Impervious Area:	7.5% or 13.8 Ac	601,128 SF
(Housing/Roadway/Walkways)		

Common Area Remaining	7,413,912 SF or 92.5%
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4. Student Housing Development (Large):**Cottages of Boone PUD**

Proposed:	196 Single-Family Units	
Parcel Size:	71 Acres	
Average Cross-Slope:	34.6%	
Density Allowed:	4 Units/Acre	
Density Proposed:	2.76 Units/Acre	
Gross Land Area:	71 Acres x 43,560SF/Ac	3,092,760 SF
Total Impervious Area:	16% or 11.36 Ac	494,842 SF
(Housing/Roadway/Parking/Walkways)		

Common Area Remaining	2,597,918 SF or 84%
-----------------------	----------------------------

OTHERS

Random PUD files were pulled and cursory analysis of open space provided was done.

Apple Ridge 64% + open space

Forest at Crestwood 75% open space

Howard's Creek Apartments 58% open space

Rich Mountain Townhouses 92% open space

Riverside Log Cabins 64% + open space

Silo Ridge 75% open space

2:1 SLOPE

2012 NC BUILDING CODE

§J104.3 Geotechnical shall be provided unless the building code official determines that a report is not necessary due to the nature of the work.

§J106.1 Maximum of cut surfaces shall be no steeper than 2:1 unless the owner provides a geotechnical report.

Exception (1): 1.5:1 cut slope less than 8 feet in height can be approved by the building code official when:

1. It is not intended to support structures or surcharges.
2. Ground water is not encountered.
3. It is adequately protected against erosion (i.e. use appropriate RECP).

Exception (2): A cut surface in bedrock shall be permitted at a slope of 1:1.

§J107.6 Fill slopes steeper than 2:1 shall be justified by a geotechnical report or engineering data.

NC EROSION AND SEDIMENT CONTROL DESIGN MANUAL

Chapter 3 Vegetative Considerations

Most surface soils in the Mountain Region are highly eroded and shallow. Steep slopes (greater than 2:1) with shallow, highly eroded soils create a major problem for vegetation establishment.

Chapter 5 Overview of Erosion and Sedimentation Control Practices

Slopes steeper than 3:1 require special surface roughening (Practice 6.03) to help control erosion, aide in establishment of vegetation, and promote infiltration. It is difficult for bulldozers, tractors, etc. to access slopes greater than 3:1 to properly prepare the soil and to maintain permanent vegetation. Topsoil (Practice 6.04) provides the major zone for root development. However, topsoil should not be placed on slopes greater than 2:1 to avoid slippage.

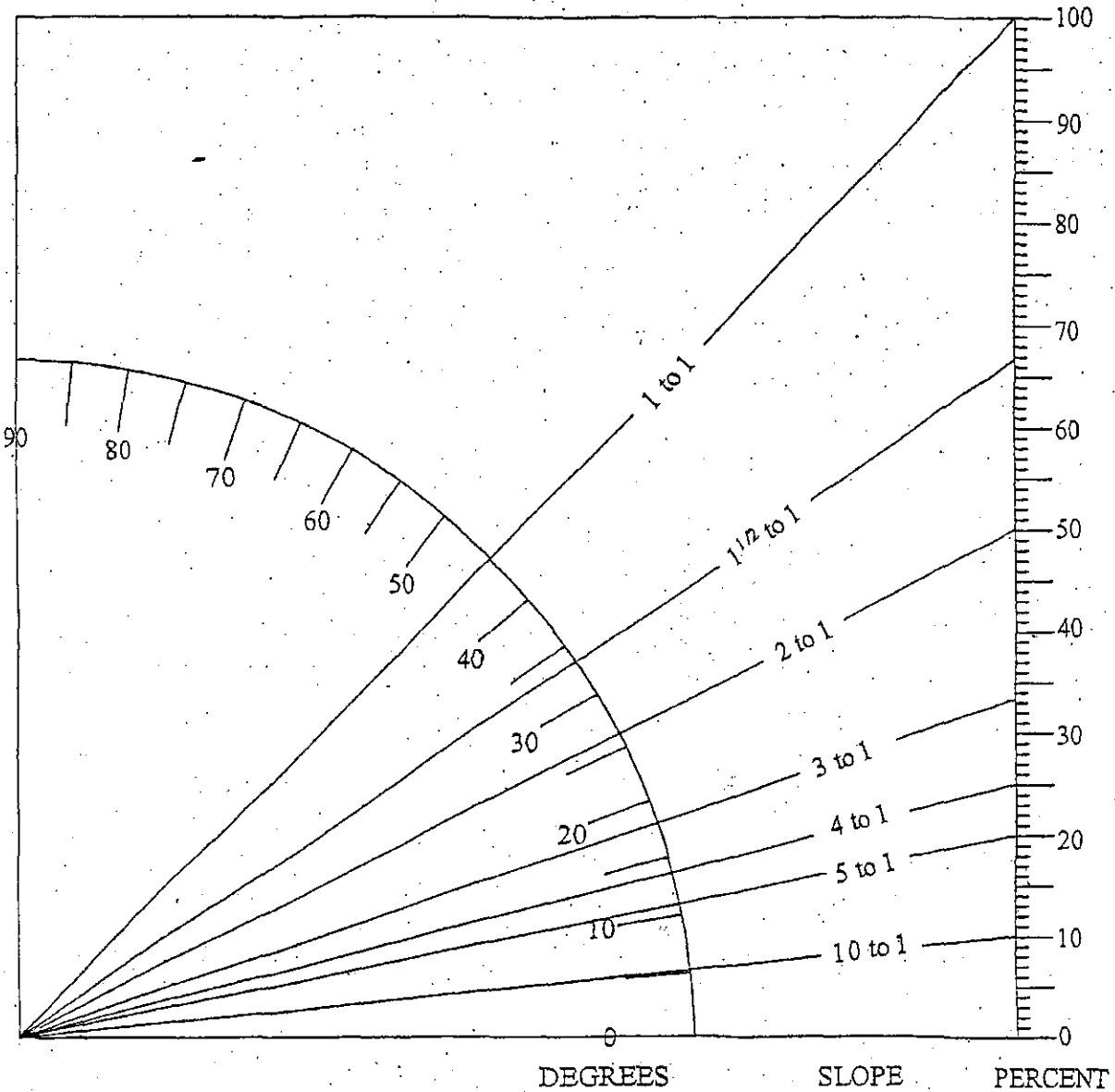
Permanent seeding of grasses and legumes is the most common and economical means for establishing protective ground cover. Permanent seeding (Practice 6.11) of slopes requires a protective cover of mulch until grass becomes established. It is especially critical for mulch to be held in place on slopes greater than 2:1 in order to protect the soil surface. Rolled erosion control products (RECP) should be used to establish vegetative stabilization when 2:1 slopes having more than 10 feet of vertical relief is proposed. Many types of RECP's (Practice 6.17) are used to hold seed and mulch in place. The correct product selection and the proper installation method are critical to the overall success of the project. No two sites are the same. Product selection is based upon criteria specific to each site, such as slope steepness, in situ soils, aspect, slope length, and overall vertical relief. It takes a qualified design professional familiar with storm water calculations and product specifications to make that determination.

Chapter 6 Practice Standards and Specifications

Use slope breaks (benches) to reduce the length of cut and fill slopes. Steep slopes (2:1) require benches spaced no further than 20' apart (Practice 6.02). Finished cut and fill slopes, which are to be vegetated with grass and legumes, should not be steeper than 2:1. Slopes to be maintained by tractor or other equipment should not be steeper than 3:1.

Calculating Slope

GRADE COMPARISON CHART



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AGENDA ITEM 5:

SANITATION MATTERS

A. Bid Award Request for Brush Grinding

MANAGER'S COMMENTS:

Mr. J.V. Potter, Operations Service Director, will request the Board approve a bid with Riverside Stump Dump in the amount of \$25.00 per ton for brush grinding. Adequate funds have been budgeted to cover the contract expense.

Board action is required to approve the contract with Riverside Stump Dump for the grinding of brush at a rate of \$25.00 per ton for Fiscal Year 2017-2018.

MEMO

SANITATION



September 11, 2017

To: Deron Geouque, County Manager

From: JV Potter, OSD

Re: Renewal of Brush Grinding Contract

After requesting bids to grind approximately 4000 ton of brush, we have received only two quotes and they are listed below:

Superior Mulch LLC- \$27.50 per ton

Riverside Stump Dump- \$25.00 per ton

Carolina Mulch Plus- No Bid

Upon Board approval, we would like to award this year's contract to Riverside Stump Dump at \$25.00 per ton. There are sufficient funds within Sanitation Department's budget to cover the cost of the brush grinding.

Thank You

AGENDA ITEM 5:

SANITATION MATTERS

B. Bid Award Request for Sanitation and Animal Care & Control Vehicles

MANAGER'S COMMENTS:

Mr. J.V. Potter, Operations Service Director, will present quotes for one (1) new half ton 4x4 and one (1) three quarter ton 4x4 pickup trucks. Four (4) quotes were received with Everett Chevrolet and Asheville Ford submitting the lowest responsive bid, respectively.

Adequate funds have been budgeted to cover the requested purchase. Staff recommends the Board award the purchase to Everett Chevrolet for one (1) half ton 4x4 pickup truck for \$27,142.23 and Asheville Ford for one (1) three quarter ton 4x4 pickup truck for \$26,323.66 which includes taxes and tags fees.

MEMO**Sanitation Department**

DATE: 9/11/2017

TO: DERON GEOUQUE, COUNTY MANAGER

FROM: JV POTTER, OSD

RE: SANITATION & ANIMAL CONTROL PICKUP BIDS

We have received bids on one three quarter- ton pickup truck for Sanitation and one half-ton pickup truck for Animal Control and they are:

<u>Animal Control</u>	<u>Bid Amount</u>	<u>Sanitation</u>	<u>Bid Amount</u>
Ashe County Ford	\$29,869.82	Ashe County Ford	\$28,203.28
Asheville Ford	\$28,926.34	Asheville Ford	\$26,323.66
Everett Chevrolet	\$27,142.23	Everett Chevrolet	\$28,830.82
Modern Ford	\$29,894.54	Modern Ford	No Bid

Upon Board approval, we would like to recommend purchase from Everett Chevrolet for the Animal Control Truck in the amount of **\$27,142.23**, and the Sanitation truck to be awarded to Asheville Ford in the amount of **\$26,323.66**. (Tax and tag included). There are sufficient funds in the Sanitation Department and Animal Control budgets to cover the cost of the vehicles.

Thank you

AGENDA ITEM 5:

SANITATION MATTERS

C. Bid Award Request for Recycling Facility Floor Repairs

MANAGER'S COMMENTS:

Bids were solicited for repair work to the recycling facility floor. The Board may recall the floor repair to the transfer station approximately three (3) years ago. No repairs have been performed on the recycling facility floor since the 1990's. The recycling facility previously operated as the County's transfer station.

Staff recommends the Board award the bid to Industrial Supply Solutions, Inc. in the amount of \$66,880 to conduct repairs to the recycling facility floor.

MEMO

SANITATION DEPARTMENT

9/11/2017

To: Deron Geoque, County Manager

From: JV Potter, OSD

Re: Recycling Facility Floor Repair Quotes

We have received three proposals for the repair of the Recycling facility floor and they are as follows:

Area to be repaired- 6000 square feet:

Industrial Supply Solutions Inc.- \$11.15/sq ft.= **\$66,880.00**

Leak Associates Incorporated- \$26.25 /sq ft.= **\$157,475.00**

Tufco Carolinas, Inc.-\$31.26/sq ft.=**\$185,740.00**

The Sanitation Department has sufficient funds in the current budget to cover the cost of the repair. We would like to recommend Industrial Supply Solutions, Inc. to be awarded the bid in the amount of **\$66,880.00** as they are the low bidder. Coating has a one year warranty.

Thank You

AGENDA ITEM 6:

PROJECT ON AGING REQUEST TO ACCEPT FY 2018 SENIOR'S HEALTH INSURANCE INFORMATION PROGRAM (SHIIP) GRANT/CONTRACT

MANAGER'S COMMENTS:

Ms. Angie Boitnotte, Director of Project on Aging (POA), will request the Board accept the FY 2018 grant/contract for the Senior's Health Insurance Information Program (SHIIP). The grant is for \$2,492 a slight reduction from the previous year and requires no County funds. The funds are used to provide assistance and outreach to low-income citizens.

Board approval is required to accept the Senior's Health Insurance Information Program (SHIIP) grant in the amount of \$2,492.



Watauga County Project on Aging

132 Poplar Grove Connector, Suite A • Boone, North Carolina 28607

Website: www.wataugacounty.org/aging angie.boitnotte@watgov.org

Telephone 828-265-8090 Fax 828-264-2060 TTY 1-800-735-2962 Voice 1-800-735-8262 or 711

MEMORANDUM

TO: Deron Geouque, County Manager

FROM: Angie Boitnotte, Director

DATE: September 5, 2017

SUBJ: Request for Board of Commissioners' Consideration – Acceptance of the FY 2018 SHIIP Grant/Contract

The Project on Aging is eligible to receive a grant from the Senior's Health Insurance Information Program (SHIIP) which is a division of the North Carolina Department of Insurance. The grant amount is \$2,492 and does not require a local match.

The funds are to be used to conduct outreach events, provide open enrollment for Medicare Part D, coordinate a volunteer recognition event, provide counseling clinics, expand Low Income Subsidy (LIS) outreach and enrollment, and to cover the cost of the SHIIP Coordinator's attendance at the SHIIP Coordinator's Training Conference.

I recommend acceptance of these funds and will be present for questions or discussion.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Grant Name: CDAP – State Health Insurance Assistance Program
 Federal Awarding Agency: US Department of Health & Human Services,
 Administration for Community Living

CFDA #	93.324	Fiscal Year:	2017-2018
Grant Award #	90SAPG0027-01-01	Performance Period:	7/1/2017 – 6/30/2018
Cost Center:	16001636g7	Award Amount \$	2,492.00
Account #	536405	Federal Award Date:	7/18/17

Contract Between

Recipient:

State of North Carolina
 Department of Insurance
 SHIIP Division

Subrecipient:

Name: Watauga Co/Project on Aging/LE Harrill
 County: Watauga
 Tax ID/FIN# 56-6001816
 DUNS # 89988216

This Contract and its attachments shall be completed and returned to the Recipient within 45 days of receiving the electronic document in order for the Recipient to process the award and provide funds to the Subrecipient. The Subrecipient shall provide the Recipient with progress reports and a final report detailing the Subrecipient's use of State funds.

- 1. Contract Documents:** This Contract shall consist of the following documents, incorporated herein by reference:

- (1) This Contract;
- (2) General Terms and Conditions for Public Sector Contracts (Attachment A)
- (3) Statement of Work (Attachment B)
- (4) Line Item Budget and Budget Narrative (Attachment C)
- (5) Certifications Regarding, Drug-Free Work-Place; Lobbying; and Debarment, Suspension and Other Responsibility Matters (Attachment D)
- (6) Certification of Eligibility Under the Iran Divestment Act (Attachment E)

These documents constitute the entire agreement between the Parties and supersede all prior statements or agreements.

- 2. Precedence Among Contract Documents:** In the event of a conflict between or among the terms of the Contract Documents, the terms in the Contract Document with the highest relative precedence shall prevail. The order of precedence shall be the order of documents as listed in Paragraph 1, above, with the first-listed document having the highest precedence and the last-listed document having the lowest precedence. If there are multiple Contract Amendments, the most recent amendment shall have the highest precedence and the oldest amendment shall have the lowest precedence.
- 3. Subrecipient's Duties:** The Subrecipient shall provide the services as described in Attachment B with the terms of this Contract and in accordance with the approved budget in Attachment C. The Subrecipient shall maintain and make available all records, papers, vouchers, books, correspondence or other documentation or evidence at reasonable times for review, inspection or audit by duly authorized officials of the Recipient, the North Carolina State Auditor, or applicable federal agencies. Upon termination of contract as a SHIIP Coordinating Site, any equipment or property less than five (5) years old purchased by Subrecipient with grant funds to perform SHIIP functions shall be returned to the Recipient in good working order. The

Subrecipient shall submit to the Recipient all plans, reports, documents or other products that the Recipient may require, in the form specified by the Recipient, including at the least following:

- A) A final budget report of expenses incurred during the contract period date;
- B) A mid-year report of the contracted activities of the Subrecipient due by January 31;
- C) A final comprehensive report within sixty (60) days of the project end date; due on or before August 31.

4. **Recipient's Duties:** The Recipient shall reimburse the Subrecipient for the costs of services and activities described in Attachment B and in accordance with the approved budget in Attachment C. The Recipient shall monitor the Subrecipient for compliance with the terms of this Contract; and shall specify all reports and other deliverables required from the Subrecipient. The Recipient shall pay the Subrecipient in the manner and in the amounts specified in the Contract Documents.

a. There are no matching requirements from the Subrecipient.

b. The Subrecipient's matching requirement is \$n/a, which shall consist of:

- In-kind Cash
- Cash and In-kind Cash and/or In-kind

The contributions from the Subrecipient shall be source from non-federal funds.

5. **Conflict of Interest Policy:** The Recipient has determined that this Contract is not subject to NCGS 14-C-6-22 & 23.

In Process

6. **Reversion of Unexpended Funds:** Any unexpended grant funds shall revert to the Recipient upon termination of this Contract.

7. **Grants:** The Subrecipient has the responsibility to ensure that all sub-grantees, if any, provide all information necessary to permit the Subrecipient to comply with the terms and conditions set forth in this Contract. The grant award for the contract is not to be used for Research & Development (R&D).

8. **Payment Provisions:** As provided in NCGS 143C-21 this Contract is an annual appropriation of \$100,000 or less to or for the use of a non-profit corporation and payment shall be made in a single annual payment.

9. **Contract Administrators:** All notices permitted or required to be given by one Party to the other and all questions about the contract from one Party to the other shall be addressed and delivered to the other Party's Contract Administrator. The name, address, telephone number and fax number of the Parties' respective initial Contract Administrators are set out below. Either Party may change the name, address, telephone number and fax number of its Contract Administrator by giving timely written notice to the other Party.

For the Recipient:

R. Van Braxton, Deputy Commissioner
SHIIP Division
1201 Mail Service Center
Raleigh, NC 27699-1201

Telephone: 919-807-6900

For the Subrecipient:

Billie Lister
Watauga County Project on Aging/LE Harrill S
814 W. King St, Rm 216
Boone, NC 28607

Telephone: 828-265-8090

10. **Supplementation of Expenditures of Public Funds:** The Subrecipient assures that funds received under this Contract shall be used only to supplement, not to supplant, the total amount of federal, state and local public funds the Subrecipient otherwise expends for SHIIP services and related programs. Funds received under this Contract shall be used to provide additional public funding for such services; the funds shall not be used to reduce the Subrecipient's total expenditure of other public funds for such services.

11. **Disbursements:** As a condition of this Contract, the Subrecipient acknowledges and agrees to make disbursements in accordance with the following requirements:
 - a. Implement adequate internal controls over disbursements;
 - b. Pre-audit all vouchers presented for payment to determine:
 - Validity and accuracy of payment;
 - Payment due date;
 - Adequacy of documentation supporting payment; and
 - Legality of disbursement;
 - c. Assure adequate control of signature stamps/plates;
 - d. Assure adequate control of negotiable instruments; and
 - e. Implement procedures to ensure that the account balance is solvent and reconcile the account monthly.

12. **Outsourcing:** The Subrecipient certifies that it has identified to the Recipient all jobs related to the Contract that have been outsourced to other countries, if any. Subrecipient further agrees that it will not outsource any such jobs during the term of this Contract without providing notice to the Recipient.

13. **Executive Order # 24:** NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

14. **Audit:** The Recipient reserves the right to conduct an audit through the NCSMP Program Director. The Subrecipient must permit access to records and financial statements by the audit staff of Recipient as necessary.

15. **Federal Certifications:** The Subrecipient agrees to execute the following federal certifications that are attached to this agreement (applicable when receiving federal funds).
 - A. Certification Regarding Lobbying.
 - B. Certification Regarding Department.
 - C. Certification Regarding Drug-Free Workplace Requirements.

16. **Signature Warranty:** The undersigned represent and warrant that they are authorized to bind their principals to the terms of this agreement.

Subrecipient:

BY: _____

DATE: _____

Division of **SHIP**,

BY: DocuSigned by:
Van Braxton _____
726556620535456
Van Braxton

DATE: 08/29/2017

BY: _____

DATE: _____

In Process

Contract is not executed until last signature is obtained.

Reviewed by:

Controller's Office Review:

Attachment A
General Terms and Conditions

DEFINITIONS

Unless indicated otherwise from the context, the following terms shall have the following meanings in this Contract. All definitions are from 9 NCAC 3M.0102 unless otherwise noted. If the rule or statute that is the source of the definition is changed by the adopting authority, the change shall be incorporated herein.

- (1) "Recipient" (as used in the context of the definitions below) shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subagency of government. For other purposes in this Contract, "Recipient" shall mean the entity identified as one of the parties hereto.
- (2) "Audit" means an examination of records or financial accounts to verify their accuracy.
- (3) "Certification of Compliance" means a report provided by the Recipient to the Office of the State Auditor that states that the Subrecipient has met the reporting requirements established by this Subchapter and included a statement of certification by the Recipient and copies of the submitted Subrecipient reporting package.
- (4) "Compliance Supplement" refers to the North Carolina State Compliance Supplement, maintained by the State and Local Government Finance Agency within the North Carolina Department of State Treasurer that has been developed in cooperation with agencies to assist the local auditor in identifying program compliance requirements and audit procedures for testing those requirements.
- (5) "Contract" means a legal instrument that is used to reflect a relationship between the Recipient, Subrecipient, and subgrantee.
- (6) "Fiscal Year" means the annual operating year of the non-State entity.
- (7) "Financial Assistance" means assistance that non-State entities receive or administer in the form of grants, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other assistance. Financial assistance does not include amounts received as reimbursement for services rendered to individuals for Medicare and Medicaid patient services.
- (8) "Financial Statement" means a report providing financial statistics relative to a given part of an organization's operations or status.
- (9) "Grant" means financial assistance provided by a Recipient, Subrecipient, or subgrantee to carry out activities whereby the grantor anticipates no programmatic involvement with the Subrecipient or subgrantee during the performance of the grant.
- (10) "Subrecipient" has the meaning in NCGS 143C-6-23(a)(2): a non-State entity that receives a grant of State funds from a State agency, department, or institution but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission. For other purposes in this Contract, "Subrecipient" shall mean the entity identified as one of the parties hereto.
- (11) "Grantor" means an entity that provides resources, generally financial, to another entity in order to achieve a specified goal or objective.
- (12) "Non-State Entity" has the meaning in NCGS 143C-1-1(d)(18): Any of the following that is not a State agency: An individual, a firm, a partnership, an association, a county, a corporation, or any other organization acting as a unit. The term includes a unit of local government and public authority.
- (13) "Public Authority" has the meaning in NCGS 143C-1-1(d)(22): A municipal corporation that is not a unit of local government or a local governmental authority, board, commission, council, or agency that (i) is not a municipal corporation and (ii) operates on an area, regional, or multiunit basis, and the budgeting and accounting systems of which are not fully a part of the budgeting and accounting systems of a unit of local government.
- (14) "Single Audit" means an audit that includes an examination of an organization's financial statements, internal controls, and compliance with the requirements of Federal or State awards.
- (15) "Special Appropriation" means a legislative act authorizing the expenditure of a designated amount of public funds for a specific purpose.
- (16) "State Funds" means any funds appropriated by the North Carolina General Assembly or

collected by the State of North Carolina. State funds include federal financial assistance received by the State and transferred or disbursed to non-State entities. Both Federal and State funds maintain their identity as they are subgranted to other organizations. Pursuant to NCGS 143C-6-23(a)(1), the terms "State grant funds" and "State grants" do not include any payment made by the Medicaid program, the Teachers' and State Employees' Comprehensive Major Medical Plan, or other similar medical programs.

- (17) "Subgrantee" has the meaning in NCGS 143C-6-23(a)(3): a non-State entity that receives a grant of State funds from a Subrecipient or from another subgrantee but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission.
- (18) "Unit of Local Government" has the meaning in NCGS 143C-1-1(d)(29): A municipal corporation that has the power to levy taxes, including a consolidated city-county as defined by NCGS 160B-2(1), and all boards, agencies, commissions, authorities, and institutions thereof that are not municipal corporations.

Relationships of the Parties

Independent Contractor: The Subrecipient is and shall be deemed to be an independent contractor in the performance of this Contract and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Subrecipient represents that it has, or shall secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual contractual relationship with, the Recipient.

Subcontracting: The Subrecipient shall not subcontract any of the work contemplated under this Contract without prior written approval from the Recipient. Any approved subcontract shall be subject to all conditions of this Contract. Only the subcontractors or subgrantees specified in the contract documents are to be considered approved upon award of the contract. The Recipient shall not be obligated to pay for any work performed by any unapproved subcontractor or subgrantee. The Subrecipient shall be responsible for the performance of all of its subgrantees and shall not be relieved of any of the duties and responsibilities of this Contract.

Subgrantees: The Subrecipient has the responsibility to ensure that all subgrantees, if any, provide all information necessary to permit the Subrecipient to comply with the standards set forth in this Contract.

Assignment: No assignment of the Subrecipient's obligations or the Subrecipient's right to receive payment hereunder shall be permitted. However, upon written request approved by the issuing purchasing authority, the State may:

- (a) Forward the Subrecipient's payment check(s) directly to any person or entity designated by the Subrecipient, or
- (b) Include any person or entity designated by Subrecipient as a joint payee on the Subrecipient's payment check(s).

In no event shall such approval and action obligate the State to anyone other than the Subrecipient and the Subrecipient shall remain responsible for fulfillment of all contract obligations.

Beneficiaries: Except as herein specifically provided otherwise, this Contract shall inure to the benefit of and be binding upon the parties hereto and their respective successors. It is expressly understood and agreed that the enforcement of the terms and conditions of this Contract, and all rights of action relating to such enforcement, shall be strictly reserved to the Recipient and the named Subrecipient. Nothing contained in this document shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the Recipient and Subrecipient that any such person or entity, other than the Recipient or the Subrecipient, receiving services or benefits under this Contract shall be deemed an incidental beneficiary only.

Indemnity

Indemnification: The Subrecipient agrees to indemnify and hold harmless the Recipient, the State of North Carolina, and any of their officers, agents and employees, from any claims of third parties arising out of any act or omission of the Subrecipient in connection with the performance of this Contract.

Default and Termination

Termination by Mutual Consent: The Parties may terminate this Contract by mutual consent with 60 days notice to the other party, or as otherwise provided by law.

Termination Without Cause: The Recipient may terminate this contract without cause by giving 60 days

written notice to the Contractor. In that event, all finished or unfinished deliverable items prepared by the Contractor under this contract shall, at the option of the Recipient, become its property and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such materials, minus any payment or compensation previously made.

Termination for Cause: If, through any cause, the Subrecipient shall fail to fulfill its obligations under this Contract in a timely and proper manner, the Recipient shall have the right to terminate this Contract by giving written notice to the Subrecipient and specifying the effective date thereof. In that event, all finished or unfinished deliverable items prepared by the Subrecipient under this Contract shall, at the option of the Recipient, become its property and the Subrecipient shall be entitled to receive just and equitable compensation for any satisfactory work completed on such materials, minus any payment or compensation previously made. Notwithstanding the foregoing provision, the Subrecipient shall not be relieved of liability to the Recipient for damages sustained by the Recipient by virtue of the Subrecipient's breach of this agreement, and the Recipient may withhold any payment due the Subrecipient for the purpose of setoff until such time as the exact amount of damages due the Recipient from such breach can be determined.

Waiver of Default: Waiver by the Recipient of any default or breach in compliance with the terms of this Contract by the Subrecipient shall not be deemed a waiver of any subsequent default or breach and shall not be construed to be modification of the terms of this Contract unless stated to be such in writing, signed by an authorized representative of the Recipient and the Subrecipient and attached to the contract.

Availability of Funds: The parties to this Contract agree and understand that the payment of the sums specified in this Contract is dependent and contingent upon and subject to the appropriation, allocation, and availability of funds for this purpose to the Recipient.

Force Majeure: Neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by any act of war, hostile foreign action, nuclear explosion, riot, strikes, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

Survival of Promises: All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive

the contract expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable federal or state statutes of limitation.

Health Insurance Portability and Accountability Act (HIPAA): The Contractor agrees that, if the Recipient determines that some or all of the activities within the scope of this contract are subject to the Health Insurance Portability and Accountability Act of 1996, P.L. 104-91, as amended ("HIPAA"), or its implementing regulations, it will comply with the HIPAA requirements and will execute such agreements and practices as the Recipient may require to ensure compliance.

Executive Order # 24: "By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who have a contract with a governmental agency; or have performed under such a contract within the past year; or anticipate bidding on such a contract in the future.

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

Executive Order 24 also encouraged and invited other State Agencies to implement the requirements and prohibitions of the Executive Order to their agencies. Vendors and contractors should contact other State Agencies to determine if those agencies have adopted Executive Order 24."

Intellectual Property Rights

Copyrights and Ownership of Deliverables: All deliverable items produced pursuant to this Contract are the exclusive property of the Recipient. The Subrecipient shall not assert a claim of copyright or other property interest in such deliverables.

Compliance with Applicable Laws

Compliance with Laws: The Subrecipient shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.

Equal Employment Opportunity: The Subrecipient shall comply with all federal and state laws relating to equal employment opportunity.

Confidentiality

Confidentiality: Any information, data, instruments, documents, studies or reports given to or prepared or assembled by the Subrecipient under this agreement shall be kept as confidential and not divulged or made available to any individual or organization without the prior written approval of the Recipient. The Subrecipient acknowledges that in receiving, storing, processing or otherwise dealing with any confidential information it will safeguard and not further disclose the information except as otherwise provided in this Contract.

Oversight

Access to Persons and Records: The State Auditor shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions in accordance with NCGS 147-64.7. Additionally, as the State funding authority, the Recipient and all applicable federal agencies or their agents shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions.

Record Retention: Records shall not be destroyed, purged or disposed of without the express written consent of the Recipient. State basic records retention policy requires all grant records to be retained for a minimum of five years or until all audit exceptions have been resolved, whichever is longer. If the contract is subject to federal policy and regulations, record retention may be longer than five years since records must be retained for a period of three years following submission of the final Federal Financial Status Report, if applicable, or three years following the submission of a revised final Federal Financial Status Report. Also, if any litigation, claim, negotiation, audit, disallowance action, or other action involving this Contract has been started before expiration of the five-year retention period described above, the records must be retained until completion of the action and resolution of all issues

which arise from it, or until the end of the regular five-year period described above, whichever is later.

Miscellaneous

Choice of Law: The validity of this Contract and any of its terms or provisions, as well as the rights and duties of the parties to this Contract, are governed by the laws of North Carolina. The Subrecipient, by signing this Contract, agrees and submits, solely for matters concerning this Contract, to the exclusive jurisdiction of the courts of North Carolina and agrees, solely for such purpose, that the exclusive venue for any legal proceedings shall be Wake County, North Carolina. The place of this Contract and all transactions and agreements relating to it, and their situs and forum, shall be Wake County, North Carolina, where all matters, whether sounding in contract or tort, relating to the validity, construction, interpretation, and enforcement shall be determined.

Amendment: This Contract may not be amended orally or by performance. Any amendment must be made in written form and executed by duly authorized representatives of the Recipient and the Subrecipient.

Severability: In the event that a court of competent jurisdiction holds that a provision or requirement of this Contract violates any applicable law, each such provision or requirement shall continue to be enforced to the extent it is not in violation of law or is not otherwise unenforceable and all other provisions and requirements of this Contract shall remain in full force and effect.

Headings: The Section and Paragraph headings in these General Terms and Conditions are not material parts of the agreement and should not be used to construe the meaning thereof.

Time of the Essence: Time is of the essence in the performance of this Contract.

Key Personnel: The Contractor shall not replace any of the key personnel assigned to the performance of this contract without the prior written approval of the Recipient. The term "key personnel" includes any and all persons identified as such in the contract documents and any other persons subsequently identified as key personnel by the written agreement of the parties.

Care of Property: The Subrecipient agrees that it shall be responsible for the proper custody and care of any property furnished to it for use in connection with the performance of this Contract and will reimburse the

Recipient for loss of, or damage to, such property. At the termination of this Contract, the Subrecipient shall contact the Recipient for instructions as to the disposition of such property and shall comply with these instructions.

Travel Expenses: Reimbursement to the Subrecipient for travel mileage, meals, lodging and other travel expenses incurred in the performance of this Contract shall be reasonable and supported by documentation. State rates should be used as guidelines. International travel shall not be reimbursed under this Contract.

Sales/Use Tax Refunds: If eligible, the Subrecipient and all subgrantees shall: (a) ask the North Carolina Department of Revenue for a refund of all sales and use taxes paid by them in the performance of this Contract, pursuant to NCGS 105-164.14; and (b) exclude all refundable sales and use taxes from all reportable expenditures before the expenses are entered in their reimbursement reports.

Advertising: The Subrecipient shall not use the award of this Contract as a part of any news release or commercial advertising, except as allowed in Attachment B.

In Process

Attachment B

For the period 7/1/2017 - 6/30/2018

Statement of Work

Subrecipient: Watauga Co/Project on Aging/LE Harrill

This statement should be a short summary describing what the Subrecipient does and how the Subrecipient will use these funds. The terms of the contract between the SHIIP office and the agencies require local programs meet these goals for the contract period. The uses of these funds are not limited to but **MUST** include the following activities:

1. Initiate and develop relationships with local community partners such as, Community Health Centers, Chambers of Commerce, Realtor Associations, Community Arts Programs, Parks & Recreation Departments, etc.... to promote SHIIP's toll-free number and services provided by SHIIP;
2. Conduct a minimum of seven (7) dedicated enrollment events (counseling clinics) —one (1) must be dedicated to the disability population—during the period of 10/15/17 through 12/7/17 and conduct two (2) or more counseling clinics during the period of 1/1/18 through 2/14/18;
3. Conduct a minimum of two (2) presentations – at least one (1) New to Medicare or Medicare 101 presentation to the general public and one (1) Medicare Education presentation to a disability group or potential Extra Help group in your county; and represent SHIIP at a minimum of two (2) health fairs/senior fairs/special events utilizing local certified SHIIP counselors;
4. Submit Client Counseling (CC) Contact and Public and Media (PAM) Outreach (NPR) forms by the 15th of the month following the counseling session or event through the SHIIPtalk website;
5. Counsel Medicare beneficiaries with a goal of reaching five (5) percent of the county's Medicare population (CC) and report in SHIIPtalk;
6. Attend the Annual SHIIP Coordinators' Training Conference July 20 & 21, 2017; this is mandatory for all coordinators;
7. Reach out to 50 percent of the county's total population for outreach events (PAM) and report in SHIIPtalk (PAM events include media activities, television, radio, local newspapers, health fairs, newsletters, magazines, emails, flyers, digital banners, etc.);
8. Coordinate a county volunteer recognition event during the grant period; and
9. Participate in monthly Coordinator conference calls from July 2017 through June 2018.

In Process

Subrecipient Response to Scope of Work:

The Project on Aging serves as the focal point for our aging services in Watauga County. The agency is a department of County Government. Our mission is to encourage independence and promote wellness by providing supportive services to the county's older adults.

During this contract year, we will hold regular counseling appointments during the Part D Open Enrollment Period and will also schedule appointments as needed throughout the contract year. We will conduct at least 7 dedicated enrollment events including at least one to the disability population, a minimum of 3 during open enrollment and a minimum of 2 events outside of open enrollment. Our counselors will submit Client Contacts and PAM reports (NPR Forms) in a timely manner to the SHIIP office in Raleigh or through the SHIPTalk website. Our SHIIP coordinating site will reach out to 50% of the county population through activity events and will counsel 5% of our county's Medicare populations. We will represent SHIIP at a minimum of 2 health fair events by utilizing local certified SHIP counselors. We will conduct at least two Medicare education classes, one for new to Medicare beneficiaries and one to a disability group population in our county. The SHIIP coordinator will participate in at least 75% of the coordinator calls scheduled. We will continue our relationship with the local Community Health Center in our county. We will hold a volunteer recognition event during the year. The coordinator did attend the SHIIP conference in July.

In Process

Attachment C

For the period 7/1/2017 – 6/30/2018

Line Item Budget and Budget Narrative

Provide a budget and short narrative on the use of the funding amount reflected on the contract. Please provide details of all expenses including routine charges. These expenditures may include telephone, postage, salary, equipment purchases, internet services etc. Upon termination of contract as a SHIIP Coordinating Site, any equipment or property less than five (5) years old purchased by Subrecipient with grant funds to perform SHIIP functions shall be returned to the Recipient in good working order.

All budgets must be approved by the Recipient.

Subrecipient Name: Watauga Co/Project on Aging/LE Harrill **Award Amount:** \$ 2,492.00

All fields must be completed.

Zero is an acceptable answer.

Must agree to the award amount.

Is this required by your local government?

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Yes

Margaret Hill
Finance Director 9/5/17

Budget	Amount
Contractual	0
Construction	0
Supplies	1092
Equipment	400
Other	600
Travel	400
Personnel	0
Fringe	0
Total	2,492.00

Written description of planned expenditures:

We will use available funds to: purchase table space to promote SHIIP Open Enrollment events, purchase computer supplies needed for meeting with SHIIP clients, compensate personnel who assist with SHIIP duties as needed, buy supplies needed to conduct at least 7 dedicated enrollment events, purchase supplies needed for counselors who will assist Medicare beneficiaries throughout the contract year such as paper, ink, and equipment such as printers and HDMI cords, purchase supplies needed to present at fairs, expos, and Medicare education classes such as awareness materials, educational materials, and travel expenses, purchase food and supplies for a volunteer recognition event and a volunteer recognition gift, pay for travel expenses to and from the SHIIP annual conference and purchase items to promote SHIIP.

Attachment D
Certifications Regarding, Drug-Free Work-Place; Lobbying; and
Debarment, Suspension and Other Responsibility Matters

091917 BCC Meeting

1. Drug-Free Work-Place

The undersigned (authorized official) certifies that it will provide a drug-free workplace in accordance with the Drug-Free Work-Place Act of 1988, 45 CFR Part 76, subpart F. The certification set out below is a material representation of fact upon which reliance will be placed when awarding the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspensions or termination of grants or government wide suspension or debarment.

The Subrecipient certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Subrecipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an on-going drug-free awareness program to inform employees about—
- (1) The dangers of drug abuse in the workplace;
 - (2) The Subrecipient's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a); above;
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
- (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the Recipient, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2), above, from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to Recipient on whose grant activity the convicted employee was working.
- Notices shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), above, with respect to any employee who is so convicted—
- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

The Subrecipient certifies that, as a condition of the grant, it will not engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in conducting any activity with the grant.

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2. Lobbying

091917 BCC Meeting

Title 31 of the United States Code, Section 1352, entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," generally prohibits recipients of Federal grants and cooperative agreements from using Federal (appropriated) funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a SPECIFIC grant or cooperative agreement. Section 1352 also requires that each person who request or received a Federal grants or cooperative agreement must disclose lobbying undertaking with non-Federal (non-appropriated) funds. These requirements apply to grants and cooperative agreements EXCEEDING \$100,000 in total costs (45 CFR Part93).

The undersigned (authorized official) certifies, to the best of his or her knowledge and belief, that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, any officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant, loan or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, contracts and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. Debarment, Suspension and Other Responsibility Matters

NOTE: In accordance with 45 CFR Part 76, amended June 26, 1995, any debarment, suspension, proposed debarment or other government wide exclusion initiated under the Federal Acquisition Regulation (FAR) on or after August 25, 1995, shall be recognized by and effective for Executive Branch agencies and participants as an exclusion under 45 CFR Part 76.

(a) Primary Covered Transactions

The undersigned (authorized official) certifies to the best of his or her knowledge and belief, that the applicant, defined as the primary participant in accordance with 45 CFR Part 76, and its principals:

(1) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(2) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

Should the applicant not be able to provide this certification, an explanation as to why should be placed under the assurances page in the application package.

(b) Lower Tier Covered Transactions

The applicant agrees by submitting this proposal that it will include, without modification, the following clause titled **“Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion -- Lower Tier Covered Transaction”** (Appendix B to 45 CFR Part 76) in all lower tier covered transactions (i.e., transactions with subgrantees and/or contractors) and in all solicitations for lower tier covered transactions:

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion -- Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

In Progress

Signature of Authorized Certifying Official	Title
Subrecipient Name Watauga Co/Project on Aging/LE Harrill	Date Submitted

Attachment E

CERTIFICATION OF ELIGIBILITY

Under the Iran Divestment Act

Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-86.55 et seq.* requires that each vendor, prior to contracting with the State certify, and the undersigned on behalf of the Vendor does hereby certify, to the following:

1. that the vendor is not identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
2. that the vendor shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
3. that the undersigned is authorized by the Vendor to make this Certification.

Vendor: watauga county Project on Aging **In Process**

By: _____ Date _____
Signature

Printed Name Title

The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address: <https://www.nctreasurer.com/inside-the-department/OpenGovernment/Pages/Iran-Divestment-Act-Resources.aspx> and will be updated every 180 days. For questions about the Department of State Treasurer's Iran Divestment Policy, please contact Meryl Murtagh at Meryl.Murtagh@nctreasurer.com or (919) 814-3852.

* Note: Enacted by Session Law 2015-118 as G.S. 143C-55 et seq., but has been renumbered for codification at the direction of the Revisor of Statutes.

All Participants: Enter any necessary notes throughout the process in the comments box below.
Comments are not part of the contract.

In Process

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AGENDA ITEM 7:

TAX MATTERS

A. Monthly Collections Report

MANAGER'S COMMENTS:

Mr. Larry Warren, Tax Administrator, will present the Monthly Collections Report and be available for questions and discussion.


The report is for information only; therefore, no action is required.

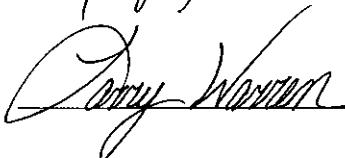
Monthly Collections Report**Watauga County**

Bank deposits of the following amounts have been made and credited to the account of Watauga County. The reported totals do not include small shortages and overages reported to the Watauga County Finance Officer

Monthly Report August 2017

	<u>Current Month</u> <u>Collections</u>	<u>Current Month</u> <u>Percentage</u>	<u>Current FY</u> <u>Collections</u>	<u>Current FY</u> <u>Percentage</u>	<u>Previous FY</u> <u>Percentage</u>
<u>General County</u>					
Taxes 2017	\$ 94,025.56	0.31%	\$ 95,867.02	0.31%	NR
Prior Year Taxes	53,583.18		127,537.59		
Solid Waste Fees	15,586.29	0.32%	25,354.48	0.32%	NR
Green Box Fees	895.33	NA	2,165.45	NA	NA
Total County Funds	\$ 164,090.36		\$ 250,924.54		
<u>Fire Districts</u>					
Foscoe Fire	\$ 1,417.58	0.27%	\$ 3,055.08	0.27%	NR
Boone Fire	2,476.51	0.15%	6,411.43	0.18%	NR
Fall Creek Service Dist	0.37	0.00%	0.37	0.00%	NR
Beaver Dam Fire	933.78	0.45%	1,482.12	0.45%	NR
Stewart Simmons Fire	1,184.54	0.46%	1,980.67	0.46%	NR
Zionville Fire	1,161.55	0.48%	1,560.18	0.48%	NR
Cove Creek Fire	1,298.53	0.36%	1,735.13	0.36%	NR
Shawneehaw Fire	1,318.75	1.23%	2,038.75	1.23%	NR
Meat Camp Fire	2,622.58	0.31%	3,336.52	0.31%	NR
Deep Gap Fire	1,110.28	0.27%	1,503.14	0.27%	NR
Todd Fire	45.58	0.04%	480.80	0.04%	NR
Blowing Rock Fire	3,611.81	0.60%	4,568.43	0.60%	NR
M.C. Creston Fire	16.47	0.00%	116.04	0.00%	NR
Foscoe Service District	318.42	0.06%	426.76	0.06%	NR
Beech Mtn. Service Dist.	0.00	0.00%	0.00	0.00%	NR
Cove Creek Service Dist.	0.00	0.00%	0.00	0.00%	NR
Shawneehaw Service Dist	13.15	0.00%	21.10	0.00%	NR
Total Fire Districts	\$ 16,596.12		27,234.40		
<u>Towns</u>					
Boone	14,887.45	0.16%	18,841.37	0.16%	NR
Municipal Services	0.00	0.00%	13.01	0.00%	NR
Municipal MV Fee	0.00	0.00%	0.00	0.00%	NR
Blowing Rock	0.00	0.00%	0.00	0.00%	NR
Beech Mountain	0.00	0.00%	0.00	0.00%	NR
Seven Devils	0.00	0.00%	0.00	0.00%	NR
Total Town Taxes	\$ 14,887.45		\$ 18,854.38		
Total Amount Collected	\$ 195,573.93		\$ 297,013.32		

 Tax Collections Director

 Tax Administrator

AGENDA ITEM 7:

TAX MATTERS

B. Refunds and Releases

MANAGER'S COMMENTS:

Mr. Warren will present the Refunds and Releases Reports.

Board action is required to accept the Refunds and Releases Reports.

08/31/2017 17:02
Larry.Warren

WATAUGA COUNTY
RELEASES - 08/01/2017 TO 08/31/2017

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tncrapt

OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE CHARGE	AMOUNT
1753655 ATKINS, ROGER DALE 416 SUNBURST LN BOONE, NC 28607	RE 2017 2809-58-4555-000 TAX RELEASES BILLED INCORRECTLY	24476	08/31/2017	F02	6170	0 SWF	80.00
1701963 BLACKBURN, JOEL E 312 TERRACE LAWN CT TAYLORSVILLE, NC 28681	RE 2017 2910-88-5921-003 TAX RELEASES BILLED INCORRECTLY	39924	08/31/2017	C02	6171	0 SWF	80.00
1601686 BROOKS, HARRIET HARRIET BROOKS DECLARATION OF TRUST AGR 21914 OLD BRIDGE TRL BOCA RATON, FL 33428-2855	RE 2017 1940-93-0202-000 TAX RELEASES INCORRECT DATA	9005	08/31/2017	C05	6168	27,800 G01	98.13
1760391 GAMBLE, RENEE ROSE 1807 VANDERPOOL RD VILAS, NC 28692	RE 2017 2828-14-7910-000 TAX RELEASES INCORRECT BILL SWFEES ONLY	28643	08/31/2017	F12	6169	0 SWF	160.00
1749027 RAYMOND P HOWELL LIVING TRUST PO BOX 2626 BOONE, NC 28607	RE 2017 2819-25-9275-000 TAX RELEASES BILLED INCORRECTLY	27583	08/31/2017	F02	6172	0 SWF	160.00
1536164 THUNDER HILL FARM LLC C/O CHARLES COFFEY PO BOX 155 VILAS, NC 28692	RE 2017 2818-81-6617-000 TAX RELEASES BILLED INCORRECTLY	27022	08/31/2017	F12	6173	0 SWF	240.00
DETAIL SUMMARY	COUNT: 6	RELEASES - TOTAL				27,800	818.13

08/31/2017 17:02
Larry.Warren

WATAUGA COUNTY
RELEASES - 08/01/2017 TO 08/31/2017

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tncrpt

RELEASES - CHARGE SUMMARY FOR ALL CLERKS

YEAR	CAT	CHARGE	AMOUNT	
2017	RE	G01	WATAUGA COUNTY RE	98.13
2017	RE	SWF	SANITATION USER FEE	720.00
			2017 TOTAL	818.13
			SUMMARY TOTAL	818.13

08/31/2017 17:02
 Larry.Warren

WATAUGA COUNTY
 RELEASES - 08/01/2017 TO 08/31/2017

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 tncrapt

RELEASES - JURISDICTION SUMMARY FOR ALL CLERKS

JUR	YEAR	CHARGE	AMOUNT
C02	2017	SWF SANITATION USER FEE	80.00
		C02 TOTAL	80.00
C05	2017	G01 WATAUGA COUNTY RE	98.13
		C05 TOTAL	98.13
F02	2017	SWF SANITATION USER FEE	240.00
		F02 TOTAL	240.00
F12	2017	SWF SANITATION USER FEE	400.00
		F12 TOTAL	400.00
		SUMMARY TOTAL	818.13

AGENDA ITEM 8:

BUDGET AMENDMENTS

MANAGER'S COMMENTS:

Ms. Margaret Pierce, Finance Director, will review budget amendments as included in your packet.

Board approval is requested.



WATAUGA COUNTY

FINANCE OFFICE

814 West King St., Suite 216, Boone, NC 28607 Phone (828) 265-8007

MEMORANDUM

TO: Deron T. Geouque, County Manager
FROM: Margaret Pierce, Finance Director
SUBJECT: Budget Amendments - FY 2017/18
DATE: September 13, 2017

The following budget amendments require the approval of the Watauga County Board of Commissioners. Board approval is requested.

<u>Account #</u>	<u>Description</u>	<u>Debit</u>	<u>Credit</u>
103300 343302	NC OSBM Grant		50,000
104283 457003	Guy Ford River Access Grant	50,000	

To recognize grant from NC Office of State Budget and Management to assist with Guy Ford Road river access project.

103300 343303	NC DNCR Grant		50,000
104282 457001	Optimist Park Greenway Grant	50,000	

To recognize grant from NC Department of Natural and Cultural Resources to assist with greenway construction.

103991 399100	Fund Balance		159,183
104267 458000	Health Department Renovations	159,183	

To recognize a fund balance appropriation for the renovations to the Health Department for the relocation of county services.

103300 345000	ROAP Grant		157,894
104500 469845	Elderly and Disabled	61,135	
104500 469844	Employment Transportation	13,551	
104500 469843	Rural General Populations	83,208	

To recognize the acceptance of the NC DOT Rural Operating Assistance Program funds. No County dollars are required as a match.

103300 343301	NC Department of Public Safety Grant		30,600
104330 449999	FEMA grant	30,600	

To recognize the grant increase to fund additional expenses to the FEMA house demolition project.

<u>Account #</u>		<u>Description</u>	<u>Debit</u>	<u>Credit</u>
663300	347220	NC Department of Environmental Quality		10,000
663300	385501	Watauga County Schools Grant Match		2,000
667421	455000	Recycling Grant	12,000	

To recognize the acceptance of the recycling grant funds to purchase recycling containers. The 20 percent match is to be provided by the Watauga County Board of Education as the containers will be located as area schools.

103300	332004	Senior Center Grant		14,586
105550	449900	Senior Center Grant Expenses	14,586	

To recognize the acceptance of the Senior Center grant funds. County dollars required as match funds are already in the POA budget.

103300	343304	NC Department of Ag & Consumer Services		65,135
104330	449906	Horton Fire reimbursements	65,135	

To recognize funds received from the NC Department of Agriculture and Consumer Services as reimbursements to fire departments and the County due to the Horton Fire.

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AGENDA ITEM 9:

MISCELLANEOUS ADMINISTRATIVE MATTERS

A. Boards and Commissions

MANAGER'S COMMENTS:

Economic Development Commission

The terms of two members of the Economic Development Commission expired in June. Mr. Ed Evans and Mr. Tommy Sofield have served two consecutive terms and are, therefore, not eligible for reappointment. Each term is for three years. A volunteer application has been received from Mr. James Bance.

Library Board

The Watauga County Library Board has recommended the appointment of Ms. Laura Johnson to the Library Board for a four year term.

Social Services Advisory Board

The Social Services Advisory Board has recommended the reappointment of Ms. Sharon Breitenstein for a four year term.

All the above are first readings.

If you are a Watauga County resident, at least 18 years old, and willing to volunteer your time and expertise to your community, please complete the application below and click on Print Form. Please sign and mail or fax to:

Watauga County Commissioners' Office
814 West King Street, Suite 205
Boone, NC 28607
Phone: (828) 265-8000
Fax: (828) 264-3230

Name: James Bance
Home Address: 254 Mid Valley Rd
City: Blowing Rock Zip: 28605
Telephone: (H) 512.567.7124 (W) (Fax)
Email: jamesmbance@gmail.com
Place of Employment: OATH
Job Title: Director, Global Inside Sales

In Order To Assure County wide Representation Please Indicate Your Township Of Residence:

- Bald Mountain, New River, Beaver Dam, Blue Ridge, Elk, Stony Fork, Brushy Fork, Meat Camp, Blowing Rock, North Fork, Watauga, Cove Creek, Shawneehaw, Laurel Creek, Boone

In addition, Please Indicate If You Live In One Of The Following Areas:

- Foscoe-Grandfather Community, South Fork New River Watershed, Valle Crucis Historic District, Winklers Creek Watershed, Extraterritorial Area

We Ask Your Help In Assuring Diversity Of Membership By Age, Gender, And Race, By Answering The Following Questions

- Gender: Male, Female; Ethnic Background: African American, Native American, Hispanic, Other

Please List (In Order Of Preference) The Boards/Commissions On Which You Would Be Willing To Serve.

1. Economic Development Commission
2.
3.

(Continued)

Please list any work, volunteer, and/or other experience you would like to have considered in the review of your application.

Work Experience:

10 Years in financial services - Merrill Lynch Financial Advisor, Regional VP John Hancock, Sales Manager Guaranty bank. Spent last 7 years in cloud-based software and advertising. Companies include: Bazaarvoice, Google, OATH (formerly AOL & Yahoo)

Volunteer Experience:

Lake Hills Church in Austin, TX (Children's Ministry), Life Works in Austin, TX (helping troubled youth through apartment remodels), Faithbridge Methodist Church Blowing Rock, NC (Chair of Outreach Committee).

Other Experience:

CO-founder Startup High Country (startuphc.com) and Silicon Hollar (siliconhollar.org), mentored several local entrepreneurs in the early growth of their companies

Other Comments:

Signature: 

Date: 9.5.17

Print Form

Reset Form

Volunteer Application
Watauga County Boards And Commissions

091917 BCC Meeting

If you are a Watauga County resident, at least 18 years old, and willing to volunteer your time and expertise to your community, please complete the application below and click on Print Form.
Please sign and mail or fax to:

Watauga County Commissioners' Office
814 West King Street, Suite 205
Boone, NC 28607
Phone: (828) 265-8000
Fax: (828) 264-3230

Name: Laura Johnson
Home Address: 822 Laurel Creek Rd.
City: Sugar Grove, NC Zip: 28679
Telephone: (H) 828-297-3673 (W) 828-963-3528 (Fax) _____
Email: 822johnson1@gmail
Place of Employment: Retired from Watauga County Board of Education
Job Title: Primary teacher

In Order To Assure County wide Representation Please Indicate Your Township Of Residence:

- | | | |
|-------------------------------------|------------------------------------|---|
| <input type="radio"/> Bald Mountain | <input type="radio"/> Stony Fork | <input type="radio"/> Watauga |
| <input type="radio"/> New River | <input type="radio"/> Brushy Fork | <input checked="" type="radio"/> Cove Creek |
| <input type="radio"/> Beaver Dam | <input type="radio"/> Meat Camp | <input type="radio"/> Shawneehaw |
| <input type="radio"/> Blue Ridge | <input type="radio"/> Blowing Rock | <input type="radio"/> Laurel Creek |
| <input type="radio"/> Elk | <input type="radio"/> North Fork | <input type="radio"/> Boone |

In addition, Please Indicate If You Live In One Of The Following Areas:

- | | |
|--|--|
| <input type="radio"/> Foscoe-Grandfather Community | <input type="radio"/> Valle Crucis Historic District |
| <input type="radio"/> Howards Creek Watershed | <input type="radio"/> Winklers Creek Watershed |
| <input type="radio"/> South Fork New River Watershed | <input type="radio"/> Extraterritorial Area |

We Ask Your Help In Assuring Diversity Of Membership By Age, Gender, And Race, By Answering The Following Questions

- | | | |
|---|--|--------------------------------|
| Gender | Ethnic Background | |
| <input type="radio"/> Male | <input type="radio"/> African American | <input type="radio"/> Hispanic |
| <input checked="" type="radio"/> Female | <input checked="" type="radio"/> Caucasian | <input type="radio"/> Other |
| | <input type="radio"/> Native American | |

Please List (In Order Of Preference) The Boards/Commissions On Which You Would Be Willing To Serve.

1. Western Watauga Library Board
2. _____
3. _____

Please list any work, volunteer, and/or other experience you would like to have considered in the review of your application.

Work
Experience:

NC
Caldwell County Schools - '73-'85
Watauga County Schools - '85-2015

Volunteer
Experience:

Mountaineer Ruritan Member 20+ years
Scholarship chair 5 years
Delta Kappa Gamma - Educators' service group
Reading and Rolling Volunteer 15 yrs. +
Red Cross Volunteer - 15+ years - organize bloodmobiles
at Cove Creek School, BSG volunteer
Watauga Parks and Recreation Board 10+ years

Other
Experience:

Supervised many student teachers.
Served as a new teacher mentor.
Volunteer hours helping teachers with various
projects at Cove Creek.
NEA/NCAE Member and representative

Other
Comments:

I have served on many projects and committees
as a teacher.

Signature: Laura Johnson

Date: 8/30/17

Anita.Fogle

From: Heather.Porch
Sent: Thursday, August 31, 2017 8:01 AM
To: Anita.Fogle
Subject: Reappointment

Good morning Anita,

I wanted to let you know that the DSS Advisory Board reappointed Sharon Breitenstein to another 4 year term as board member. Please let me know if you need any more information. Thank you so much. I hope you have a great day!!!

Heather Porch
Administrative Assistant II
Watauga County DSS
132 Poplar Grove Connector
Suite C
Boone, NC 28607
828-265-8100
heather.porch@watgov.org

AGENDA ITEM 9:

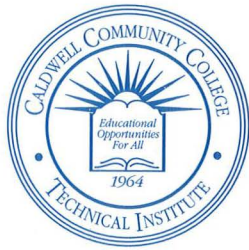
MISCELLANEOUS ADMINISTRATIVE MATTERS

B. Announcements

MANAGER'S COMMENTS:

The Trustees of Caldwell Community College & Technical Institute invites the Board of Commissioners to a meeting on Wednesday, September 20, 2017, at 6:00 P.M. at the Watauga Instructional Facility on Hwy 105 Bypass, Boone NC, in Room 112.

The Grand Opening for Beech Mountain's Water Treatment Plant is October 6, 2017, from 11:00 A.M. to 1:00 P.M. at 1331 Pine Ridge Road, Beech Mountain.



Caldwell Community College and Technical Institute

Office of the President



July 26, 2017

Mr. Deron Geouque
Watauga County Manager
814 West King Street, Suite 205
Boone, NC 28607

Dear Mr. Geouque:

The Trustees of Caldwell Community College and Technical Institute would like to schedule a joint meeting of the College Board of Trustees and the Watauga County Commissioners on Wednesday, September 20, 2017 at 6:00 p.m. at the Watauga Instructional Facility on Hwy 105 By-pass, Room 112.

Will you please check the date and time with the Commissioners and let my assistant, Donna Church know either by e-mail: dchurch@cccti.edu or phone: 828-726-2210, if September 20 at 6:00 p.m. will accommodate the Watauga County Commissioners schedule. Since a meal will be provided, we will need to know who will attend by Monday, September 11.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark J. Poarch".

Mark J. Poarch, Ed.D.
President

2855 Hickory Blvd., Hudson, NC 28638 • 828.726.2210
Email: mpoarch@cccti.edu • Fax: 828.726.2300 • www.cccti.edu

BEECH MOUNTAIN

091917 BCC Meeting

Water Treatment Plant

GRAND *Opening*

SEE THE NEW WATER TREATMENT PLANT!

OCTOBER 6TH 11AM - 1PM

1331 PINE RIDGE RD. | 828-387-9368

AGENDA ITEM 10:

PUBLIC COMMENT

AGENDA ITEM 11:

BREAK

AGENDA ITEM 12:

CLOSED SESSION

Attorney/Client Matters – G. S. 143-318.11(a)(3)