

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, February 10, 2020. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

CALL TO ORDER 5:00 pm

MEMBERS PRESENT John Finelli, Chairman
 Michael Barr Beth Midgett
 David Hines Buddy Shelton
 Terry Gore II

MEMBERS ABSENT David Overton

Presentation on Revised Flood Maps

Donna Creef, Dare County Planning Director, gave a presentation on the revised flood maps, which will become effective June 19, 2020. Policies renewed or enacted after June 19, 2020 will be based on the new maps.

Ms. Creef said revised maps, when adopted, will be used for flood insurance rating purposes. Property owners should talk to their insurance agents about the best possible rate for their property when maps are adopted. There is potential for decreased flood insurance rates.

Ms. Creef discussed the importance of keeping flood insurance. Revised maps do not accurately reflect flood hazards or extreme rainfall amounts. 25% of flood claims occur in Shaded X or X zones. Ms. Creef noted that FEMA assistance will only be available after a declared event and is often in the form of SBA loans that must be repaid. FEMA assistance averages \$5000 and requires the purchase of a flood policy as part of the assistance plan.

Ms. Creef said if you have a home in Dare County you should keep your flood policy. Just because the new flood map indicates your property is not in a flood zone does not mean your property will not flood. Future flood maps may also revert back to higher base flood elevations creating non-conforming structures resulting in higher flood policies. Grandfathered policies may not be guaranteed.

Ms. Creef explained X zone policies are generally less expensive than traditional flood policies and conversion of an existing flood policy may be cheaper than a new policy on a non-conforming structure.

Ms. Creef recommends the following for new structures in unincorporated Dare County:

- VE zones: One-foot freeboard above base flood elevation. No change.
- AE & AO zones: Three-foot freeboard above base flood elevation or to a local elevation standard.
- Shaded X and X zones: Elevated to local elevation standard.
- Local elevation standard current target is eight-feet.

Ms. Creef recommends the following for existing structures in unincorporated Dare County:

- Ground floor enclosures cannot be converted to living space unless a local elevation standard of eight-feet can be maintained. Non-conforming areas will not be rendered compliant with 2020 maps.
- Lateral additions to existing structures – can be added at the same base elevation in effect at time of construction.
- Remodeling (no increase of footprint) – at existing elevation of structure.

Ms. Creef closed by reiterating key points and said to remember: “Low Risk is NOT No Risk.”

Ms. Creef asked if there were comments from the public.

A gentleman asked if a new construction project located in a shaded X or X zone would need a local elevation certificate given a three-foot accommodation. Donna Creef said a local elevation certificate will be required.

A gentleman asked at what point you would be able to build to the standard given the June 19, 2020 effective date. Donna Creef explained if you pull a building permit now it will be based on the 2006 maps. We cannot apply these maps until they are adopted and effective on June 19, 2020.

The Planning Board resumed its regular meeting proceedings at 5:27 pm.

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the January 13, 2020 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. David Hines seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

-None-

OLD BUSINESS

-None-

NEW BUSINESS

Preliminary Plat Review, Payne Estates 7-Lot Subdivision, Roanoke Island, NC
Timothy L Fish, PE, PLS, Surveying and Engineering, was present on behalf of the property owner, Joyce Payne Bell.

Noah Gillam read his staff comments. Mr. Gillam said the proposed lots meet the minimum lot size requirements of the R-2 zoning district. Lots 1 through 4 will use Burnside Rd (SR 1123) for access; lots 5 through 7 will use Payne Rd for access. A copy of the preliminary plat has been sent to NCDOT. No comments have been received by them at this time. Mr. Gillam noted that a stormwater management plan needs to be submitted before the plat can be recorded.

Michael Barr said there is a subdivision listed in GIS on proposed lots one through four. Donna Creef said an exemption that removed the lot lines has been recently recorded. Mr. Fish said the change has been referenced on the plat as Book PCJ Page 113(1).

Michael Barr made a motion to approve the preliminary plat subject to conditions of a stormwater management plan.

Terry Gore seconded the motion.

Vote: Ayes – Unanimous

OTHER BUSINESS

Discussion of Revised Flood Ordinance

Donna Creef submitted the revised document to the State earlier this year and they recommended some minor revisions as a result of pending legislative actions. She said revisions to the current Flood Damage Prevention Ordinance (FDPO) are the result of extensive review by the local planners.

Recommended revisions are as follows:

- Article 3. Section B. Basis for Establishing the Special Flood Hazard Areas is the most significant change. Language has been added that references a new section called the Establishment of a Local Elevation Standard to address flooding vulnerability in Shaded X and X zones.
- Article 5. Section B. Specific Standards. Language has been added to 9 (b), Above-ground tanks, elevated. Above-ground tanks in flood hazard areas may be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- Article 5. Section B. Accessory Structures. Language was added that you cannot have an accessory structure located underneath a VE zone elevated structure.

Ms. Creef added additional exemptions to the Accessory Structures section and is awaiting approval from the State on those revisions.

Beth Midgett asked if Planning Staff have taken calls about the new flood maps. Donna Creef said many of the calls on the Flood Risk Information System (FRIS) are unaware they can toggle the maps from preliminary to effective to see the change in their property's base flood elevation. The effective panel reflects the 2006 flood maps and the preliminary panel reflects the maps that will become effective June 19, 2020. Ms. Creef added that many of the calls to the Planning Staff are looking to confirm they are reading the FRIS website correctly.

The Board discussed the importance of keeping flood insurance. Donna Creef noted that flood maps do not account for heavy rain flooding and is recommending people call their insurance agents. There may be preferred rate policies when properties move from an AE zone to an X zone. Ms. Creef says the Planning Staff message is Dare

County and the Local Town Planners are un-biased third parties that are trying to protect the infrastructure and people's investments in their homes.

Discussion on Zoning Ordinance Amendments for Those Districts Using Base Flood as Reference Point for Building Height

Donna Creef provided a copy of draft language for the Board's review for several zoning districts that use base flood elevation as the reference point for building height. Ms. Creef noted with the changes in the new flood maps, many properties will no longer be in a flood zone with an established base flood on the Flood Insurance Rate Maps. The draft language would use the proposed local elevation standard reference level of 8-feet NAVD versus the base flood for all properties. If the natural grade of properties exceeds 8-feet NAVD, the building height would be measured from the natural grade.

Recommended language for R2-H, R2-AH and C-2H:

- Height limitation: 45 feet measured from the established ground elevation to the highest elevation of any feature of the primary structure or portion of the roof, excluding those architectural features known as cupolas and observation towers that meet the requirements of Section 22-29 (c) of this ordinance. The height shall be calculated from the approximate center of the structure.
- For purposes of the section, established ground elevation is defined as the highest of (1) natural ground elevation before any land disturbing activities or (2) unnatural ground elevation created by the placement of fill on a site on or before June 2, 2003 or; (3) the re-grading of natural topographic conditions in preparation of construction activities.
- Elective elevation option: For those structures that are constructed with the bottom of the floor joist located above 8-feet NAVD 1988 (or applicable datum at the time of construction, one foot of building height may be added for each one foot increment increase in elevation above 8-feet NAVD 1988 (or applicable datum at the time of construction).
- For those structures with a storage area enclosure located below 8-feet NAVD (or the applicable datum at the time of construction), the size of the enclosure area shall not exceed 25% of the square footage of the structure or 300 square feet, whichever measurement is less.
- Ocean Overlay District (includes HOD-1). 52-feet measured from 8-feet NAVD 1988 (or applicable datum at the time of construction) to the highest elevation of any feature of the structure or portion of the roof measured from the approximate center of the structure. For those properties where the natural grade exceeds 8-

feet NAVD (or applicable datum at time of construction), building height shall be measured from the highest adjacent grade to the proposed structural footprint. For the purposes of this section, natural grade is defined as the highest of (1) natural ground elevation before any land disturbing activities or; (2) unnatural ground elevation created by the placement of fill on a site on or before June 2, 2003 or; (3) the re-grading of natural topographic conditions in preparation of construction activities.

Recommended language for All Wanchese Zoning Districts:

- 40-feet measured from 8-feet NAVD 1988 (or applicable datum at the time of construction), to the highest elevation of any feature of the structure or portion of the roof measured from the approximate center of the structure. For those properties where the natural grade exceeds 8-feet NAVD 1988 (or applicable datum at time of construction), building height shall be measured from the highest adjacent grade to the proposed structural footprint. Natural grade for calculation of the 40-feet building limit is defined as (1) natural ground elevation before any land disturbing activities or; (2) unnatural ground elevation created by the placement of fill on a site on or before June 2, 2003 or; (3) the re-grading of natural topographic conditions in preparation of construction activities. Overall height shall be measured from the approximate center of the structure to the highest elevation of the structure.

The Planning Board decided to continue their discussion of the Revised Flood Ordinance and Zoning Amendments Ordinance at the March 9, 2020 Planning Board meeting. The Planning Board will hold a Public Hearing on the Revised Flood Maps on April 13, 2020. The Planning Board will submit their recommendation to the Board of Commissioners by April 20, 2020.

The Planning Board indicated consensus with the dates.

The Board of Commissioners approved the reappointment of Planning Board members Beth Midgett, David Overton, and Michael Barr.

ADJOURNMENT

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Michael Barr and seconded by Terry Gore.

Vote: Ayes – Unanimous

The meeting adjourned at 6:01 p.m.

Respectfully Submitted,



Andrea DiLenge
Planning Board Clerk

APPROVED: March 9, 2020



John Finelli
Chairman, Dare County Planning Board

