

**IREDELL COUNTY BOARD OF COMMISSIONERS  
REGULAR MINUTES  
SEPTEMBER 6, 2005**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, September 6, 2005, at 7:00 p.m., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

Present were:

Sara Haire Tice, Chairman  
Vice Chairman Godfrey Williams  
Steve Johnson  
Ken Robertson  
Marvin Norman

Staff present: County Manager Joel Mashburn, County Attorney Bill Pope, Deputy County Manager Susan Blumenstein, Planning Supervisor Steve Warren, and Clerk to the Board Jean Moore.

**CALL TO ORDER** by Chairman Tice.

**NATIONAL ANTHEM & INVOCATION:** The *Harmony for Fun* Barbershop Quartet performed "The Star-Spangled Banner" and provided the invocation.

**PLEDGE OF ALLEGIANCE**

**ADJUSTMENTS OF THE AGENDA:** MOTION by Chairman Tice to approve the agenda with the following revisions:

- Addition: ●Closed Session – G.S. 143-318.11(a) (4) for Economic Development  
Deletions: ●Request from the Harmony Mayor and Aldermen for Iredell County to Administer Zoning Inside the Town Limits (see briefing minutes)  
●Request from the Clerk of Court for a Discussion/Decision Regarding Video Arraignment Equipment for the Iredell County Government Center-South (This item was delayed until the Sept. 20 meeting.)

**RECOGNITION OF RETIREE NORMAN (JUNIOR) HOOVER:** Harlan Templeton, the Civil Supervisor for the Sheriff's Department, accompanied Retiree Junior Hoover to the meeting. Templeton said Hoover for the past 30 years had provided invaluable law enforcement service to the county. He said Mr. Hoover had served six different sheriffs, and during the course of employment had "distinguished himself many times." Templeton said a civil process server was one of the highest liability positions in law enforcement.

Chairman Tice also commended Deputy Hoover and wished him good health and much happiness in retirement. She presented a plaque to him and expressed appreciation for his many years of service.

**PUBLIC HEARING**

Chairman Tice declared the meeting to be in a public hearing.

**Proposed Amendments to the Iredell County Watershed Ordinance:** Planning Supervisor Warren said the watershed ordinance was adopted in 1993, and it was created with the use of a model document from the state. Warren said revisions were now in order, and they consisted of minor clerical corrections and some substantive changes. He reviewed the suggested changes as follows:

(additions are underlined and deletions are shown with the use of strikeouts)

**IREDELL COUNTY WATERSHED PROTECTION ORDINANCE**

**ARTICLE 100: AUTHORITY AND GENERAL REGULATIONS**

**Section 101. Authority and Enactment.**

The Legislature of the State of North Carolina has, in Chapter 153A, Article 6, Section 121, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The **Governing Board of Iredell County Board of Commissioners** does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of Iredell County. ~~This Ordinance may also be referred to be the "Watershed Ordinance" or the "Iredell County Watershed Ordinance".~~

**Section 102. Jurisdiction.**

The provisions of this Ordinance shall apply within the areas designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission and shall be defined and established on the map entitled, "Watershed Protection Map of Iredell County, North Carolina" ("the Watershed Map"), which is adopted simultaneously herewith. All areas governed by this Ordinance shall be located outside the planning jurisdiction of the **City of Statesville, North Carolina**, Town of Mooresville, North Carolina and the Town of Troutman, North Carolina. The Watershed Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance. This Ordinance shall be permanently kept on file in the office of the Iredell County Planning Department.

**Section 103. Exceptions to Applicability.**

- A. Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of Iredell County; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in Iredell County at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.
- B. It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.
- C. Existing development, as defined in this ordinance, is not subject to the requirements of this ordinance. Expansions to structures classified as existing development (~~on any lot other than a lot containing a single-family residence as the principal use~~) must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.
- ~~D. A pre-existing~~ **If a non-conforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this ordinance if it is an individual prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family-residential purposes without being subject to the restrictions of this ordinance. Any lot or parcel created as part of any type of subdivision that is exempt from local subdivision ordinance shall be subject to the land use requirements (including impervious surface requirements) of these rules, except that such a lot or parcel must meet the minimum buffer requirements to the maximum extent possible.** However, this exemption is not applicable to multiple contiguous lots under single ownership. Multiple contiguous undeveloped lots under single ownership to be developed for single-family purposes which are deficient in area (per the particular WS district requirement) will have to be combined in a manner so that the resultant lots meet the underlying zoning district requirements ~~or meet the following minimum area in unzoned areas.~~

<u>Lots Served By</u>	<u>Minimum Lot Area (sq. ft.)</u>
1. Both Public (or Community) Water and Sewer	15,000
2. Either Public (or Community) Water and Sewer	20,000
3. Neither Public (or Community) Water and Sewer	22,500

**Section 104. Criminal Penalties.**

Any person, firm, or corporation violating the provisions of this Ordinance shall, ~~upon conviction,~~ be guilty of a misdemeanor and **upon conviction**, shall be **punished in accordance with NCGS 14-4**, ~~fined an amount not to exceed five hundred (\$500.00) dollars and/or imprisoned for a period not to exceed thirty (30) days.~~ Each day ~~that the~~ of violation **continues shall constitute** ~~shall be considered a separate and distinct offense provided that the violation of this Ordinance is not corrected within ten (10) thirty (30) days after notice of said violation is given. Once the ten day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Planning Director.~~

The following penalties are hereby established:

<u>Warning Citation</u>	<u>Correct Violation Within Ten (10) Days</u>
First Citation	\$100.00
Second Citation	\$250.00

~~In addition to other remedies cited in this Ordinance for the enforcement of its provision, and pursuant to North Carolina General Statute 153A-123, the regulations and standards in this ordinance may be enforced through the issuance of civil penalties by the Planning Director.~~

~~Subsequent citations for the same violation may be issued by the Planning Director if the offender does not pay the citation (except as otherwise provided in a warning situation) after it has been issued unless the offender has sought an appeal to the actions of the Planning Director through the Board of Adjustment. Once the ten day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Planning Director.~~

~~If the offender fails to pay the civil penalties within five (5) days after having been cited, the County may recover the penalties in a civil action in the nature of debt.~~

~~In addition, the provisions of this Ordinance may be enforced by injunction and order of abatement. When a violation of the provisions of this Ordinance occurs, Iredell County, through the County Attorney or other official designated by the Board of County Commissioners of Iredell County, may apply to appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules and Civil Procedure.~~

~~In addition to an injunction, the Court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other moveable property be removed from buildings on the property; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the ordinance.~~

~~If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the Court, he may be cited for contempt and Iredell County may execute the order of abatement. If the County executes the order, it shall have a lien on the property, in the nature of a mechanic's and materialman's lien, for the costs of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.~~

~~The above remedies are cumulative, and Iredell County may pursue any or all of the same at its discretion.~~

#### **Section 105. Remedies.**

- A. **If any subdivision, development and/or land use is found to be in violation of this Ordinance, the Iredell County Board of Commissioners may, in addition to all other remedies available either in law or in equity, instate a civil penalty by giving seven (7) days to bring the violation into compliance and notifying that the penalty for the violation is \$100 for the first citation. If the owner comes into compliance within the seven (7) days, a \$100 penalty will be collected. If the owner or occupant fails to come into compliance, a second Citation will be issued extending the deadline by another seven (7) days and assessing a penalty of \$100 per day for each day the violation continues thereafter. Further failure to come into compliance will result in the case being submitted to the County Attorney for enforcement and potential legal action. In addition, the N.C. Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a). Each day that the violation continues shall constitute a separate offense.**
- B. If the ~~Planning Director~~ **Watershed Administrator** finds that any of the provisions of this ordinance are being violated, he shall **notify in writing** ~~send written notification or warning citation~~ to the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the ~~Planning Director~~ **Watershed Administrator** is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment in accordance with Section 5023 of this Ordinance.

#### **Section 106. Severability.**

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

#### **Section 107. Effective Date.**

This Ordinance shall take effect and be in force on January 1, 1994. The Ordinance was adopted on December 7, 1993 by the Iredell County Board of Commissioners.

#### ARTICLE 200: SUBDIVISION REGULATIONS.

Provisions in Section-are derived in part from North Carolina General Statutes Chapter 153A, Article 18, Part 2

Provisions in Article 200 shall apply only within the corporate limits of the Towns of Love Valley and Harmony. All others areas within the jurisdiction of this Ordinance (unincorporated areas not within the planning jurisdiction of another municipality) shall follow the subdivision regulations contained in the Iredell County Subdivision Ordinance.

##### Section 201. General Provisions.

- A. **No subdivision plat of land within the corporate limits of Love Valley and Harmony which lies within a the Public Water Supply Watershed designated District (as depicted on the "Watershed Map") shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this Article. 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 this Article.**
- B. The approval of a plat does not constitute or effect the acceptance by the [county][town] or the public of the dedication of any street or other ground, easement, right-of-way, public utility line, or other public facility shown on the plat and shall not be construed to do so.
- C. All subdivisions shall conform with the mapping requirements contained in G.S.47-30.
- D. All subdivisions of land within the jurisdiction of [county][town] after the effective date of this ordinance shall require a plat to be prepared, approved, and recorded pursuant to this ordinance.

##### Section 202. Subdivision Application and Review Procedures.

- A. All **proposed** subdivisions (as designated in Section 201) shall be reviewed prior to recording with the Register of Deeds by submitting a vicinity map to the Subdivision Administrator ~~Planning Director~~ to determine ~~1) whether or not the property is located within a designated Public Water Supply Watershed and 2) whether the proposed subdivision meets minimum standards as described in Section 203.~~ **Subdivisions that are not within the designated watershed area shall not be subject to the provisions of this ordinance and may be recorded provided the Subdivision Administrator signs the Certificate of Approval for recording. In addition, subdivisions within a WS-IV protected watershed are subject to the provisions of this Ordinance only when an erosion and sedimentation plan is required to be filed under the provisions of the North Carolina General Statutes State law, or approved an adopted local sedimentation control plan program. Subdivisions that are not within the designated watershed area shall not be subject to the provisions of this ordinance and may be recorded provided the Planning Director signs the vicinity map, noting such exemption. Subdivisions within the designated watershed area shall comply with the provisions of this Article and all other state and local requirements that may apply.**
- B. **Subdivision applications shall be filed with the Subdivision Administrator. The application shall include a completed application form, two (2) copies of the plat and supporting documentation deemed necessary by the Subdivision Administrator (see appendix A).**
- C. The ~~Planning Director~~ **Subdivision Administrator** shall **review the completed application and shall either have the authority to approve, approve conditionally or disapprove each application. the subdivision, if it meets the requirements of Section 203 by signing the vicinity map and noting his approval. The Subdivision Administrator shall take final action within thirty (30) days of submission of the application. The Subdivision Administrator may provide public agencies an opportunity to review and make recommendations. However, failure of the agencies to submit their comments and recommendations shall not delay action within the prescribed time limit.**
- D. **If the Subdivision Administrator approves the application, such approval shall be indicated on both copies of the plat by the following certificate and signed by the Subdivision Administrator:**

##### **Certificate of Approval for Recording**

The (name of subdivision) Subdivision, to the best of my knowledge, does not lie within a Water Supply Watershed designated by the Environmental Management Commission as appears on the Watershed Protection Map of Iredell County.



- E. **Roads constructed in critical areas and watershed buffer areas. Roads constructed in critical areas and watershed buffer areas. Where possible, roads should be located outside of critical areas and watershed buffer areas. Roads constructed within these areas shall be designed and constructed to minimize their impact on water quality.**

F. **Buffer Requirements**

A minimum one hundred (100) foot vegetative buffer is required for all new development activities, that employ the High Density option (See Section 507); otherwise a minimum thirty (30) foot vegetative buffer is required for all new development activities along perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or shoreline stabilization is permitted.

**ARTICLE 300: DEVELOPMENT REGULATIONS**

**Section 301. Establishment of Watershed Areas.**

The purpose of this Article is to list and describe the watershed areas herein adopted.

**For purposes of this Ordinance, Iredell County is hereby divided into the following areas watershed districts:**

WS-II-BW	(Balance of Watershed)
<b>WS-III-BW</b>	<b>(Balance of Watershed)</b>
WS-IV-CA	(Critical Area)
WS-IV-PA	(Protected Area)

**Section 302. Watershed Areas Described.**

- A. WS-II Watershed Areas - Balance of Watershed (WS-II-BW). In order to maintain predominantly undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of one (1) dwelling unit per acre. All other residential and non-residential development shall be allowed a maximum built-upon area of twelve percent (12%) ~~on a project by project basis~~ built-upon area. ~~In addition, non-residential uses may occupy ten percent (10%) of the Yadkin Back Creek watershed which is located within Iredell County's jurisdiction, and ten percent (10%) of the balance of the Coddle Creek watershed which is located within Iredell County's jurisdiction and may be developed with non-residential uses, with up to seventy percent (70%) built upon area on a project by project basis. Non-residential uses in the Yadkin Back Creek Watershed which can qualify for the seventy percent (70%) built up area ratio shall be served by public or community water and sewer and zoned for business or industrial uses (C-B, G-B, H-B, N-B, S-C, M-1, M-2). In order to qualify for the seventy percent (70%) built upon area ratio in Coddle Creek, the development shall be non-residential in nature. The Planning Director is authorized to approve such qualified non-residential projects consistent with all other applicable provisions of this Ordinance, on a first come, first served basis. Approved Projects must minimize built upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to minimize water quality impacts. Non discharging landfills and residuals application sites are allowed.~~

1. Allowed Uses: (if permitted in the underlying zoning district if zoned):
  - a) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. ~~Animal operations deemed permitted under 15A NCAC 2H .0217. Animal operations deemed permitted and permitted under 15A NCAC 2H .0217 are permitted. (Note: The Soil and Water Conservation Commission is the Designated management agency responsible for implementing the provisions of this ordinance relating to agricultural activities.)~~
  - b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
  - c) Residential development (Single family, two family, cluster, and multi family development).
  - d) Non-residential development except no NPDES will be issued for landfills that discharge treated leachate excluding discharging landfills.**

**2. Density and Built-upon Limits:**

- a) Single Family Residential--Development shall not exceed one dwelling unit per acre on a project by project basis. **No residential lot shall be less than one acre, except within an approved cluster development (See Section 303 of this Ordinance) shall also be allowed.**

- b) **All Other Residential and Non-Residential--Development shall not exceed twelve percent (12%) built-upon area on a project by project basis. ~~In addition~~ except that up to ten percent (10%) of the balance of the Yadkin Back Creek watershed which is located within Iredell County's jurisdiction, and ten percent (10%) of the balance of the Coddle Creek watershed which is located within Iredell County's jurisdiction may be developed at up to seventy percent for non-residential uses with a 12 (70%) built-upon area ratio. Non-residential uses in the Yadkin Back Water Creek Watershed which can qualify for the seventy percent (70%) built upon ratio shall be served by public or community water and sewer and zoned for business or industrial uses (C-B, G-B, H-B, N-B, S-C, M-1, M-2). In order to qualify for the seventy percent (70%) built-upon area ratio in Coddle Creek, the development shall be non-residential in nature. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed. ~~For expansion to existing development, the existing built-upon surface is not counted toward the maximum allowed seventy percent (70%) built-upon area.~~**

B. WS-III Watershed Areas - Balance of Watershed (WS-III-BW). In order to maintain a low to moderate land use intensity, single family residential ~~residential~~ **detached** uses shall develop at a maximum of two (2) dwelling units per acre. All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area ~~on a project by project basis. In addition, non-residential uses new may occupy ten percent (10%) of the balance of the watershed which is located within the jurisdiction of this Ordinance with up to seventy percent (70%) built-upon area on a project by project basis.~~ The Planning Director is authorized to approve such non-residential projects consistent with all other applicable provisions of this Ordinance. Approved projects must minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to minimize water quality impacts. Non-discharging landfills and residuals application sites are allowed.

1. Allowed Uses: ~~(if permitted in the underlying zoning district, if the area is zoned):~~

- a. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990 ~~and 15A NCAC 2H .0217. Animal operations deemed permitted and permitted under 15A NCAC 2H .0217 are permitted. (Note: The Soil and Water Conservation Commission is the Designated management agency responsible for implementing the provisions of this ordinance relating to agricultural activities.)~~
- b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
- c. **Residential development (Single-family, two-family, cluster, and multi-family development).**
- d. **Non-residential development excluding discharging landfills except no NPDES will be issued for landfills that discharge treated leachate**

2. Density and Built-upon Limits:

- a. **Single Family Residential--Development shall not exceed two (2) dwelling units per acre, as defined on a project by project basis. No residential lot shall be less than one-half (1/2) acre, except within an approved Cluster developments (See Section 303) shall also be allowed.**
- b. All Other Residential and Non-Residential--Development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis ~~except that up to ten percent (10%) of the balance of the watershed (located within the jurisdiction of this Ordinance) may be developed for non-residential uses with~~ **new development and expansions to existing development at up to seventy percent (70%)** ~~a 24-70% built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed. ~~For expansions to existing development, the existing built-upon surface area is not counted toward the maximum allowed seventy percent (70%) built-upon surface area.~~~~

C. WS-IV Watershed Areas - Critical Area (WS-IV-CA). ~~Only~~ New development activities that require an erosion/sedimentation control plan under State law or approved local program are required to meet the provisions of this Ordinance when located in a WS-IV watershed. **This also includes additions to existing development activities that would cause the development to total an acre or more.** In order to address a moderate to high land use intensity pattern, single-family residential uses are allowed at a maximum of two (2) dwelling units per acre. All other residential and non-residential development shall be allowed with a maximum ~~built-upon area~~ of twenty-four percent (24%) **built-upon area** ~~depending on whether the low or high density option is used. (Refer to Section 507 for information on the high density option).~~ No new

residuals application sites for land application of residuals and landfills are specifically prohibited.

**(High density development using engineered stormwater control devices is permitted in this district. Ultimate responsibility for the operation and maintenance of these facilities will rest with the local government. Please refer to Appendix C for a more detailed explanation of this topic.)**

**1. Allowed Uses: ~~(if permitted in the underlying zoning district, if the are is zoned):-~~**

- a. ~~Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and 15A NCAC 2H .0217. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the and the rules and regulations of the Soil and Water Conservation Commission along all perennial waters indicated on the most recent versions of U.S.G.S 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Animal operations deemed permitted and permitted under 15A NCAC 2H .0217 are allowed. (Note: The Soil and Water Conservation Commission is the Designated management agency responsible for implementing the provisions of this ordinance.)~~
- b. **Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).**
- c. **Residential Development (Single-family, two-family, cluster, and multi-family development).**
- d. Non-residential development, excluding: 1) landfills and 2) sites for land application of residuals or petroleum contaminated soils.

2. Density and Built-upon Limits:

- a. **Single Family Residential--development shall not exceed two dwelling units per acre on a project by project basis. No residential lot shall be less than one-half (1/2) acre, except within an approved cluster developments (See Section 303) shall also be allowed.**
- b. All Other Residential and Non-Residential--Development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis ~~if the low density option is used and fifty percent (50%) if the high density option is used.~~ **and Lookout Shoals Lake watersheds.** The high density option shall only be available for use in the Catawba Lake Norman **and Lookout Shoals Lake** watersheds. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

D. WS-IV Watershed Areas - Protected Area (WS-IV-PA). ~~Only~~ New development activities that require an erosion/sedimentation control plan under State law or approved local government program are required to meet the provisions of this Ordinance when located in a WS-IV watershed. **This also includes additions to existing development activities that would cause the development to total an acre or more.** In order to address a moderate to high land use intensity pattern, single family residential uses shall develop at a maximum of two (2) dwelling units per acre ~~or three (3) dwelling units per acre, depending on whether curb and gutter are provided.~~ All other residential and non-residential development shall be allowed at a maximum of 24% ~~36% built-upon area on a project by project basis depending on whether curb and gutter is provided under the low density option. If the high density option is used, up to a seventy percent (70%) built upon area is allowed on a project by project basis. The high density option shall only be available in the Catawba Lake Norman watershed. Refer to Section 507 for more information on the high density option.~~ **A maximum of three (3) dwelling units per acre or thirty-six (36%) percent built-upon area is allowed for projects without a curb and gutter street system.**

~~Notwithstanding the above, ten percent (10%) of the WS-IV (PA) areas of both the Cooleemee and South Yadkin River watersheds may be developed with new development projects (other than single family) and expansions to any such existing development with 24-70% built upon area (if curb and gutter is provided) and 36-70% built upon area (if curb and gutter is not provided) in addition to the new development otherwise allowed in this district. For expansions to existing development, the existing built upon surface area is not counted toward the allocated seventy percent (70%) built upon area.~~

**(High density development using engineered stormwater control devices is permitted in this district. Ultimate responsibility for the operation and maintenance of these facilities will rest with the local government. Please refer to Appendix C for a more detailed explanation of this topic.)**

1. Uses Allowed:

- a. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990 ~~and 15A NCAC 2H .0217. Animal operations deemed permitted and permitted under 15A NCAC 2H .0217 are allowed. (Note: The Soil and Water Conservation Commission is the Designated Management Agency responsible for implementing the provisions of this Ordinance relating to agriculture activities.)~~
  - b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.6101-.0209).**
  - ~~c. Residential development (Single-family, two-family, cluster, and multi-family development).~~
  - d. Non-residential development.
2. Density and Built-upon Limits:
- a. Single Family Residential--Development shall not exceed two (2) dwelling units per acre, **as defined** on a project by project basis. **No residential lot shall be less than one-half (1/2) acre, or one-third (1/3) three (3) units per acre for projects without a-curb and gutter system, except within an approved cluster development. s-(See Section 303) are allowed.**
  - b. All Other Residential and Non-Residential—~~For projects with curb and gutter, Development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. under the low density option; For projects without a curb and gutter street system, development shall not exceeding—exceed~~ **thirty-six percent-(36%) built-upon area on a project by project basis—under the low density option.** In the Catawba Lake Norman **and Lookout Shoals Lake** watersheds only, development under the high density option of up to seventy percent (70%) built-upon area is allowed ~~under the high density option.~~ For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.
  - e. **In addition to the development allowed under paragraph b., new development and expansions to existing development may occupy up to** ~~Notwithstanding the above, ten percent (10%) of the WS-IV-(PA) protected areas of both the Cooleemee and South Yadkin River watersheds may be developed with new development projects (other than single family) and expansions to any such existing development with up to seventy percent 24-(70%) built-upon area on a project by project basis, when approved as a special intensity allocation(SIA). The Watershed Administrator is authorized to approve SIAs consistent with the provisions of this ordinance. Projects must, to the maximum extent practicable, minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to minimize water quality impacts. (if curb and gutter is provided) and 36-70% built upon area (if curb and gutter is not provided) in addition to the new development otherwise allowed in this district For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.~~ **expansions to existing development, the existing built upon surface area is not counted toward the allocated seventy percent (70%) built upon area.**

**Section 303. Cluster Development.**

**Cluster development shall be is allowed in all Watershed Areas under subject to all other provisions of this Ordinance, provided that the following conditions overall objectives are met:**

- 1. **Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in Section 302. The overall Density or built-upon area for of the project shall not exceed that allowed for the critical area meets the associated density or balance of watershed, whichever applies.** ~~—stormwater control requirements under these rules. Maximum densities for single-family residential uses shall be as follows:~~

<i>WATERSHED DISTRICT</i>	<i>MAXIMUM DENSITY (DWELLING UNITS PER ACRE)</i>
<i>WS-II-BW (Balance of Watershed)</i>	<i>One (1) dwelling unit per acre</i>
<i>WS-III-BW (Balance of Watershed)</i>	<i>One (1) dwelling unit per acre</i>
<i>WS-IV-CA (Critical Area)</i>	<i>Two (2) dwelling units per acre</i>

**WS-IV-PA (Protected Area)**

**Two (2) dwelling units per acre with curb and gutter;  
three (3) dwelling units per acre without curb and gutter**

2. ~~Buffers must meet the minimum guidelines established in Section 304.~~
3. **All** built-upon areas ~~are~~ **shall be** designed and located to minimize stormwater runoff impact to the receiving waters **and** minimize concentrated stormwater flow, ~~maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.~~
4. ~~Areas of concentrated density development area to be located in upland areas and away, to the maximum extent practicable, from surface waters and drainageways.~~
5. The remainder of the tract shall remain in a vegetated or natural state. **The title to the open space area in the vegetated or natural state may shall be conveyed to an incorporated property homeowners association for management; to a local government for preservation as a park or greenway open space; or to a conservation organization for preservation; or be placed in a permanent conservation or farmland preservation in a permanent easement. Where a property association is not incorporated,** a maintenance agreement shall be filed with the property deeds.
6. ~~Cluster developments shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.~~

**Section 304. Buffer Areas Required.**

1. **A minimum one hundred (100) foot vegetative buffer is required for all new development activities that exceed the low density option; otherwise, a minimum thirty (30) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambank or shoreline stabilization is permitted.**
2. **No new development that requires a zoning permit is allowed in said buffer except for water dependent structures, (e.g., piers, docks, ect.) other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.**

**Section 305. Rules Governing the Interpretation of Watershed Area Boundaries.**

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

- A. Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.
- B. Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. **However, a surveyed plat prepared by a registered land surveyor may be submitted to Iredell County as evidence that one or more properties along these boundaries do not lie within the watershed area.**
- C. Where the **watershed area** boundaries of a particular WS district lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of ~~said WS district~~ **watershed area boundaries** shall be determined by use of the scale appearing on the watershed map.
- D. Where the **watershed area** boundaries of a particular WS district lie at a scaled distance of twenty-five (25) feet or less from any ~~adjoining parallel~~ **parallel** lot line, the ~~lot line may be used as said WS boundary~~ location of watershed area boundaries shall be construed to be the lot line.
- E. Where other uncertainty exists, the **Watershed Administrator** ~~Planning Director~~ shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Board of Adjustment in accordance with Section 502 of this Ordinance.

**Section 306. Application of Regulations.**

- A. No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.

- B. No area required for the purpose of complying with the provisions of this ordinance shall be included in the area required for another building.
- C. ~~Every structure hereafter erected, moved or structurally altered shall be located on a lot which conforms to the regulations herein specified, except as permitted in Section 307.~~
- D. If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

**Section 307. ~~Nonconforming Situations~~ Existing Development.**

**Existing development as defined in this ordinance, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the built-upon area calculations.**

- A. ~~Vacant Lots. Refer to Section 103(D).~~
- A. Uses of Land. This category consists of uses existing at the time of adoption of this ordinance where such use of the land is not permitted to be established hereafter in the watershed area in which it is located. Such uses may be continued except as follows:
  - 1. When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
  - 2. Such use of land shall be changed only to an allowed use.
  - 3. When such use is abandoned for a period of at least one year, it shall not be reestablished.
- B. Reconstruction of Buildings or Built-upon Areas. Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed, **except that there are no restrictions on single family residential development**, provided:
  - 1. Repair or reconstruction is initiated within six (6) months from the date of damage ~~(such shall not apply to single family residential structures or structures within mobile home parks)~~ and completed within one (1) year of such damage.
  - 2. The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided. ~~(Such shall not apply to single family residential structures or structures within mobile home parks)~~

**Section 308. Watershed Protection Permit.**

- A. Except where a single family residence is constructed on a lot deeded prior to the effective date of this ordinance, no building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a Watershed Protection Permit has been issued by the **Watershed Administrator** ~~Planning Director. (In areas of Iredell County which are zoned by the Iredell County Zoning Ordinance, A zoning permit issued per said Ordinance may be substituted.)~~ No Watershed Protection Permit shall be issued except in conformity with the provisions of this ordinance.
- B. Watershed Protection Permit applications shall be filed with the **Watershed Administrator** ~~Planning Director~~. The application shall include a completed application form (see Appendix A) and supporting documentation deemed necessary by the ~~Planning Director~~ **Watershed Administrator**.
- C. **Prior to issuance of a Watershed Protection Permit, the Watershed Administrator** ~~Planning Director~~ **may consult with qualified personnel for assistance to determine if the application meets the requirements of this ordinance.**
- D. A Watershed Protection Permit shall **expire if a Building Permit or Watershed Occupancy Permit** ~~lapse and become invalid unless the work for~~ **such use is not obtained by the applicant** ~~which it was issued is started within six (6) months of~~ **from** ~~the date of issuance issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.~~

**Section 309. Building Permit Required.**

**Except for a single family residence constructed on a lot deeded prior to the effective date of this Ordinance, No permit required under the North Carolina State Building Code shall be**

issued for any activity for which a Watershed Protection Permit is required until that permit has been issued.

**Section 310. Watershed Protection Occupancy Permit.**

- A. The Building Inspections Director shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this ordinance have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land. ~~(In areas of Iredell County zoned under the Iredell County Zoning Ordinance A Certificate of Occupancy, issued per said ordinance, may be substituted.)~~
- B. A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincident with the application for a Watershed Protection Permit and shall be issued or denied within ten (10) days after the erection or structural alterations of the building.**
- C. When only a change in use of land or existing building occurs, the Building Inspections Director shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met coincident with the Watershed Protection Permit.
- D. If the Watershed Protection Occupancy Permit is denied, the Building Inspection Director shall notify the applicant in writing stating the reasons for denial. ~~Appeals of the Building Inspections Director's decision pertaining to watershed regulations contained in this Ordinance may be made to the Board of Adjustment in accordance with Section 503.~~
- E. No building or structure, which has been erected, moved, or structurally altered, may be occupied until the Building Inspections Director has approved and issued a Watershed Protection Occupancy Permit.

**ARTICLE 400: PUBLIC HEALTH REGULATIONS**

**Section 401. Public Health, in general.**

No activity, situation, structure or land use shall be allowed within ~~any WS district~~ the watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the ~~absence or improper implementation of a spill containment plan for toxic and hazardous materials; the absence or~~ improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

**Section 402. Abatement.**

- A. The ~~Planning Director~~ **Watershed Administrator** shall monitor land use activities within ~~all WS districts~~ **the watershed areas** to identify situations that may pose a threat to water quality.
- B. The Watershed Administrator may consult with any public agency or official and request recommendations.**
- C. Where the ~~Planning Director~~ **Watershed Administrator** or the Board of Commissioners finds a threat to water quality and the public health, safety and welfare, the Board of Commissioners shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation ~~as herein authorized.~~

**ARTICLE 500: ADMINISTRATION, ENFORCEMENT AND APPEALS**

**Section 501. ~~Planning Director~~ Watershed Administrator and Duties thereof.**

**The position of ~~Planning Director~~ Watershed Administrator (or his designee) is hereby authorized. ~~and It shall be the his duty of the Watershed Administrator to administer and enforce the provisions of this Ordinance as follows:~~**

- A. ~~The Planning Director (or his designee)~~ Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the ~~Planning Director~~ Watershed Administrator.**
- B. ~~The Planning Director (or his designee)~~ Watershed Administrator shall serve as clerk to the Iredell County Board of Adjustment pertaining to matters in association with this Ordinance.**
- C. The ~~Planning Director (or his designee)~~ **Watershed Administrator** shall keep records of all amendments to

the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the ~~Supervisor of the Classification and Standards Group~~, Water Quality Section of the Division of Environmental Management.

- D. ~~The Planning Director (or his designee)~~ **Watershed Administrator** shall keep records of the jurisdiction's ~~utilization~~ **use** of the provision that a maximum of ten percent (10%) of the non-critical area of WS-II-BW (Yadkin Back Creek), ten percent (10%) of the non-critical area of the WS-II-BW (Coddle Creek), and ten percent (10%) of the WS-III-BW (Hunting Creek) watersheds **and ten percent (10%) of the protected area of WS-IV watersheds** may be developed with non-residential **new development** at a maximum of seventy percent (70%) built-upon surface area. Records for each separate watershed shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, **number of developed** acres, ~~site plan~~, **type of land** use, **and** stormwater management plan ~~as (if applicable) and inventory of hazardous materials as applicable.~~
- E. ~~The Planning Director~~ **Watershed Administrator** **is granted the authority to administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of Iredell County. The Planning Director, or his designee, Watershed Administrator may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him by this Ordinance.**
- F. ~~The Planning Director shall keep records regarding any expansions approved to structures classified as existing development, so that the maximum coverage of all new expiations do not exceed this allowance.~~
- G. ~~The Planning Director~~ **Watershed Administrator** shall keep maintain a record file on of all applications for minor and major variances to the local Iredell County Water Supply Watershed Ordinance. This record A copy of information pertaining to any minor variance application request (including minutes of the hearing, findings made by the Board of Adjustment, actions taken by the Board of Adjustment, names and addresses of all persons giving evidence at the public hearing) shall be submitted for each calendar year annually to the Supervisor of Classification and Standards Group, Water Quality Section Division of Environmental Management on or before January 1<sup>st</sup> of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance. during the last week of December.

**Section 502. ~~Building Inspection Director and Duties Thereof.~~**

~~The position of Building Inspection Director (or his designee) is hereby authorized, and it shall be his duty to administer and enforce the provisions of this ordinance as follows:~~

- A. ~~The Building Inspections Director (or his designee) shall issue Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Building Inspections Director.~~

**Section 503. ~~Appeal from the Watershed Administrator Planning Director's Actions or the Building Inspection Director Decisions.~~**

~~Any order, requirement, decision or determination made by the **Watershed Administrator** Planning Director or the Building Inspection Director (pertaining to this Ordinance) may be appealed to and decided by the Iredell County Board of Adjustment. The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, interpretation or citation and apply such interpretation to particular fact situations. In addition, The Planning Director may ask the Board of Adjustment to interpret any portion of this Ordinance.~~

~~**The concurring vote of four (4) members shall be necessary to reverse any order, requirement, decision or determination of the Planning Director or the Building Inspection Director.**~~

~~An appeal **from a decision of the Watershed Administrator must be submitted** to the Board of Adjustment may be taken by any person, firm, or corporation aggrieved by any decision of the Planning Director or the Building Inspection Director based upon the provision of this ordinance. Such appeal shall be taken within **thirty (30) days from the date the order, interpretation, decision or determination is made. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator** such time as shall be prescribed by the Board of Adjustment by general rule by filing with the Planning Director or the Building Inspections Director a notice of appeal. The Planning Director or the Building Inspections Director shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken.~~

An appeal stays all proceedings in furtherance of the action appealed, unless the ~~Planning Director or the Building Inspections Director~~ **officer from whom the appeal is taken** certifies to the Board of Adjustment after the notice of appeal ~~shall have~~ **has** been filed with him, that by reason of facts stated in the certificate, **a stay would in his opinion** cause imminent peril to life or property. In ~~which~~ **such** case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application ~~on~~ **of** notice ~~of the officer to the Planning Director or the Building Inspections Director from when~~ **whom** the appeal is taken and on **upon** due cause shown.

**The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney**

- A. ~~The Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination appealed or make an interpretation of this ordinance.~~
- B. ~~The Board of Adjustment shall have all the powers of the Planning Director and Building inspections Director in making any order, requirement, decision, interpretation or determination with reference to an appeal or interpretation.~~

#### **Section 504. Changes and Amendments to the Watershed Protection Ordinance.**

- A. ~~Any amendment to the text of this Ordinance may be initiated by the Iredell County Board of Commissioners, Planning Board, or by any owner of a legal or equitable interest in property affected by this Ordinance, or by any resident or local government agency in Iredell County.~~
- B. ~~Any amendment to the watershed map accompanying this Ordinance may be initiated by the Iredell County Board of Commissioners, Planning Board, or by any owner of a legal or equitable interest in property affected property, or an agent authorized in writing to act on said owner's behalf.~~
- C. ~~All petitions for a change to the text of this Ordinance or map shall be accompanied by a fee as established by the Iredell County Board of Commissioners. All petitions for changes to the map shall include a legal description of the property involved and the names and addresses of current abutting property owners.~~
- D. ~~No regulation or map shall be amended, supplemented, changed, modified, or repealed until~~ **The Iredell County Governing Board may, on its own motion or on petition, after a public notice and hearing is held, and the general public has had an opportunity to be heard, amend, supplement, change or modify the watershed regulations and restrictions as described herein.**
- E. ~~All amendments must be~~ **No action shall be taken until the proposal has been** submitted to the Planning Director at least ten (10) days prior to the next regularly scheduled Planning Board meeting **for review and recommendations.** The Planning Board shall have thirty one (31) after the amendment has been referred to it by the Planning Director to submit its recommendation to the Board of Commissioners. **If no recommendation has been received from** Failure of the Planning Board to make a recommendation within the thirty one (31) day period **within forty-five (45) days after submission of the proposal to the Chairman of the Planning Board, the Iredell County Board of Commissioners may proceed as though** shall constitute a favorable **report had been received** recommendation. The Planning Director shall transmit the recommendation of the Planning Board to the Board of Commissioners.
- F. Under no circumstances shall the Board of Commissioners adopt ~~any~~ **such** amendments, addition or deletion **supplements or changes** that would cause ~~these regulations~~ **this ordinance** to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. ~~Once the public hearing has been conducted and closed, the Board of Commissioners shall render a decision on the amendment. Any~~ **All** amendments to the boundaries of any particular Water Supply Watershed district shall be referred to **must be filed with** the N.C. Division of Environmental Management, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance ~~for their review and comment prior to a decision being rendered by the Board of Commissioners.~~
- G. ~~If the Board of Commissioners has denied an application for a map change or for a particular text change to this Ordinance, the Planning Board shall not review an applications for the same changes affecting the same property or any portion thereof until the expiration of twenty four (24) months from the date of the previous denial. This provision may be waived when the petition is filed by the Iredell County Planning Board or Board of Commissioners.~~

#### **Section 505. Public Notice and Hearing Required.**

**Before adopting or amending this ordinance, the Iredell County Board of Commissioners shall hold a public hearing on the proposed changes.** A notice of such **the** public hearing shall be given once a week for two successive

~~calendar~~ weeks in a newspaper ~~having~~ of general circulation in ~~the area~~ Iredell County. Said ~~The~~ notice shall be published for the first time not less than ten (10) ~~nor more than twenty-five (25) days prior to~~ **before** the date ~~fixed~~ for such public ~~the~~ hearing.

~~Adjoining property owners shall be notified of the time and place of the public hearing by first class mail. Such written notice shall be sent by the Planning Director at least ten (10) days before the hearing date to the adjoining property owners' most current address, available for the Tax Supervisor's office. In addition, written notice of the public hearing shall be sent by first class mail to the clerks of all local governments having jurisdiction within that particular watershed, and all major consumers of water whose point of intake lies within that watershed.~~

~~If more than one (1) contiguous parcel of land is involved in a rezoning, one (1) notice shall be posted at a prominent and as central a location as possible. The Planning Director may at his discretion post more than one (1) sign for multiple contiguous parcels.~~

**Section 506. Powers and Duties of the Board of Adjustment in relation to this Ordinance.**

A. **The Iredell County Board of Adjustment shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this ordinance.**

B. The Iredell County Board of Adjustment shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, Iredell County shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered ~~and major water consumers whose point of intake lies within that watershed.~~

1. Applications for a ~~minor~~ variance shall be made on ~~a~~ **the proper** form ~~prescribed by~~ **obtainable from the Watershed Administrator** ~~Planning Director~~ and accompanied with an appropriate fee as established by the Iredell County Board of Commissioners. Applications shall include the following information:

1. A site plan, **drawn to scale**, indicating the property lines of the parcel upon which the use is proposed and all contiguous pieces of property (i.e. ~~all properties traversed and/or separated by a road, stream, right of way, or any similar natural or man made configuration~~); any existing or proposed structures; parking areas and other built-upon areas; and surface water drainage. ~~In addition, a list of names and addresses of the owners of said properties, from the most recent official tax records shall be provided by the applicant.~~ **The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.**

2. A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Board of Adjustment in considering the application.

3. ~~The Planning Director~~ **Watershed Administrator** shall notify in writing each local government having jurisdiction in the watershed and **the entity using the** ~~all major consumers of water~~ **supply for consumption** ~~whose point of intake lies within the watershed.~~ Such notice shall include a description of the variance being requested. Local governments ~~and major consumers of water~~ receiving notice of the variance request may submit comments to the ~~Planning Director~~ **Watershed Administrator** prior to a decision by the Board of Adjustment. Such comments shall become a part of the record of proceedings of the Board of Adjustment.

1. ~~Determination of Application Completeness. Within five (5) working days after having received an application for a minor variance, the Planning Director shall determine whether the application is complete. If he determines that the application is not complete, he shall serve a written notice on the petitioner specifying the application's deficiencies. The Planning Director shall take no further action on the application until the deficiencies are remedied. If the Planning Director fails to notify the petitioner, the application shall be deemed complete.~~

2. ~~Scheduling Board of Adjustment Meeting. The Planning Director, having determined that an application is complete, shall place the application on the agenda of a Board of Adjustment regular or special meeting occurring at least fifteen (15) days thereafter.~~

3. ~~Public Hearing Notification. Prior to making a determination on a minor variance the Board of Adjustment shall hold a public hearing. Notification of said public hearing shall be as follows:~~

1. ~~Notice shall be sent by the Planning Director by first class mail to the applicant, to owners of all contiguous pieces of property, to the clerks of all local governments having jurisdiction~~

~~within the watershed, and to all major consumer of water whose point of intake lies within that watershed, at least ten (10) days prior to the public hearing. The notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.~~

~~2. A notice of the public hearing shall be given once a week for two (2) consecutive weeks in a newspaper of general circulation in Iredell County. Said notice shall be published not less than ten (10) days prior to the date fixed for the public hearing.~~

~~3. A conspicuous sign shall also be placed by the County in a conspicuous location on the subject property(ies) indicating the nature of the public hearing and date, time and place at which it is to occur. Said sign shall be placed on the property(ies) in question at least ten (10) days prior to the public hearing.~~

~~R. Board of Adjustment Consideration. The Board of Adjustment, in considering an application for a minor variance, shall give due consideration to the following:~~

~~1. The citing of other nonconforming or conforming uses of land or structures in the same or other districts, shall not be considered grounds for the granting of a variance.~~

~~2. The request for a variance for a particular use expressly, or by inference, prohibited in the district involved, shall not be granted.~~

~~H. Board of Adjustment Action. The Board of Adjustment shall make a decision on a minor variance no later than thirty one (31) days from the close of the public hearing. Said recommendation shall be in one of the following forms:~~

~~1. Approval of the variance if the findings of fact in Section 504(H) are found in the affirmative; or~~

~~2. Approval of the variance with fair and reasonable conditions attached if the findings of fact in Section 504(H) are found in the affirmative; or~~

~~3. Denial of the variance if at least one (1) finding of fact in Section 504(H) is found in the negative.~~

**~~The concurrent vote of four-fifths (4/5) of the voting members of the Board of Adjustment shall be necessary to approve a minor variance application.~~**

~~The Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the items under which a variance is granted, shall be deemed a violation of this Ordinance and shall be punishable as prescribed in Section 104 of this Ordinance.~~

~~I. **Before** the Board of Adjustment may approve **grant** a minor variance ~~only after each of, **it shall make** the following **three** findings, are found in the affirmative **which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:**~~~~

~~1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board of Adjustment must find that the five following conditions exist:~~

~~A. If the applicant complies with the provisions of the Ordinance, he can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. **Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of his property.**~~

~~B. The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.~~

~~C. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.~~

~~D. The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.~~

~~E. The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.~~

2. ~~That~~ **The** variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit. ~~and~~
  3. In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. ~~and~~ **The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.**
  4. ~~That the reasons set forth in the application justify the granting of a variance, and that the variance is a reasonable one that will make possible the reasonable use of the land or structures.~~
- J. ~~The Planning Director shall maintain a file on all applications for minor variances. A copy of information pertinent to any minor variance application request (actions taken by the Board of Adjustment, names and addresses of all persons giving evidence at the public hearing) shall be submitted annually during the last week of December to the Division of Environmental Management, Supervisor of Classification and Standards Group.~~
- K. **In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.**
- L. **The Board of Adjustment shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.**
- M. ~~Application for Zoning Permit. The application for a zoning permit shall be made within one (1) year of receiving a variance approval. A variance issued in accordance with this Section shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.~~
- Applications for major variances shall be handled in the following manner:
4. ~~Application Form and Fee. Applications for a major variance shall be on a form prescribed by the Planning Director and accompanied with an appropriate fee, as established by the Iredell County Board of Commissioners. Applications shall include the following information:~~
    1. ~~A site plan indicating the property lines of the parcel upon which the use is proposed and all contiguous pieces of property (i.e. all properties traversed and/or separated by a road, stream, right of way, or any similar natural or man made configuration); any existing or proposed structures; parking areas and other built upon areas; and surface water drainage. In addition, a list of names and addresses of the owners of said properties, from the most recent official tax records shall be provided by the applicant.~~
    2. ~~A complete and detailed description of the proposed variance, together with any other pertinent information which would be helpful to the Board of Adjustment in considering the application.~~
    3. ~~The Planning Director shall notify in writing each local government having jurisdiction in the watershed and all major consumers of water whose point of intake lies within the watershed. Such notice shall include a description of the variance being requested. Local governments and major consumers of water receiving notice of the variance request may submit comments to the Planning Director prior to a decision by the Board of Adjustment. Such comments shall become a part of the record of proceedings of the Board of Adjustment.~~
- O. ~~Determination of Application Completeness. Within five (5) working days after having received an application for a minor variance, the Planning Director shall determine whether the application is complete. If he determines that the application is not complete, he shall serve a written notice on the petitioner specifying the application's deficiencies. The Planning Director shall take no further action on the application until the deficiencies are remedied. If the Planning Director fails to notify the petitioner, the application shall be deemed complete.~~
- P. ~~Scheduling Board of Adjustment Meeting. The Planning Director, having determined that an application is complete, shall place the application on the agenda of a Board of Adjustment regular or special meeting occurring at least fifteen (15) days thereafter.~~

- Q. ~~Public Hearing Notification. Prior to making a determination on a minor variance the Board of Adjustment shall hold a public hearing. Notification of said public hearing shall be as follows:~~
1. ~~Notice shall be sent by the Planning Director by first class mail to the applicant, to owners of all contiguous pieces of property, to the clerks of all local governments having jurisdiction within the watershed, and to all major consumer of water whose point of intake lies within that watershed, at least ten (10) days prior to the public hearing. The notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.~~
  2. ~~A notice of the public hearing shall be given once a week for two (2) consecutive weeks in a newspaper of general circulation in Iredell County. Said notice shall be published not less than ten (10) days prior to the date fixed for the public hearing.~~
  3. ~~A conspicuous sign shall also be placed by the County in a conspicuous location on the subject property(ies) indicating the nature of the public hearing and date, time and place at which it is to occur. Said sign shall be placed on the property(ies) in question at least ten (10) days prior to the public hearing.~~
- S. ~~Board of Adjustment Consideration. The Board of Adjustment, in considering an application for a minor variance, shall give due consideration to the following:~~
1. ~~The citing of other nonconforming or conforming uses of land or structures in the same or other districts, shall not be considered grounds for the granting of a variance.~~
  2. ~~The request for a variance for a particular use expressly, or by inference, prohibited in the district involved, shall not be granted.~~
- T. ~~Board of Adjustment Recommendation. The Board of Adjustment shall make a recommendation on a major variance no later than thirty one (31) days from the close of the public hearing. Said recommendation shall be in one of the following forms:~~
1. ~~Recommended approval of the variance in the findings of fact in Section 505(G) are found in the affirmative; or~~
  2. ~~Recommend approval of the variance with fair and reasonable conditions attached if the findings of fact in Section 505(G) are found in the affirmative; or~~
  3. ~~Recommend denial of the variance if at least one (1) finding of fact in section 505(G) are found in the negative.~~

**~~The concurrent vote of four-fifths (4/5) of the voting members of the Board of Adjustment shall be necessary to approve a minor variance application.~~**

- U. ~~Finding of Fact. The Board of Adjustment may recommend a major variance only after each of, the following findings are found in the affirmative:~~
1. ~~There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board of Adjustment must find that the five following conditions exist:~~
    - A. ~~If the applicant complies with the provisions of the Ordinance, he can secure no reasonable return from, nor make reasonable use of, his property. (Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance for approval).~~
    - B. ~~The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.~~
    - C. ~~The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.~~
    - D. ~~The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.~~
    - E. ~~The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.~~
  5. ~~That the variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and~~
  6. ~~That in the recommendation of the variance for approval, the public safety and~~

welfare have been assured and substantial justice has been done. and

7. ~~That the reasons set forth in the application justify recommending the variance for approval, and that the variance is a minimum one that will make possible the reasonable use of the land or structures.~~
- V. ~~Major Variance Denial. If the Board of Adjustment recommends that the major variance be denied, the variance shall be considered as being denied and no further action on the major variance request by the County nor by the Environmental Management Commission will be taken. Notification of the Board of Adjustment's action will be sent by first class mail to the applicant within five (5) working days of the Board of Adjustment's decision.~~
- W. ~~Preliminary Record. If the application calls for the granting of a major variance, and if the Board of Adjustment makes a recommendation to approve a major~~ **decides in favor of granting the** variance, said recommendation shall be forthwith forwarded, along with all supporting information, to the Environmental Management Commission **the Board shall prepare a preliminary record of the hearing with all deliberate speed.** Information which shall be forwarded **The preliminary record of the hearing** shall include the following:
- a. The variance application;
  - b. ~~Evidence that proper notification of the Board of Commissioner's public hearing has been made~~ **The hearing notices;**
  - c. ~~A summary of The evidence presented including comments from other local governments, or major water consumers.~~
  - d. **Motions, offers of proof, objections to evidence, and rulings on them;**
  - e. Proposed findings and exceptions;
  - f. ~~The Board of Commissioners' recommendation~~ **The proposed decision,** including all conditions **proposed to be added to the permit** attached as a requisite for approval.

**The preliminary record shall be sent to the Environmental Management Commission for its review as follows:**

- a. ~~If, after having received the and reviewed the major variance application and preliminary record, the Environmental Management Commission approves~~ **concludes from the preliminary record that the variance qualifies as a major variance application and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with any conditions and stipulations, or modifications it requires shall become part of any permit subsequently issued by Iredell County pertinent to that development. The Planning Director shall notify the applicant by first class mail within five (5) working days of receipt of the Environmental Management Commission's decision. Subsequent to the approval of the variance application by the Environmental Management Commission, the Planning Director shall issue a watershed permit for the development thus authorized so long as the application for the Watershed Permit is made within sixty (60) days after the Planning Director has notified the applicant of the Environmental Management Commission's decision and so long as such development is in accordance with all other provision's of this Ordinance. In areas of the County which are zoned by Iredell County, a zoning permit may be issued by the Planning Director in lieu of the watershed Permit. **The Commission shall prepare a Commission decision and send it to the Board of Adjustment. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.****
  - b. ~~If the Environmental Management Commission overturns the Board of Adjustment's recommendation for approval of~~ **concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Board of Adjustment.** ~~The Planning Director Board shall~~ **prepare a final** send the decision by first class mail to the applicant with in five (5) working days of receipt of the Environmental managements Commission's decision, stating that the major request was denied, and the reasons for such denial **denying the variance as proposed.**
- X. **Subdivision approval. See Article 200.**

Y. Public Health. See Article 400.

Z. Approval of all development greater than the low density option. See Appendix C.

**Section 507. Appeals from the Board of Adjustment Action.**

~~If the Board of Adjustment or Environmental Management Commission disapprove a major variance request, or the Board of Adjustment disapproves a minor variance request, the Planning Director shall not accept an application for a similar variance request affecting the same property(ies) for a period of twenty four (24) months following the date of denial.~~

~~Every decision of Appeals from the Board of Adjustment shall be subject to review by **must be filed with** the Superior Court Division of the General Courts of Justice of the State of North Carolina in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk to Superior Court within 30 days after **from** the **date of the** decision of the Board is filed in the office of the Planning Director, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Planning Director or the Chairman of the Board of Adjustment at the time of the Board's hearing of the case, whichever is later. **Decisions by the Superior Court will be in the manner of certiorari.**~~

**ARTICLE 600: DEFINITIONS**

~~The following definitions shall be applicable to the Iredell County watershed Ordinance. Other words not herein defined shall be interpreted using their everyday dictionary definitions.~~

**Section 601. General Definitions.**

**Abandonment.** The terms “abandonment” or “abandoned” as used herein shall mean voluntary discontinuance of a use with the intent not to re-establish such use. Any of the following shall constitute evidence of abandonment or intent to abandon:

- A. Any positive act indicating such intent.
- B. Premises have been devoted to another use.
- C. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by the same or similar equipment.
- D. Failure to take all positive action to resume the nonconforming use with reasonable dispatch, including the failure to advertise for sale or lease.

**Agricultural Use.** The use of waters for stock watering, irrigation, and other farm purposes.

**Animal Unit.** A unit of measure developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.

**Best Management Practices (BMP).** A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

~~**Board of Adjustment.** Iredell County Board of Adjustment~~

~~**Board of Commissioners.** Iredell County Board of Commissioners~~

**Buffer.** An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

**Building. Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property.**

~~**Building Inspections Director.** References to the Building Inspections Director shall mean the Building Inspections Director or his designated staff.~~

**Built-upon area.** Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

**Cluster Development.** The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. **For the purpose of this ordinance, planned unit developments and mixed use development are considered as cluster development.**

~~**Composting Facility.** A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited.~~

**Critical Area.** The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). **Local governments may extend the critical area as needed.** Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

**Development.** Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

~~**Development, Existing.** Those projects that are built or those projects that at a minimum have established a vested right under North Carolina Zoning Law as of the effective date of this ordinance based on at least one of the following criteria:~~

- ~~1. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or~~
- ~~2. having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1) or~~
- ~~3. Having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1)~~

~~**Discharging Landfill.** A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.~~

**Dwelling Unit.** A building, or portion thereof, providing complete and permanent living facilities for one family.

**Existing Development.** Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of January 1, 1994 based on at least one of the following criteria:

- (1) substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- (2) having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1), or
- (3) having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).

**Existing Lot (Lot of Record).** A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to January 1, 1994 of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to January 1, 1994.

**Family.** One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or adoption, no such family shall contain over five persons, but further provided that domestic servants employed or living on the premises may be housed on the premises without being counted as a family or families.

**Family Subdivision.** Family subdivision means a division of a tract of land: (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or (b) to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

~~**Hazardous Material.** Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).~~

**High Density Option.** A development which contains engineering stormwater control devices approved in a manner as called for in this Ordinance, thereby enabling development to occur at a higher intensity (than if the low-density option were used) as prescribed by the Environmental Managements Commission's adopted Water Supply Watershed Protection Rules.

**Industrial Development.** Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

**Landfill.** A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this ordinance this term does not include composting facilities.

**Lot.** A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

**Low Density Option.** A development which does not contain engineered stormwater control devices (i.e., wet detention ponds) which are approved by the Board of Commissioners in conjunction with development in a WS district.

**Major Variance.** A variance from the minimum statewide watershed protection rules that results in any one or more of the following:

- (1) the relaxation, by a factor greater than ten (10) percent, of any management requirement under the low density option;**
- (2) the relaxation, by a factor greater than five (5) percent, of any buffer, density or built-upon area requirement under the high density option;**
- (3) any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.**

**Minor Variance.** A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low density option.

**Mobile Home.** A dwelling unit that (i) is not constructed in accordance with the standards set forth in the North Carolina Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufactured park and designed to be transported to the home site on its own chassis, and (iii) exceeds forty feet and eight feet in width. A structure that would otherwise be characterized as a mobile home except that it is not used or held ready for use as a dwelling unit (e.g., it is used as an office or some other business use) shall not be regarded as a mobile home.

**Mobile Home Park.** A development located on one (1) or more parcels of land for which three (3) mobile home spaces with utilities and other amenities provided to serve the mobile homes located therein. The mobile homes which may serve as either the owner's, the operator's, their families residences are included for the purpose of this definition.

**Nonconforming Lot of Record.** A lot described by a plat or a deed that was recorded prior to the effective date of local watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.

**Non-residential Development.** All development other than residential development, agriculture and silviculture.

**~~Planning Director.~~** ~~References to the Planning Director shall mean the Planning Director or his designated staff.~~

**Plat.** A map or plan of a parcel of land which is to be, or has been subdivided.

**Protected Area.** The area adjoining and upstream of the critical area ~~in a of WS-IV water supply in which protection measures are required~~ **watersheds.** The boundaries of the protected area are defined as within five miles of ~~the~~ **and draining to** the normal pool elevation of the reservoir ~~and draining to water supply reservoirs (measured from normal pool elevation)~~ or to the ridgeline of the watershed (whichever comes first); or within 10 miles upstream and draining to the intake located directly in the stream or river (run-of-the-river), or to the ridgeline of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the protected area if these landmarks are immediately adjacent to the appropriate outer boundary of 5 or 10 miles. In some cases the protected area will encompass the entire watershed.

**Residential Development.** Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

**Residuals.** Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

**Sewer System, Public.** A means of collecting, transporting and treating sewage by a public entity (e.g., City, Town, County, District), or other public body created by, or pursuant to State, Federal, and Local laws, or any combination thereof acting cooperatively or jointly. A package treatment plant shall be considered part of a public sewer system if owned by a City, Town, County, District, etc.

**Single Family Residential.** Any development where: **1) no building contains more than one dwelling unit,** 2) every

dwelling unit (including mobile homes) is on a separate lot, and 3) where no lot contains more than one dwelling unit. Notwithstanding, a mobile home park shall be considered a single family residential development.

**Street (Road).** A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

**Structure.** Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

**Subdivider.** Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

**Subdivision.** All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

- (1)** The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this ordinance;
- (2)** The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
- (3)** The public acquisition by purchase of strips of land for the widening or opening of streets;
- (4)** The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the this ordinance;
- (5)** The division of a tract into plots or lots used as a cemetery.

**Toxic Substance.** Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

**Variance.** A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.

~~**Variance, Major.** A variance from the County's water supply watershed regulations that results in a relaxation by a factor greater than five (5) percent of any buffer, density or built upon area requirement under the high density option; or any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system; or by a factor greater than ten (10) percent, of any management requirement under the low density option.~~

~~**Minor Variance.** A variance from the County's water supply watershed regulations that results in a relaxation by a factor of up to five (5) percent of any buffer, density or built upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low density option.~~

**Water Borne Dependent Structure.** Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

**Watershed.** The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

**Water System, Public.** The provisions to the public of piped water by a system owned and operated by a public entity.

## **Section 602. Word Interpretation.**

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

**Words in the present tense include the future tense.**

**Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.**

The word "person" includes a firm, association, corporation, trust, and company as well as an individual.

The word "structure" shall include the word "building."

The word "lot" shall include the words, "plot," "parcel," or "tract."

The word "shall" is always mandatory and not merely directory.

The word "will" is always mandatory and not merely directory.

*Appendix C: High Density Development*

**Article 700: High Density**

General Requirements

~~In the WS-IV-CA and the WS-IV-PA watersheds, any development (other than a single-family residential development) may occur using the high density option under the rules and guidelines herein outlined. The use of the high density option for any particular project shall be subject to approval by the Board of Commissioners and, where deemed necessary by the Board of Commissioners, may be submitted to the Division of Environmental Management's Water Quality Section for review and recommendation.~~

**Section 701. High Density Option Development Standards**

- A. ~~The Board of Commissioners may approve a project using the high density option (other than one for a single-family residential development)~~ **proposals** consistent with the following standards:
- ~~1. If the area proposed to be developed lies in a designated WS-IV Watershed Areas- Critical Area (WS-IV-CA). Where new development exceeds either 2 dwelling units per acre or 24% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall for and development which contains a~~ **shall not exceed 50% built-upon area of 24-50 percent.**
  - ~~2. If the area proposed to be developed lies in a designated WS-IV Watershed Areas- Protected Area (WS-IV-PA). Where new development requires a Sedimentation/Erosion Control Plan and exceeds either 2 dwelling units per acre or 24% built-upon area or 3 dwelling units per area or 36% built-upon area for projects without curb and gutter street systems, engineered stormwater controls shall be used to control runoff from the first inch of rainfall for and development which contains a~~ **shall not exceed 70% built-upon area of 24-70 percent (except that projects not using curb and gutter may be allowed to have built-upon areas of up to thirty-six (36%) percent using the low-density option).**

**Section 702. High Density Development Permit Application**

- A. **A High Density Development Permit shall be required for new development exceeding the requirements of the low density option.**
- B. **Application for a High Density Development shall be addressed and submitted to the Board of Commissioners through the Planning Director. Application for High Density Development Permit shall be made on the proper form and shall include the following information:**
- ~~1. An application for authorization to use the high density option shall be a~~ completed High Density Development Permit Application **signed by the applicant owner** of the property. The signature of ~~and the consulting engineer and shall also be~~ or other agent will be accepted on the application only if **accompanied by the following** a letter of authorization;
  2. Two reproducible copies of the development plan within the drainage basin ~~containing~~ **including the all applicable and required information listed in Appendix A: Application Forms, Subdivision Plat Checklist and detailed information concerning built-upon area;**
  3. Two reproducible copies of the plans and ~~required~~ specifications of the stormwater control structure consistent with section 703;

4. When required by law, written verification that a soil erosion and sedimentation control plan ~~which has been approved by the appropriate state~~ or local agency;
5. ~~A separate fee shall be required for submittal of any high density option application. Said fee shall be in accordance with a fee schedule adopted by the Iredell County Board of Commissioners. No application for high density option approval will be considered complete unless accompanied with the requisite fee. Permit Application Fees consistent with Section 706.~~
  - C. Prior to taking final action on any application, the Board or the Watershed Administrator may provide an opportunity to public agencies affected by the development proposal to review and make recommendations on the application. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within prescribed time limit.
  - D. The Board of Commissioners shall either approve or disapprove each application for a High Density Development Permit based on the applicable criteria contained in this Ordinance. First consideration of a completed application shall be at the next regularly scheduled meeting of the Boards following its receipt. The Board shall take action on the application as its first consideration or within sixty-five (65) days of its first consideration.
1. If the Board approves the application based on its findings, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plans and specifications of the stormwater control structure. A High Density Development Permit shall be issued after the applicant posts a performance bond acceptable security as required in Section 704(B)(1) and executes an Operation and Maintenance Agreement as required in Section 704(C). A copy of the permit and one copy of each set of plans shall be kept on file at the Planning Director's office. The original permit and one copy of each set of plans shall be delivered to the applicant either by personal service or registered mail, return receipt requested.
2. If the Board disapproves the application based on its findings, the reasons for such action shall be stated in the minutes of the Board and presented to the applicant in writing either by personal service or registered mail, return receipt requested. The applicant may make changes and submit a revised plan. All revisions shall be submitted, reviewed, and acted upon by the Board pursuant to the procedures of this section.
  - E. In addition to any other requirements provided by this Ordinance, the Board may designate additional permit conditions and requirements to assure that the use will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. All additional conditions shall be entered in the minutes of the meeting at which the permit is granted, on all plans and on the permit certificate. All conditions so imposed shall run with the land and shall be binding upon the applicant and the applicant's heir, successors, or assigns during the continuation of the permitted use.
  - F. The Board shall issue a written ruling and make copies available at the office of the Planning Director and the Iredell County clerk.
1. If the Board approves the application based on its findings, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plans and specifications of the stormwater control structure(s). A High Density Development Permit shall be issued after the applicant posts a performance bond or other acceptable security as required in Section 704(B)(1) and executes an Operation and Maintenance Agreement as required in Section 704(C). A copy of the permit and one copy of each set of plans shall be kept on file at the Planning Director's office. The original permit and one copy of each set of plans shall be delivered to the applicant either by personal service or registered mail, return receipt requested.

#### **Inspection Fees**

~~Inspection of all stormwater control structures will be conducted: (i) prior to approval of the high density option for any project; (ii) after work on the stormwater control structure is complete; (iii) annually once the stormwater control structures have been approved by the County, and (iv) any time after improvements, modifications or changes to said structures have been made by the owning entity. A fee, in accordance with a fee schedule approved by the Board of Commissioners, shall be required to be paid by the owning entity prior to each such inspection being conducted.~~

#### **Section 703. Stormwater Control Structures Specifications**

- A. All stormwater control structures shall be designed by either a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architect, to the extent that the design represents are defined as professional engineers or, landscape architect, to the extent that the General Statutes, Chapter 89A allow and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in General Statutes 89 (C)-3(7).

B. All stormwater controls ~~structures~~ shall use wet detention ponds as the ~~a~~ primary treatment system **unless alternative stormwater management measures, as outlined in Section 703(C), are used.** Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management. Specific requirements for these systems shall be in accordance with following **design** criteria:

1. Wet detention ponds shall be designed to remove ~~a minimum of eight five-~~ 85% of total suspended solids in the permanent pool and storage runoff from a one inch runoff **rainfall** from the site above the permanent pool;
2. The designed runoff storage volume shall be above the permanent pool;
3. The discharge rate from these systems following the one inch rainfall design storm shall be such that the runoff does not draw down to the permanent pool level in less than two (2) days and that the pond is drawn down to the permanent pool level within at least five (5) days;
4. The mean permanent pool depth shall be a minimum of three (3) feet;
5. The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features;
6. Vegetative filters shall be constructed for the overflow and discharge of all stormwater wet detention ponds and shall be at least thirty feet in length. The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow-through the filter for a 10-year, 24-hour storm with a 10-year, 1-hour intensity with a slope of five percent or less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics;
7. ~~The structure and vegetative filter shall be designed to minimize vector attraction. Vegetative filters if designed to remain wet under normal conditions should have adequate dry weather flow to reduce the attraction of water borne insects.~~
8. ~~An adequate drain shall be provided at the low point of each wet pond to facilitate watering for routine maintenance.~~

C. **Alternative stormwater management systems, consisting of one treatment option or a combination of treatment options, may be used. The design criteria for approval shall be 85 percent average annual removal of Total Suspended Solids. Also, the discharge rate shall meet one of the following criteria;**

1. **the discharge rate following the 1-inch design storm shall be such that the runoff draws down to the pre-storm design stage within five days, but not less that two days; or**
2. **the post development peak discharge rate shall equal the predevelopment rate for the 1-year, 24-hour storm.**

D. **In addition to the vegetative filters required in Section 703 (B)(6), all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within thirty (30) days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement described in Section ~~507(E)~~ 705(C) of this Ordinance.**

E. A description of the area containing the stormwater control structure shall be prepared and filed **in** consistency with Section ~~507(H)(1)~~ **707 (A and B)**, as a separate deed with the **Iredell County** Register of Deeds along with any easements necessary for general access to the stormwater control structure ~~should ownership (and maintenance) of the stormwater control structure be transferred to another person, firm, or entity .~~ The deeded area shall include the ~~detention pond~~ **stormwater control structure,** vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs, and reconstruction.

F. **The pervious portions of any Qualifying areas of the stormwater control structure approved by the County Board of Commissioners shall not be included-** may be considered pervious **when computing total built-upon area.** However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute built-upon area for any other site or area.

**Section 704. Posting of Financial Security Required**

A. All new stormwater control structures ~~approved employing the high density option~~ shall be conditioned on the posting of adequate financial assurance for the purpose of ~~construction,~~ maintenance,

repairs, or reconstruction said ~~devices~~ necessary for adequate performance of the stormwater control structures.

B. Financial assurance shall be in the form of the following:

1. Security Performance Bond or other security. If the Board of Commissioners approves the use of the high density option for a particular project, it may do so only after The permit applicant has posted ~~shall obtain either a performance bond from~~ a surety bond bonding company authorized to do business in North Carolina, an irrevocable letter of credit or other instrument readily convertible into cash, or equivalent security at face value payable to Iredell County or placed in escrow with a financial institution designated as an official depository of Iredell County. The bond or other instrument shall be in an amount ~~not less than equal to~~ 1.25 times the total cost of ~~constructing the necessary~~ stormwater control structure, as estimated by the applicant and approved by the Board of Commissioners. Such financial security shall be paid to the County and shall be in a form prescribed by the County. All construction costs shall be verified by the County and County may assess the applicant for actual costs associated with such verification. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation, fill, etc. The cost shall not be prorated as part of a larger project, but rather as an individual project under the assumption of an independent mobilization.
2. ~~Once the stormwater control structure(s) has been constructed and inspected in the manner provided in Section 507(H) of this Ordinance, and approved by the Board of Commissioners, the Board of Commissioners may authorize the release of up to seventy five percent (75%) of the surety bond or other equivalent device outlined in Section 507(F) (1) of this Ordinance. The remaining portion of the surety bond or equivalent device may be released to the owning entity in accordance with Section 507(H)(1)(e).~~
3. Cash or Equivalent Security Deposited After the Release of the Performance Bond. Prior to said release, however, Consistent with Section 707 (C)(1), the permit applicant shall be required to deposit with the County either cash or ~~similar~~ other instrument approved by the Board of Commissioners that is readily convertible into cash at face value. The cash or security shall be in an amount equal to fifteen percent (15%) of the total construction cost (as defined in Section 507(F)(1)) or one hundred percent (100%) of the stormwater control structure or the estimated cost of maintaining, repairing or reconstructing said the stormwater control structure over a ~~twenty (20)~~ ten (10) year period, whichever is greater. The estimated cost of maintaining the stormwater control structure shall be consistent with the approved operation and maintenance plan or manual provided by the applicant ~~developer~~ as outlined in ~~under~~ Section 507 (E) 705(A). The amount shall be computed by estimating the maintenance cost for twenty-five (25) years and multiplying this amount by two fifths or 0.4.

C. Consistent with Section 702, ~~Any stormwater control structure approved by the Board of Commissioners shall be predicated on the developer and the County~~ the permit applicant shall ~~entering into a~~ the binding Operation and Maintenance Plan Agreement between the Board of Commissioners and all interests in the development. Said Plan Agreement shall require the owning entity of said structure(s) to maintain, repair, and if necessary, reconstruct said structure(s) the stormwater control structure in accordance with the operation management plan or manual provided by the developer to the County. Said Plan The Operation and Maintenance Agreement ~~must be approved by the Board of Commissioners prior to or in conjunction with approval of the high density option for said project~~ shall be filed with Iredell County Register of Deeds by the Board of Commissioners.

D. Default under the performance bond or other security. Upon default of the permit applicant to complete and/or maintain the stormwater control structure as spelled out in the ~~surety performance~~ bond or other ~~equivalent~~ security, the Board of Commissioners may obtain and use all or any portion of the funds necessary to complete the improvements based on ~~actual construction costs~~ an engineering estimate. The Board of Commissioners shall return any funds not spent in completing the improvements to the owning entity.

E. Default under the cash security. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the ~~approved~~ Operation and Maintenance Plan Agreement, the Board of Commissioners shall obtain and use all or any portion of the cash security ~~outlined in Section 507(F)(3) to~~ make necessary improvements based on ~~actual construction costs borne by the County to make such improvements~~ an engineering estimate. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the Operation and Maintenance Agreement. The Board shall not return any deposited cash funds.

Section 705. Maintenance and Upkeep

- A. ~~A separate~~ **An operation and maintenance plan or manual** ~~must~~ **shall** be provided by the developer for each stormwater control structure, ~~containing, at a minimum,~~ **indicating** what operation and maintenance actions are needed ~~and will be undertaken,~~ what specific quantitative criteria will be used for determining when those actions are to be taken and, **consistent with the Operation and Maintenance Agreement,** who is responsible for ~~such~~ **those** actions. The plan shall clearly indicate ~~what~~ **the** steps **that** will be taken for restoring a stormwater control structure to design specifications if a failure occurs.
- B. Landscaping and grounds management shall be the responsibility of the owning entity ~~of said structure(s).~~ However, vegetation shall not be established or allowed to mature to the extent that the integrity of the **control** structure is diminished or threatened, or to the extent of interfering with any easement or access to the **stormwater control** structure.
- C. Except for ~~routine~~ **general** landscaping and grounds ~~maintenance~~ **management,** the owning entity shall notify the ~~Planning Director~~ **Watershed Administrator** prior to any repair or reconstruction of the **stormwater control** structure. All improvements shall be made consistent with the approval plans and specifications **of the stormwater control** ~~for that~~ **structure and the operation and maintenance plan or manual.** After notification by the owning entity, County staff shall inspect the completed improvements and **shall** inform the owning entity of any required additions, changes, or modifications **needed and of the time period** to complete said improvements. ~~A time period for making such changes shall also be stipulated by the County.~~ **The Watershed Administrator may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Board of Commissioners.** ~~A fee, in accordance with a fee schedule adopted by the Board of Commissioners, shall be charged to the owning entity for each inspection (or re-inspection).~~
- D. Amendments to the plans and ~~or~~ specifications of the stormwater control structure **and/or the operation and maintenance plan or manual** ~~may only~~ **shall be** approved by the Board of Commissioners. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, **Chapter 89A,** allow) and submitted to **and reviewed by the Watershed Administrator prior to** the Board of Commissioners for approval. ~~Such amendments shall be accompanied by all information and fees prescribed in Section 507(C) of this Ordinance. Approval of such amendments shall not require Planning Board review nor a new public hearing, unless either or both are deemed necessary by the Board of Commissioners.~~
1. **If the Board of Commissioners approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Office of the Watershed Administrator.**
  2. **If the Board of Commissioners disapproves the changes, the proposal may be revised and resubmitted to the Board of Commissioners as a new proposal. If the proposal has not been revised and is essentially the same as already reviewed, it shall be returned to the applicant.**
- E. If the Board of Commissioners finds that the **operation and maintenance** plan ~~once approved or~~ **manual** is inadequate for any reason, the ~~Planning Director~~ **Watershed Administrator** shall notify the owning entity of any **required** changes ~~mandated by the County and a time frame in which changes to the Plan shall be made~~ **and shall prepare and file copies of the revised agreement with the Iredell County Register of Deeds, the Office of the Watershed Administrator and the owning entity.**

#### **Section 706. Application and Inspection Fees**

- A. **Processing and inspection fees shall be submitted in the form of a check or money order made payable to Iredell County. Applications shall be returned if not accompanied by the required fee.**
- B. **A permit and inspection fee schedule, as approved by Iredell County Board of Commissioners, shall be posted in the Office of the Watershed Administrator.**
- C. **Inspection fees shall be valid for 60 days. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with Section 705(C), except in the case when a similar fee has been paid within the last 60 days.**

#### **Section 707. Inspections and Release of the Performance Board**

- A. ~~All new~~ **The** stormwater control structure shall be inspected by the County **Planning Director,** after the owning entity notifies the Planning Director that all ~~construction~~ **work** has been completed. At this inspection, the owning entity shall provide:
1. **A The signed deed, related easements and survey plat for the stormwater control structure in a manner suitable** ~~ready for filing with the Register of Deeds;~~
  2. A certification **sealed** by an engineer or landscape architect (to the extent ~~allowed by~~ **that** the General Statutes, **Chapter 89A, allow**) stating that the stormwater control structure is complete and consistent with the approved plans and ~~all specifications previously stipulated by the County~~

- B. The Planning Director shall present the materials submitted by the ~~owning entity developer~~ along with ~~and~~ the County's inspection report and recommendations to the Board of Commissioners at its next regularly scheduled meeting for their review and approval.
1. If the Board of Commissioners approves the inspection report and accepts the certification, deed, and easements, the ~~Planning Director~~ **Board** shall file said the deed and easements with the Iredell County Register of Deeds, release up to seventy-five percent (75%) of the value of the surety performance bond or equivalent other security as called for in Section 507(F)(1) shall be made in a manner as prescribed in Section 507(F)(2) and 507(F)(3) and issue a Watershed Protection Occupancy Permit for the stormwater control structure, consistent with Section 310.
  2. If deficiencies are found ~~as a result of the inspection~~, the Board of Commissioners shall direct ~~the owning entity to make necessary~~ that improvements and inspections be made and/ or documents corrected and resubmitted to the Board. ~~No release of funds shall be made by the County until all deficiencies are properly addressed to the County's satisfaction.~~
- C. No sooner than one year after ~~approval of the stormwater control structure(s) by the County,~~ the filing date of the deed, easements and maintenance agreement, the owning entity the developer may petition the Board of Commissioners to release the remaining value of the posted performance bond or other security called for in Section 507(F)(1). Upon receipt of said petition, the County shall inspect the stormwater control structure to determine whether the ~~structure(s)~~ controls is are performing as designed and intended. ~~Once the inspection is made,~~ The Planning Director shall present the petition, inspection report, and recommendations to the Board of Commissioners.
1. If the Board approves the report and accepts the petition, the developer shall deposit with the Board a cash amount equal to that described in Section 704(B)(2) after which, the Board shall release the performance bond or other security.
  2. If the Board does not accept the report and rejects the petition, the Board shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release the performance bond or other security.
- D. ~~A~~ **A Watershed Protection** Occupancy Permit shall not be issued for any ~~structure~~ building within the permitted development until the Board of Commissioners has approved the stormwater control structure, as provided in Section 707(B) ~~in the manner as herein prescribed.~~
- E. All stormwater control structures shall be inspected ~~by the County~~ at least once on an annual basis to determine whether the ~~structures~~ controls are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Environmental Management. Annual inspections shall begin within one year ~~after approval of~~ filing date of the deed for the stormwater control structure ~~by the County Board of Commissioners.~~ A fee, in accordance with a fee schedule adopted by the Board of Commissioners shall be charged to the owning entity for annual inspections (and re-inspections). ~~A copy of each inspection report shall be filed with the Planning Director.~~
- F. **In the event the Planning Director County's report** discovers ~~indicates the need for corrective action or improvements, the Planning Director shall notify the owning entity of the needed improvements and the date by which such improvements are~~ the corrective action is to be completed. **All improvements shall be made consistent with the adopted** plans and specifications of the stormwater control structure and the **operation and maintenance plan or manual and specifications.** ~~Once such improvements are made,~~ After notification by the owning entity ~~shall forthwith contact the Planning Director and ask that an inspection be made~~ shall inspect and approve the completed improvements. The Planning Director may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Board of Commissioners.
- G. Appeals of any order, requirement, decision, or determination made by the Planning Director may be made to and decided by the Board of Commissioners consistent with Section 502.

#### Section 708. Sanctions

In addition to the remedies described in Article 100 of this Ordinance and consistent with: G.S. 153A-123, the Board of Commissioners may seek enforcement of this Ordinance through the Board of Commissioners by assessing a civil penalty to be recovered by Iredell County in a civil action in the nature of debt if the offender does not pay the penalty in a prescribed period of time after being cited for violation of the ordinance. Said violation may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. The court may issue an injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil

proceeding, including the Rules of Civil Procedure in general and Rule 65 in particular. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, the defendant may be cited for contempt and Iredell County may execute the order of abatement. Iredell County shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceeding and posting a bond for compliance with order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith. Enforcement of this ordinance may be by any one, all or a combination of the remedies authorized in this ordinance. Each day's continuing violation shall be a separate and distinct offense.

No one else chose to speak, and Chairman Tice adjourned the hearing.

**MOTION** by Commissioner Robertson to approve the watershed ordinance amendments as presented by the planning supervisor.

VOTING: Ayes – 5; Nays – 0.

-----**CONSENT AGENDA**-----  
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**MOTION** by Commissioner Norman to approve the following 11 consent agenda items.

VOTING: Ayes – 5; Nays – 0.

- 1. Request from the Sheriff's Department for Approval of Budget Amendment #6 to Recognize a U.S. Immigration and Customs Enforcement Reimbursement of \$50,000 for the Sole Source Purchase of an ION Scanner and Portable Video Search System:** During the agenda briefing, Purchasing Agent Dean Lail said the sheriff's department desired to purchase an ION scanner and portable video search system from a sole source supplier. He said the equipment would be used to assist in immigration and customs enforcement, and a \$50,000 grant from the US Immigration and Customs Department would be used to pay for the items. (The itemizer or contraband detection system will cost \$40,920.58 and the video system will be \$7,470.00.)
- 2. Request from the Health Department for Approval of Budget Amendment #7 for the Allocation of American Lung Association Grant Revenue and Expenditures:** Health Director Campbell said at the briefing session that on June 21, 2005, the board approved a request to apply for an American Lung Association grant. She said \$700 had been awarded, and a budget amendment was needed to allocate the funds.
- 3. Request from the Health Department for Approval of a Proposed Environmental Health Fee Schedule:** At the five o'clock meeting, Health Director Donna Campbell and Environmental Health Supervisor Kelly Sheeks explained the need to increase the environmental health fees. Mrs. Campbell said the staff had been directed to cover the direct costs for the on-site waste water program. She said salaries/fringes, vehicle costs, office supplies (document imaging, etc.), along with historical data were all considered in reviewing the fees.

Sheeks said 70% of the department's customers would need Type I through III septic system permits. He said the Statesville office was caught up on permits through August 26, and in Mooresville, the staff was up to August 25.

Campbell said the department was not up to a full staffing level, but progress was being made.

The revised fees that were approved effective October 1, 2005 are as follows:

**IREDELL COUNTY HEALTH DEPARTMENT  
ENVIRONMENTAL HEALTH DIVISION**

**I. User Fee Schedule: CURRENT and PROPOSED  
(with Reduced Fee for Fast Track)**

<i>On-Site Waste Water Current Schedule</i>	<i>Fee Types</i>	<i>Proposed Fee Schedule</i>	<i>Estimated Revenue</i>	<i>Fast Track Proposed Fee</i>
<u>New System Permit</u>	<u>New System Permit</u>			
Type I, II \$200	Type I-III (except III b)	\$350	\$392,000	\$200
Type III \$330	Type III b, Type IV-VI	\$900	\$432,000	\$575
Type IV+ \$575				
<u>REPAIRS</u>	<u>REPAIRS</u>			
Type I-III (except III b) No Charge	Type I – III (except III b)	\$350	\$37,800	\$200
Type III b, Type IV-VI No Charge	Type III b, Type IV-VI	\$900	\$12,600	\$575
<u>Relayouts</u>	<u>RELAYOUTS</u>		\$36,000	
Limited \$50	Limited	\$100		\$50
Comprehensive Full Permit Fee	Comprehensive Type I-III (except III b) Type III b, Type IV-VI	\$350 \$900		\$200
<u>EXISTING SYSTEM INSPECTION</u> \$50	<u>Existing System Inspection</u>	\$100	\$16,500	\$50
<u>SITE REVISIT FEE</u> No Charge	<u>Site Revisit Fee</u>	\$50	\$10,000	Not Applicable
OSWW REVENUE ESTIMATES			\$936,900	<i>Unknown</i>

<u>CURRENT SCHEDULE</u>	<u>PROPOSED FEES</u>	<u>ESTIMATED REVENUES</u>
<b>II. <u>WATER SAMPLES</u></b> \$30	<b>III. <u>WATER SAMPLES</u></b>	<b>Water Samples</b> <b>\$4,500</b>
	Bacteriological, Inorganic \$30	
	Pesticide, Petroleum, VOC \$50	
<b>IV. <u>SWIMMING POOL PERMITS</u></b>	<b>Swimming Pool Permits</b>	<b><u>SWIMMING POOL PERMITS</u></b> <b>\$12,800</b>
Operating <8 mos. \$50	Operating <8 mos. \$100	
Operating 8 mos. + \$75	Operating 8 mos. + \$150	
Initial Plans Review      No Charge	Initial Plans Review \$150	
<b><u>TATTOO ARTIST PERMIT</u></b> \$200	<b>V. <u>TATTOO ARTIST PERMIT</u></b> \$200	<b><u>TATTOO ARTIST PERMIT</u></b> <b>\$1,200</b>
<b>Local Food Plan Review</b>	<b>Local Food Plan Review</b>	<b>VI. <u>LOCAL FOOD PLAN</u></b> <b><u>REVIEW</u>      \$3,600</b>
Restaurant \$200	Restaurant \$200	
Food Stand \$100	Food Stand \$100	
Meat Market \$100	Meat Market \$100	
Renovations \$100	Renovations \$100	
		<b>REVENUE ESTIMATES</b> <b>\$22,100</b>

**4. Request from the Health Department for Approval of Revised Fees in the Preventive Health Program:** Health Director Donna Campbell said at the briefing session that since July of this year, Medicaid officials had sent a notification advising of a reimbursement rate increase. She said the fees had been revised to reflect the increases. The new schedule is as follows:

CPT CODE	CODE DESCRIPTION	NEW MEDICAID REIMBURSEMENT RATE	APPROVED FEE	REVISED FEE EFFECTIVE 7-1-05
90471 (EP)	Administration fee (single vaccine)	\$27.42	\$20.00	\$28.00
99202	Limited Office Visit New	\$93.15	\$ 90.00	\$94.00
99203	Expanded Office Visit New	\$132.48	\$128.00	\$133.00
99204	Detailed Office Visit New	\$194.58	\$188.00	\$195.00
99205	Comprehensive Office Visit New	\$244.26	\$236.00	\$245.00
99212	Limited Office Visit Est.	\$56.93	\$55.00	\$57.00
99213	Expanded Office Visit Est.	\$78.66	\$76.00	\$79.00
99214	Detailed Office Visit Est.	\$122.13	\$118.00	123.00
99215	Comprehensive Office Visit Est.	\$ 182.16	\$176.00	\$183.00
T1016	CSC /unit 1 unit = 15 min	\$21.74	\$21.00	\$22.00 Effective 6-15-05

**5. Request from the Planning & Enforcement Department for the Awarding of a NovaLIS Software Package:** During the five o'clock meeting, Inspections and Planning Director Niblock said his FY 05-06 budget included \$175,000 for a software system to replace the current zoning and permitting system. He said bids were recently opened and the low bidder, Concord Engineering, was \$5,000 over the budgeted amount. Niblock said the low bidder included a license for an ArcGIS engine, a system that would allow inspectors in the field to access the county's GIS system with laptop computers. He said the enhancement would be beneficial, and he recommended for the bid to be awarded to Concord Engineering, or the low bidder. Niblock said the extra \$5,000 could be found by transferring funds out of the contracted services line item.

*The bids that were received are as follows:*

Novalis	\$214,000.00
Concord Engineering	180,000.00
Woolpert Engineering	716,256.00 (adjusted to \$382,032.00)

The contract was awarded to Concord Engineering as recommended by staff.

**6. Request from the Monticello VFD for Approval of an Updated Contract for Service District Fire Protection:** During the briefing session, Asst. Co. Mgr. Tracy Jackson said the State Fire Marshal's Office had recommended for the Monticello VFD's contract to be updated. He said during a recent inspection, the Raleigh office had requested that the contract be amended by including a paragraph indicating the VFD was providing First Responder Medical Services.

**7. Request for Approval of a Resolution Designating the National Incident Management System (NIMS) as the Basis for All Incident Management in Iredell County:** Tracy Jackson said at the agenda briefing that in order to receive Homeland Security grants, the county needed to be NIMS compliant by October 2006. He requested approval of the following resolution that would create a task force to develop and implement an incident management plan.

## RESOLUTION

### DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN IREDELL COUNTY

**WHEREAS**, the President of the United States in Homeland Security Directive (HSPD)-5 directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, and local governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

**WHEREAS**, the Governor of the State of North Carolina has issued a proclamation for the adoption of NIMS, established NIMS as the State standard for incident management for use in daily operations, as well as disaster operations in North Carolina, and directed all counties and departments to adopt and apply NIMS for all routine, multi-company and agency responses; and

**WHEREAS**, the collective input and guidance of all federal, state and local Homeland Security partners has been, and will continue to be, vital to the development and effective implementation and utilization of a comprehensive NIMS; and

**WHEREAS**, it is necessary that all federal, state, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest level of incident management; and

**WHEREAS**, the NIMS standardized procedures for managing personnel, communications, facilities, and resources will improve the County's ability to utilize funding to enhance local readiness, maintain first responder safety, and streamline incident management processes; and

**WHEREAS**, the Incident Command System components are already an integral part of various incident management activities throughout the county, including the Iredell County Emergency Operations Plan; and

**WHEREAS**, the National Commission on Terrorist Attacks (9-11 Commission) recommends adoption of a standard Incident Command System.

**NOW, THEREFORE, BE IT RESOLVED** that the Iredell County Board of Commissioners does hereby establish the National Incident Management System (NIMS) as the county standard for incident management, and that all emergency agencies under county control, by being county agencies, under contract with Iredell County, or by a signatory to a Mutual Aid Agreement with Iredell County, will function under the standards of the National Incident Management System. Furthermore, the Iredell County Office of Emergency Management is hereby charged with forming a Task Force that will be responsible for developing and implementing a countywide, NIMS-compliant Incident Management Plan by no later than October 2006.

\* \* \* \* \*

**8. Request for Review of an Incentive Study & Discussion/Decision Regarding an In-Range Pay Incentive Request Previously Submitted by the Chief Animal Control Officer:** Tracy Jackson, at the briefing session, said that previously (June 7, 2005), the animal control supervisor had requested an in-range pay increase for the officers fulfilling the requirements (4 hours of class work and an exam) to become an Official Rabies Vaccinator. He said the board had delayed action until a survey could be conducted on the incentives currently being offered by other departments. Jackson said the findings revealed that about 95% of the departments required some type of certification and about 38% offered some type of monetary reward or reclassification.

In regards to the animal control supervisor's request, County Manager Mashburn said he felt there was justification to approve the increase. Mashburn recommended that a one-percent increase be awarded. He said the effort involved needed to be studied when evaluating the requests. Mashburn said the staff would have to look at the "overall picture" regarding incentives, and guidelines needed to be created.

Jackson said the animal control supervisor (Robb Tatham) already had the certification along with one other employee. He said Mr. Tatham had declined the increase due to being a department head.

**9. Request for Approval of a Resolution that Adopts an Interlocal Agreement Establishing the North Carolina Counties Liability and Property Joint Risk Management Agency:** Deputy County Manager Blumenstein said the county for several years had been affiliated with the North Carolina Association of County Commissioners (NCACC) “pool” that was created to provide a method of risk sharing along with the payout of liability claims and property losses. She said the county in the past had solicited bids for the service, but the NCACC program had proven to be the most cost efficient. Mrs. Blumenstein requested approval of the following resolution to establish and participate in the agency.

**RESOLUTION TO ADOPT THE INTERLOCAL AGREEMENT ESTABLISHING THE NORTH CAROLINA COUNTIES LIABILITY AND PROPERTY JOINT RISK MANAGEMENT AGENCY AND TO JOIN THE AGENCY**

WHEREAS, Iredell County desires to protect against liability claims and property losses and to provide for payment of claims or losses for which the county may be liable; and

WHEREAS, the North Carolina Counties Liability and Property Joint Risk Management Agency had been established pursuant to G.S. §153A-445 (a)(1) and G.S. §160A-460 through §160A-464; and

WHEREAS, it is desirable for Iredell County to join the North Carolina Counties Liability and Property Joint Risk Management Agency in order to provide a method of risk sharing for liability claims and property losses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Iredell County hereby adopts the interlocal agreement entitled “Interlocal Agreement Establishing the North Carolina Counties Liability and Property Joint Risk Management Agency,” and thereby joins and agrees to participate in the North Carolina Counties Liability and Property Joint Risk Management Agency, which has been formed to create a group fund to pay liability claims and property losses of the counties and other local agencies joining the agency.

BE IT FURTHER RESOLVED that Joel Mashburn, Iredell County Manager, is authorized to execute the application to join the North Carolina Counties Liability and Property Joint Risk Management Agency.

\* \* \* \* \*

**10. Request for Adoption of an Amended Capital Project Ordinance for the Facility to be Occupied by the Department of Social Services:** At the briefing session, Mrs. Blumenstein said earnings on investments for unspent construction funds, sales taxes (paid on building materials) and grant reimbursements for furniture/equipment needed to be recognized. She requested approval of the following amended project ordinance that illustrates the referenced revenue.

Be it Ordained by the Board of County Commissioners of Iredell County, North Carolina:

Section 1.	Funds for this Capital Project Fund will be provided from the following source:			
		Existing	Amended	
		Ordinance	Amendment	Ordinance
	Advance from Capital Reserve Fund			
	to be repaid upon receipt of financing proceeds	\$434,300	-	\$434,300
	Interest on Investments		56,860	
	Sales Taxes Reimbursed		133,100	
	DSS Federal & State Grant Reimbursements		100,765	
	Advance from General Fund	50,000		50,000
	Financing Proceeds	6,671,075	-	6,671,075
		<u>\$7,155,375</u>	<u>290,725</u>	<u>\$7,446,100</u>

Section 2.	The following costs for the design and engineering of the Iredell County Department of Social Services Facility shall be paid by this fund:			
		Existing	Amended	
		Ordinance	Amendment	Ordinance
	Basic A/E Fees & Consultants	\$345,300	0	\$345,300
	Professional Services-Other (Survey, Geotechnical, Reimbursables			
	Data/ Communications/Security	151,805	-	151,805
	General Construction	4,339,975	-	4,339,975
	Plumbing Contractor	181,500	-	181,500

Mechanical Contractor	674,400	-	674,400
Electrical Contractor	633,850	-	633,850
Contingency	5,817	-	5,817
Construction Costs-Sewer	39,240	-	39,240
Construction Costs-Other	42,323	-	42,323
Depreciable Assets/Furniture, Fixtures & Equipment	230,365	233,865	464,230
Financing & Admin Costs (LGC Fee, Legal Fees, Title Ins, Bank Fees)	26,500	-	26,500
Transfer to Capital Reserve Fund	434,300	-	434,300
Transfer to General Fund	50,000	56,860	106,860
	<u>\$7,155,375</u>	<u>290,725</u>	<u>\$7,446,100</u>

Section 3. This Capital Project Fund shall continue until the project is complete.

Section 4. The County Manager is authorized to transfer funds from Contingency to other expenditure line items with a report to the board of commissioners at their next meeting.

Section 5. Payments from this Capital Project Fund shall be authorized by the County Manager or his designee.

This Amended Project Ordinance being adopted September 6, 2005.

**11. Request for Approval of the August 16, 2005 Minutes**

-----END OF CONSENT AGENDA-----

**Request for Adoption of a Resolution Authorizing a Public Hearing on Tuesday, October 4, 2005 at 7:00 P.M. & Directing the Publication of a Legal Notice Advertising such Hearing as Required by the Tax Equity & Fiscal Responsibility Act (TEFRA) for the Issuance of Revenue Bonds for a Driver Education and Idling Reduction Foundation Advanced Truck Stop Electrification Network (ATE) Project:** County Attorney Pope said the IdleAire Company provided technology to truckers that reduced or eliminated engine idling when cooling or heating vehicles at travel or truck centers. He said the benefits of the system were less wear and tear on the engines, less fuel consumption, and less particulates being emitted into the air. Pope said the company, through a revenue bond authority, had chosen 28 sites across the nation to locate the technology, and one location was in Iredell County while another was in Guilford County. He said a truck center at 306 Stamey Farm Road in Statesville was a designated project site, but first a public hearing was needed to fulfill the legal requirements. Mr. Pope said the law firm handling the matter did not expect any opposition. He said also the bond issuance would not impose a debt or indebtedness on the county.

Chairman Tice then introduced and read by title the following resolution:

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF IREDELL, NORTH CAROLINA, AUTHORIZING THE HOLDING OF A PUBLIC HEARING AND DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO**

*WHEREAS*, the County of Iredell, North Carolina (the “County”) is a validly existing political subdivision of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the “State”);

*WHEREAS*, the Board of Commissioners of the County (the “Board of Commissioners”) determines that it is in the best interest of the County to hold a public hearing concerning the approval of the issuance by the Colorado Educational and Cultural Facilities Authority (the “Authority”) of its ATE Network Revenue Bonds (DEIR Foundation Program), Series 2005 in an aggregate principal amount not to exceed \$200,000,000 (the “Bonds”), in order to (a) finance or refinance one or more phases of the development of the Driver Education and Idling Reduction Foundation’s (the “Borrower”) Advanced Truck Stop Electrification Network (“ATE”) located in the County, specifically 306 Stamey Farm Rd. Statesville, North Carolina, and (b) to pay certain

issuance expenses (collectively, the “*Project*”). Up to \$4,250,000 will be expended on the Project in the County;

*WHEREAS*, the Bonds and the interest thereon shall never constitute the debt or indebtedness of the Authority or the County, the State of North Carolina (the “*State*”) or any political subdivision of the State or the State of Colorado within the meaning of any provision of the Constitution of the State or the State of Colorado and shall not constitute nor give rise to a pecuniary liability or a charge against the general credit or taxing powers of the Authority, the County, the State or the State of Colorado or any political subdivision of the State or State of Colorado;

*WHEREAS*, the County hereby determines that it is the best interests of the County to hold a public hearing in order to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the “*Code*”), for the sole purpose of qualifying the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code;

*WHEREAS*, a public hearing on the issuance of the Bonds after publication of a notice with respect to such public hearing must be held; and

*WHEREAS*, the County hereby determines that all findings, conclusions and determinations of the County in this Resolution are subject to modification or affirmation after all interested parties have been afforded the opportunity to present their comments at a public hearing regarding the issuance of the Bonds and the financing or refinancing of the Project.

*NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF IREDELL, NORTH CAROLINA, AS FOLLOWS:*

Section 1. *Public Hearing.* That a public hearing (the “*Public Hearing*”) shall be conducted by the Board of Commissioners on October 4, 2005 at 7:00 P.M. in the Iredell County Government Center, Commissioner’s Meeting Room, 200 S. Center Street, Statesville, North Carolina 28677, North Carolina, concerning the issuance of the Bonds and any other transactions contemplated therein and associated therewith.

Section 2. *Notice of Public Hearing.* That the Clerk to the Board is hereby directed to cause a notice of the Public Hearing, in the form attached hereto as Exhibit A, to be published once in a qualified newspaper of general circulation within the County no fewer than 14 days prior to the Public Hearing.

Section 3. *Repealer.* That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 4. *Effective Date.* That this Resolution is effective on the date of its adoption.

On motion of Commissioner Williams, seconded by Commissioner Norman, the foregoing resolution entitled “RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF IREDELL, NORTH CAROLINA, AUTHORIZING THE HOLDING OF A PUBLIC HEARING AND DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO” was duly adopted by the following vote:

AYES: 5

NAYS: 0

**ANNOUNCEMENT OF VACANCIES OCCURRING ON  
BOARDS & COMMISSIONS**

Personnel Advisory Committee (2 announcements)  
Adult Care Home Community Advisory Committee (1 announcement)  
Local Emergency Planning Committee (4 announcements)  
Nursing Home Advisory Committee (2 announcements)

## APPOINTMENTS TO BOARDS & COMMISSIONS

**Adult Care Home Community Advisory Committee (7 appointments):** No nominations were submitted, and Chairman Tice made a motion to postpone the seven appointments until the September 20 meeting.

VOTING: Ayes – 5; Nays – 0.

**Juvenile Crime Prevention Council (1 appointment):** Commissioner Williams nominated Katie Douglas, a junior at North Iredell High, as an “under the age of 18” representative.

No other nominations were submitted, and Chairman Tice made a motion to appoint Douglas by acclamation.

VOTING: Ayes – 5; Nays – 0.

**Nursing Home Advisory Committee (2 appointments):** No nominations were submitted, and Chairman Tice made motion to postpone the two appointments until the September 20 meeting.

VOTING: Ayes – 5; Nays – 0.

**Region F Aging Advisory Committee (2 appointments):** No nominations were submitted, and Chairman Tice made a motion to postpone the two appointments until the September 20 meeting.

VOTING: Ayes – 5; Nays – 0.

**COUNTY MANAGER’S REPORT:** County Manager Mashburn recognized his wife, Janie, who was in the audience.

Mr. Mashburn mentioned that several Hurricane Katrina evacuees were residing in Iredell County. He said the Iredell-Statesville School System had reported that eleven children from the states impacted by the storm were enrolled in local schools.

Mashburn said a couple of county employees were assisting in the U.S. Gulf Coast recovery efforts. (One employee works for EMS and the other individual works for Communications.)

Fuel Consumption: The county manager said that even before the hurricane, it had been anticipated that most departments would overspend their fuel budgets. He said a spreadsheet prepared by the finance director indicated the county, overall, would be about \$500,000 short by the end of the year. Mashburn said the hurricane “magnified” the fuel problem, and the county would implement as many cost saving measures as possible.

**CLOSED SESSION:** Pursuant to G.S. 143-318. 11 (a) (5) (Property Acquisition) and G.S. 143-318.11 (a) (4) (Economic Development), Chairman Tice made a motion to enter into closed session at 7:45 P.M.

VOTING: Ayes – 5; Nays – 0.

(RETURN TO OPEN SESSION AT 8:20 P.M.)

**CALL FOR A PUBLIC HEARING ON SEPTEMBER 20, 2005 REGARDING AN ECONOMIC DEVELOPMENT INCENTIVE FOR THE ROBINSON STEEL COMPANY:** MOTION by Chairman Tice to call for a public hearing on Tuesday, September 20, 2005, at 7:00 P.M., regarding an economic development incentive of \$52,200 (over a five-year period) for the Robinson Steel Company based on a \$3 million investment in Iredell County.

VOTING: Ayes – 5; Nays – 0.

**ADJOURNMENT:** There being no further business, Chairman Tice made a motion to adjourn the meeting at 8:22 P.M. (NEXT MEETING: Tuesday, September 20, 2005, at 5:00 and 7:00 P.M., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.

VOTING: Ayes – 5; Nays – 0.

Approved: \_\_\_\_\_

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