

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

**TUESDAY, APRIL 18, 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: April 4, 2017, Regular Meeting April 4, 2017, Closed Session		1
	3	APPROVAL OF THE APRIL 18, 2017, AGENDA		11
5:35	4	PROPOSED PROCLAMATION HONORING DR. JACK D. LAWRENCE, SR.	CHAIRMAN WELCH	13
5:40	5	PUBLIC HEARING TO ALLOW CITIZEN COMMENT REGARDING A FOSCOE/GRANDFATHER COMMUNITY ZONING MAP AMENDMENT	MR. JOE FURMAN	15
5:45	6	PLANNING & INSPECTIONS MATTERS	MR. JOE FURMAN	
		A. Transfer of Easement from Middle Fork Greenway/Watauga County Pathways		17
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5:50	7	MAINTENANCE MATTERS	MR. ROBERT MARSH	
		A. Architect Selection for Health Department Renovations		109
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5:55	8	TAX MATTERS	MR. LARRY WARREN	
		A. Monthly Collections		127
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6:00	9	FINANCE MATTERS	MS. MARGARET PIERCE	
		A. Proposed Juvenile Crime Prevention Council (JCPC) Budget Amendment		139
		B. Budget Amendment		143
6:05	10	MISCELLANEOUS ADMINISTRATIVE MATTERS	MR. DERON GEOUQUE	
		A. Proposed Resolution In Support of the State of the Child Forum		145
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7:10	12	BREAK		149
7:15	13	CLOSED SESSION		149
		Attorney/Client Matters – G. S. 143-318.11(a)(3)		
		Personnel Matters – G. S. 143-318.11(a)(6)		
7:30	14	ADJOURN		

**AGENDA ITEM 2:**

**APPROVAL OF MINUTES:**

April 4, 2017, Regular Meeting

April 4, 2017, Closed Session

**DRAFT****MINUTES****WATAUGA COUNTY BOARD OF COMMISSIONERS  
TUESDAY, APRIL 4, 2017**

The Watauga County Board of Commissioners held a regular meeting, as scheduled, on Tuesday, April 4, 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  
 Larry Turnbow, Commissioner  
 Jimmy Hodges, Commissioner  
 Perry Yates, Commissioner  
 Andrea Capua, County Attorney  
 Deron Geouque, County Manager  
 Anita J. Fogle, Clerk to the Board

Chairman Welch called the meeting to order at 8:32 A.M.

Commissioner Yates opened with prayer and Commissioner Hodges led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Chairman Welch called for additions and/or corrections to the March 21, 2017, regular and closed session minutes.

Vice-Chairman Kennedy, seconded by Commissioner Hodges, moved to approve the March 21, 2017, regular meeting minutes as presented.

VOTE: Aye-5  
 Nay-0

Vice-Chairman Kennedy, seconded by Commissioner Hodges, moved to approve the March 21, 2017, closed session minutes as presented.

VOTE: Aye-5  
 Nay-0

**APPROVAL OF AGENDA**

Chairman Welch called for additions and/or corrections to the April 4, 2017, agenda.

Vice-Chairman Kennedy, seconded by Commissioner Yates, moved to approve the April 4, 2017, agenda as presented.

VOTE: Aye-5  
 Nay-0

### **LOTTERY FUNDS REQUEST**

Ms. Ly Marze, Director of Finance for Watauga County Schools, requested funds from the Education Lottery Fund in the amount of \$60,000. The funds will be used for a VOIP Phone and Bell System at Bethel Elementary School.

Vice-Chairman Kennedy, seconded by Commissioner Turnbow, moved to approve the request of a \$60,000 Lottery Distribution from the Public School Building Capital Fund.

VOTE: Aye-5  
Nay-0

### **PROPOSED PROCLAMATION ESTABLISHING GREENING MY PLATE MONTH**

Mr. Bill Moretz presented a proposed proclamation designating the month of April 2017 as “Greening My Plate Month” in Watauga County. The purpose of the proclamation is to bring awareness to the benefits of locally grown fruits and vegetables and recognize and celebrate the farmers who provide this produce.

Commissioner Yates, seconded by Commissioner Hodges, moved to proclaim April 2017 as “Greening My Plate Month” in Watauga County.

VOTE: Aye-5  
Nay-0

### **PROPOSED PROCLAMATION DESIGNATING APRIL 2017 AS “SEXUAL ASSAULT AWARENESS MONTH”**

Ms. Jennifer Herman, OASIS Executive Director, introduced Ms. Kelsi Butler, Director of Community Programs, who presented a proposed proclamation designating the month of April 2017 as “Sexual Assault Awareness Month” in Watauga County. The purpose of the proclamation is to increase the public’s awareness on the issue of sexual violence as well as services available to support those impacted along with acknowledging the efforts of citizens, service providers, governmental agencies, and the criminal justice system who work to improve prevention efforts, serve survivors, and hold perpetrators accountable.

Vice-Chairman Kennedy, seconded by Commissioner Hodges, moved to proclaim April 2017 as “Sexual Assault Awareness Month” in Watauga County.

VOTE: Aye-5  
Nay-0

**PROPOSED PROCLAMATION DESIGNATING APRIL 8, 2017, AS WATAUGA COUNTY FAMILY S.T.E.A.M. LEARNING DAY**

Ms. Kathy Parham, Children’s Playhouse Executive Director, presented a proposed proclamation designating April 8, 2017, as “Watauga County Family S.T.E.A.M. Learning Day.” The proposed proclamation celebrates parents and children learning together at the upcoming Playhouse BuildFest, a free community event to be held at Watauga High School on Saturday, April 8th. The 4<sup>th</sup> annual Playhouse BuildFest, which is a featured event of the North Carolina Science Festival, will feature hands-on Science, Technology, Engineering, Art, and Math (STEAM) activities, a fire engine, and a physics show. Ms. Parham stated that 1,200 people attended the event last year which was staffed by over 200 volunteers.

Commissioner Yates, seconded by Vice-Chairman Kennedy, moved to proclaim April 8, 2017, as “Watauga County Family S.T.E.A.M. Learning Day.”

VOTE: Aye-5  
Nay-0

**PRESENTATION OF WATAUGA COUNTY COMMUNITY CHILD PROTECTION TEAM’S (CCPT) ANNUAL REPORT AND APPOINTMENT OF MEMBERS FOR 2017**

Ms. Gail Hawkinson presented the annual reports for the Watauga County Community Child Protection Team (CCPT) and the Watauga County Child Fatality Team (CFT). Ms. Hawkinson also presented the following list of the team members for 2017:

County Director of DSS	Tom Hughes
Member of the DSS Director’s staff	Chad Slagle
Local Law Enforcement Officer	Dee Rominger
Attorney from Office of the District Attorney	Vacant
Community Action Agency Director	Robin Triplett (Children’s Council)
Superintendent (Designee) of School Admin	Dr. Paul Holden
Mental Health (LME)	Karen Brown
Member of Board of DSS (Commissioner)	Billy Kennedy
Guardian Ad Litem Coordinator	McKenzie Kilpatrick
Local Health Care Provider	Dr. Robert Lonas
Director of Public Health (Designee)	LeAnn Martin
<u>Members at large</u>	
Chair, Retired MH Psychologist	Gail Hawkinson
OASIS (Community Action Agency)	Jeannie Futrelle
Appalachian HealthCare (AARHC)	Kim Greene
Mental Health Provider (Daymark)	Dr. Murray Hawkinson
Watauga County Schools	Megan Langdon

The CCPT is tasked with reducing the acts of abuse and violence against children in the County and the CFT is tasked with reviewing fatalities in the County.

The Community Child Protection Team (CCPT) is mandated by G. S. 7B-1406 and consists of a body of dedicated and concerned citizens representing agencies, organizations and the community at-large that functions, as a group, independently to address child protection and reduction of abuse and violence in the county. The team is responsible for reviewing policies, procedures and practices of our local Department of Social Services (DSS) in order to protect families; assist in the protection of children living in the family that is being reviewed; and evaluate the extent to which the agencies are effectively discharging their obligation to serve children responsibly.

The Watauga Child Fatality Team (CFT) meets once a quarter as part of the CCPT meeting schedule. There were seven child deaths reviewed by the Team in 2016. The recommendations from the Watauga CFT, generated from the deaths reviewed, include increase education and awareness around motor vehicle safety, education regarding gun safety, and screening for depression in children and teens.

Commissioner Hodges, seconded by Commissioner Turnbow, moved to approve the Community Child Protection Team and Child Fatality Team Annual Reports and approved the 2017 membership list as presented.

VOTE: Aye-5  
Nay-0

### **BLUE RIDGE WOMEN IN AGRICULTURE REQUEST FOR USE OF COUNTY SPACE**

Ms. Carol Coulter, Blue Ridge Women in Agriculture (BRWIA), requested approval for BRWIA to use the current Board of Elections storage space located in the Cooperative Extension Building to expand Food Hub operations. If granted the space, Ms. Coulter plans to apply for an Appalachian Regional Commission (ARC) grant in the amount of \$100,000 for up-fitting the space. Should the Board grant Ms. Coulter's request, staff will review alternate storage location options for the Board of Elections equipment.

Ms. Coulter also reported that BRWIA's online market place website would be live soon which would allow citizens to place orders to be pre-boxed for pickup.

Commissioner Yates, seconded by Vice-Chairman Kennedy, moved to approve Blue Ridge Women in Agriculture's request to use additional space in the West Annex Building.

VOTE: Aye-5  
Nay-0

### **PROPOSED COMMUNITY PRIDE WEEK PROCLAMATION**

Ms. Pamela Thomas, Recycling Coordinator, presented a proposed proclamation designating Monday, May 8 through Saturday, May 13, 2017, as "Community Pride Week" in Watauga County. Household Hazardous Waste Day will be held during the Community Pride Week on Saturday, May 13, 2017 from 8:00 AM to 12:00 PM. The event is conducted each year by

Sanitation staff and has proved to be very popular with the County's citizens. Ms. Thomas stated that Wes Hawkins with the Sheriff's Office will also be collecting unused medications, prescription or over-the-counter, at the three local Food Lion locations as well as Foscoe Fire Department on Saturday, May 13, 2017.

Vice-Chairman Kennedy, seconded by Commissioner Hodges, moved to proclaim the week of May 8 through May 13, 2017, as "Community Pride Week" in Watauga County.

VOTE: Aye-5  
Nay-0

**REQUEST TO HOLD A PUBLIC HEARING REGARDING A FOSCOE/GRANDFATHER COMMUNITY ZONING MAP AMENDMENT**

Mr. Joe Furman, Planning and Inspections Director, requested a public hearing be scheduled on April 18, 2017, at 5:30 P.M. to allow comment on the presentation of a Foscoe-Grandfather Community Zoning Map Amendment by FS Holdings, Ltd on a 2.44 acre tract currently zoned Highway Commercial. The request is to rezone the property to Light Industrial. Due to timing issues, the public hearing has been advertised; however, should the Board not schedule the hearing the advertisement could be rescinded.

Commissioner Turnbow, seconded by Commissioner Yates, moved to schedule a public hearing on April 18, 2017, at 5:30 P.M. to allow citizen comment on a Foscoe-Grandfather Community Zoning Map Amendment as presented.

VOTE: Aye-5  
Nay-0

**FINANCE MATTERS**

***A. Budget Amendments***

Ms. Margaret Pierce, Finance Director, reviewed the following budget amendments:

Account #	Description	Debit	Credit
233991-399101	Fund Balance Appropriation		\$2,000
234310-454000	Capital Outlay – Vehicles	\$2,000	

The amendment recognized additional revenue for a vehicle purchase by the Sheriff's Office as approved by the Board at the March 7, 2017, meeting. The funds are from the State Substance Abuse Tax Fund.

103300-349909	NC Lottery Funds		\$127,500
105911-470005	Cafeteria Upgrades	\$52,500	
105911-470027	Blowing Rock School Drainage Repairs	\$75,000	

The amendment allocates funds for Lottery projects as requested by the Watauga County Schools and approved by the Board and the North Carolina Department of Public Instruction.

103586-332006	Senior Health Insurance Information Program	\$1,792
105550-449901	SHIIP/MIPPA Grant	\$1,792

The amendment recognized the acceptance of the Senior Health Insurance Information Program (SHIIP) Medicare Improvements for Patients and Providers Act (MIPPA) Grant funds, per Board approval at the March 21, 2017, meeting. No County funds are required as match.

Commissioner Yates, seconded by Commissioner Turnbow, moved to approve the budget amendments as presented by Ms. Pierce.

VOTE: Aye-5  
Nay-0

### ***B. Proposed Actuarial Contracts for FY 2017 & FY 2018***

Ms. Margaret Pierce presented two proposed contracts with Segal Company, Inc.; each for actuarial services. The County is required to perform actuarial studies on Other Post Employment Benefits (OPEB) and the Law Enforcement Special Separation Allowance (LEOSSA) funds. Segal Company will provide actuarial studies in the amount of \$24,500 and \$18,500 respectively, over the next two-year audit period. Adequate funds have been budgeted to cover the expense.

Vice-Chairman Kennedy, seconded by Commissioner Hodges, moved to approve the contracts with Segal Company for actuarial services regarding Other Post Employment Benefits (OPEB) and Law Enforcement Special Separation Allowance (LEOSSA) funds in the amount of \$43,000 for the next two audit periods.

VOTE: Aye-5  
Nay-0

## **REPORT ON MAYMEAD BOARD OF ADJUSTMENT APPEAL**

County Attorney Capua, gave an update regarding the Maymead Board of Adjustment appeal. Ms. Capua stated that she, along with County Attorney di Santi, had spoken with other attorneys involved in the case including Mr. Dave Pokela, Mr. Jamie Whitlock, and former County Attorney Stacy “Four” Eggers. All agreed that the County does not have legal options if not satisfied with the ruling in the County’s favor. The County does not have a standing to appeal the Henion’s appeal because only an aggrieved party can appeal. The Henion’s filed their appeal against the Watauga County Board of Adjustment. Watauga County won at the Superior Court level and, therefore, is not an aggrieved party.

## **MISCELLANEOUS ADMINISTRATIVE MATTERS**

### ***A. Boards and Commissions***

#### ***Jury Commission***

County Manager Geouque stated that a Jury Commission is empanelled biannually for a two-year term. Of the three-member panel, one member is appointed by the Board of

Commissioners. The term of Mr. Jerry Dotson expires June 30, 2017. The new term for the appointment will be July 1, 2017, through June 30, 2019. Clerk of Court Diane Deal has stated that Mr. Dotson is willing to continue to serve if so appointed.

Commissioner Yates, seconded by Commissioner Turnbow, moved to waive the second reading and reappoint Mr. Jerry Dotson to the Jury Commission for a term beginning July 1, 2017, and ending June 30, 2019.

VOTE: Aye-5  
Nay-0

### ***B. Announcements***

County Manager Geouque announced the following:

- The Boone Area Outdoor Recreation Summit will be held, Thursday, April 6, 2017, at Harvest House located at 247 Boone Heights Drive. A Social will be held from 5:00 P.M. – 6:00 P.M. and the Program will be held from 6:00 P.M. – 8:30 P.M.
- The Children’s Playhouse BuildFest will be held Saturday, April 8, 2017, from 10:00 A.M. to 2:00 P.M. at Watauga High School.
- A State of the Child Forum with the themes of Childhood Trauma and Trauma Informed Communities is scheduled for Friday May 5, 2017, from 8:00 A.M. until 4:30 P.M. at Boone United Methodist Church. The opening Keynote Speaker will be Dr. George "Tripp" Ake, a licensed psychologist who specializes in trauma and trauma treatment. Please see the attached email for more information.
- The FY 2018 Proposed Budget will be presented at the May 2, 2017, Board meeting. Budget Work Sessions have been scheduled Thursday, May 4, 2017, from 10:00 A.M. to 5:00 P.M. and Monday, May 8, 2017, from 12:00 P.M. to 7:00 P.M. to review the Proposed Budget.

### **PUBLIC COMMENT**

Ms. Susie Winters requested the Board either not file a brief opposing the Henion’s appeal of the Maymead Asphalt Plant Board of Adjustment ruling or file a brief supporting the Henion’s cause.

Ms. Anne Ward asked the Board to consider Ms. Winters’ request.

Mr. Roger Wright stated that he had worked with the County Manager by representing two clients in regards to the old high school property. Mr. Wright stated that the property needed to be developed to keep from losing sales tax money.

**CLOSED SESSION**

At 9:28 A.M., Commissioner Hodges, seconded by Commissioner Turnbow, moved to enter Closed Session to discuss Attorney/Client Matters, per G. S. 143-318.11(a)(3), Land Acquisition, per G. S. 143-318.11(a)(5)(i) and Personnel Matters, per G. S. 143-318.11(a)(6).

VOTE: Aye-5  
Nay-0

Commissioner Yates, seconded by Commissioner Turnbow, moved to resume the open meeting at 10:12 A.M.

VOTE: Aye-5  
Nay-0

Vice-Chairman Kennedy, seconded by Commissioner Turnbow, moved to recuse Chairman Welch and Commissioner Yates from the remainder of the meeting. Chairman Welch works for Appalachian State University, and Commissioner Yates is related to the owner of Templeton Properties, both of which have made offers on the old high school property.

VOTE: Aye-5  
Nay-0

**CLOSED SESSION (CONTINUED)**

At 10:15 A.M., Vice-Chairman Kennedy, seconded by Commissioner Turnbow, moved to reenter Closed Session to discuss Attorney/Client Matters, per G. S. 143-318.11(a)(3) and Land Acquisition, per G. S. 143-318.11(a)(5)(i).

VOTE: Aye-3(Kennedy, Hodges, Turnbow)  
Nay-0  
Recused-2(Welch, Yates)

Commissioner Turnbow, seconded by Vice-Chairman Kennedy, moved to resume the open meeting at 10:54 A.M.

VOTE: Aye-3(Kennedy, Hodges, Turnbow)  
Nay-0  
Recused-2(Welch, Yates)

**POSSIBLE ACTION AFTER CLOSED SESSION**

County Attorney Capua stated that the Board had received two contracts for the purchase of the County-owned old high school property. One was governmental and one from a private entity. The Governmental contact was more flexible and the Board could enter into that agreement without going through an upset bid process which was required when selling to a private entity.

Commissioner Turnbow, seconded by Vice-Chairman Kennedy, moved to accept Appalachian State University's Agreement for Purchase and Sale of Real and Personal Property for a total amount of \$18,319,000 to Watauga County in the form of \$15,500,000 in cash and the County to receive the ASU-owned old Lowes Hardware property on State Farm Road which is valued at \$2,819,000.

Prior to the vote, Commissioner Hodges stated that he had reservations, not against Appalachian State University, but he had suggested the Board go back to each offer and ask for their final and best offer before making a decision.

Vice-Chairman Kennedy stated that the contracts would have to be disclosed and that would create an unfair advantage to others over the two offers received.

County Attorney Capua stated that there was no legal basis to keep the offers private.

VOTE: Aye-2(Kennedy, Turnbow)  
Nay-1(Hodges)  
Recused-2(Welch, Yates)

Vice-Chairman Kennedy recognized Appalachian State University Chancellor, Sheri Everts, stating that the County looked forward to working with ASU and looked forward to building a Recreation Center (which would be at the location of the old Lowes Hardware property on State Farm Road).

Chancellor Everts stated that ASU had a long standing tradition of working with local government and the purchase and transfer of property would enhance both the County and Appalachian State University. The Chancellor thanked the Board and stated that she looked forward to more opportunities.

### **ADJOURN**

Commissioner Turnbow, seconded by Commissioner Hodges, moved to adjourn the meeting at 11:10 A.M.

John Welch, Chairman

ATTEST: Anita J. Fogle, Clerk to the Board

**AGENDA ITEM 3:**

**APPROVAL OF THE APRIL 18, 2017, AGENDA**

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**AGENDA ITEM 4:**

**PROPOSED PROCLAMATION HONORING DR. JACK D. LAWRENCE, SR.**

**MANAGER'S COMMENTS:**

Per Commissioner request, a proclamation has been drafted honoring Dr. Jack Lawrence, Sr. for his lifelong public service to Watauga County.

Board action is required to adopt the proclamation as presented at which time the proclamation will be framed and presented to his family.

STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

**DRAFT**

# PROCLAMATION

## Honoring the Life of Dr. Jack Lawrence, Sr.

**WHEREAS**, Jack D. Lawrence, Sr., who unselfishly dedicated many years of service to Watauga County with great distinction and success, died on April 7, 2017; and

**WHEREAS**, he was first elected to the Watauga County Board of Commissioners in 1992 and served until 2002 including as Chairman; and

**WHEREAS**, he demonstrated the spirit of public service by serving on the Library Board, Project on Aging Advisory Committee (Home & Community Care Block Grant), and the Watauga County Medical Center Board of Trustees; and

**WHEREAS**, he served our Country in the United States Army and was a veteran of the Second World War; and

**WHEREAS**, he always made the well-being and protection of the Watauga County citizens his utmost priority; and

**WHEREAS**, Dr. Lawrence was a dentist who practiced in Watauga County for over 35 years before retiring.

**NOW, THEREFORE, BE IT PROCLAIMED**, that the Watauga County Board of Commissioners hereby honors the memory of Dr. Jack Lawrence, Sr., for a life of outstanding service and contributions to Watauga County.

**ADOPTED** this the 18<sup>th</sup> day of April, 2017.



\_\_\_\_\_  
John Welch, Chairman  
Watauga County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Anita J. Fogle, Clerk to the Board

**AGENDA ITEM 5:**

**PUBLIC HEARING TO ALLOW CITIZEN COMMENT REGARDING A  
FOSCOE/GRANDFATHER COMMUNITY ZONING MAP AMENDMENT**

**MANAGER'S COMMENTS:**

A public hearing has been scheduled for the Foscoe-Grandfather Community Zoning Map Amendment requested by FS Holdings Ltd., owners of a 2.44 acre tract located at 178/190 Riley Road in Foscoe. The current zoning is Highway Commercial. The requested zoning is Light Industrial.

After the public hearing, the Board may adopt as presented, adopt with minor modifications, schedule a work session or deny the request.

Staff seeks direction from the Board.

**PUBLIC HEARING NOTICE**

Watauga County Board of Commissioners will hold a public hearing on April 18, 2017, at 5:30 P.M. in the Commissioners' Board Room in the Watauga County Administration Building located at 814 West King Street, Boone, North Carolina, to hear the following case:

Foscoe-Grandfather Community Zoning Map Amendment requested by FS Holdings Ltd., owners of a 2.44 acre tract located at 178/190 Riley Road in Foscoe. The current zoning is Highway Commercial. The requested zoning is Light Industrial.

For details call (828) 265-8043.

JOHN WELCH  
CHAIRMAN

**AGENDA ITEM 6:**

**PLANNING & INSPECTIONS MATTERS**

*A. Transfer of Easements from Middle Fork Greenway/Watauga County Pathways*

**MANAGER'S COMMENTS:**

Mr. Furman, Planning and Inspections Director, will request the Board approve and accept the assignment of easements for four (4) tracts of land related to the Middle Fork Greenway.

Board action is required to accept the assignment of these easements.

**STATE OF NORTH CAROLINA**

**ASSIGNMENT OF  
CONSERVATION EASEMENT**

**COUNTY OF WATAUGA**

**This Assignment of Conservation Easement** (this “Assignment”) is made this \_\_\_\_\_ day of April, 2017 (the “Effective Date”), by and between **Watauga County Pathways, Inc. f/k/a Middle Fork Greenway Association**, a North Carolina Non-Profit Corporation with an address of 3740 US Highway 321 South, Blowing Rock, NC 28605 (the “Assignor”) and **Watauga County**, a North Carolina corporate and body politic chartered by the State of North Carolina with an address of 814 W. King Street, Boone, NC 28607 (the “Assignee”).

**BACKGROUND STATEMENT**

**WHEREAS**, the Assignor is the beneficiary of a Grant of Conservation Easement dated January 26, 2006 from Marie H. Cook Isenhour and Douglas Isenhour to the Middle Fork Greenway Association as recorded at Book of Records 1156 at Page 586 of the Watauga County Register of Deeds Office for a 4.652 acre tract, of which a 1.646 acre portion is encumbered with the easement, as assigned to the Blue Ridge Rural Land Trust at Book of Records 1191 at Page 741 of the Watauga County Register of Deeds Office; as assigned by Blue Ridge Conservancy f/k/a Blue Ridge Rural Land Trust to Watauga County Pathways, Inc. at Book of Records 1638 at Page 228 of the Watauga Register of Deeds Office; and

**WHEREAS**, Assignee has agreed to accept the assignment of the Grant of Conservation Easement to assist the development of the Middle Fork Greenway being

**di Santi Watson Capua Wilson & Garrett, PLLC  
P.O. Box 193, 642 West King Street  
Boone, NC 28605**

developed between the Towns of Blowing Rock and Boone in Watauga County, North Carolina; and

**WHEREAS**, the Grant of Conservation Easement is an easement in gross and is assignable with the prior written consent of the State of North Carolina as provided in Section 8 of the Grant of Conservation Easement; and

**WHEREAS**, the State of North Carolina, by and through the Cleanwater Management Trust Fund, has consented to this assignment as evidenced by the correspondence from \_\_\_\_\_, a copy of which is attached hereto and incorporated herein by reference; and

**WHEREAS**, Assignor wishes to assign and Assignee wishes to accept the Grant of Conservation Easement dated January 26, 2006 from Marie H. Cook Isenhour and Douglas Isenhour to the Middle Fork Greenway Association as recorded at Book of Records 1156 at Page 586 of the Watauga County Register of Deeds Office for a 4.652 acre tract, of which a 1.646 acre portion is encumbered with the easement, as assigned to the Blue Ridge Rural Land Trust at Book of Records 1191 at Page 741 of the Watauga County Register of Deeds Office; as assigned by Blue Ridge Conservancy f/k/a Blue Ridge Rural Land Trust to Watauga County Pathways, Inc. at Book of Records 1638 at Page 228 of the Watauga County Register of Deeds Office in the development of the Middle Fork Greenway being developed between the Towns of Blowing Rock and Boone in Watauga County, North Carolina.

**NOW, THEREFORE**, for and in consideration of the covenants and agreements contained herein, the Assignor and Assignee agree as follows:

1. **Interpretation.** All terms used but not defined in this Assignment shall have the meaning given to them in the Grant of Conservation Easement.

2. **Transfer of Rights and Assumption of Obligations.**

a. As of the date hereof, the Assignor hereby assigns, transfers and conveys to the Assignee all the right, title and interest that the Assignor has in the Grant of Conservation Easement dated January 26, 2006 from Marie H. Cook Isenhour and Douglas Isenhour to the Middle Fork Greenway Association as recorded at Book of Records 1156 at Page 586 of the Watauga County Register of Deeds Office for a 4.652 acre tract, of which a 1.646 acre portion is encumbered with the easement, as assigned to the Blue Ridge Rural Land Trust at Book of Records 1191 at Page 741 of the Watauga

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P.O. Box 193, 642 West King Street  
Boone, NC 28605**

County Register of Deeds Office; as assigned by Blue Ridge Conservancy f/k/a Blue Ridge Rural Land Trust to Watauga County Pathways, Inc. at Book of Records 1638 at Page 228 of the Watauga County Register of Deeds Office.

b. As of the date hereof, the Assignee hereby assumes all of the right, title and interest that the Assignor has under the Grant of Conservation Easement dated January 26, 2006 from Marie H. Cook Isenhour and Douglas Isenhour to the Middle Fork Greenway Association as recorded at Book of Records 1156 at Page 586 of the Watauga County Register of Deeds Office for a 4.652 acre tract, of which a 1.646 acre portion is encumbered with the easement, as assigned to the Blue Ridge Rural Land Trust at Book of Records 1191 at Page 741 of the Watauga County Register of Deeds Office; as assigned by Blue Ridge Conservancy f/k/a Blue Ridge Rural Land Trust to Watauga County Pathways, Inc. at Book of Records 1638 at Page 228 of the Watauga County Register of Deeds Office and that Watauga County's acceptance of the assignment is as an accommodation to the Assignor to assist it in the development, installation, construction, maintenance and repair of the Middle Fork Greenway.

3. **Consent by State of North Carolina.** The State of North Carolina, by and through the Cleanwater Management Trust Fund, has consented to this assignment as evidenced by the correspondence from \_\_\_\_\_.

4. **Indemnification.** Assignee hereby indemnifies and holds harmless Assignor from all obligations and liabilities, including reasonable attorney's fees, arising from or relating to the Grant of Conservation Easement subsequent to the Effective Date. Assignor hereby indemnifies and holds harmless Assignee from all obligations and liabilities, including reasonable attorney's fees, arising from or relating to the Grant of Conservation Easement prior to the Effective Date.

5. **Merger of Title.** Section 19 of the Grant of Conservation Easement specifically provides that the terms of the conservation easement shall survive any merger of the fee and easement interest in the property described in the Grant of Greenway/Park Easement. The Assignee hereby specifically acknowledges the non-merger of the fee and easement interest.

6. **Notices.** Any notice or other communication required or permitted under this Assignment shall be given and deemed received in the same manner as set forth in Section 14 of the Grant of Greenway/Park Easement. As of the date of this Assignment,

**di Santi Watson Capua Wilson & Garrett, PLLC**  
**P.O. Box 193, 642 West King Street**  
**Boone, NC 28605**

the current addresses are follows:

Assignor:

Watauga County Pathways, Inc.  
f/k/a Middle Fork Greenway Association, Inc.  
3740 US Highway 321 South  
Blowing Rock, NC 28605

Assignee:

Watauga County  
814 W. King Street  
Boone, NC 28607

State of North Carolina:

Cleanwater Management Trust Fund  
1651 Mail Service Center  
Raleigh, NC 27699-1651  
Attn: Contracts and Real Property Counsel

Watauga County Pathways, Inc.  
f/k/a Middle Fork Greenway Association, Inc.  
3740 US Highway 321 S  
Blowing Rock, NC 28605

7. **Attorney's Fees**. If either party breaches any of its obligations under this Assignment, the breaching party shall pay all cost and fees, including all reasonable attorney and other professional fees, incurred by the non-breaching party in protecting, enforcing, or interpreting its rights under this Assignment.

8. **Survival**. The representations, warranties and agreements of the parties contained in this Assignment shall survive the termination of this Assignment.

9. **Severability**. If any provision of this Assignment is unenforceable, the rest of this Assignment shall continue in effect as if the unenforceable provision had not been contained in this Assignment.

**di Santi Watson Capua Wilson & Garrett, PLLC  
P.O. Box 193, 642 West King Street  
Boone, NC 28605**

10. **Entire Agreement**. This Assignment is the entire agreement between the parties and shall replace all prior negotiations, representations and agreements. No course of prior dealing between the parties, no usage of trade, and no outside evidence of any nature shall be used to interpret or modify this Assignment.

11. **Modification, Waiver**. This Assignment may be modified only by a writing signed by all parties. No waiver of any of the provisions of this Assignment, including the provisions of this paragraph, shall be binding upon the waiving party unless the waiver is in writing and signed by the waiving party. No waiver or approval shall apply to any circumstance other than that in which it is given.

12. **Successors and Assigns**. This Assignment shall be binding upon and run to the benefit of the parties and their successors and assigns. Assignee shall not assign, transfer, pledge, or otherwise encumber this Assignment without Assignor's prior written consent, as well as the prior written consent of the Middle Fork Greenway Association, Inc.

13. **Cooperation and Further Assurance**. All parties to this Assignment shall perform all acts and execute all documents that may be reasonably necessary to fully carry out the provisions and the intent of this Assignment, both prior to and after the Effective Date. Each party will promptly notify the other party of any information delivered or obtained by such party which would prevent the consummation of the transaction completed by this Assignment.

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P.O. Box 193, 642 West King Street  
Boone, NC 28605**

**Assignor:**

**Watauga County Pathways, Inc.; f/k/a  
Middle Fork Greenway Association, Inc.**

**By: \_\_\_\_\_  
John Lanman, President**

Watauga County, North Carolina

I certify that the following person, John Lanman, President of Watauga County Pathways, Inc. f/a/k/a Middle Fork Greenway Association. personally appeared before me this day, acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Date: \_\_\_\_\_  
(Official Seal)

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

**di Santi Watson Capua Wilson & Garrett, PLLC  
P.O. Box 193, 642 West King Street  
Boone, NC 28605**

**Watauga County, a North Carolina  
corporate and body politic chartered by the  
State of North Carolina**

**By: \_\_\_\_\_  
John Welch  
Chairman of the Watauga County Board of  
County Commissioners**

**Attest:**

\_\_\_\_\_  
**Anita Fogle, Clerk to the  
Board of County Commissioners**

(CORPORATE SEAL)

STATE OF NORTH CAROLINA, COUNTY OF WATUAGA

I, a Notary Public of the County and State aforesaid, certify that Anita Fogle, personally came before me this day and acknowledged that she is the Clerk to the Board of Commissioners for the County of Watauga, North Carolina, and that by authority duly given and as the act of said County, the foregoing instrument was signed in its name by the Chairman of the Board of County Commissioners and attested by her as Clerk to the Board of Commissioners.

The signatory acknowledged to me that she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal, this the \_\_\_\_\_ day of April, 2017.

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

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

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

ASD/Clients/Watauga County/Middle Fork Greenway/Assignment of Conservation Easement Niley Cook Road

**di Santi Watson Capua Wilson & Garrett, PLLC  
P.O. Box 193, 642 West King Street  
Boone, NC 28605**

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FILED JoAnn Townsend  
Register of Deeds WATAUGA COUNTY, NC  
BY:  
Deputy *April R. Presnell*

**STATE OF NORTH CAROLINA**

**COUNTY OF WATAUGA**

*Return to Anne Burgess, Grant Administrator  
Middle Fork Greenway Association  
3740 U.S. Highway 321 South  
Blowing Rock, NC 28605*

**PARCEL ID NUMBERS**

- 2819-94-1532-000**
- 2819-84-9365-000**
- 2819-84-9126-000**
- 2819-83-9808-000**

**GRANT OF CONSERVATION EASEMENT**

This Grant of Conservation Easement (hereinafter "Conservation Easement") is made the 25<sup>th</sup> day of January 2006, by and between MARIE H. COOK ISENHOUR and husband, DOUGLAS ISENHOUR, with an address at 37 Pine Ridge Drive, Lake Placid, Florida 33852 (hereinafter "Grantor") and MIDDLE FORK GREENWAY ASSOCIATION, a non-profit corporation organized and existing under the State of North Carolina, with an address at 3740 U.S. Highway 321 South, Blowing Rock, NC 28605 (hereinafter "Grantee").

The designation Grantor as used herein shall refer to Marie H. Cook Isenhour and husband Douglas Isenhour, their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter pronouns as required by context. The designation Grantee as used herein shall refer to Middle Fork Greenway Association, Inc., its heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter pronouns as required by context.

**RECITALS**

WHEREAS Grantor is the sole owner in fee simple of the four contiguous parcels of real property listed as Parcel ID Numbers 2819-94-1532-000, 2819-84-9365-000, 2819-84-9126-000, and 2819-83-9808-000 in the Watauga County Tax Records containing a combined total of 4.652 acres more or less, lying between Flame Azalea Drive and the Middle Fork of the South Fork of the New River in the Rhododendron Ridge Subdivision in Blue Ridge Township, Watauga County, North Carolina, surveyed on April 13, 2001 by Cyrus L. Cole and shown on a plat in Plat Book 016, Page 197, registered on June 18, 2002 in the Office of the Register of Deeds of Watauga County, North Carolina, and

WHEREAS Grantor desires to grant a conservation easement to Grantee through a portion of the above-referenced four contiguous parcels measuring in width from the western property line of the four parcels to a line fifty feet more or less from the top of the eastern bank of the Middle Fork/South Fork of the New River through the entire length of the four parcels, which portion (hereinafter "Easement Property") was surveyed on January 5, 2006, by Cyrus L. Cole and shown on a Plat Titled "Greenway Easement" and which is more particularly described in Exhibit A, attached hereto and by this reference incorporated herein.

WHEREAS Grantee is a nonprofit corporation, operated primarily for conservation purposes, including protection of environmentally valuable and sensitive land for charitable, scientific, educational, and aesthetic purposes; and whereas Grantee's primary purposes are to promote the protection and preservation of the natural environment and cultural heritage of the community served by the Middle Fork of the New River with the establishment of parks and a greenway along the river;

WHEREAS Grantee is a tax exempt public charity under §§ 501(c)(3) and 170(b)(1)(A)(vi) of the Internal Revenue Code, and is authorized by the laws of the State of North Carolina to accept, hold and administer funds from grants and other sources and to acquire, hold, and use property for the purposes mentioned above, and is a "qualified organization" and an "eligible donee" and is willing to accept this Conservation Easement under the terms and conditions hereinafter described;

WHEREAS the Easement Property is a significant natural area that qualifies in its present condition as a " ... relatively natural habitat of fish, wildlife, or plants, or similar ecosystem," as that phrase is used in P.L. 96-541, 26 USC §170(h)(4)(A)(ii), as amended, and in regulations promulgated thereunder;

WHEREAS the Easement Property is habitat for a typical community of mammals, birds, amphibians, reptiles, and insects found in middle elevation forest and pasture tracts and provides:

- (i) breeding, foraging and migrating habitat for white-tailed deer, raccoons, gray and red foxes, Virginia opossum, bobcat, black bear, gray and fox squirrel, southern flying squirrel, wild turkey, striped skunk, eastern cottontail rabbit, woodchuck, eastern chipmunk, and a large variety of mice, voles, and bats;
- (ii) a habitat for the large number of bird species that breed, winter, or migrate through Watauga County, the most important being the hemispherically imperiled neotropical migrants, i.e.; warblers, vireos, cuckoos, thrushes and flycatchers;
- (iii) a habitat for the group of fish, reptile and amphibian species located in the New River and its tributaries on the Property which fish, reptiles and

amphibian species are expected to be found in clean, unpolluted waterways on well-managed farmland;

WHEREAS the Grantor and the Grantee further recognize the historic, natural, scenic, aesthetic, educational and open space values of the Easement Property, and the special character of the Easement Property, in its present state as open riparian land, the preservation of which is pursuant to federal, state, and local government policy as evidenced by:

- (i) Article XIV Section 5 of the Constitution of the State of North Carolina which states "It shall be the policy of the State to conserve and protect its lands and waters for the benefit of all its citizenry, and to this end it shall be a property function of the State of North Carolina and its political subdivisions to acquire and preserve park, recreational, and scenic areas, to control and limit the pollution of our air and water, to control excessive noise, and in every other appropriate way to preserve as a part of the common heritage of this state its forests, wetlands, estuaries, beaches, historical sites, open lands, and places of beauty;"
- (ii) The qualification of the Easement Property for the special use ad valorem provision of the state property tax regime for farm and forest land, as set forth in N. C.G.S. §105-277.3 et seq.;
- (iii) The New River Basinwide Management Plan enacted by the State of North Carolina for the purpose of protecting water quality, public water supply, significant wetlands and natural areas along the corridor;
- (iv) The Clean Water Management Trust Fund, N.C.G.S. §113-145.1 et seq., which recognizes the importance of protecting riparian buffers in protecting and conserving surface water;
- (v) The North Carolina Conservation Tax Credit Program, N.C.G.S. §105-130.34 and 105-151.12 et seq., which provides for state income tax credits for donations of land that is useful for fish and wildlife conservation and other similar land conservation purposes;
- (vi) The Soil and Water Conservation Districts Act, N.C.G.S. §139-1, et seq., which provides for the preservation of farm, forest, and grazing lands;
- (vii) The Uniform North Carolina Conservation and Historic Preservation Agreements Act, N.C.G.S. §121-34 et seq., which provides for the enforceability of restrictions, easements, covenants or conditions "appropriate for retaining land or water areas predominately in their natural, scenic, or open condition or in agricultural, horticultural or forestry use;" and which provides for tax assessment of lands subject to such agreements "on the basis of the true value of the land and improvements less any reduction in value caused by the agreement."

WHEREAS the Easement Property possesses natural, scenic, open space, historic, and educational values (collectively "Conservation Values") of great importance to the Grantor, Grantee, and general public;

WHEREAS the characteristics of the Easement Property, its current use and state of improvement, are described in a Baseline Report prepared on the Property prepared by Grantee for the Grantor and attached as Exhibit B to this Conservation Easement;

WHEREAS the Grantor worked with the Grantee to ensure that the Baseline Report is a complete and accurate description of the Easement Property as of the date of this Conservation Easement;

WHEREAS the Baseline Report will be used by Grantor and Grantee to assure that any future changes in the use of the Easement Property will be consistent with the terms of this Conservation Easement although the Baseline Report is not intended to preclude use of other evidence to establish the present condition of the Property if there is controversy over its use;

WHEREAS The Clean Water Management Trust Fund ("Fund"), with an address at 1651 Mail Service Center, Raleigh, North Carolina 27699-1651 is an agency of the State of North Carolina ("State"), with an address at c/o State Property Office, 1321 Mail Service Center, Raleigh, North Carolina 27699-1321, and is authorized by Article 13A, Chapter 113 of the General Statutes of North Carolina to finance projects and to acquire land and interests in land, including conservation easements for riparian buffers for the purposes of providing environmental protection for surface waters and urban drinking water supplies;

WHEREAS Grantee has received a grant from the Fund identified as Grant Agreement No. 2001B-014 ("Grant Agreement") for acquisition of Conservation Easements to develop a greenway in consideration of which Grantor has agreed that the Easement Property will be conserved and managed in a manner that will protect the quality of waters of the Middle Fork of the South Fork of the New River and its tributaries and otherwise promote the public purposes authorized by Article 13A, Chapter 113 of the North Carolina General Statutes ("N.C.G.S.");

WHEREAS the Grantor and Grantee have the common purpose of conserving the above-described Conservation Values of the Easement Property in perpetuity, and the State of North Carolina has authorized the creation of Conservation Easements pursuant to the terms of the North Carolina Conservation and Historic Preservation Agreements Act, N.C.G.S. 121-34 et seq., and G.S. 160A-266 to 279, which provides for the enforceability of restrictions, easements, covenants or conditions "appropriate to retaining land or water in their natural, scenic or open condition" and which provides for tax assessment of lands subject to such agreements "on the basis of the true value of the land and improvements less any reduction in value caused by the agreement", and the Grantor and Grantee wish to avail themselves of the provisions of that law.

**NOW, THEREFORE**, as an absolute gift of no monetary consideration but in consideration of the mutual covenants, terms, conditions, and restrictions hereinafter set forth, Grantor hereby grants and conveys unto Grantee, its successors and assigns, forever and in

perpetuity for the benefit of the people of North Carolina, a Conservation Easement (the "Conservation Easement") of the nature and character and to the extent hereinafter set forth, over, through, and across the Easement Property described in Exhibit A hereto, together with the right to preserve and protect the Conservation Values thereof and the right of access to the Easement Property for the purposes granted herein.

**THE FURTHER PURPOSES, BENEFITS, BURDENS, AND CONDITIONS OF THIS CONSERVATION EASEMENT ARE AS FOLLOWS:**

1. **PURPOSE.** The purposes of this Conservation Easement are to provide environmental protection for the Middle Fork River, its tributaries, and its fish and native plant and animal communities; to stabilize and, where necessary, restore the streambanks and enhance the riparian buffer zone with plantings of additional native shrubs and trees; to provide a public greenway trail through the Easement Property for pedestrians and bicyclists, to help increase public awareness and appreciation of the natural and cultural heritage of the Property.

Grantor will not perform, nor knowingly allow others to perform, any act on or affecting the Easement Property that is inconsistent with the purposes of this Conservation Easement. However, unless otherwise specified below, nothing in this Conservation Easement shall require the Grantor to take any action to restore the condition of the Easement Property after any act of God or other event over which Grantor had no control. Grantor understands that nothing in this Conservation Easement relieves them of any obligation or restriction on the use of the Easement Property imposed by law.

2. **PROPERTY USES.** Any activity on, or use of, the Easement Property inconsistent with the purposes of this Conservation Easement is prohibited. The Easement Property shall be maintained in its natural, scenic, historical, agricultural, forested and open-space condition and restricted from any development that would significantly impair or interfere with the Conservation Values of the Property. Without limiting the generality of the foregoing, the following is a listing of activities and uses which are expressly prohibited or which are expressly allowed. Grantor and Grantee have determined that the allowed activities do not impair the Conservation Values of the Easement Property. Additional retained rights of Grantor are set forth in Paragraph 3 below.

- 2.1 **Subdivision.** The Property which is the subject of this Conservation Easement may not be further subdivided.
- 2.2 **Construction.** There shall be no construction or placing of any residence, storage building, commercial structure, mobile home, airplane landing strip, billboard or other advertising display, antenna, utility tower, utility pole, conduit or line on or above the Easement Property, or any other temporary or permanent structure, facility, or construction on or above the Easement Property except for construction of the Middle Fork Greenway trail.

- 2.3 Existing Improvements. There are no existing improvements on the Easement Property.
- 2.4 Agricultural, Horticultural, Timber Harvesting, Grazing, and Animal Husbandry Use. Agricultural, horticultural, timber harvesting, grazing, and animal husbandry operations on the Easement Property are prohibited.
- 2.5 Disturbance of Plants and Animals. Grantor shall have the right to cut and remove dead or diseased trees, shrubs, or other plants, and to cut firebreaks, subject to prior approval by Grantee (except that such approval shall not be required in case of emergency firebreaks), such approval not to be unreasonably withheld. There shall be no additional removal, harvesting, destruction or cutting of native trees, shrubs, or other plants except as necessary to restore hydrology and to construct and maintain a greenway trail and a border of grass. Fishing, pursuant to applicable rules and regulations, shall be allowed. Hunting of animals and pursuit and harassment of wildlife shall be prohibited. Grantor and Grantee shall have the right to control or trap, by currently defined legal means and methods, predatory and problem animals which pose a threat to humans or pets. The method employed shall be specific to the individual predatory or problem animals, rather than broadcast, nonselective techniques.
- 2.6 Wetlands, Water Quality, and Drainage Patterns. There shall be no pollution or alteration of water bodies and no activities that would be detrimental to water purity or that would alter natural water levels, drainage, sedimentation and/or flow in over the Easement Property or into any surface waters, or cause soil degradation or erosion, nor diking, dredging, alteration, draining, filling or removal of wetlands, except activities to restore natural hydrology or wetlands enhancement as permitted by state and any other appropriate authorities.
- 2.7 Recreational Use. Grantee shall have the right to engage in and permit the public to engage in recreational uses of the Easement Property, including walking, bicycling, and fishing. Hunting and camping are prohibited. Motorized vehicles are prohibited on the Easement Property except those necessary to construct, maintain, and repair the greenway trail or to perform streambank restoration and buffer stabilization.
- 2.8 Mineral Use, Excavation, Dredging. There shall be no filling, excavation, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock, peat, minerals or other materials, and no change in the topography of the land in any manner except as necessary to allow the construction, repair, and maintenance of a public greenway trail, to restore and stabilize the streambanks, and for the purpose of combating erosion or flooding. There shall be no changing of the topography through the placing of soil or other substance or material such as land fill or dredging soils, nor shall activities be conducted on the Easement Property or on adjacent property that could cause erosion or siltation on the Easement Property.

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- 2.9 No Dumping. Dumping or storage of trash, garbage, waste, abandoned vehicles, mobile homes, appliances, machinery, equipment, oil tanks, dredging spoils, asphalt or concrete, discarded building materials, or any other unsightly or offensive materials, hazardous substances, or toxic waste on the Easement Property is prohibited. There shall be no changing of the topography through the placing of any such abandoned vehicles, appliances, equipment, or waste materials. When the greenway is established, Grantee agrees to provide covered trash containers for public use and to keep the containers emptied on a regular schedule.
- 2.10 Signage. No signs or billboards or other advertising displays are allowed on the Easement Property, except that signs whose placement, number and design do not significantly diminish the scenic character of the Easement Property may be displayed to identify the trail and the Conservation Values of the Easement Property, to identify the Easement Property as part of "The Cook/Rhododendron Ridge Property", to memorialize or honor members of the Grantor's family, to identify the Grantor/Grantee of the Conservation Easement, to recognize the contribution of the Cook Family and the roles of Blue Ridge Rural Land Trust and the Clean Water Management Trust Fund in the permanent protection of the Easement Property, to identify the name and address of the Easement Property, to identify plants, to give directions, to post rules and regulations for use of the protected Easement Property, to post information about the history of the area, and to post the Grantor's adjacent property against trespassers.
- 2.11 No Biocides. There shall be no use of pesticides or biocides, including but not limited to insecticides, fungicides, rodenticides, and herbicides.
- 2.12 Commercial Development. Any commercial or industrial use of or activity on the Easement Property is prohibited.
- 2.13 Development Rights. Grantor conveys to Grantee all development rights that are now or hereafter allocated to, implied, reserved or inherent in the Easement Property, and the parties agree that such rights are terminated and extinguished, and may not be used on or transmitted to any portion of the Easement Property, as it now or hereafter may be bounded or described.
- 2.14 Satisfying Compensatory Mitigation Requirements. Under this Conservation Easement Grantor and Grantee are prohibited from any use of the Easement Property or any portion thereof to satisfy compensatory mitigation requirements under 33 U.S. G. & 1344 or N.C.G.S. 143-214.11.

3. **ADDITIONAL RIGHTS RETAINED BY GRANTOR.** Grantor retains the following additional rights:

- 3.1 Existing Uses. The right to undertake or continue any activity or use of the Easement Property not prohibited by this Conservation Easement. Prior to making any change in use of the Easement Property, Grantor shall notify Grantee in writing to allow Grantee a reasonable opportunity to determine whether such change would violate the terms of this Conservation Easement.
- 3.2 Transfer. The right to sell, give, mortgage, lease, or otherwise convey the Easement Property, subject to the terms of this Conservation Easement.

4. **GRANTEE'S RIGHTS AND RESPONSIBILITIES.** To accomplish the purpose of this Conservation Easement, the following rights and responsibilities are granted to Grantee by this Conservation Easement:

- 4.1 Right to Protect. The right to preserve and protect the Conservation Values of the Easement Property and enforce the terms of this Conservation Easement.
- 4.2 Right of Entry. Grantee, its employees, representatives, and agents and its successors and assigns, have the right to enter the protected Property at reasonable times for the purposes of (a) inspecting the protected Property to determine whether the Grantor, its representatives, assigns, heirs and successors are complying with the covenants and purposes of this Conservation Easement; and (b) monitoring and research as described below. Grantee agrees that such entry on to the Easement Property will be at Grantee's sole risk and expense and at times acceptable and convenient to the Grantor.
- 4.3 Right to Restore Streambanks and to Stabilize the Riparian Buffer. Grantee, its employees, representatives, agents, successors and assigns have the right to enter the protected Property for the purpose of performing work to restore eroded and incised streambanks and stabilize the riparian buffer with the planting of native trees and shrubs. Grantee agrees that such restoration and stabilization shall be done according to accepted restoration and stabilization methods and plans and only after such methods and plans have been approved in writing by Grantor. Grantee agrees to seek grants to pay for such restoration and stabilization. Grantor shall not in any way be responsible for the cost of the restoration or stabilization. Grantee agrees that such entry on the protected Property will be at Grantee's sole risk and expense and at times acceptable and convenient to the Grantor.
- 4.4 Monitoring and Research. The right to monitor the native plant and wildlife populations, plant communities and natural habitats on the Easement Property. Grantee agrees that such monitoring will be at Grantee's sole risk and expense and will

occur only at times acceptable and convenient to the Grantor, and Grantor agrees that such permission to enter the Property will not be unreasonably denied. Grantor agrees that all monitoring activity, inventory and assessment work or other natural resource research conducted by the Grantor or others shall be reported to the Grantee.

4.5 . Upkeep and Maintenance. Middle Fork Greenway Association, Inc. agrees to seek funds to build and maintain the greenway trail and to stabilize the riparian buffer and restore the streambanks; to post rules and regulations for the safe and courteous use of the trail, strictly prohibiting trail users from trespassing on Grantor's adjacent property; to mow grass adjacent to the trail; to provide covered trash containers, and to pick up and remove trash promptly. Grantee agrees that such upkeep and maintenance of the greenway trail shall be at Middle Fork Greenway Association's sole risk and expense.

4.6. Indemnification. By or before the date the greenway trail through the Easement Property is opened for public use, Middle Fork Greenway Association shall purchase a liability insurance policy of not less than two (2) million dollars to provide compensation for eligible claims made by users of the trail, and MFGA agrees to furnish Grantor with a certificate showing that such insurance has been issued and is in full force and effect.

5. **RESPONSIBILITIES OF GRANTOR AND GRANTEE NOT AFFECTED.**

Other than as specified herein, this Conservation Easement is not intended to impose any legal or other responsibility on the Grantor, or in any way to affect any existing obligation of the Grantor as owner of the Property. Among other things, this Conservation Easement shall apply to:

- (a) Taxes - The Grantor shall be solely responsible for payment of all taxes and assessments levied against the Easement Property.
- (b) Upkeep and Maintenance – Until funds are obtained by the Grantee to enable the Grantee to begin construction of a greenway on the Easement Property, the Grantor shall be solely responsible for the upkeep and maintenance of the Easement Property, to the extent it may be required by law. After greenway construction begins on the Easement Property, the Grantor shall have no obligation under this conservation easement for the upkeep and maintenance of the Easement Property; as upkeep and maintenance of the Easement Property shall from that time on be the responsibility of Middle Fork Greenway Association or its successors and assigns.

6. **ACCESS.** The granting of this Easement conveys to the general public the right to use the greenway trail in compliance with rules and regulations which shall be posted regarding use of the trail and the Easement Property.

7. **ENFORCEMENT.** The Grantee shall have the right to prevent and correct violations of the terms of this Conservation Easement.

- A. With advance written notice the Grantee may enter the Easement Property for the purpose of inspecting for violations. If the Grantee finds what is a violation, it may at its discretion and after prior consultation with Grantor take appropriate legal action. Except when an ongoing or imminent violation could substantially diminish or impair the Conservation Values of the Easement Property, the Grantee shall give the Grantor written notice of the violation and sixty (60) days to correct it (or begin good faith efforts to correct in the event the violation is something which cannot be reasonably corrected in sixty (60) days, before filing any legal actions. If a court with jurisdiction determines that a violation may exist or has occurred, the Grantee may obtain an injunction to stop it, temporarily or permanently. A court may also issue an injunction requiring the Grantor to restore the Easement Property to its condition prior to the violation. The failure of the Grantee to discover a violation or to take immediate legal action shall not bar it from doing so at a later time.
- B. In the event that the Grantee fails to enforce any of the terms of this Conservation Easement, pursuant to the terms of Clean Water Management Trust Fund Grant Agreement #2001B-014 between the Grantee and the State of North Carolina acting by and through Clean Water Management Trust Fund, the State of North Carolina shall have the independent right to enforce the terms of this Conservation Easement through any and all authorities available under state law. Any forbearance by the State of North Carolina to exercise this third party right of enforcement shall not be deemed or construed to be a waiver by the state of such right in general or with respect to a specific violation of any of the terms of this Conservation Easement.
- C. Nothing contained in this Conservation Easement shall be construed to entitle either Grantee or Grantor to bring any action against the other for any injury or change in the Easement Property caused by third parties, resulting from causes beyond their control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken in good faith by either Grantor or Grantee under emergency conditions to prevent, abate, or mitigate significant injury to life, damage to property or harm to the Easement Property resulting from such action.

8. **TRANSFER OF EASEMENT.** The parties recognize and agree that the benefits of this easement are in gross and assignable. The Grantee shall have the right, as limited hereinbelow, to transfer or assign this Conservation Easement to any organization that is at the time of transfer, a "qualified organization" under § 170(h) of the U.S. Internal Revenue Code, and that expressly agrees to assume the responsibility imposed on the Grantee by this Conservation Easement. Provided however, no transfer or assignment of this Conservation Easement and the

benefits and Burdens created thereby shall be effective without the prior written consent of the State of North Carolina. Further, under the terms of Clean Water Management Trust Fund Contract #2001B-014 should the Grantee attempt to terminate, transfer or otherwise divest itself of any rights, title or interest in the Conservation Easement without prior written consent of the State of North Carolina and payment of consideration to the State of North Carolina, then all rights, title or interest in the Conservation Easement shall be automatically vested in the State of North Carolina as set forth in the granting clause of this Conservation Easement. The Grantee further recognizes that the Grantor must be notified in writing at least thirty (30) days in advance of such a proposed transfer or assignment of the Conservation Easement. The Grantee further recognizes that any such transfer or assignment of the Conservation Easement must be to a qualified organization that is (a) acceptable to the State of North Carolina and to the Grantor, and (b) similar to the Grantee in mission. If the Grantee ever ceases to exist or no longer qualifies under Section 170(h) or applicable state law, a court with jurisdiction shall transfer this easement to the State of North Carolina, with an address of c/o State Property Office, 1321 Mail Service Center, Raleigh, N.C. 27699-1321, which agrees to assume the responsibility.

9. **TRANSFER OF PROPERTY.** Any time the Property or any portion of the property of which the Easement Property is a part is transferred by the Grantor to any third party, the Grantor shall notify the Grantee in writing at least thirty (30) days prior to the transfer of the property, and the document of conveyance shall expressly refer to this Conservation Easement on the Easement Property.

10. **AMENDMENT OF EASEMENT.** This easement may be amended only with the written consent of Grantor and Grantee. Any such amendment shall be consistent with the purposes of this Conservation Easement and shall comply with Section 170(h) of the Internal Revenue Code, and any regulations promulgated in accordance with that section. Any such amendment shall also be consistent with the Uniform Conservation and Historic Preservation Agreements Act, N.C.G.S. §121-34 et. seq., or any regulations promulgated pursuant to that law. The Grantor and Grantee have no right or power to agree to any amendment that would affect the enforceability of this Conservation Easement.

11. **TERMINATION OF EASEMENT.** If it is determined that conditions on or surrounding the Easement Property have changed so much that it is impossible to fulfill the greenway or conservation purposes set forth above, a court with jurisdiction may, at the joint request of both the Grantor and Grantee, terminate this Conservation Easement. If condemnation of a part of the Easement Property or of the entire Easement Property by public authority renders it impossible to fulfill any of these greenway or conservation purposes, the Conservation Easement may be terminated through judicial proceeding. At the time of the conveyance of the Conservation Easement to the Grantee, this Conservation Easement gives rise to a property right, immediately vested in the Grantee, with a fair market value equal to the proportionate value that the Conservation Easement bears to the value of the Property as a whole. If the easement is terminated and the Easement Property is sold or taken for public use, then, as required by §1.170A-14(g)(6) of the IRS regulations, the Grantee shall be entitled to a percentage of the gross sale proceeds or condemnation award (minus any amount attributed to new improvements made by the Grantor after the date of the conveyance, which amount shall be reserved to

Grantor), equal to the ratio of the appraised value of this easement to the unrestricted fair market value of the Easement Property, as these values are determined on the date of this Conservation Easement. The Grantee shall use any such proceeds consistently with the greenway or conservation purposes of this Conservation Easement.

12. **INTERPRETATION.** This Conservation Easement shall be interpreted under the laws of North Carolina, resolving any ambiguities and questions of the validity of specific provisions as to give maximum effect to its conservation purposes.

13. **TITLE.** The Grantor covenants and represents that the Grantor is the sole owner and is seized of the Easement Property in fee simple and has good right to grant and convey this Conservation Easement; that the Easement Property is free and clear of any and all encumbrances, including but not limited to, any mortgages not subordinated to this Conservation Easement, and that the Grantee shall have the use of and enjoy all the benefits derived from and arising out of this Conservation Easement.

14. **NOTICES.** Any notices required by this Conservation Easement shall be in writing and shall be personally delivered or sent by first class mail, to Grantor and Grantee, respectively, at the following addresses, unless a party has been notified by the other of a change of address.

To Grantor:  
Marie H. Cook Isenhour & Douglas Isenhour  
37 Pine Ridge Drive  
Lake Placid, Florida 33852

To the Grantee:  
Middle Fork Greenway Association, Inc.  
3740 U.S. Highway 321 South  
Blowing Rock, NC 28605

To the State of North Carolina:  
Clean Water Management Trust Fund  
1651 Mail Service Center  
Raleigh, N.C. 27699-1651  
Attn: Contracts and Real Property Counsel

15. **ENVIRONMENTAL CONDITION.** The Grantor warrants that it has no actual knowledge of a release or threatened release of hazardous substances or wastes on the Property.

16. **SEVERABILITY.** If any provision of this Conservation Easement is found to be invalid, the remaining provisions shall not be altered thereby.

17. **PARTIES.** Every provision of this Conservation Easement that applies to the Grantor or Grantee shall also apply to their respective heirs, executors, administrators, assigns, and all other successors as their interest may appear.

18. **RE-RECORDING.** In order to ensure the perpetual enforceability of the Conservation Easement, the Grantee is authorized to re-record this instrument or any other appropriate notice or instrument.

19. **MERGER.** The parties agree that the terms of this Conservation Easement shall survive any merger of the fee and easement interest in the Property.

20. **SUBSEQUENT LIENS ON PROPERTY.** No provisions of this Conservation Easement should be construed as impairing the ability of Grantor to use this Property as collateral for subsequent borrowing, provided that any mortgage or lien arising from such a borrowing would be subordinate to this Conservation Easement.

21. **EXHIBITS AND DOCUMENTATION.**

A. **EXHIBIT A. Legal Description** of the Property which is the subject of this Conservation Easement.

B. **EXHIBIT B. Baseline Report Summary.** The Conservation Easement Baseline Report on the Easement Property, which accurately establishes the uses and Conservation Values and condition of the protected Property as of the date hereof.

22. **ENTIRE AGREEMENT.** This instrument sets forth the entire agreement of the parties with respect to the Conservation Easement and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Easement. If any provision is found to be invalid, the remainder of the provisions of this Conservation Easement, and the application of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

23. **ACCEPTANCE AND EFFECTIVE DATE.** As attested by the Seal of the Grantee and the signature of its authorized representative affixed hereto, the Grantee hereby accepts without reservation the rights and responsibilities conveyed by this Conservation Easement. This Conservation Easement is to be effective the date recorded in the Watauga County Registry of Deeds.

TO HAVE AND TO HOLD, this Grant of Conservation Easement unto Middle Fork Greenway Association, its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor and Grantee, intending to legally bind themselves, have set their hands and seals on the date first written above.

GRANTOR:

By: Marie H. Cook Isenhour (Seal)

By MARIE H. COOK ISENHOUR

By: Douglas Isenhour (Seal)

By DOUGLAS ISENHOUR

Accepted by

GRANTEE:

MIDDLE FORK GREENWAY ASSOCIATION

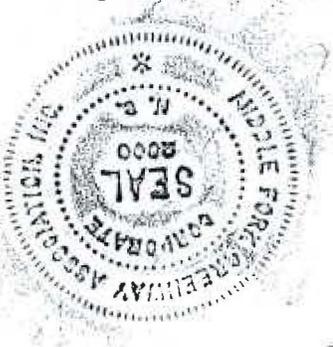
By: Richard Hearn

Its: President

Attest: Carol Penning

Its: secretary

[CORPORATE SEAL]



20060131000014700 EASE  
Bk: BR1156 Pg: 600  
01/31/2006 03:55:55PM 15/19

**ACKNOWLEDGMENTS**

STATE OF FLORIDA  
COUNTY OF HIGHLANDS

I, **BESSIE P. SMITH**, a Notary Public of Highlands County, Florida, do hereby certify that MARIE H. COOK ISENHOUR personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the 18 day of JAN, 2006.

Bessie P. Smith (Seal)  
Notary Public

My commission expires:

\_\_\_\_\_

(Notary Seal)



Bessie P. Smith  
My Commission DD171943  
Expires February 05 2007

STATE OF FLORIDA  
COUNTY OF HIGHLANDS

I, **BESSIE P. SMITH**, a Notary Public of Highlands County, Florida, do hereby certify that DOUGLAS ISENHOUR personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the 18 day of JAN, 2006.

Bessie P. Smith (Seal)  
Notary Public

My commission expires:

\_\_\_\_\_

(Notary Seal)



Bessie P. Smith  
My Commission DD171943  
Expires February 05 2007

20060131000014700 EASE  
Bk: BR1156 Pg: 601  
01/31/2006 03:55:55PM 16/19

STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

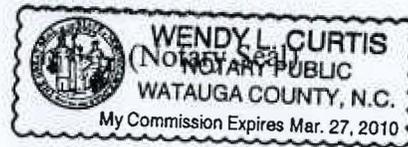
I, Wendy L Curtis, a Notary Public of Watauga County, North Carolina do hereby certify that Carol Genberg personally appeared before me this day and acknowledged that she is the \_\_\_\_\_ Secretary of Middle Fork Greenway Association, a non-profit corporation, and that by authority duly given and as an act of the corporation the foregoing instrument was signed in its name by its Richard Hearn President, sealed with its corporate seal and attested by herself as its Secretary.

Witness my hand and notarial seal this the 25<sup>th</sup> day of January, 2006.

Wendy L Curtis (Seal)  
Notary Public

My commission expires:

March 27, 2010



STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA

The Foregoing (or annexed) Certificate(s) of \_\_\_\_\_

Notary(ies) Public (is)(are) Certified to be correct.

This instrument was filed for Registration on the Day and Hour in the Book and Page shown in the First page hereof.

\_\_\_\_\_  
, Register of Deeds

EXHIBIT A: PLAT AND LEGAL DESCRIPTION OF THE EASEMENT PROPERTY  
EXHIBIT B: BASELINE REPORT

This instrument prepared by and return to:

Anne Burgess, Grant Administrator  
Middle Fork Greenway Association  
3740 U.S. Highway 321 South  
Blowing Rock, NC 28605

## EXHIBIT A

**LEGAL DESCRIPTION of the 1.646-acre Easement Area through four tracts of land (PIN's 2819-94-1532-000; 2819-84-9365-000; 2819-84-9126-000; and 2819-83-9808-000) located in Blue Ridge Township, Watauga County, North Carolina, owned by Marie H. Cook Isenhour and husband, Douglas Isenhour, and being further shown and described on that certain survey dated January 5, 2006 and entitled "Survey for Middle Fork Greenway Association, Portions of Private Park, Lots 1, 2 and 3 Rhododendron Ridge" prepared by Leslie Cole, P.L.S., of which description follows:**

LEGAL DESCRIPTION  
FOR  
MIDDLE FORK GREENWAY ASSOCIATION

Being a portion of the Private Park, Lots 1, 2 and 3, RHODODENDRON RIDGE, according to the plat thereof as recorded in Plat Book 16, page 197 of the Office of the Register of Deeds of Watauga County, North Carolina, and more particularly described as follows:

BEGINNING on a point in the center of the Middle Fork River and in the line of Lenore G. Critcher (Record Book 224, Page 779), a common corner of Mark A. Cook, et al (Record Book 1075, Page 328) and the Private Park of RHODODENDRON RIDGE (Plat Book 16, Page 197), said point being located, S74°09'58"W, 23.96 feet from a reference iron on the east bank of the river; THENCE leaving the river and with the common line of Cook and the Private Park, N78°54'14"E, 74.61 feet to a point, said point being located, S78°54'14"W, 33.79 feet and then S78°54'14"W, 73.75 feet from a nail and washer in the center of Niley Cook Road (NCSR 1532), said nail and washer having NCGS coordinates of N: 894,672.6039' and E. 1,219,229.3044' and is located, N26°41'37"E 2000.02' from NCGS Monument "GLASS"; THENCE with four-teen (14) lines through the Private Park, Lots 1, 2 and 3 the following courses and distances, 1.) S09°50'03"E, 26.60 feet, 2.) S01°47'10"W, 34.79 feet, 3.) S04°05'12"W, 76.38 feet, 4.) S44°46'51"W, 53.69 feet, 5.) S47°58'47"W, 32.02 feet, 6.) S52°52'02"W, 65.50 feet, 7.) S44°02'42"W, 34.75 feet, 8.) S40°49'58"W, 16.85 feet, 9.) S34°53'44"W, 30.75 feet, 10.) S18°39'55"W, 59.92 feet, 11.) S28°45'55"W, 84.10 feet, 12.) S01°32'50"E, 187.89 feet, 13.) S08°45'34"E, 265.44 feet, 14.) S41°35'27"W, 94.24 feet to a point in the line of Lot 4; THENCE with the common line of Lots 3 and 4, N75°04'37"W, 26.28 feet to an iron, a common corner of Lots 3 and 4, on the east side of the aforesaid Middle Fork River, and in the line of Lenore G. Critcher (Record Book 224, Page 779); THENCE with the line of Lot 3 and Critcher's line, N08°24'43"E, 85.00 feet to the center of the river; THENCE continuing with Critcher's line and with the line of the Private Park, Lots 1, 2 and 3 the following ten (10) courses and distances, 1.) N11°24'13"W, 123.27 feet, 2.) N02°03'36"W, 140.00 feet, 3.) continuing, N02°03'36"W, 167.03 feet, 4.) N25°29'15"E, 55.00 feet, 5.) continuing, N25°29'15"E, 34.04 feet, 6.) N20°04'06"E, 157.09 feet, 7.) N56°15'20"E, 60.30 feet, 8.) N77°55'13"E, 76.87 feet, 9.) N07°26'57"E, 68.43 feet, 10.) N03°49'46"W, 59.38 feet to the POINT OF BEGINNING. As surveyed and platted by LESLIE COLE, P.L.S., P.A. on 1/05/2006. Project - MFGA.pro.

Containing 1.646 acres, more or less.

Situate, lying and being in Blue Ridge Township, Watauga County, North Carolina.

Subject to all agreements, conditions, easements, reservations, rights-of-way and all other matters of record.

## EXHIBIT B

MIDDLE FORK GREENWAY ASSOCIATION  
3740 U.S. HIGHWAY 321 SOUTH  
BLOWING ROCK, N.C. 28605  
(828) 264-3754

January 11, 2006

BASELINE REPORT SUMMARY  
ON THE RIPARIAN EASEMENT AREA  
THROUGH FOUR TRACTS  
(PIN's 2819-94-1532-000; 2819-84-9365-000;  
2819-84-9126-000; and 2819-83-9808-000)  
OF THE RHODODENDRON RIDGE SUBDIVISION

Owned by Marie H. Cook Isenhour and Douglas Isenhour  
37 Pine Ridge Drive  
Lake Placid, Florida 33852

The property of Marie Cook Isenhour and Douglas Isenhour through which the Easement Area runs is composed of four contiguous tracts located in the Rhododendron Ridge Subdivision in Blue Ridge Township, Watauga County, North Carolina. The property is accessed from U.S. Highway 321, about 3 miles south of the county seat of Boone. From Boone, travel south on U.S. 321 to the intersection with Niley Cook Road. Proceed approximately ¼ mile on Niley Cook Road to Flame Azalea Drive. The property lies between Flame Azalea Drive and the Middle Fork/South Fork of the New River.

The property lies on the east side of the Middle Fork. It is bordered on the north by a 1.36-acre tract of land, the former Lola Cook Miller Tract, which Marie Cook Isenhour and her son, Mark Cook, have agreed to sell to Middle Fork Greenway Association. The length of river bordering the 1.36-acre parcel is approximately 450 feet. The length of river bordering the Easement Property is approximately 1,025 feet. Goldmine Branch and an unnamed branch flow through the property into the Middle Fork.

A variety of tall hardwoods, including birches, maples, locust, poplars and oaks, appearing to be 50-80 years old, grows along the bank rising up from the river, and along the top of the bank. There are clusters of healthy large rhododendrons growing along the steep bank at the northern end and the somewhat steep bank at the southern end of the easement area. At the top of the bank of the northernmost tract of the property (the Private Park of the subdivision), are several healthy young hemlocks, averaging 12 feet high, and several healthy balsam trees, which the owners have planted. Large boulders have been placed into the bank of the northernmost tract by the owners. Beyond the berm of the man-made pond, through the southwest portion of the Private Park and the northeast portion of Lot 1, the terrain descends into a wide, gently rising stretch of marsh, with the sand and gravel

deposited along the river's edge being gradually replaced by tough native grasses, briars, and elderberry shrubs. Farther southeast, through a stretch of river's edge of Lot 1 and into Lot 2, a channel is forming, becoming deeper as each heavy rain pushes a sand and river rock bar closer to the center of the stream. This section of streambank and buffer zone would benefit enormously from restoration and stabilization.

The river is clear and the banks along the property are clean, although some trash has blown in from U.S. Highway 321 and settled among the snags on the opposite bank.

About three-fourths of the property is covered with dense tall native grass, in this winter season yellow, bent, and papery, but still so tenacious as to make walking through it difficult. This meadow is a valuable natural filtration system protecting the river from runoff. The property's proximity to the Blue Ridge Escarpment and Parkway makes it valuable as a sanctuary for wildlife and as a migration corridor for migratory songbirds. The open field provides migration and nesting habitat for deer, fox, bobcat and the occasionally-seen black bear. Mammals such as groundhog, eastern cottontail rabbit, beaver, muskrat, gray squirrel, raccoon, and possum are present. The tall trees along the banks and the wooded area at the southern end of the property provide sanctuary and nesting habitat for the large variety of birds known to occupy the area at various times, among them the Carolina chickadee, slate-colored junco, Carolina wren, mockingbird, blue jay, gold- and purple- finch, cardinal, oriole, cedar waxwing, pileated and flicker woodpecker, white-breasted nuthatch, gnatcatcher, great blue heron, and red-tailed hawk.

The property has no improvements, save the fishpond in the Private Park.

This property has been owned and well cared for by members of the Cook Family for more than eighty years. The property is in very good condition and provides an excellent protective eastern border for the Middle Fork River. Furthermore, a conservation easement through this lengthy riparian corridor is of enormous benefit to the Middle Fork Greenway Project, moving the project closer to its goal of connecting the towns of Boone and Blowing Rock with a hiking and biking trail which will increase public awareness and appreciation of the natural and cultural heritage of the area.

In compliance with Section 1.170A-14(g)(5) of the federal tax regulations, this baseline report is an accurate representation of the property at the time of the conservation easement donation.

Marie Cook Isenhour  
Marie Cook Isenhour, Douglas Isenhour,  
Grantor

Richard Deann President  
Middle Fork Greenway Association,  
Grantee

Date 1-18-06

Date 1/25/06

Corporate Seal



Document prepared by Anne Burgess, Middle Fork Greenway Association Grant Administrator

FILED JoAnn Townsend  
Register of Deeds, Watauga Co, NC  
Fee Amt: \$26.00

Bk 1638 Pg 228 (7)  
Recorded: 06/18/2012 at 04:25:12 PM  
Doc No: 605282 Kind: ASGM



MAIL TO:  
BILL HALL  
1151 GREEN HILL ROAD  
BLOWING ROCK NC 28605

STATE OF NORTH CAROLINA

ASSIGNMENT OF GRANT OF  
CONSERVATION EASEMENT

COUNTY OF WATAUGA

This Assignment of Conservation Easement (this "Assignment") is made this 8<sup>th</sup> day of May, 2012 (the "Effective Date"), by and between Blue Ridge Conservancy f/k/a Blue Ridge Rural Land Trust, a North Carolina Non-Profit Corporation with an address of PO Box 568, Boone, NC 28607 (the "Assignor") and Watauga County Pathways, Inc., a North Carolina Non-Profit Corporation with an address of PO Box 253, Boone, NC 28607 (the "Assignee").

BACKGROUND STATEMENT

WHEREAS, the Assignor is the beneficiary of a Grant of Conservation Easement dated January 25, 2006 from Marie H. Cook Isenhour and Douglas Isenhour to Middle Fork Greenway Association, Inc. as recorded at Book of Records 1156 at Page 586 of the Watauga County Register of Deeds Office, as assigned by Middle Fork Greenway Association, Inc. to Assignor as recorded at Book of Records 1191 at Page 741 of the Watauga County Register of Deeds Office; and

WHEREAS, Watauga County has agreed to accept fee simple title to a 0.819 acre tract from Watauga County Pathways, Inc. f/k/a Middle Fork Greenway Association, Inc. as described at Book of Records 1080 at Page 878 of the Watauga County Register of Deeds Office; fee simple title to a 1.36 acre tract from Watauga County Pathways, Inc. f/k/a Middle Fork Greenway Association, Inc. as described at Book of Records 1167 at

Prepared by: di Santi Watson Capua & Wilson

P O Box 193, 642 West King Street

Boone, North Carolina 28607

Page 623 of the Watauga County Register of Deeds Office; fee simple title to a 3.658 acre tract from Blue Ridge Conservancy f/k/a Blue Ridge Rural Land Trust as recorded at Book of Records 1029 at Page 129 of the Watauga County Register of Deeds Office; and

WHEREAS, assignee has agreed to accept an Assignment of Grant of Conservation Easement from the Blue Ridge Rural Land Trust as recorded at Book of Records 1174 at Page 540 of the Watauga County Register of Deeds Office for the 1.36 acre tract; a Grant of Conservation Easement from Marie H. Cook Isenhour and Douglas Isenhour to the Middle Fork Greenway Association, Inc. as recorded at Book of Records 1156 at Page 586 of the Watauga County Register of Deeds Office for a 4.652 acre tract, of which a 1.646 acre portion is encumbered with the easement, as assigned to the Blue Ridge Rural Land Trust at Book of Records 1191 at Page 741 of the Watauga County

WHEREAS, the Grant of Conservation Easement is an easement in gross and assignable with the prior written consent of the State of North Carolina as provided in Section 8 of the Grant of Conservation Easement; and

WHEREAS, the State of North Carolina, by and through the Cleanwater Management Trust Fund, has consented to this assignment as evidenced by the correspondence from Richard E. Rogers, Jr., Executive Director of the Cleanwater Management Trust Fund dated February 15, 2012, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, Assignor wishes to assign and Assignee wishes to accept the Grant of Conservation Easement assigned by the Middle Fork Greenway Association, Inc. as recorded at Book of Records 1191 at Page 741 of the Watauga County Register of Deeds Office to assist the Middle Fork Greenway Association, Inc. in the development of the Middle Fork Greenway being developed between the Towns of Blowing Rock and Boone in Watauga County, North Carolina.

NOW, THEREFORE, for and in consideration of the covenants and agreements contained herein, the Assignor and Assignee agree as follows:

1. Interpretation. All terms used but not defined in this Assignment shall have the

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Boone, North Carolina 28607

meaning given to them in the Grant of Conservation Easement.

**2. Transfer of Rights and Assumption of Obligations.**

a. As of the date hereof, the Assignor hereby assigns, transfers and conveys to the Assignee all the right, title and interest that the Assignor has in the Grant of Conservation Easement assigned by the Middle Fork Greenway Association, Inc. to Assignor as recorded at Book of Records 1191 at Page 741 of the Watauga County Register of Deeds Office.

b. As of the date hereof, the Assignee hereby assumes all of the right, title and interest that the Assignor has under the Grant of Conservation Easement assigned by the Middle Fork Greenway Association, Inc. to Assignor as recorded at Book of Records 1191 at Page 741 of the Watauga County Register of Deeds Office and assumes all of the obligations, liabilities, duties, responsibilities and undertakings imposed upon the Assignor under the Grant of Conservation Easement.

3. **Consent by State of North Carolina.** The State of North Carolina, by and through the Cleanwater Management Trust Fund, has consented to this assignment as evidenced by the correspondence from Richard E. Rogers, Jr., Executive Director of the Cleanwater Management Trust Fund dated February 15, 2012.

4. **Indemnification.** Assignee hereby indemnifies and holds harmless Assignor from all obligations and liabilities, including reasonable attorney's fees, arising from or relating to the Grant of Conservation Easement subsequent to the Effective Date. Assignor hereby indemnifies and holds harmless Assignee from all obligations and liabilities, including reasonable attorney's fees, arising from or relating to the Grant of Conservation Easement prior to the Effective Date.

5. **Merger of Title.** Section 19 of the Grant of Conservation Easement

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Boone, North Carolina 28607

specifically provides that the terms of the conservation easement shall survive any merger of the fee and easement interest in the property described in the Grant of Conservation Easement. The Assignee hereby specifically acknowledges the non-merger of the fee and easement interest.

6. Notices. Any notice or other communication required or permitted under this Assignment shall be given and deemed received in the same manner as set forth in Section 14 of the Grant of Conservation Easement. As of the date of this Assignment, the current addresses are follows:

Assignor:

Blue Ridge Conservancy f/k/a Blue Ridge Rural Land Trust  
PO Box 568  
Boone, NC 28607

Assignee:

Watauga County Pathways, Inc.  
PO Box 253  
Boone, NC 28607

State of North Carolina:

Cleanwater Management Trust Fund  
1651 Mail Service Center  
Raleigh, NC 27699-1651  
Attn: Contracts and Real Property Counsel

7. Attorney's Fees. If either party breaches any of its obligations under this

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Boone, North Carolina 28607

Assignment, the breaching party shall pay all cost and fees, including all reasonable attorney and other professional fees, incurred by the non-breaching party in protecting, enforcing, or interpreting its rights under this Assignment.

8. **Survival.** The representations, warranties and agreements of the parties contained in this Assignment shall survive the termination of this Assignment.

9. **Severability.** If any provision of this Assignment is unenforceable, the rest of this Assignment shall continue in effect as if the unenforceable provision had not been contained in this Assignment.

10. **Entire Agreement.** This Assignment is the entire agreement between the parties and shall replace all prior negotiations, representations and agreements. No course of prior dealing between the parties, no usage of trade, and no outside evidence of any nature shall be used to interpret or modify this Assignment.

11. **Modification, Waiver.** This Assignment may be modified only by a writing signed by all parties. No waiver of any of the provisions of this Assignment, including the provisions of this paragraph, shall be binding upon the waiving party unless the waiver is in writing and signed by the waiving party. No waiver or approval shall apply to any circumstance other than that in which it is given.

12. **Successors and Assigns.** This Assignment shall be binding upon and run to the benefit of the parties and their successors and assigns. Assignee shall not assign, transfer, pledge, or otherwise encumber this Assignment without Assignor's prior written consent, as well as the prior written consent of the Middle Fork Greenway Association, Inc.

13. **Cooperation and Further Assurance.** All parties to this Assignment shall perform all acts and execute all documents that may be reasonably necessary to fully carry out the provisions and the intent of this Assignment, both prior to and after the Effective Date. Each party will promptly notify the other party of any information delivered or obtained by such party which would prevent the consummation of the transaction completed by this Assignment.

Prepared by: di Santi Watson Capua & Wilson

P O Box 193, 642 West King Street

Boone, North Carolina 28607

Assignor:

Blue Ridge Conservancy

By: *Ed Shuford*  
Ed Shuford, President

Watauga County, North Carolina

I certify that the following person(s), Ed Shuford, President of Blue Ridge Conservancy, personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Date: May 8, 2012



*Anna Maria Rembert Whaley*  
Print Name: Anna Maria Rembert Whaley  
My Commission expires: Dec. 19, 2012

Assignee:

Watauga County Pathways, Inc.

By: *William H. Hall*  
William H. Hall, Chairman

Watauga County, North Carolina

I certify that the following person(s), William H. Hall, Chairman of Watauga County Pathways, Inc., personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Date: May 8, 2012



*Anna Maria Rembert Whaley*  
Print Name: Anna Maria Rembert Whaley  
My Commission expires: Dec. 19, 2012

Richard Rogers  
Executive Director

CWMTF TRUSTEES

Bk 1638 Pg 234  
Doc No: 605282 Kind: ASGM

February 15, 2012

Walter Clark  
Blue Ridge Conservancy  
P.O. Box 568  
Boone, NC 28607Subject: Consent to Assign Conservation Easements (CWMTF Project #  
2001B-014)

Dear Mr. Clark:

This letter serves as consent from the Clean Water Management Trust Fund (CWMTF) for Blue Ridge Conservancy to assign two conservation easements to Watauga County Pathways. These conservation easements are recorded at the Watauga County Register of Deeds in Book 1174, Page 540 and Book 1156, Page 586.

CWMTF also consents to the transfer of the conservation easement recorded at the Watauga County Register of Deeds in Book 1077, Page 678 from Watauga County Pathways to Blue Ridge Conservancy.

We appreciate your coordination with CWMTF as your plans for this greenway progress. If you would like to discuss any issues further, please contact the CWMTF Stewardship Coordinator, Cherri Smith, at 919-707-9127.

Sincerely,

Richard E. Rogers, Jr.  
Executive Directorcc: Bern Schumak  
Cherri SmithChair, John B. McMillan  
RALEIGHHarold Bass  
RUFFINRon Beane  
LENOIRFrank Bragg  
HUNTERSVILLEYevonne S. Brannon  
RALEIGHKaren Cragnolin  
ASHEVILLEJohn Garrou  
WINSTON-SALEMRance Henderson  
MORGANTONJoseph M. Hester, Jr.  
ROCKY MOUNTWilliam Hollan  
WINSTON-SALEMGeorge Howard  
RALEIGHCharles Johnson  
GREENVILLERenee Kumor  
HENDERSONVILLEKevin Markham  
CARYChristine Mele  
ORIENTALPreston Pate  
NEWPORTBetty Chafin Rash  
CHARLOTTEAaron Thomas  
PEMBROKEStan Vaughan  
CHARLOTTEClaudette Weston  
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One  
North Carolina  
*Naturally*

**AGENDA ITEM 6:**

**PLANNING & INSPECTIONS MATTERS**

*B. Proposed Amendments to the Ordinance to Govern Subdivisions and Multi-Unit Structures*

**MANAGER’S COMMENTS:**

Mr. Joe Furman will request the Board schedule a public hearing to seek citizen input regarding the Planning Board’s recommended amendments to the Ordinance To Govern Subdivisions and Multi-Unit Structures as a result of the Board of Commissioners’ January request to review the ordinance. The ordinance is attached with proposed amendments shown in red or mark-throughs. A public hearing is requested to be scheduled for May 16, 2017 at 5:30 PM.

Board action is required to schedule a public hearing for May 16, 2017 at 5:30 PM in the County Commissioners’ Board Room.



# 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
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Appendix C:	Sedimentation and Erosion Control Plan Checklist
Appendix D:	Ownership/Responsibility Form
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**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.

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, all grades shall be sloped to drain surface water away from buildings, pavements, slopes and structures.**
- 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.	15 feet

(if rear property line does not front on a road)

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 dedicated permanent green space.** Road and parking areas are not included in common land for purposes of this subsection.

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~~ 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 dedicated permanent green space**

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.**

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.

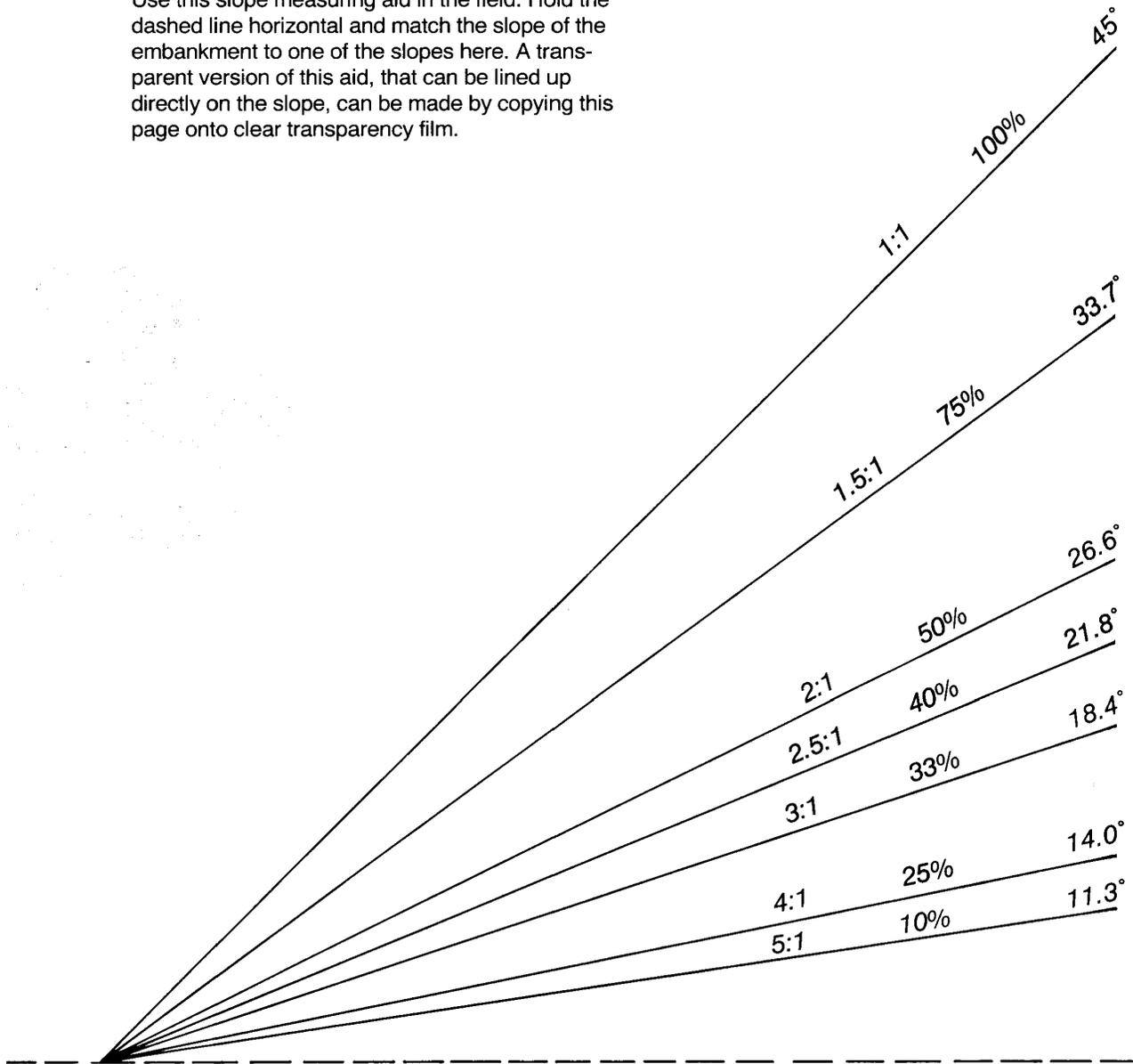
Step 4. Determine "S" by using the equation:

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

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.*

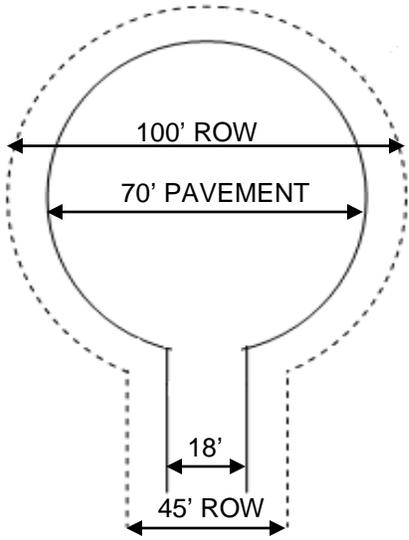
## APPENDIX J

## 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.

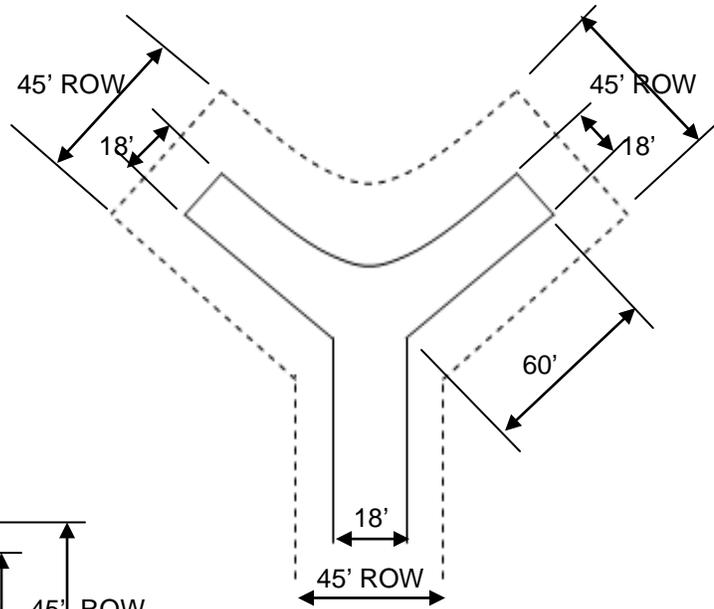
~~NOTE: These are excerpts from Watershed Zoning Ordinance, use that which is applicable.~~

APPENDIX K  
FIRE APPARATUS ACCESS ROADS

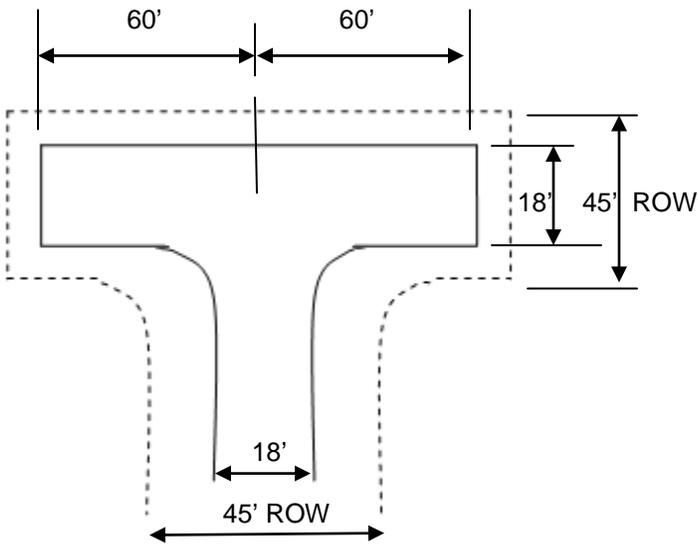


**CUL-DE-SAC**

----- 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

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

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

## **AGENDA ITEM 7:**

### **MAINTENANCE MATTERS**

#### ***A. Architect Selection for Health Department Renovations***

### **MANAGER'S COMMENTS:**

Per discussion at the annual retreat, staff has proceeded forward with the planning of the relocation of the Planning and Inspections, Veterans Services, and Red Cross offices to the Watauga County Health Department. The relocation will assist in the establishment of a one-stop process with regards to individuals needing a building and septic permit. Also, veterans will be closer to other services offered by the County with their new location in the Health Department.

North Carolina General Statute 143-64.31 requires the hiring of architectural, engineering, surveying, construction management at risk services, design-build services, and public-private partnership construction services to be selected on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee. However, NCGS 143-64.32 allows for an exemption on the above requirement in writing when an estimated professional fee is in an amount less than fifty thousand dollars (\$50,000).

In order to move the project forward, staff is recommending the Board hire David R. Jones Architecture to design the proposed renovation project. Mr. Jones' estimate for the renovation is \$129,071.58 with his fee set at \$12,907.16 for a total project cost of \$141,978.74. Staff has identified \$12,907.16 in the current budget with the \$129,071.58 project cost to be incorporated into the Fiscal Year 2017-2018 budget.

Board action is required to exempt the health department renovations per NCGS 143-64.32 and hire David R. Jones Architecture, contingent upon a contract being reviewed and authorized by the County Attorney, for the Health Department renovations.



## WATAUGA COUNTY MAINTENANCE DEPARTMENT

969 West King St., Boone, NC 28607 - Phone (828) 264-1430  
Fax (828) 264-1473



TO: Deron Geouque, County Manager  
FROM: Robert Marsh, Maintenance Director *m*  
DATE: April 7, 2017  
RE: Health Department Renovations/Architect Selection

### **BACKGROUND**

In 2016 the Appalachian District Health Department hired David R. Jones Architecture to perform a feasibility study for the purpose of determining if suitable space could be identified within the building which would be large enough to hold the Planning and Inspections Department, Veteran's Affairs and Red Cross. Jones presented his findings to staff in March 2017 including a proposed floor plan, a probable cost estimate for renovations and a fee for working drawings and construction administration should the County desire to proceed with renovations. Staff from the Health Department, Planning and Inspections, Maintenance and Administration reviewed the proposed plan and arrived at a consensus that the plan is suitable.

### **RECOMMENDATION**

Staff recommends the County enter into an agreement with David R. Jones Architecture for the design of the proposed renovation project. The estimated fee is well below the \$50,000 threshold, therefore, the County may exempt itself from the "Best Qualified" selection process for architects. The exemption is designed to streamline the procurement of architectural and engineering services that are of small scope.

### **FISCAL IMPACT**

Administration has identified funds in the FY16-17 budget to pay for the architectural fees associated with this project.

## David R. Jones Architecture

285 Deer Crest Lane  
PO Box 1247  
Boone, North Carolina 28607  
828-386-4088 Office  
[jonesaia@bellsouth.net](mailto:jonesaia@bellsouth.net)

March 23, 2017

Mr. Deron Geogue, Watauga County Manager  
Mr. Robert Marsh, Maintenance Director  
Watauga County  
814 West King Street  
Boone, North Carolina 28607

**RE: Proposal for Architectural Design Services for Renovations to the Watauga County Health Department, to include Health Department and other Watauga County Departments/Agencies (Veterans Affairs, American Red Cross and Planning & Inspections relocation to the Health Department).**

Dear Deron and Robert:

I am pleased to present this proposal for professional Architectural Design Services. It is my understanding, based upon our discussions of the project, that the Watauga County Board of Commissioners and you are requesting a Proposal for Architectural Design Services for the Renovations to the Watauga County Health Department Building, 126 Poplar Grove Connector, Boone, NC 28607.

The scope of work includes the renovation and personnel relocation for the Watauga County Health Department (Appalachian District Health Department) and some Watauga County Departments/Agencies. In some cases personnel can be moved from one area/office to another, other areas to receive minor renovations (carpet, painting, some walls, doors, etc.) and the remaining areas are to receive major renovations (wall, ceiling, carpet demolition HVAC, electrical demolition, redesigned space for new walls, ceilings, lighting, HVAC, doors/frames, insulation, electrical, telephone and data systems.

I propose to provide the following services for the above mentioned project:

- Preliminary Design for Health Department and Watauga County Offices Renovation previously provided by Appalachian District Health Department for their Renovation Study.
- Provide Final Preliminary Design Phase for both parties to approve before moving into later phases.
- Provide Design Development Phase (Engineer coordination, systems design).

- Construction Document Phase (Complete Working Drawings for Building Permit approval and Bid Phase).
- Bid Phase/Contract Phase (Prepare and distribute plans and specifications to contractors and suppliers, send out Invitation to Bid and advertisements, oversee the bid opening, provide Bid Tabulation Sheets, value engineering, and writing AIA Contract Documents Between the Owner and Contractor).
- Provide Construction Administration Phase (Provide Construction Supervision, including periodic inspections, field reports, shop drawing review, material and color selections, Monthly Application and Certificate for Payment approval, Pre-final and Final Inspections).

Other services to be provided by Watauga County shall be as follows:

- Provide any independent Special Inspections if required by the Building Code or Building Inspector.
- Pay for any Building Inspection Fees or request a waiver of fees from the Town of Boone.
- Provide any CCTV, cameras, security systems if needed.
- Any new furniture/equipment, existing or new to be provided by the Owner or Tenant.
- Any new doors, locksets, cylinders shall be provided by the General Contractor and keyed to the County's Grand Master System. Any existing door locksets requiring re-keying shall be performed by the Watauga County Maintenance Department.
- Rework telephone and data systems for American Red Cross, VA & P&I.

I put together a Preliminary Probable Cost Estimate (Estimate) for you and the Commissioners to review to see some of the potential construction costs and architectural/engineering fees. The Estimate is separated into two parts, 1) the Health Department Renovation Costs and 2) the Watauga County Departments/Agencies Renovations (includes comparison of Scheme 1 and Scheme 2 costs).

#### **PRELIMINARY PROBABLE COST ESTIMATE – SCHEME # 1**

##### WATAUGA COUNTY HEALTH DEPARTMENT

1. CH (Community Health Offices) renovated	\$11,094.40
2. Outreach Storage/CH Storage renovated	6,930.00
3. Install Corridor Door, Frame and wall (Corridor 165)	2,500.00
4. Install additional base and wall cabinets (Break Area 142)	3,540.25
5. Additional Keypad Locksets (5) doors	5,000.00
<u>SUB-TOTAL</u>	<u>\$29,064.65</u>
<u>20% Contingency Allowance</u>	<u>5,812.93</u>
<b>HEALTH DEPARTMENT CONSTRUCTION COSTS</b>	<b>\$34,877.58</b>

## WATAUGA COUNTY DEPARTMENTS/AGENCIES

1. Veterans Affairs Offices renovated (existing carpet)	\$5,187.50
2. Planning & Inspections renovated (Scheme #1)	70,907.50
3. American Red Cross Office repaint (existing carpet)	400.00
4. <u>New Signage Allowance (Interior &amp; Exterior)</u>	<u>2,000.00</u>
SUB-TOTAL	\$78,495.00
<u>20% Contingency Allowance</u>	<u>15,699.00</u>
WATAUGA COUNTY CONSTRUCTION COSTS	\$94,194.00

HEALTH DEPARTMENT RENOVATIONS	\$34,877.58
<u>WATAUGA COUNTY RENOVATIONS</u>	<u>\$94,194.00</u>
PRELIMINARY PROBABLE CONSTRUCTION COSTS	\$129,071.58

ARCHITECTURAL FEE 12%  
 DEDUCT 2% FOR PRELIMINARY DESIGN PHASE BY HEALTH DEPT.  
 EQUALS 10% ARCHITECTURAL FEE (INCLUDES ENGINEERING)

PRELIMINARY PROBABLE CONSTRUCTION COSTS	\$129,071.58
<u>X 10% ARCH. FEE</u>	<u>12,907.16</u>
PRELIMINARY PROBABLE COSTS + ARCH. FEES	\$141,978.74

**PRELIMINARY PROBABLE COST ESTIMATE – SCHEME # 2**

## WATAUGA COUNTY HEALTH DEPARTMENT

6. CH (Community Health Offices) renovated	\$11,094.40
7. Outreach Storage/CH Storage renovated	6,930.00
8. Install Corridor Door, Frame and wall (Corridor 165)	2,500.00
9. Install additional base and wall cabinets (Break Area 142)	3,540.25
10. <u>Additional Keypad Locksets (5) doors</u>	<u>5,000.00</u>
SUB-TOTAL	\$29,064.65
<u>20% Contingency Allowance</u>	<u>5,812.93</u>
HEALTH DEPARTMENT CONSTRUCTION COSTS	\$34,877.58

## WATAUGA COUNTY DEPARTMENTS/AGENCIES

5. Veterans Affairs Offices renovated (existing carpet)	\$5,187.50
6. Planning & Inspections renovated (Scheme #2)	70,776.00
7. American Red Cross Office repaint (existing carpet)	400.00
8. <u>New Signage Allowance (Interior &amp; Exterior)</u>	<u>2,000.00</u>
SUB-TOTAL	\$78,363.50
<u>20% Contingency Allowance</u>	<u>15,672.70</u>
WATAUGA COUNTY CONSTRUCTION COSTS	\$94,036.20

HEALTH DEPARTMENT RENOVATIONS	\$34,877.58
WATAUGA COUNTY RENOVATIONS	\$94,036.20
PRELIMINARY PROBABLE CONSTRUCTION COSTS	\$128,913.78

ARCHITECTURAL FEE 12%  
 DEDUCT 2% FOR PRELIMINARY DESIGN PHASE BY HEALTH DEPT.  
 EQUALS 10% ARCHITECTURAL FEE (INCLUDES ENGINEERING)

PRELIMINARY PROBABLE CONSTRUCTION COSTS	\$128,913.78
X 10% ARCH. FEE	12,891.38
PRELIMINARY PROBABLE COSTS + ARCH. FEES	\$141,805.16

COMPARISON	SCHEME #1	SCHEME #2
PRELIMINARY PROB. COST CONST. COSTS	\$129,071.58	\$128,913.78
ARCHITECTURAL FEE 10%	12,907.16	12,891.38
PRELIMINARY PROBABLE COSTS + ARCH. FEES	\$141,978.74	\$141,805.16
SQUARE FOOTAGE AMOUNTS FOR COUNTY RENOVATION WORK	\$59.50/SF	\$48.15/SF

DIFFERENCE – SCHEME 2 IS \$173.58 LESS THAN SCHEME #1

The proposed fee for the Architectural Design Services shall be \$12,907.16 for Scheme #1 or \$12,891.38 if Scheme #2 is selected and based on the Preliminary Probable Cost Estimates until after the Bid Phase and the Owner has the final Negotiated General Contract Sum. The Architectural Fee will then be adjusted to coincide with the General Contract Sum.

**The AIA Owner/Architect Standard Form of Agreement spells out how compensation shall be dispersed. Compensation is broken down by Design Phase and only paid for as that portion/percentage of work has been completed or monthly, whichever comes first. The following is the breakdown of Architectural Design Phases:**

SCHEMATIC DESIGN PHASE (PREVIOUSLY PROVIDED)	0%
DESIGN DEVELOPMENT PHASE	15%
CONSTRUCTION DOCUMENT PHASE	55%
BIDDING/CONTRACTS PHASE	10%
CONSTRUCTION ADMINISTRATION PHASE	20%
TOTAL	100%

The Architectural Fee shall include mechanical, plumbing and electrical engineering consultant services. Reimbursable items to be billed to the Owner will be for the cost of reproductions (blueprints, scans, wide format copies and office copies). These are actual

costs to the Owner with a 15 percent Reimbursable Fee added. I do not charge for local mileage from my office to the job site.

I will complete the schematic/preliminary phase study work with the Health Department and include the preliminary design for Planning & Inspections. I propose to have the Final Working Drawings complete and ready to go to bid by June 30, 2017 and receive bids by July 31, 2017. I will submit Award Letter and the Lowest Responsible Bid amount to the Commissioners' August, 2017 Board Meeting.

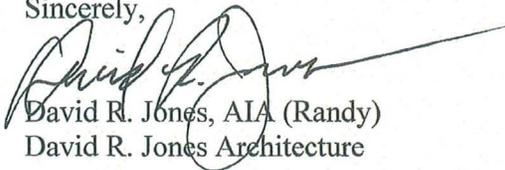
This time frame will allow me to finish ongoing projects and allow the Health Department time to relocate personnel, furniture and equipment out of the areas to be turned over to Watauga County for their portion of the renovation work.

I really appreciate the opportunity to provide you this proposal for Architectural Design Services. I look forward to working with you, the Board of Commissioners and Watauga County Health Department on this project.

Please advise me as soon as possible on the status of your decision to accept or reject this proposal so that we may schedule our work accordingly. If this proposal is satisfactory, please sign two copies where indicated, keep one for your files and return the other copy as acceptance of its terms and as our authorization to proceed.

As always, should you have any questions concerning any of the above information, please feel free to contact me.

Sincerely,

  
David R. Jones, AIA (Randy)  
David R. Jones Architecture

**Acceptance**

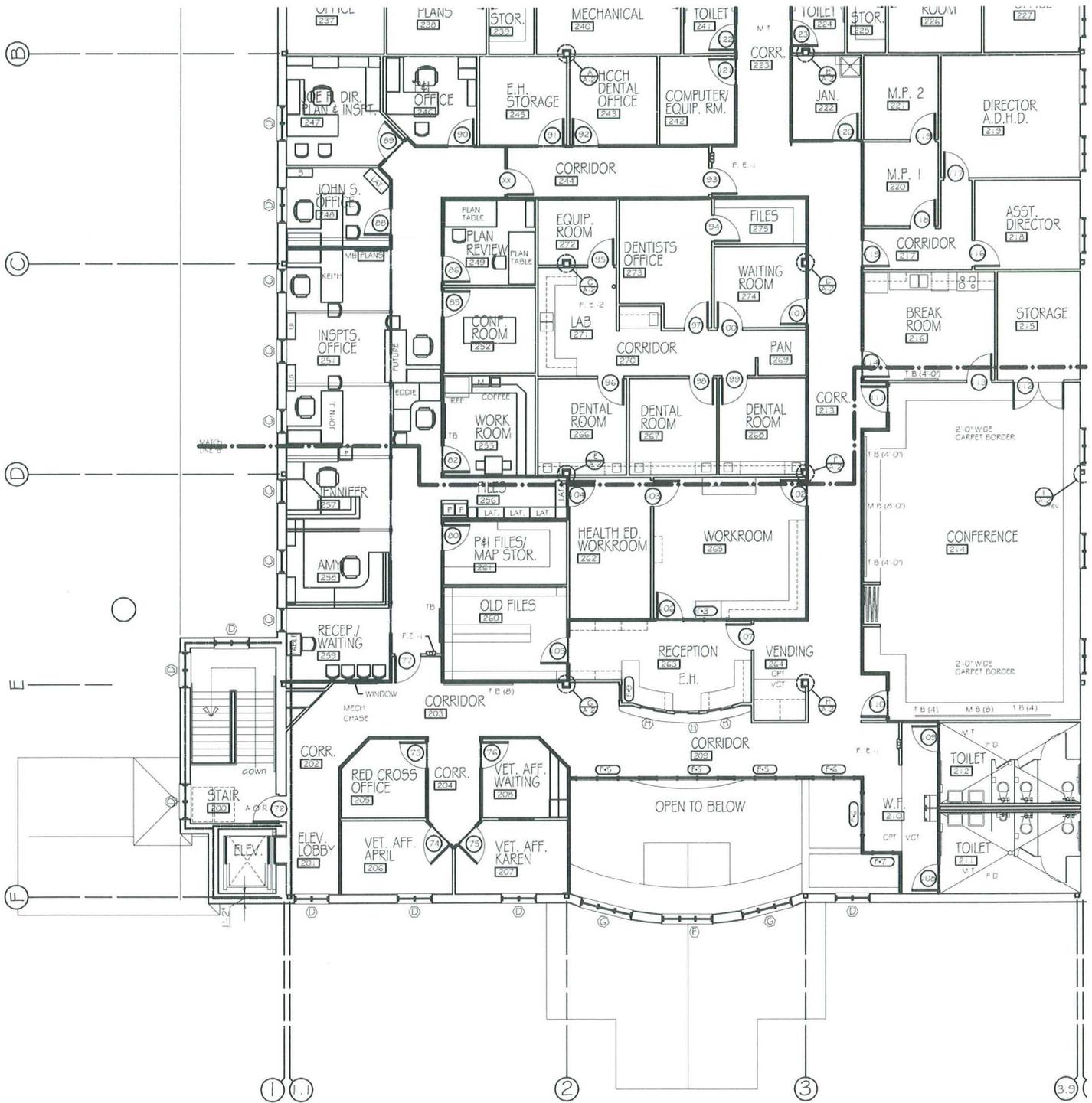
The proposed description of professional services and terms are satisfactory and are hereby accepted. Authorization to proceed with the work is granted. The Architect shall prepare the AIA Standard Form of Agreement Between Owner and Architect for signatures. The Terms of this proposal shall be null and void if not accepted within 30 days.

Name \_\_\_\_\_

Position \_\_\_\_\_

Date \_\_\_\_\_

Initial Accepted Scheme Design      Scheme #1 \_\_\_\_\_      Scheme #2 \_\_\_\_\_

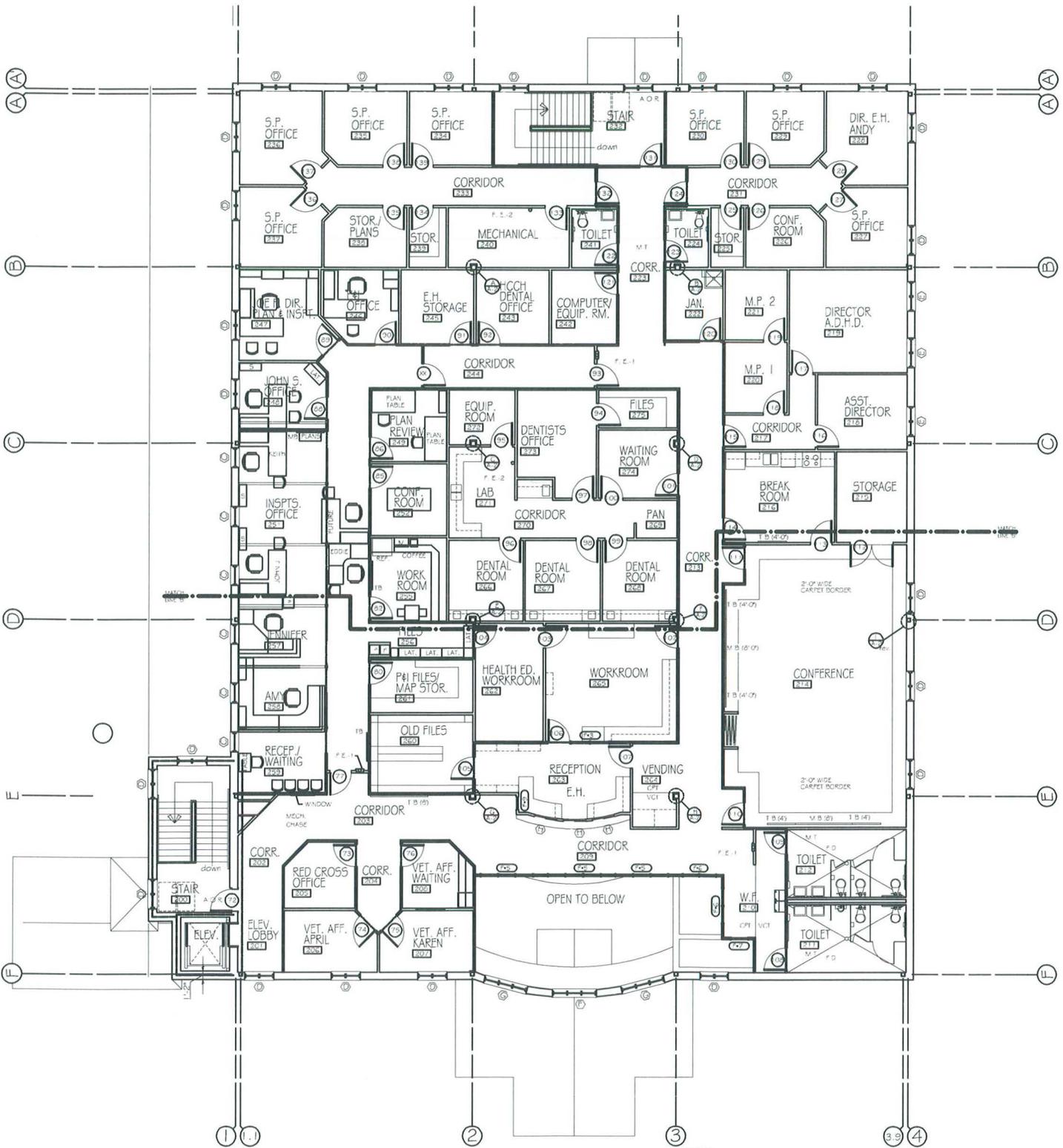


**SCHEME # 2**  
**UPPER LEVEL FLOOR PLAN**

1  
A-3

SCALE 1/8" = 1'-0"

- NOTES:**
- 1 F.E.-2 FIRE EXTINGUISHER TO BE LOCATED UP IN MECHANICAL MEZZANINE
  - 1 HOUR FIRE RATED WALL
  - A O R AREA OF RESCUE
  - M T MARBLE THRESHOLD
  - T B TACKBOARD (LENGTH)
  - M B
  - F D



**SCHEME # 2**  
**UPPER LEVEL FLOOR PLAN**  
 SCALE 1/8" = 1'-0"

- NOTES:
- 1 F.E. 2 FIRE EXTINGUISHER TO BE LOCATED UP IN MECHANICAL MEZZANINE
  - 1 HOUR FIRE RATED WALL
  - A O R AREA OF RESCUE
  - M T MARBLE THRESHOLD
  - T B TACKBOARD (LENGTH)
  - M B MARKER BOARD (LENGTH)
  - F D FLOOR DRAIN

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**AGENDA ITEM 7:**

**MAINTENANCE MATTERS**

***B. HVAC Bid Award Request for Winkler's Creek Facility – New License Plate and Maintenance Offices***

**MANAGER'S COMMENTS:**

The County recently solicited four (4) bids for the replacement of the HVAC equipment and duct work at the Winkler's Creek Facility. Mr. Robert Marsh will request the Board accept the lowest responsive bidder HVAC Inc.'s bid in the amount of \$23,801 for the replacement of the HVAC system. Adequate funds have been budgeted to cover this expense.

Board action is required to award the bid for the replacement of the HVAC system at the Winkler's Creek Facility to HVAC Inc. in the amount of \$23,801.



## WATAUGA COUNTY MAINTENANCE DEPARTMENT

969 West King St., Boone, NC 28607 - Phone (828) 264-1430  
Fax (828) 264-1473

TO: Deron Geouque, County Manager  
FROM: Robert Marsh, Maintenance Director  
DATE: April 7, 2017  
RE: Winkler's Creek Facility



### BACKGROUND

Watauga County Maintenance is currently remodeling the Old AppalCart facility, now rebranded as the Winkler's Creek Facility. During demolition a decision was made to remove the existing heating and air condition equipment that serves the front office area due to age and poor condition.

Local and regional HVAC contractors that have worked for the County on previous jobs were invited to visit the work site to measure and make calculations to be used to determine a price for a replacement electric heat pump system with natural gas backup heat. The County received four proposals that were judged to be practical solutions for the project. The proposals included two five-ton heat pumps with two 120,000btu, 95% efficient, natural gas furnaces along with new insulated ductwork, digital thermostats and equipment pads.

### BID SUMMARY

VENDOR	BRAND OF EQUIPMENT	TOTAL COST
HVAC Inc. Bristol, TN	Carrier	\$23,801
Boone Heating and Cooling Boone, NC	Carrier	\$26,285
Mtn. Heating and Cooling Boone, NC	Trane	\$26,404
Edmisten Heating and Cooling Boone, NC	Rheem	\$30,342

### RECOMMENDATION

Staff recommends the County award the bid to the low bidder, HVAC Inc., for a fixed contract amount of \$23,801. HVAC Inc. can begin this within two weeks of the bid award.

### FISCAL IMPACT

The Board of County Commissioners approved sufficient funds in the FY 16-17 Maintenance budget to pay for Winkler's Creek Facility renovations.

## *PROPOSAL*

To: Watauga County  
Project: New Maintenance Bldg. – Dual Fuel Systems  
Date: 4/6/17  
Attn: Robert Marsh

## *SCOPE*

HVAC Inc. is pleased to offer equipment, labor and material for service provided as listed below:

- Install (2) new Carrier gas 95% 120k BTU gas furnaces, coils and 5 Ton HP condensers
- Install (2) new metal duct systems wrap externally
- Includes takeoffs, flex, grilles and registers
- Tie into existing fresh air for minimal fresh air requirements
- Install new copper insulated lineset to each system
- Install (2) new Honeywell Pro 8000 WiFi thermostats
- Leak check and charge with refrigerant
- Start up and verify operation
- Factory warranty of 5 year compressor and 1 year parts applies
- Includes all permits

No gas piping, use existing gas piping – minimal tie in.

**Total . . . \$ 23,801.00**

Please call with any questions. Proposal valid for 30 days. Payment due upon completion of work.

Sincerely,

*Brian Wilson*  
*HVAC Inc.*

Customer

Acceptance \_\_\_\_\_ Date \_\_\_\_\_

PO # \_\_\_\_\_

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**AGENDA ITEM 7:****MAINTENANCE MATTERS*****C. Change Order Request for LEC Water and Sewer Project*****MANAGER'S COMMENTS:**

In October, the Board awarded a contract to Iron Mountain to upgrade the sewer lift station at the Watauga County Law Enforcement Center. Subsequent to this, the County solicited bids for upgrading a portion of the existing water service at the Law Enforcement Center. Iron Mountain was the lowest responsive bidder for this project as well. In an effort to expedite the water project and realize a cost savings; staff is requesting the Board authorize a change order to Iron Mountain's current contract in the amount of \$51,724.

Funds from the administrative contingency have been identified to cover the expense. Board action is required to approve Iron Mountain's change order in the amount \$51,724 for upgrade/replacement of a portion of the existing water line at the Law Enforcement Center.



# WATAUGA COUNTY

## MAINTENANCE DEPARTMENT

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969 West King St., Boone, NC 28607 - Phone (828) 264-1430  
Fax (828) 264-1473

TO: Deron Geouque, County Manager

FROM: Robert Marsh, Maintenance Director

DATE: April 12, 2017

RE: Change Order Request for LEC Water and Sewer Project

### **BACKGROUND**

Iron Mountain Construction was awarded a bid on October 4, 2016, to upgrade the sewer lift station at the Watauga County Law Enforcement Center. Construction for this work is scheduled to begin April 18, 2017. Iron Mountain was also low bidder for an upgrade to the existing water service. The upgrade will allow for separate metering and control of the buildings when complete.

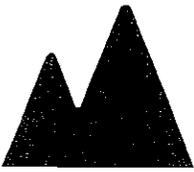
To expedite the water meter upgrade, staff recommends that Iron Mountain be awarded the work through the contract that is in place for the lift station upgrade by means of Change Order. The scope of the work included in the Change Order was bid in 2016, and Iron Mountain was low bidder.

### **BID RESULTS**

Iron Mountain	\$51,724
Harris Construction	\$69,480
Kemp Const	Did not bid

### **RECOMMENDATION**

Staff recommends that the County accept a Change Order Request from Iron Mountain Construction in the amount of \$51,724 for improvements to the Law Enforcement Center water service.



# IRON MOUNTAIN CONSTRUCTION CO., INC.

"SAFETY & QUALITY 1ST"  
SINCE 1989

041817 BCC Meeting

SAMUEL E. IGENHOUR, PRESIDENT  
KIMBERLY E. HAYWORTH, CEO/ SECRETARY

June 6, 2016

Mr. Robert Marsh

Watauga County

Bid for: Watauga County Detention Facility Water Service Upgrade

---

Item	Quantity	Unit Price	Total
1. Mobilization	lump sum	1375.00	1375.00
2. 4"x4" Tapping Sleeve & Valve	1 each	5669.00	5669.00
3. 4" Ductile Iron Pipe restrained Waterline 100 lf		55.00	5500.00
4. 4"x4" MJ Tee	5 each	330.00	1650.00
5. 4" MJ Bends	4 each	300.00	1200.00
6. 2" Gate Valve & box	6 each	550.00	3300.00
7. 2" K copper	80 lf	50.00	4000.00
8. 2" Meter in jumbo meter box	3 each	3650.00	10,950.00
9. 4" gate valve & box	2 each	880.00	1760.00
10. 4" Ross PRV in 4'x4' concrete box with ring & cover	1 each	9670.00	9670.00
11. 2" Ross PRV in jumbo meter box	1 each	5400.00	5400.00
12. Clean up and seed	lump sum	1250.00	1250.00
Total quote:			\$51,724.00

Respectfully submitted:

IRON MOUNTAIN CONSTRUCTION CO.,INC.

NC # 26784 PU Unlimited

Samuel E. Igenhour

President

LICENSED: NC, TN, VA & SC  
NCDOT PREQUALIFIED CONTRACTOR  
NC HUB CERTIFIED WBE  
TN CERTIFIED WBE

(423)727-4483  
(423) 727-4200 FAX

P.O. BOX 24, MOUNTAIN CITY, TN 37683  
601 HOSPITAL RD, MOUNTAIN CITY, TN 37683  
www.ironmtnc.com

**JAMES E. HARRIS CONSTRUCTION COMPANY, INC.**

P.O. Box 693  
Huntersville, NC 28070

(704) 948-4033  
FAX (704) 948-4027

**PROPOSAL/CONTRACT**

To: Watauga County  
ATTN: Robert Marsh

Date: July 26, 2016

Project: Watauga County Law Enforcement Center Pump Station Relocation  
Project Location: Boone, NC  
Owner: Watauga County  
Engineer: N/A

We propose to furnish materials, labor, and equipment to construct the items herein listed:

Renovate existing sewage pump station including: Mobilization, pumping and hauling as necessary, installation of an emergency bypass connection on the existing force main just outside of the existing wet well, bypass pumping during construction, two new Barnes 7.5 Hp grinder pumps, all new stainless steel piping and guide rails in existing wet well and out to the new emergency bypass connection, four new float switches, connection to existing pump control panel, and start up and testing by factory representative.

Lump Sum Price.....\$84,069.00

Add new 4' x 4' valve vault outside of existing wet well to hold all valves and emergency connection.

Add.....\$ 9,532.00

Replace existing control panel with new control panel and install two new ABS or Hydromatic pumps in lieu of Barnes pumps.

Add.....\$15,175.00

\* \* Water service repair and replacement complete per Drawing No. C-1 and C-2 by Municipal Engineering.

Lump Sum Price.....\$69,480.00

Notes: If you would like us to bond our portion of the work, add 1 1/2% to the prices above.  
Watauga County to provide all water meters (we will provide meter box and yoke).

**AGENDA ITEM 8:**

**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 reports are 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 March 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>
<b>General County</b>					
Taxes 2016	550,356.85	41.07%	26,148,854.43	97.16%	97.28%
Prior Year Taxes	25,069.61		460,239.84		
Solid Waste User Fees	59,530.02	32.14%	2,424,313.41	95.59%	95.77%
Green Box Fees	880.85	NA	6,893.42	NA	NA
<b>Total County Funds</b>	<b>\$635,837.33</b>		<b>\$29,040,301.10</b>		
<b>Fire Districts</b>					
Foscoe Fire	9,062.94	44.86%	448,503.50	97.65%	97.83%
Boone Fire	17,097.23	38.91%	858,786.21	97.13%	96.62%
Fall Creek Service Dist.	519.62	49.06%	9,075.17	94.36%	96.02%
Beaver Dam Fire	3,128.99	38.02%	99,895.61	95.31%	96.47%
Stewart Simmons Fire	6,392.91	69.26%	124,851.73	97.95%	97.16%
Zionville Fire	2,504.32	29.39%	107,209.57	95.04%	95.89%
Cove Creek Fire	5,167.83	32.70%	228,458.83	95.85%	96.33%
Shawneehaw Fire	2,074.03	45.49%	93,277.55	97.66%	97.59%
Meat Camp Fire	4,346.02	23.28%	191,837.97	93.68%	94.47%
Deep Gap Fire	3,486.94	29.79%	178,586.46	96.09%	96.48%
Todd Fire	1,163.06	37.51%	60,020.61	96.94%	96.66%
Blowing Rock Fire	10,068.03	44.28%	457,675.56	97.53%	97.37%
M.C. Creston Fire	233.77	23.48%	6,188.44	88.85%	84.55%
Foscoe Service District	998.84	43.31%	69,190.46	98.19%	97.38%
Beech Mtn. Service Dist.	0.14	0.36%	1,431.22	97.34%	99.83%
Cove Creek Service Dist.	0.00	0.00%	324.15	100.00%	100.00%
Shawneehaw Service Dist	858.88	54.92%	5,792.10	88.96%	91.05%
	<b>\$66,583.93</b>		<b>\$2,932,029.97</b>		
<b>Towns</b>					
Boone	98,326.92	48.22%	5,627,691.00	98.28%	98.44%
Municipal Services	2,290.30	27.93%	126,208.65	95.66%	96.89%
Boone MV Fee	0.00	NA	2,092.77	NA	NA
Blowing Rock	0.00	NA	2,465.40	NA	NA
Seven Devils	0.00	NA	1,532.21	NA	NA
Beech Mountain	0.00	NA	5,036.65	NA	NA
<b>Total Town Taxes</b>	<b>\$100,617.22</b>		<b>\$5,765,026.68</b>		
<b>Total Amount Collected</b>	<b>\$803,038.48</b>		<b>\$37,737,357.75</b>		

 Tax Collections Director

 Tax Administrator

**AGENDA ITEM 8:**

**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.

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WATAUGA COUNTY  
RELEASES - 03/01/2017 TO 03/31/2017

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OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE CHARGE	AMOUNT
1721948 APPALACHIAN PARTY RENTALS INC 1544 S BLOWING ROCK RD PO BOX 2392 BOONE, NC 28607	PP 2016	50	03/31/2017			0 F09	15.31
	99			F09		G01	95.81
	TAX RELEASES OUT OF BUSINESS				6068		111.12
1605217 BORUM HEALTHCARE, LLC DBA GLENBRIDGE HEALTH & RHAB. PO BOX 2150 BOONE, NC 28607	PP 2015	3158	03/31/2017			0 G01	903.69
	605217999			C02		C02	1,183.75
	REFUND RELEASE BUSINESS BANKRUPT LISTED LYNNHAVEN				6050		2,087.44
1605217 BORUM HEALTHCARE, LLC DBA GLENBRIDGE HEALTH & RHAB. PO BOX 2150 BOONE, NC 28607	PP 2016	3272	03/31/2017			0 G01	800.37
	605217999			C02		C02	1,048.41
	TAX RELEASES BUSINESS WAS LISTING 2 DIFFERENT NAMES				6049		1,848.78
1612400 CLARK KEEFE RECRUITERS INC 895 STATE FARM ROAD BLDING 200 STE. 201 BOONE, NC 28607	PP 2014	3340	03/31/2017			0 G01	20.91
	612400999			C02		C02	27.39
	TAX RELEASES OUT OF BUSINESS				6073	G01L	2.09
						C02L	2.74
							53.13
1612400 CLARK KEEFE RECRUITERS INC 895 STATE FARM ROAD BLDING 200 STE. 201 BOONE, NC 28607	PP 2015	3266	03/31/2017			0 G01	20.91
	612400999			C02		C02	27.39
	TAX RELEASES OUT OF BUSINESS				6072	G01L	2.09
						C02L	2.74
							53.13
1612400 CLARK KEEFE RECRUITERS INC 895 STATE FARM ROAD BLDING 200 STE. 201 BOONE, NC 28607	PP 2016	3375	03/31/2017			0 G01	20.91
	612400999			C02		C02	27.39
	TAX RELEASES OUT OF BUSINESS				6071		48.30
1701170 EBERHARD, THEODORE M 283 NEW WAY RD BOONE, NC 28607	PP 2014	2	03/31/2017			0 SWF	-80.00
	12			F02		G01	-60.72
	TAX RELEASES				6058	F02	-9.70
	SOLD AND TAKEN TO TENNESSEE					G01L	-6.07
	Reversal of release			6056		F02L	-.97
							-157.46

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OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE JUR	REF NO	VALUE CHARGE	AMOUNT
1701170 EBERHARD, THEODORE M 283 NEW WAY RD BOONE, NC 28607	PP 2014 12 TAX RELEASES SOLD AND TAKEN TO TENNESSEE	2	03/31/2017 F02	6056	0 SWF G01 F02 G01L F02L	80.00 60.72 9.70 6.07 .97 <hr/> 157.46
1701170 EBERHARD, THEODORE M 283 NEW WAY RD BOONE, NC 28607	PP 2015 12 TAX RELEASES SOLD 2014 MOVED TO TENNESSEE	2	03/31/2017 F02	6059	0 SWF G01 F02 G01L F02L	80.00 60.72 9.70 6.07 .97 <hr/> 157.46
1701170 EBERHARD, THEODORE M 283 NEW WAY RD BOONE, NC 28607	PP 2016 12 TAX RELEASES SOLD AND MOVED TO TENNESSEE	2	03/31/2017 F02	6057	0 SWF G01 F02 G01L F02L	80.00 60.72 11.64 6.07 1.16 <hr/> 159.59
1542309 FROST, KENNETH C/O NANCY FROST 111 PAUL CRITCHER DR BOONE, NC 28607	PP 2016 855897100 TAX RELEASES SOLD MH TO JUDY GREENE IN 2015	3900	03/31/2017 F01	6070	9,290 F01 G01 SWF	4.65 29.08 80.00 <hr/> 113.73
1640858 GALICIA, SOCORRO C/O GALICIA, SAMUEL 416 BETTY'S CIRCLE BOONE, NC 28607	PP 2014 640858999 TAX RELEASES MH TORN DOWN IN 2012	3744	03/31/2017 F11	6067	0 SWF G01 F11 G01L F11L	80.00 3.35 .75 .34 .08 <hr/> 84.52
1640858 GALICIA, SOCORRO C/O GALICIA, SAMUEL 416 BETTY'S CIRCLE BOONE, NC 28607	PP 2015 640858999 TAX RELEASES MH TORN DOWN	3646	03/31/2017 F11	6066	0 SWF G01 F11 G01L F11L	80.00 3.35 .75 .34 .08 <hr/> 84.52

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RELEASES - 03/01/2017 TO 03/31/2017

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OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE	CHARGE	AMOUNT
1619281 GOLDSTEIN, KAY M GOLDSTEIN, KARI JANE 60 SHORECREST CT  PORT TOWNSEND, WA 98368-	PP 2016 511 TAX RELEASES CONDO SOLD IN 2015 NO PERSONAL PROPERTY	243	03/31/2017	C05	6045	0	G01	11.67
1561546 LILLY, ARNOLD R JR  174 CORNERSTONE LANE  DEEP GAP, NC 28618	PP 2014 561546999 TAX RELEASES SOLD IN 2012 MOVED TO ASHE	2670	03/31/2017	F10	6053	0	SWF G01 F10 G01L F10L	80.00 12.93 2.07 1.29 .21
								96.50
1561546 LILLY, ARNOLD R JR  174 CORNERSTONE LANE  DEEP GAP, NC 28618	PP 2015 561546999 TAX RELEASES SOLD IN 2012 MOVED TO ASHE	2633	03/31/2017	F10	6054	0	SWF G01 F10 G01L F10L	80.00 12.93 2.07 1.29 .21
								96.50
1561546 LILLY, ARNOLD R JR  174 CORNERSTONE LANE  DEEP GAP, NC 28618	PP 2016 561546999 TAX RELEASES SOLD MH IN 2012 MOVED TO ASHE	2782	03/31/2017	F10	6055	0	SWF G01 F10 G01L F10L	80.00 12.93 2.07 1.29 .21
								96.50
1634029 MERIDIAN TIMBERWORKS INC.  239 WILDWOOD LN  BOONE, NC 28607	PP 2016 634029999 TAX RELEASES OUT OF BUSINESS	3614	03/31/2017	C02	6046	0	G01 C02	31.52 41.29
								72.81
1640752 MOUNTAIN RENTALS  C/O JOHN WHITE 588 DICK WATSON RD DEEP GAP, NC 28618	PP 2013 640752999 TAX RELEASES MH SOLD IN 2011 AND 2012 13 TOTAL BRADFORD MH PARK	2717	03/31/2017	F02	6041	71,430	SWF GB G01 F02	806.00 325.00 223.58 35.72
								1,390.30
1640752 MOUNTAIN RENTALS  C/O JOHN WHITE 588 DICK WATSON RD DEEP GAP, NC 28618	PP 2014 640752999 TAX RELEASES MH SOLD 2011 2012 2013 15 TOTAL BRADFORD MH PARK	3727	03/31/2017	F02	6042	80,200	SWF G01 F02	1,200.00 251.03 40.10
								1,491.13

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OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE CHARGE	AMOUNT
1640752 MOUNTAIN RENTALS C/O JOHN WHITE 588 DICK WATSON RD DEEP GAP, NC 28618	PP 2015 640752999 TAX RELEASES MH SOLD IN 2011 2012 2013 2014 BRADFORD MH PARK	3632	03/31/2017	F02	6043	91,205 SWF G01 F02	1,360.00 285.47 45.60 <hr/> 1,691.07
1640752 MOUNTAIN RENTALS C/O JOHN WHITE 588 DICK WATSON RD DEEP GAP, NC 28618	PP 2016 640752999 TAX RELEASES MH SOLD 2011 2012 2013 2014 2015 BRADFORD MH PARK	3724	03/31/2017	F02	6044	0 SWF G01 F02 G01L F02L	1,440.00 301.07 57.71 30.11 5.77 <hr/> 1,834.66
1701638 NC ASSETS LLC 139 CHARLES ST BOONE, NC 28607	RE 2014 2817-13-1860-000 REFUND RELEASE INCORRECT ACREAGE	24864	03/31/2017	C03	6062	105,200 G01	329.28
1701638 NC ASSETS LLC 139 CHARLES ST BOONE, NC 28607	RE 2014 2817-13-1966-000 REFUND RELEASE INCORRECT ACREAGE	24865	03/31/2017	C03	6065	11,400 G01	35.68
1701638 NC ASSETS LLC 139 CHARLES ST BOONE, NC 28607	RE 2015 2817-13-1860-000 REFUND RELEASE INCORRECT ACREAGE	24879	03/31/2017	C03	6061	105,200 G01	329.28
1701638 NC ASSETS LLC 139 CHARLES ST BOONE, NC 28607	RE 2015 2817-13-1966-000 REFUND RELEASE INCORRECT ACREAGE	24880	03/31/2017	C03	6064	11,400 G01	35.68
1701638 NC ASSETS LLC 139 CHARLES ST BOONE, NC 28607	RE 2016 2817-13-1860-000 REFUND RELEASE INCORRECT ACREAGE	24915	03/31/2017	C03	6060	105,200 G01	329.28

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OWNER NAME AND ADDRESS	CAT YEAR PROPERTY REASON	BILL	EFF DATE	JUR	REF NO	VALUE CHARGE	AMOUNT
1701638 NC ASSETS LLC 139 CHARLES ST BOONE, NC 28607	RE 2016 2817-13-1966-000 REFUND RELEASE INCORRECT ACREAGE	24916	03/31/2017	C03	6063	11,400 G01	35.68
1613600 ROBERT CHARLES SALON ROBERT BAIRD 742 W KING STREET BOONE, NC 28607	PP 2016 613600999 TAX RELEASES OUT OF BUSINESS	3427	03/31/2017	C02	6069	0 G01 C02	18.50 24.23 <hr/> 42.73
1513162 SIMPLY TAN 208 C FACULTY ST BOONE, NC 286074199	PP 2015 513162999 TAX RELEASES OUT OF BUSINESS 2014	2036	03/31/2017	C02	6052	0 G01 C02	46.73 61.21 <hr/> 107.94
1513162 SIMPLY TAN 208 C FACULTY ST BOONE, NC 286074199	PP 2016 513162999 TAX RELEASES OUT OF BUSINESS IN 2014	2206	03/31/2017	C02	6051	0 G01 C02	46.73 61.21 <hr/> 107.94
1760726 SKYLINE TELEPHONE MEMBERSHIP CORPORATION 1200 NC HWY 194 N WEST JEFFERSON, NC 28694	RE 2016 2910-13-8130-000 TAX RELEASES SHOULD HAVE BEEN EXEMPT	37630	03/31/2017	C02	6047	0 C02 G01	2,297.64 1,754.05 <hr/> 4,051.69
19245 STATE OF NORTH CAROLINA 1321 MAIL SERVICE CENTER RALEIGH, NC 27699-1321	RE 2016 2905-75-7486-000 TAX RELEASES SHOULD HAVE BEEN EXEMPT STATE OWNED	37179	03/31/2017	FX9	6038	0 FX9 G01	15.75 98.60 <hr/> 114.35
1753063 SUMMIT AT LOST RIDGE OWNERS ASSOCIATION PO BOX 1591 AUGUSTA, GA 30903	RE 2016 1973-59-8805-000 TAX RELEASES EXCLUDED/Common Area	16667	03/31/2017	F04	6039	13,700 F04 G01	6.85 42.88 <hr/> 49.73
DETAIL SUMMARY	COUNT: 34	RELEASES - TOTAL				615,625	17,152.12

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RELEASES - 03/01/2017 TO 03/31/2017

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RELEASES - CHARGE SUMMARY FOR ALL CLERKS

YEAR	CAT	CHARGE	AMOUNT	
2013	PP	F02	BOONE FIRE PP	35.72
2013	PP	G01	WATAUGA COUNTY PP	223.58
2013	PP	GB	GREEN BOX PP	325.00
2013	PP	SWF	SOLID WASTE PP	806.00
2013 TOTAL			1,390.30	
2014	RE	G01	WATAUGA COUNTY RE	364.96
2014	PP	C02	BOONE PP	27.39
2014	PP	C02L	BOONE LATE LIST	2.74
2014	PP	F02	BOONE FIRE PP	40.10
2014	PP	F02L	BOONE FIRE LATE LIST	.00
2014	PP	F10	DEEP GAP FIRE PP	2.07
2014	PP	F10L	DEEP GAP FIRE LATE LIST	.21
2014	PP	F11	TODD FIRE PP	.75
2014	PP	F11L	TODD FIRE LATE LIST	.08
2014	PP	G01	WATAUGA COUNTY PP	288.22
2014	PP	G01L	WATAUGA COUNTY LATE LIST	3.72
2014	PP	SWF	SOLID WASTE USER FEE	1,360.00
2014 TOTAL			2,090.24	
2015	RE	G01	WATAUGA COUNTY RE	364.96
2015	PP	C02	BOONE PP	1,272.35
2015	PP	C02L	BOONE LATE LIST	2.74
2015	PP	F02	BOONE FIRE PP	55.30
2015	PP	F02L	BOONE FIRE LATE LIST	.97
2015	PP	F10	DEEP GAP FIRE PP	2.07
2015	PP	F10L	DEEP GAP FIRE LATE LIST	.21
2015	PP	F11	TODD FIRE PP	.75
2015	PP	F11L	TODD FIRE LATE LIST	.08
2015	PP	G01	WATAUGA COUNTY PP	1,333.80
2015	PP	G01L	WATAUGA COUNTY LATE LIST	9.79
2015	PP	SWF	SANITATION USER FEE	1,600.00
2015 TOTAL			4,643.02	
2016	RE	C02	BOONE RE	2,297.64
2016	RE	F04	BEAVER DAM FIRE RE	6.85
2016	RE	FX9	MEAT CAMP/CRESTON SERV DIST RE	15.75
2016	RE	G01	WATAUGA COUNTY RE	2,260.49
2016	PP	C02	BOONE PP	1,202.53
2016	PP	F01	FOSCOE FIRE PP	4.65
2016	PP	F02	BOONE FIRE PP	69.35
2016	PP	F02L	BOONE FIRE LATE LIST	6.93
2016	PP	F09	MEAT CAMP FIRE PP	15.31
2016	PP	F10	DEEP GAP FIRE PP	2.07
2016	PP	F10L	DEEP GAP FIRE LATE LIST	.21
2016	PP	G01	WATAUGA COUNTY PP	1,429.31
2016	PP	G01L	WATAUGA COUNTY LATE LIST	37.47
2016	PP	SWF	SANITATION USER FEE	1,680.00
2016 TOTAL			9,028.56	
SUMMARY TOTAL			17,152.12	

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WATAUGA COUNTY  
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RELEASES - JURISDICTION SUMMARY FOR ALL CLERKS

JUR	YEAR	CHARGE	AMOUNT
C02	2014	C02 BOONE PP	27.39
C02	2014	C02L BOONE LATE LIST	2.74
C02	2014	G01 WATAUGA COUNTY PP	20.91
C02	2014	G01L WATAUGA COUNTY LATE LIST	2.09
C02	2015	C02 BOONE PP	1,272.35
C02	2015	C02L BOONE LATE LIST	2.74
C02	2015	G01 WATAUGA COUNTY PP	971.33
C02	2015	G01L WATAUGA COUNTY LATE LIST	2.09
C02	2016	C02 BOONE PP	3,500.17
C02	2016	G01 WATAUGA COUNTY PP	2,672.08
		C02 TOTAL	8,473.89
C03	2014	G01 WATAUGA COUNTY RE	364.96
C03	2015	G01 WATAUGA COUNTY RE	364.96
C03	2016	G01 WATAUGA COUNTY RE	364.96
		C03 TOTAL	1,094.88
C05	2016	G01 WATAUGA COUNTY PP	11.67
		C05 TOTAL	11.67
F01	2016	F01 FOSCOE FIRE PP	4.65
F01	2016	G01 WATAUGA COUNTY PP	29.08
F01	2016	SWF SANITATION USER FEE	80.00
		F01 TOTAL	113.73
F02	2013	F02 BOONE FIRE PP	35.72
F02	2013	G01 WATAUGA COUNTY PP	223.58
F02	2013	GB GREEN BOX PP	325.00
F02	2013	SWF SOLID WASTE PP	806.00
F02	2014	F02 BOONE FIRE PP	40.10
F02	2014	F02L BOONE FIRE LATE LIST	.00
F02	2014	G01 WATAUGA COUNTY PP	251.03
F02	2014	G01L WATAUGA COUNTY LATE LIST	.00
F02	2014	SWF SOLID WASTE USER FEE	1,200.00
F02	2015	F02 BOONE FIRE PP	55.30
F02	2015	F02L BOONE FIRE LATE LIST	.97
F02	2015	G01 WATAUGA COUNTY PP	346.19
F02	2015	G01L WATAUGA COUNTY LATE LIST	6.07
F02	2015	SWF SANITATION USER FEE	1,440.00
F02	2016	F02 BOONE FIRE PP	69.35
F02	2016	F02L BOONE FIRE LATE LIST	6.93
F02	2016	G01 WATAUGA COUNTY PP	361.79
F02	2016	G01L WATAUGA COUNTY LATE LIST	36.18
F02	2016	SWF SANITATION USER FEE	1,520.00
		F02 TOTAL	6,724.21
F04	2016	F04 BEAVER DAM FIRE RE	6.85
F04	2016	G01 WATAUGA COUNTY RE	42.88
		F04 TOTAL	49.73

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WATAUGA COUNTY  
RELEASES - 03/01/2017 TO 03/31/2017

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RELEASES - JURISDICTION SUMMARY FOR ALL CLERKS

JUR	YEAR	CHARGE	AMOUNT
F09	2016	F09 MEAT CAMP FIRE PP	15.31
F09	2016	G01 WATAUGA COUNTY PP	95.81
F09 TOTAL			111.12
F10	2014	F10 DEEP GAP FIRE PP	2.07
F10	2014	F10L DEEP GAP FIRE LATE LIST	.21
F10	2014	G01 WATAUGA COUNTY PP	12.93
F10	2014	G01L WATAUGA COUNTY LATE LIST	1.29
F10	2014	SWF SOLID WASTE USER FEE	80.00
F10	2015	F10 DEEP GAP FIRE PP	2.07
F10	2015	F10L DEEP GAP FIRE LATE LIST	.21
F10	2015	G01 WATAUGA COUNTY PP	12.93
F10	2015	G01L WATAUGA COUNTY LATE LIST	1.29
F10	2015	SWF SANITATION USER FEE	80.00
F10	2016	F10 DEEP GAP FIRE PP	2.07
F10	2016	F10L DEEP GAP FIRE LATE LIST	.21
F10	2016	G01 WATAUGA COUNTY PP	12.93
F10	2016	G01L WATAUGA COUNTY LATE LIST	1.29
F10	2016	SWF SANITATION USER FEE	80.00
F10 TOTAL			289.50
F11	2014	F11 TODD FIRE PP	.75
F11	2014	F11L TODD FIRE LATE LIST	.08
F11	2014	G01 WATAUGA COUNTY PP	3.35
F11	2014	G01L WATAUGA COUNTY LATE LIST	.34
F11	2014	SWF SOLID WASTE USER FEE	80.00
F11	2015	F11 TODD FIRE PP	.75
F11	2015	F11L TODD FIRE LATE LIST	.08
F11	2015	G01 WATAUGA COUNTY PP	3.35
F11	2015	G01L WATAUGA COUNTY LATE LIST	.34
F11	2015	SWF SANITATION USER FEE	80.00
F11 TOTAL			169.04
FX9	2016	FX9 MEAT CAMP/CRESTON SERV DIST RE	15.75
FX9	2016	G01 WATAUGA COUNTY RE	98.60
FX9 TOTAL			114.35
SUMMARY TOTAL			17,152.12

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**AGENDA ITEM 9:**

**FINANCE MATTERS**

*A. Proposed Juvenile Crime Prevention Council (JCPC) Budget Amendment*

**MANAGER'S COMMENTS:**

Ms. Margaret Pierce, Finance Director, will request the Board approve a revised Juvenile Crime Prevention Council (JCPC) FY 2016-17 Funding Allocation form. One of the original programs was unable to fully expend funds so the Council is requesting to transfer \$1,288 to the Administrative line to be used for a State of the Child event and other miscellaneous expenses. No additional County funding is required.

Board approval of the revised funding allocation is requested.



## WATAUGA COUNTY FINANCE OFFICE

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814 West King St., Room 216 - Boone, NC 28607 - Phone (828) 265-8007 Fax (828) 265-8006

### MEMORANDUM

**TO:** Deron Geouque, County Manager  
**FROM:** Margaret Pierce, Finance Director  
**SUBJECT:** JCPC Budget Change  
**DATE:** April 11, 2017

Attached please find a revised Juvenile Crime Prevention Council 2016-17 Funding Allocation form. Crossnore was not able to fully utilize the funds awarded so the Council is requesting the \$1,288 be transferred to the Administrative line to be used for a State of the Child event and other miscellaneous expenses.

I will be available for any questions and to present this request. Board approval of the revised Funding Allocation is requested.

# Watauga County

## NC DPS - Community Programs - County Funding Plan

Available Funds: \$     \$114,285     Local Match: \$     \$33,180     Rate:     30%    

DPS JCPC funds must be committed with a Program Agreement submitted in NC Allies and electronically signed by authorized officials.

#	Program Provider	DPS-JCPC Funding	LOCAL FUNDING			OTHER	OTHER	Total	% Non DPS-JCPC Program Revenues
			County Cash Match	Local Cash Match	Local In-Kind	State/Federal	Funds		
1	JCPC Administrative Funds	\$3,688						\$3,688	
2	Juvenile Mediation	\$10,750	\$3,225					\$13,975	23%
3	Project Challenge	\$42,595	\$12,779					\$55,374	23%
4	Youth Resource Center	\$42,475	\$12,743					\$55,218	23%
5	Crossnore School	\$14,777	\$4,433					\$19,210	23%
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
<b>TOTALS:</b>		<b>\$114,285</b>	<b>\$33,180</b>					<b>\$147,465</b>	<b>23%</b>

**The above plan was derived through a planning process by the     Watauga     County  
 Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in FY     2016-2017    .**

Amount of Unallocated Funds \_\_\_\_\_

Amount of funds reverted back to DPS \_\_\_\_\_

Discretionary Funds added \_\_\_\_\_

check type     initial plan     update     final

-----DPS Use Only-----	
Reviewed by _____ Area Consultant	_____ Date
Reviewed by _____ Program Assistant	_____ Date
Verified by _____ Designated State Office Staff	_____ Date

\_\_\_\_\_  
 Chairperson, Juvenile Crime Prevention Council    (Date)

\_\_\_\_\_  
 Chairperson, Board of County Commissioners    (Date)  
 or County Finance Officer

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**AGENDA ITEM 9:****FINANCE MATTERS*****B. Budget Amendment*****MANAGER'S COMMENTS:**

Ms. Margaret Pierce will request the Board recognize additional revenues related to the Medicaid Hold Harmless funds. Over the last two (2) years, staff has incrementally increased the funds budgeted to be received from the State for the Medicaid Hold Harmless. Sales tax collection and Medicaid expenses affect the amount received by the County. Staff is conservative in the amounts budgeted for these funds due to the uncertainty in sales tax collection and Medicaid expenses and the State's history of withholding or reducing funds designated for Counties. A perfect example is Lottery funds in which the State has not upheld their statutory commitment.

The additional \$400,000 to be recognized will be utilized for the County to continue the catch up process on capital needs that were not able to be met over the last several years due to the economic downturn. Staff will provide a budget amendment at a future meeting detailing a list of capital projects and items.

Board approval is requested to recognize \$400,000 in additional revenue from the Medicaid Hold Harmless.



## WATAUGA COUNTY FINANCE OFFICE

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814 West King St., Room 216 - Boone, NC 28607 - Phone (828) 265-8007 Fax (828) 265-8006

### MEMORANDUM

**TO: Deron T. Geouque, County Manager**  
**FROM: Margaret Pierce, Finance Director**  
**SUBJECT: Request to recognize additional revenues**  
**DATE: April 13, 2017**

The County budgets Medicaid Hold Harmless funds granted by the State as part of the transfer of Medicaid expenses in exchange for revenues from Article 44 local sales tax. The County receives payment for a portion of the difference in Medicaid expenses the State incurs and the revenues generated by sales tax.

For Fiscal Year 2016-17, County staff budgeted revenue for Medicaid Hold Harmless in the amount of \$1,134,500 based on State projections. Ninety percent of the estimated funds are disbursed by the State in March of each year with the balance settled in August after total fiscal year actual amounts are determined. Due to increased sales tax revenues and potentially lower Medicaid expenses, the amount received in March 2017 was \$1,540,907; \$406,407 more than anticipated.

Staff requests the Board recognize \$400,000 additional revenue from Medicaid Hold Harmless to allow for capital purchases during Fiscal Year 2016-17. A budget amendment would be brought in May for the specific items identified during the budget evaluation process as critical capital needs that could be purchased prior to June 30, 2017.

Board approval is requested.

**AGENDA ITEM 10:**

**MISCELLANEOUS ADMINISTRATIVE MATTERS**

*A. Proposed Resolution In Support of The State of the Child Forum*

**MANAGER'S COMMENTS:**

Per Commissioner request, a resolution has been drafted in support of the State of the Child Forum being held on May 5, 2017.

Board action is required to adopt the resolution as presented.

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

DRAFT

**Resolution In Support of the  
State of the Child Forum  
on  
May 5, 2017**

**WHEREAS**, research has shown that trauma negatively affects an individual's ability to learn, work, form positive relationships and achieve health; and

**WHEREAS**, the Board of County Commissioners acknowledges that local agencies, parents, and community members have significant roles in meeting the needs of children, especially in the areas of preventing, recognizing and treating trauma; and

**WHEREAS**, having a trauma informed community can contribute to positive outcomes within our county; and

**WHEREAS**, the Board of County Commissioners recognizes the State of the Child Forum as an effort to move Watauga County into becoming trauma informed.

**NOW THEREFORE BE IT RESOLVED** that the Watauga County Board of Commissioners request agency staff, community members, and others to attend, on May 5, 2017, the State of the Child Forum; participate in action planning during the Forum; and work to collaborate and coordinate more effective ways to prevent, recognize, and treat trauma in Watauga County.

**ADOPTED** this the 18<sup>th</sup> day of April, 2017.



\_\_\_\_\_  
John Welch, Chairman  
Watauga County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Anita J. Fogle, Clerk to the Board

**AGENDA ITEM 10:****MISCELLANEOUS ADMINISTRATIVE MATTERS*****B. Announcements*****MANAGER'S COMMENTS:**

A State of the Child Forum with the themes of Childhood Trauma and Trauma Informed Communities is scheduled for Friday May 5, 2017, from 8:00 A.M. until 4:30 P.M. at Boone United Methodist Church. The opening Keynote Speaker will be Dr. George "Tripp" Ake, a licensed psychologist who specializes in trauma and trauma treatment. Please see the attached email for more information.

The FY 2018 Proposed Budget will be presented at the May 2, 2017, Board meeting. Budget Work Sessions have been scheduled Thursday, May 4, 2017, from 10:00 A.M. to 5:00 P.M. and Monday, May 8, 2017, from 12:00 P.M. to 7:00 P.M. to review the Proposed Budget.

May 8 - 13, 2017, has been designated as "Community Pride Week" in Watauga County. Household Hazardous Waste Day will be held during the Community Pride Week on Saturday, May 13, 2017 from 8:00 AM to 12:00 PM. The Sheriff's Office will also be collecting unused medications, prescription or over-the-counter, at the three local Food Lion locations as well as Foscoe Fire Department on Saturday, May 13, 2017.

**Anita.Fogle**

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**Subject:** FW: State of the Child event in May

**From:** Christelle Marsh [<mailto:marshck@appstate.edu>]

**Sent:** Monday, January 30, 2017 10:44 AM

**To:** Deron.Geouque

**Subject:** State of the Child event in May

Dear Watauga County Commissioners,

I would like to make the Watauga County Commissioners aware of an incredible event I am part of organizing in our community. The State of the Child Forum with the themes of Childhood Trauma and Trauma Informed Communities is scheduled for Friday May 5, 2017 from 8:00-4:30 pm at Boone United Methodist Church. We all experience stress, but at what point does stress become toxic stress, impacting brain development in children?

The opening Keynote Speaker will be Dr. George "Tripp" Ake, a licensed psychologist who specializes in trauma and trauma treatment. The rest of the morning will feature speakers from local agencies who will provide details about trauma in our community and existing programs that address trauma prevention, intervention and treatment. Lunch will be provided. The afternoon will include mixed-group brainstorming sessions with trained facilitators. Closing our afternoon will be Tonier Cain, a globally known speaker with a focus on Trauma Informed Care.

**This community impact event seeks to bring together all sectors of our community including the medical community, the behavioral health system, law enforcement, media, politicians, juvenile justice, the school system, the Department of Social Services, Appalachian State University, the faith community, and other key stakeholders.** Pre-registration is requested and will be available in March. We would love for one of our county commissioners to make plans to join us to learn more about how trauma impacts our children. I am happy to attend one of your meetings open for public comment to share this information. I am also available via email to answer any questions.

Thank you for your time!

Christelle K. Marsh

[marshck@appstate.edu](mailto:marshck@appstate.edu)

Lead Toddler Teacher

Infant/Toddler Room 1

Lucy Brock Child Development Lab Program

Appalachian State University

ASU Box 32167

Boone, NC 28608

[\(828\) 262-8540](tel:8282628540) (room)

**AGENDA ITEM 11:**

**PUBLIC COMMENT**

**AGENDA ITEM 12:**

**BREAK**

**AGENDA ITEM 13:**

**CLOSED SESSION**

Attorney/Client Matters – G. S. 143-318.11(a)(3)  
Personnel Matters – G. S. 143-318.11(a)(6)