



**AGENDA**  
**BRUNSWICK COUNTY**  
**PLANNING BOARD WORKSESSION**

***4:00 P.M. Monday***  
***June 12, 2023***

***2<sup>nd</sup> Floor Training Room***  
***David R. Sandifer Administration Bldg.***  
***Brunswick County Government Center***

- 1) Call to Order.
- 2) Roll Call.
- 3) Presentation by NCDOT followed by Goup Discussion.
- 4) Adjournment.



# AGENDA BRUNSWICK COUNTY PLANNING BOARD

**6:00 P.M. Monday  
June 12, 2023**

**Commissioners Chambers  
David R. Sandifer Administration Bldg.  
Brunswick County Government Center**

- 1) Call to Order.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) Roll Call.
- 5) Consideration of Minutes from the May 8<sup>th</sup> Meeting.
- 6) Agenda Amendments.
- 7) Public Comment.
- 8) Public Hearing.
  - A. Planned Development – PD-104

Name:	Forest View Townhomes Planned Development
Applicant:	Norris and Tunstall
Tax Parcel:	20800011, 2090004201, 2090004202, 22500141, & a portion of 2090004204
Location:	Ash-Little River Road NW (SR 1300)
Description:	Forest View is a proposed planned development to consist of 107 townhouse units on 22.99 acres, creating an overall density of 4.65 dwelling units per acre.
  - B. Ocean Isle Beach Extra Territorial Jurisdiction (ETJ) Expansion

Proposed ETJ Expansion for the Town of Ocean Isle Beach of approximately 15.83 acres located off Hale Swamp Road (SR 1154). The request consists of four parcels – Tax Parcels 22900090, 2290000101, 2290000109, and 2290000104.
- 9) Other Business.
  - Planning Board Case Update.
- 10) Adjournment.

**MINUTES**

**PLANNING BOARD**

**BRUNSWICK COUNTY, NC**

**6:00 P.M. Monday  
May 8, 2023**

**Commissioners Chambers  
David R. Sandifer Administration Bldg.  
County Government Center  
Old U.S 17 East**

MEMBERS PRESENT

Joy Easley, Vice Chair  
William Bittenbender  
Ron Medlin  
Clifton Cheek  
Christopher Wood

MEMBERS ABSENT

Eric Dunham, Chair  
Richard Leary  
Harry Richard Ishler, Alternate

STAFF PRESENT

Kirstie Dixon, Director  
Marc Pages, Principal Planner  
Connie Marlowe, Admin. Asst. II  
Garrett Huckins, Planning Tech.  
Ron Meredith, Project Planner  
Nicole Morgan, Project Planner  
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

John Hankins  
Phil Norris, Norris and Tunstall Eng.  
Grayson Henson  
Josh Fulton  
Bryant Ligon  
Mark Mathewson  
Linda Bowen  
Jeff Kent  
Twanda Williams  
Henry Burkert

Allison Engebretson  
Brad Sedgwick  
Elvira Gilbert  
James Gilbert  
Tim Clinkscales  
Robin Hess  
Pete Polo  
Linda Polo  
Heather Burkert

I. CALL TO ORDER.

Ms. Easley called the meeting to order at 6:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Ms. Easley said a prayer. Ms. Easley asked everyone to stand and face the U.S. Flag to say the Pledge of Allegiance

III. ROLL CALL.

Mr. Dunham, Mr. Leary, and Mr. Ishler were absent.

IV. CONSIDERATION OF MINUTES FROM THE 10-APR-23 MEETING.

Mr. Cheek made a motion to approve the 10-Apr-23 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

There were none.

VII. NEW BUSINESS.

A. Planned Development – PD-97

Name: Trest Tract Planned Development  
Applicant: Paramounte Engineering  
Tax Parcel(s): 2100001804  
Location: Hickman Road NW (SR 1303)  
Description: Trest Tract is a proposed planned development consisting of 205 townhouse units on 34.35 acres creating an overall density of 5.97 dwelling units per acre.

Mr. Pages addressed the Board. He read the Staff Report (attached). Mr. Pages said staff received a written comment from Jeffrey Gaskell (attached) and he provided the Board with a copy of Mr. Gaskell's comments. Mr. Pages proceeded to identify the subject property and surrounding properties on a visual map.

Mr. Pages said staff recommends denial due to the majority of the site and proposed townhomes will be located within the AE Flood Zone and it is not in keeping with the intent of planned development. He stated that the recommendation to deny is based on the following:

### **Blueprint Brunswick 2040 Plan**

#### **NR-4 Reduce the potential for property damage and impacts due to natural hazards**

- Minimize potential impacts of flooding.
  - Discourage new development in flood-prone areas. On the FLUP&C Map, the areas designated for “Conservation” encompass floodplains, flood hazard, ocean hazard, and other high-risk flood areas. Here, development intensity should remain the lowest in the County.
  - Very low density residential development.

#### **HN-3. Address housing issues in areas that are not suitable for residential development.**

- Discourage new housing development in historically susceptible and flood-prone areas.
  - Identify historically susceptible and flood-prone areas and establish local flood hazard areas.

#### **Brunswick County UDO Section 3.3.3.A.iii. – Planned Development – Intent**

- To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, and wildlife habitat.

Mr. Wood made a motion to open the Public Hearing and the motion was unanimously carried.

Mr. Bryant Ligon, local developer of the project, addressed the Board on behalf of the property owner. He stated that he has been working with Mr. Trest for approximately 2 years to present the best use of the property via the proposed project. Mr. Ligon introduced Allison Engebretson and Tim Clinkscales and said they will be speaking to the Board on behalf of the applicant.

Ms. Allison Engebretson, Landscape Architect and Land Planner with Paramounte Engineering, addressed the Board. Ms. Engebretson stated that the plan has been revised and she proceeded to discuss the revised plan via a PowerPoint presentation (attached). She said the handout presented to the Board tonight is the updated version of the proposed project. She stated that they are proposing 205 townhomes (2 story) with driveways and garages. She said they have moved some units closer to Hickman Road SW (SR 1303) after comments from the Technical Review Committee (TRC) meeting. As a result, they are proposing 23.12 acres of open space rather than the initial 9.8 acres proposed. She stated that the neighbors were concerned with buffering, lack of trees on the property, the need for a second access to Crow Creek, and traffic noise in the area. She felt that wider buffers (45' minimum) will help minimize traffic noise and they intend to provide an emergency access to the adjacent property. She further stated that they are proposing plantings on the subject property for buffering purposes. She provided an illustration on the PowerPoint presentation showing the buffer protection from the adjacent property and the subject property. Ms. Engebretson said the Little Caw Caw Canal is to the rear of the subject property and there is a 30' stream buffer on the rear of the property. Ms. Engebretson continued by saying that they currently have a submittal to the Federal Emergency Management Agency (FEMA) to remap the floodway over the Little Caw Caw Canal and they have designed this project based on such. She said they have removed all development out of the non-encroachment area including stormwater control measures (i.e., retention ponds). Ms. Engebretson said they are submitting a CLOMR (Conditional Letter of Map Revision) to FEMA and she defined a CLOMR, in that, fill material can be placed on the property to increase the elevation of the property. She said the base flood elevation of the subject property is 31.3' and any development has to be 2' above base flood elevation, but development cannot begin until a CLOMR is received from FEMA.

Ms. Easley clarified that the base flood elevation is 31.3' and Ms. Engebretson agreed. Ms. Easley asked the probability of receiving the CLOMR from FEMA? Ms. Engebretson said they feel that they will receive the CLOMR from FEMA, but there is a process that has to be followed

to get to the approval from FEMA. Ms. Engebretson said they met with staff and the Floodplain Administrator in an effort to provide a plan that staff will be agreeable with while making the best use of the property via innovative design. Ms. Engebretson provided the Board with a copy of a Stormwater and Floodplain Analysis Narrative (Analysis) that ensures they will treat the stormwater on the site above the 100-year storm event and they are adding floodplain storage by design on the site.

Mr. Tim Clinkscales, Engineer and Professional Land Surveyor for Paramounte Engineering, addressed the Board. Mr. Clinkscales said the 3 most important items of concern is traffic, stormwater and floodplain storage. He stated that the report provided to the Board outlines a lot of information to meet the minimum requirements of County regulations. He stated that they are net neutral on floodplain storage, which means any fill material added to the site is equal to the amount of fill material that is removed. He said the retention ponds and some of the units were moved back to create more retention ponds as well as add 6,000 cubic feet of storage in the Little Caw Caw Canal flood basin. He explained that when the Little Caw Caw Canal backs up, there will be 6,000 more cubic feet of storage on the 35 acre property than there is today, which will be a better flood basin for the area. Mr. Clinkscales said the Floodplain Administrator (James Paggioli) said he will sign-off on the CLOMR to FEMA based on the report provided. Mr. Clinkscales went over the steps to get a CLOMR approved by FEMA once the County has signed-off on the request. He added that a LOMR (Letter of Map Revision) has to be received from FEMA before vertical building permits can be obtained. He further discussed a chart addressing stormwater if the property is developed by right. He said there will be no impacts to the wetlands. Mr. Clinkscales reiterated that staff would be in favor of the project if a CLOMR is received from FEMA. He proceeded to say that there is a great deal more work to be done prior to submitting a CLOMR request to FEMA. Mr. Clinkscales said they have submitted a proposal to the North Carolina Department of Transportation (NCDOT) and a right turn lane into the project has been approved by NCDOT.

Mr. Cheek asked if the area where the townhomes are proposed in a flood will be increased to 33' and Mr. Clinkscales replied, yes. Mr. Clinkscales said the roads will be above the floodplain. Mr. Wood stated the emergency access road would have only been accessible by airboat 10 hours after the last major storm event and it would be useless in recovering from an event. Mr. Clinkscales said they are adding to the safety of Crow Creek with an additional access point. He further stated that the emergency access will be gated so the emergency access will not be accessible to free-flowing traffic. Mr. Cheek asked if the project will be designed to the 100-year storm event and Mr. Clinkscales replied, yes.

Mr. Mark Mathewson addressed the Board. He stated that they are proposing to make the property better as well as the overall area. He reiterated that they will submit a CLOMR to FEMA once the Floodplain Administrator has reviewed and approved the material for the CLOMR.

Ms. Robin Hess, owner of Tax Parcel 225CB009, addressed the Board. Ms. Hess said she lives in Crow Creek and the rear portion of her property is in a flood zone. She stated that there have been 2 floods that have impacted this area in the last 10 years. Ms. Hess said a large section of trees have been removed from the area and she did not feel that the area will be better than before the trees were removed because the trees absorbed a large amount of stormwater runoff. Ms. Hess said there are current stormwater runoff issues in the area that will likely be compounded since the trees being removed and the elevation of the subject property being increased. She asked what recourse the adjacent property owners will have if this development is approved? She asked who will compensate the current homeowners in the area due to the potential decrease in

their home values because some neighbors have already placed their property on the market for sale? Ms. Hess also expressed concerned with traffic and flooding to their neighborhood as well as a potential danger to wildlife.

Ms. Linda Bowen addressed the Board and she was concerned with potential flooding to the adjacent property owners if the subject property is elevated. Ms. Bowen said there is a homeowner in her neighborhood that has standing water on their property when there is a rainstorm.

Mr. Pete Polo, owner of Tax Parcel 225CA010, addressed the Board. He stated that he will be the most impacted both visually as well as property value wise. Mr. Polo said the property has been clear cut and there is existing flooding in the area. He said there is a creek (Crow Creek) behind his property and it overflows during a normal rainstorm. Mr. Polo was opposed to the proposed development. He concluded that further studies should be done to ensure that the proposed project will not be detrimental to the area.

Mr. Clinkscales readdressed the Board. He reiterated that there will not be free flowing traffic into Crow Creek from the proposed emergency access point. He stated that stormwater has to be collected via a pipe system and disbursed into the retention ponds on the subject property. Mr. Clinkscales said the property has been clear-cut, but a buffer will be installed on all sides to provide protection to the adjacent property owners. Mr. Clinkscales said they would be amenable to a condition saying they will work with Crow Creek to assist with cleaning out the creek on the eastern property line on a regular basis. Mr. Cheek clarified that the properties in the AE flood zone that receive a CLOMR from FEMA will be considered as Shaded X flood zone thereafter and Mr. Clinkscales concurred. Mr. Clinkscales said any stormwater that will run to the ditch will be from backyards or the current buffer flow. He further stated that all the buildings, sidewalks, roads, and amenities will flow into a central system and later released to the retention ponds on site.

Mr. Jeff Kent, owner of Tax Parcel 225CB006, addressed the Board. He said his property is the lot that had standing water during a rain event. Mr. Kent stated that, during the rain event, the drainage pond behind his house overflowed. Mr. Kent asked Mr. Clinkscales if additional water will flow in the existing ditch when the subject property is developed? Mr. Clinkscales replied, no. Mr. Kent said when the subject property is elevated, the waterflow will increase. Mr. Clinkscales said all stormwater on the property in question will be diverted to the retention ponds if fill material is placed on the subject property.

Mr. Bryant Ligon readdressed the Board. Mr. Ligon said the Floodplain Administrator agreed that the proposed plan will be better for the area if there is a 100-year storm event because the water storage will be in place and stormwater runoff will drain to the retention ponds on the site.

Ms. Linda Polo addressed the Board. She stated that she experienced 2 hurricanes and multiple storms with approximately 8" of rain and the water flowed from the right of her property. She asked how that water will flow to the subject property's retention pond(s) on the opposite side of the proposed townhomes? Mr. Clinkscales said they have to maintain the current stormwater drainage patterns, or the stormwater will be diverted to the canal. Ms. Polo felt that the water from the rear of her property cannot be stopped from flowing. Mr. Clinkscales said, if the canal overflows, the water can back up in the existing ditch. He proceeded to say that any water on their site has to be treated and released to the retention ponds.

Ms. Robin Hess readdressed the Board. Ms. Hess reiterated that the proposed project will not be able to capture, treat, and release the water to their retention ponds at the rate the water flows during a rainstorm. She, again, asked their recourse as adjacent property owners when the project is developed? Mr. Clinkscales said rain that falls on the property has to be conveyed to the retention ponds or it will seep in the ground.

With no further comments, Mr. Wood made a motion to close the Public Hearing and the motion was unanimously carried.

Mr. Cheek asked Mr. Pages about staff's recommendation and Mr. Pages reiterated the intent of the Blueprint Brunswick 2040 Plan, in that, there should be very low density residential development. He further stated that staff felt that a CLOMR should be in hand in order to recommend approval after consultation with the Floodplain Administrator.

Mr. Wood felt that allowing this will be adding injury to insult until a CLOMR has been secured from FEMA. Mr. Cheek felt that the plan submitted by the applicant will help to mitigate a lot of the current stormwater issues because he felt that the plan has been designed above and beyond the minimum requirements. He also felt that a CLOMR should be in place.

Mr. Wood made a motion to table PD-97 (Trest Tract Planned Development) until a CLOMR has been received from FEMA and the motion was unanimously carried.

**B. Planned Development – PD-103**

Name: Mossy Hill Planned Development  
Applicant: Norris and Tunstall Engineering  
Tax Parcel(s): 22400007, 22400008, and 2240000801  
Location: Hickman Road NW (SR 1303)  
Description: Mossy Hill is a proposed planned development consisting of 592 townhouse units on 175.04 acres creating an overall density of 3.38 dwelling units per acre.

Mr. Pages addressed the Board. He read the Staff Report (attached). Mr. Pages identified the subject property and surrounding properties on a visual map.

Mr. Pages said staff recommends approval based on the following conditions:

- That the development shall proceed in conformity with all plans and design features submitted as part of the planned development application and kept on file by the Brunswick County Planning Department.
- That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
- Planned Development approval does not constitute an authorization to construct. All applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities, and Fire Marshal requirements.

Mr. Wood made a motion to open the Public Hearing and the motion was unanimously carried.

Mr. Phil Norris, Norris and Tunstall Engineering, addressed the Board. He stated that they concur with the Staff Report. Mr. Norris said there is a large portion of the property within the 100-year floodplain and no development is proposed in that area. He stated that that area will be set aside as a nature preserve to be used by residents of the community. Mr. Norris said there will be interconnectivity with utilities, traffic, and pedestrian access to the neighboring developments. Mr. Norris reiterated that a Traffic Impact Analysis (TIA) will be required by NCDOT and they will comply with whatever NCDOT requires. Mr. Norris concluded that the project will be designed to the 100-year storm event.

Mr. Cheek asked Mr. Norris what portion of the development is in the RR (Rural Low Density Residential) zoning district? Mr. Norris said approximately 40 percent of the project is in the RR (Rural Low Density Residential) zoning district. He added that they are not exceeding the maximum allowable density.

Ms. Twanda Williams addressed the Board. Ms. Williams asked about notification to adjacent property owners. Mr. Pages said adjoining property owners are notified via First Class Mail and a sign is posted on the site. Ms. Williams asked what happens when notification is not received via U.S. Mail? Mr. Pages reiterated that properties that are directly adjacent (touching the subject property) would be sent a mailed notice per the tax record and he provided Ms. Williams with a copy of the property owners that were notified.

With no further comments, Mr. Wood made a motion to close the Public Hearing and the motion was unanimously carried.

Mr. Cheek made a motion to approve PD-103 (Mossy Hill Planned Development) and the motion was unanimously carried.

C. Major Site Plan – MS-2

Name:	Custom Home Distribution Center
Applicant:	JBS Consulting, PA
Tax Parcel(s):	0280000825
Location:	2100 Enterprise Drive NE (SR 1714)
Description:	Custom Home Distribution Center is a proposed Major Site Plan consisting of a 100,700 square foot warehouse on 7.45 acres.

Ms. Morgan addressed the Board. She read the Staff Report (attached). Ms. Morgan identified the subject property and surrounding properties on a visual map.

Ms. Morgan said staff recommends approval contingent on the following:

- That the development shall proceed in conformity with all plans and design features submitted and kept on file by the Brunswick County Planning Department.
- That the development shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
- That all applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities, and Fire Marshal requirements.

Mr. Wood made a motion to open the Public Hearing and the motion was unanimously carried.

Mr. Brad Sedgwick, Civil Engineer with JBS Consulting, addressed the Board and made himself available for questions.

With no further comments, Mr. Wood made a motion to close the Public Hearing and the motion was unanimously carried.

Mr. Wood made a motion to approve Custom Home Distribution Center (MS-2) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

D. Rezoning Z-866 – Grayson Henson.

Request rezoning of approximately 2.05 acres located off Bricklanding Road SW (NC 179) near Shallotte from NC (Neighborhood Commercial) to C-LD (Commercial Low Density) for Tax Parcels 2290004804 and 2290004805.

LAND USE PLAN MAP AMENDMENT LUM-866:

Request to amend Tax Parcels 2290004804 and 2290004805 located off Bricklanding Road SW (NC 179) near Shallotte from LDR (Low Density Residential) Place Type to MDR-Mixed (Medium Density Residential-Mixed Use) Place Type. This land use plan amendment totals approximately 2.05 acres.

Mr. Ron Meredith addressed the Board. He read the Staff Report (attached) and identified the subject property and surrounding properties on a visual map.

Mr. Meredith said staff recommends denial to C-LD (Commercial Low Density) for Tax Parcels 2290004804 and 2290004805 located off Bricklanding Road SW (NC 179) due to C-LD (Commercial Low Density) zoning district is not consistent with the Blueprint Brunswick 2040 Plan and the subject sites' LDR (Low Density Residential) Place Type, there are concerns about spot zoning due to the size of the rezoning, the C-LD zoning district is a more intensive commercial district that will impact the surrounding area by allowing uses that conflict with adjacent existing uses and uses in NC (Neighborhood Commercial) zoning district, and there are concerns about the availability of water and sewer services within the vicinity.

Mr. Cheek made a motion to open the Public Hearing and the motion was unanimously carried.

Mr. Grayson Henson addressed the Board. Mr. Henson stated that the property is best suited as C-LD because it will provide for more commercial uses that will better serve the community as a whole.

Mr. Cheek asked the difference in the NC zoning and C-LD zoning? Ms. Dixon said the NC zoning district provides for commercial uses that are commonly within a residential community, whereas; the C-LD zoning districts allows for a wide range of commercial uses that can be intrusive in a residential community.

With no further comments, Mr. Wood made a motion to close the Public Hearing and the motion was unanimously carried.

After further discussion regarding the difference in C-LD and NC zoning as it relates to the Blueprint Brunswick 2040 Plan Place Type classification, Mr. Cheek made a motion to approve Tax Parcels 2290004804 and 2290004805 to C-LD (Commercial Low Density) located off

Bricklanding Road SW (NC 179) with an amendment to the Blueprint Brunswick 2040 Plan Map for Tax Parcels 2290004804 and 2290004805 located off Bricklanding Road SW (NC 179) to MDR-M (Mixed Residential Living) and the motion was unanimously carried.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be

**APPROVE – NOT CONSISTENT WITH BLUEPRINT BRUNSWICK 2040 COMPREHENSIVE LAND USE PLAN**

- The Planning Board finds that the proposed zoning amendment is not consistent with the Blueprint Brunswick 2040 CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning amendment is NOT consistent. However, a land use plan map amendment has been requested to MDR-M (Mixed Residential Living).

- The Planning Board further finds that the approval of the proposed zoning amendment will amend the Blueprint Brunswick 2040 Comprehensive Plan and the following changes have been considered to meet the needs of the community:

There is an increase in commercial uses in the area.

- The Planning Board further finds that the proposed zoning amendment is reasonable and in the public's interest for the following reasons:

The MDR-M (Mixed Residential Living) will allow for greater service to the adjacent properties and the community as a whole.

Ms. Easley stated that any person with standing may appeal the decision of the Planning Board. If an appeal is received in the allotted time, the case will move forward to the Brunswick County Board of Commissioners for a Public Hearing and their consideration. She further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

E. Rezoning Z-867 – Jeremy Duane Reynolds.

Request rezoning of approximately 21.61 acres located off Green Lewis Road SE (SR 1512) near Bolivia from R-7500 (Medium Density Residential) to RR (Rural Low Density Residential) for Tax Parcel 1530000803.

Mr. Ron Meredith addressed the Board. He read the Staff Report (attached) and identified the subject property and surrounding properties on a visual map.

Mr. Meredith said staff recommends approval to RR (Rural Low Density Residential) for Tax Parcel 1530000803 located off Green Lewis Road SE (SR 1512).

Mr. Cheek made a motion to open the Public Hearing and the motion was unanimously carried.

Ms. Easley asked if the applicant and/or a representative of the applicant was present? Neither the applicant nor a representative of the applicant was present.

Ms. Heather Burkert addressed the Board. Ms. Burkert said her farm property is north of the subject property and this is a VAD (Voluntary Agricultural District) area. She stated that this area is mostly agrarian and residential in nature. Ms. Burkert was opposed to the zoning change because there are several uses in the RR (Rural Low Density Residential) that are not conducive to the VAD area. Ms. Burkert said there was a parcel north of the subject property that was denied a zoning change to RR (Rural Low Density Residential) in October 2021 because it was not in the best interest of the surrounding property owners. She further stated that that property owner was allowed to rezone their property on the east side of Green Lewis Road SE (SR 1512) to RR (Rural Low Density Residential) as it was adjacent to existing RR (Rural Low Density Residential) zoning in that area. Ms. Burkert said the Planning Board supported not rezoning the western side of Green Lewis Road SE (SR 1512) to RR (Rural Low Density Residential) at that particular time (October 2021). She said approval of this zoning change will ultimately create a domino effect; thus, potentially affecting the community's health, safety and welfare as well as their quality of life.

Ms. Elvira Gilbert addressed the Board. Ms. Gilbert felt that the proposed zoning will have an adverse effect on the water quality and septic systems in the area. She concurred with Ms. Burkert's comments regarding the Planning Board's decision to not rezone the western side of Green Lewis Road SE (SR 1512). She was opposed to the zoning change.

Mr. Josh Fulton addressed the Board. Mr. Fulton said his home is adjacent to the subject property and he was opposed to the zoning change because of the potential of property values being affected by the wide range of permitted uses in the RR (Rural Low Density Residential) zoning districts.

Mr. Henry Burkert addressed the Board. Mr. Burkert was concerned with other properties being rezoned to RR (Rural Low Density Residential) if this proposed zoning change is approved. He reiterated that the Planning Board said parcels on the west side of Green Lewis Road SE (SR 1512) would not be rezoned to RR (Rural Low Density Residential) in October 2021 because the zoning change would not be in keeping with the intent of that area.

Mr. James Gilbert addressed the Board. He concurred with the previous comments in opposition of the zoning change.

With no further comments, Mr. Wood made a motion to close the Public Hearing and the motion was unanimously carried.

Mr. Cheek made a motion to deny the rezoning for Tax Parcel 1530000803 to RR (Rural Low Density Residential) and the motion was unanimously carried.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be

**DENIED - INCONSISTENT WITH BLUEPRINT BRUNSWICK 2040  
COMPREHENSIVE PLAN**

- The Planning Board finds that the proposed zoning amendment **is not** consistent with the Blueprint Brunswick 2040 CAMA Land Use Plan (Comprehensive Plan) and **is** in the public's interest for the following reasons:

The adjacent properties are currently zoned R-7500 (Medium Density Residential).

Ms. Easley stated that any person with standing may appeal the decision of the Planning Board. If an appeal is received in the allotted time, the case will move forward to the Brunswick County Board of Commissioners for a Public Hearing and their consideration. She further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

#### VIII. OTHER BUSINESS.

- Planning Board Case Update.

Mr. Pages addressed the Board. He stated that Zoning Cases Z-863, Z-864 and Z-865 were approved at the Planning Board's 10-Apr-23 meeting and there were no written appeals within the allotted time (15 days), so the Board's decision stands.

- Planning Board Work Session – June 12, 2023 at 4:00 p.m. in the 2<sup>nd</sup> Floor Training Room of the David Sandifer Administration Building

Mr. Pages addressed the Board. He stated that there will be a Planning Board Work Session on 12-Jun-23 at 4:00 p.m. in the 2<sup>nd</sup> Floor Training Room of the David Sandifer Administration Building with NCDOT to discuss driveway permits, TIAs, and any other road issues.

#### IX. ADJOURNMENT.

With no further business, Mr. Wood made a motion to adjourn and the motion was unanimously carried.

**BRUNSWICK COUNTY  
STAFF REPORT AND RECOMMENDATION**

Application No. PD-104

Applicant: Norris and Tunstall Engineering

Project Name: Forest View Townhomes Planned Development

Property Location: Ash-Little River Road (SR 1300)

Parcel Numbers: 20800011, 2090004201, 2090004202, 22500141, & a portion of 2090004204

Zoning District: R-7500 (Medium Density Residential) and RR (Rural Residential)

R-7500 Density Maximum – 5.8 Dwelling Units per Acre  
RR Density Maximum – 2.9 Dwelling Units per Acre

*“The R-7500, R-6000, and SBR-6000 districts are established to provide for orderly suburban residential development. A limited number of commercial and civic uses are allowed, subject to the restrictions necessary to preserve and protect the residential character of the neighborhood. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities. Due to the higher intensity developments contained in this district, it is intended to be applied to properties served by public sewer and water systems.”*

*“The Rural Low Density Residential District is intended to accommodate nonresidential agricultural uses and low density residential development, as well as limited nonresidential uses that are supportive of the County’s traditional agricultural orientation including farming, silviculture operations and related activities. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal, respectively, although clustered residential development served by public water and wastewater systems may be allowed. Zoning History: This property was rezoned in 2007 from Rural (RU) to RR as a result of the mass rezonings with the Unified Development Ordinance adoption.”*

Surrounding Zoning **North:** RR and R-7500  
**South:** RR and R-7500  
**East:** R-7500  
**West:** RR

Proposed Use: Forest View is a proposed planned development to consist of 107 townhouse units on 22.99 acres, creating an overall density of 4.65 dwelling units per acre.

**Approval Criteria**

- The majority of surrounding uses consist of single family residential and vacant land.
- The Blueprint Brunswick Future Land Use Map denotes this area as Medium Density Residential.
- Parking will be off street with a minimum of 2 driveway parking spaces per lot.
- Proposed infrastructure:
  1. **Water** and **Sewer** will be provided by Brunswick County.
  2. **Roads** will be private.
- The proposed development will have a 30-foot, 0.6 opacity peripheral buffer using existing vegetation to satisfy the requirement. Supplemental landscaping will be installed where necessary.

- The required open space for the development is approximately 4.15 acres. The developer is proposing 12.5 acres of dedicated open space. The developer is also proposing 1.31 acres of recreation space of which 0.62 acres are required.
- The proposed project will generate approximately 621 vehicle trips per 24-hour weekday volume. A driveway permit from NCDOT will be required prior to the recording of the individual lots.
- The Exceptional Design elements to be included in the project are as follows:
  1. The developer is proposing 12.5 acres of open space where as 4.15 acres are required.
  2. The developer is proposing 1.31 acres of recreation space where as 0.62 acres are required.
  3. All townhome units shall be located outside of the AE Flood Zone.
  4. The stormwater system will be constructed to the 100-year storm event.
- The design flexibility elements requested for the project are as follows:
  1. Reduction in lot dimensions.
  2. Reduction in setbacks.
- Portions of the site are in an AE flood zone. All of the property located in the AE Zone will be located in open space.
- Adjacent property owners were notified via US mail and a notification sign was posted on the subject property.
- TRC was held on May 3, 2023.

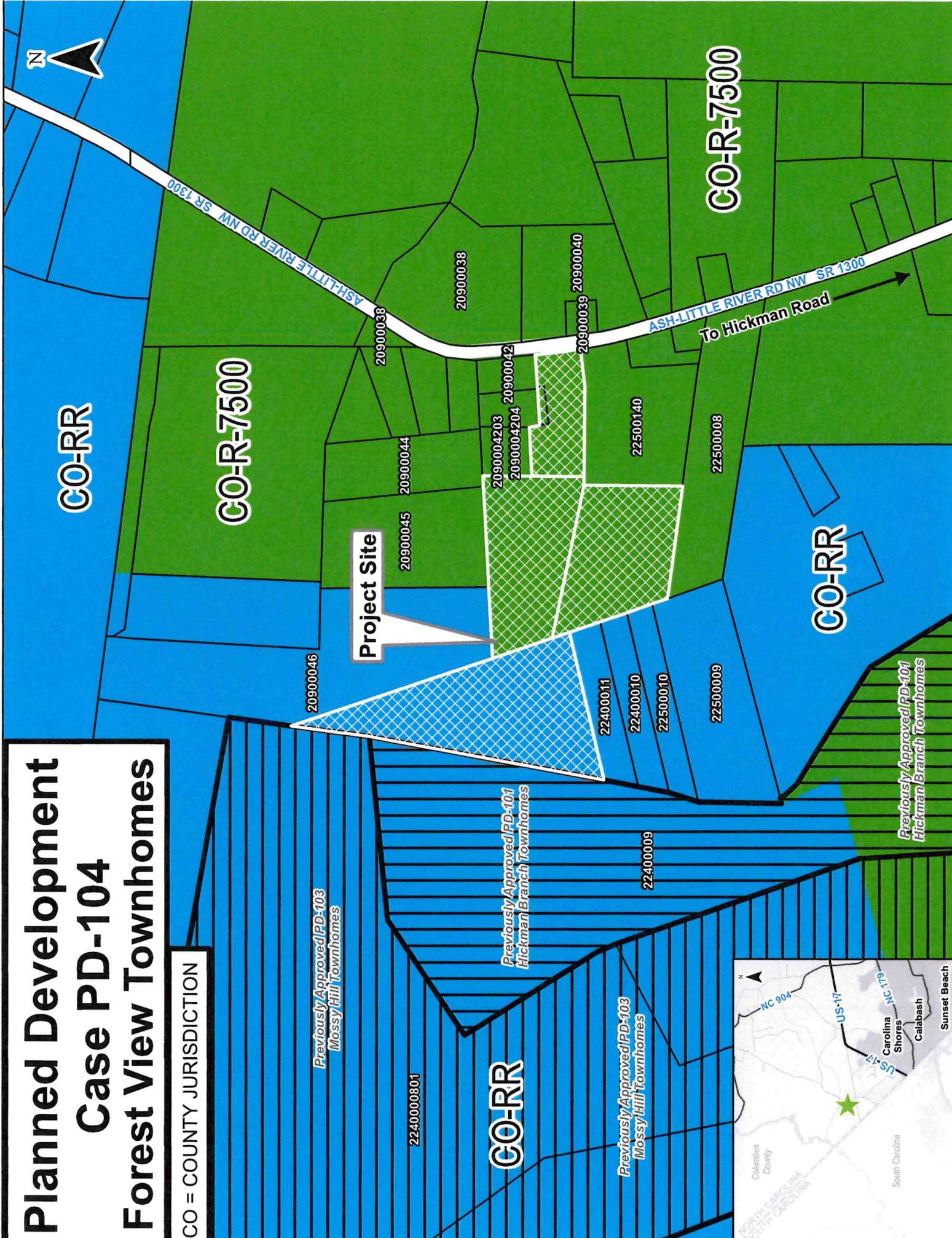
If approved, this development shall have a vested right for a period of three years. A two-year extension may be requested by the applicant to the Brunswick County Planning Department.

Staff recommends approval based on the following conditions:

1. That the development shall proceed in conformity with all plans and design features submitted as part of the planned development application and kept on file by the Brunswick County Planning Department.
2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
3. Planned Development approval does not constitute an authorization to construct. All applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities, and Fire Marshal requirements.

# Planned Development Case PD-104 Forest View Townhomes

CO = COUNTY JURISDICTION



**Project Site**

CO-R-7500

CO-RR

CO-R-7500

CO-RR

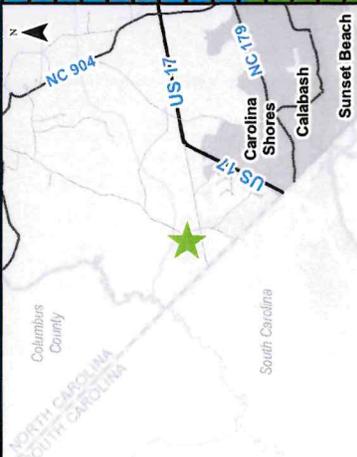
CO-RR

Previously Approved PD-103  
Mossy Hill Townhomes

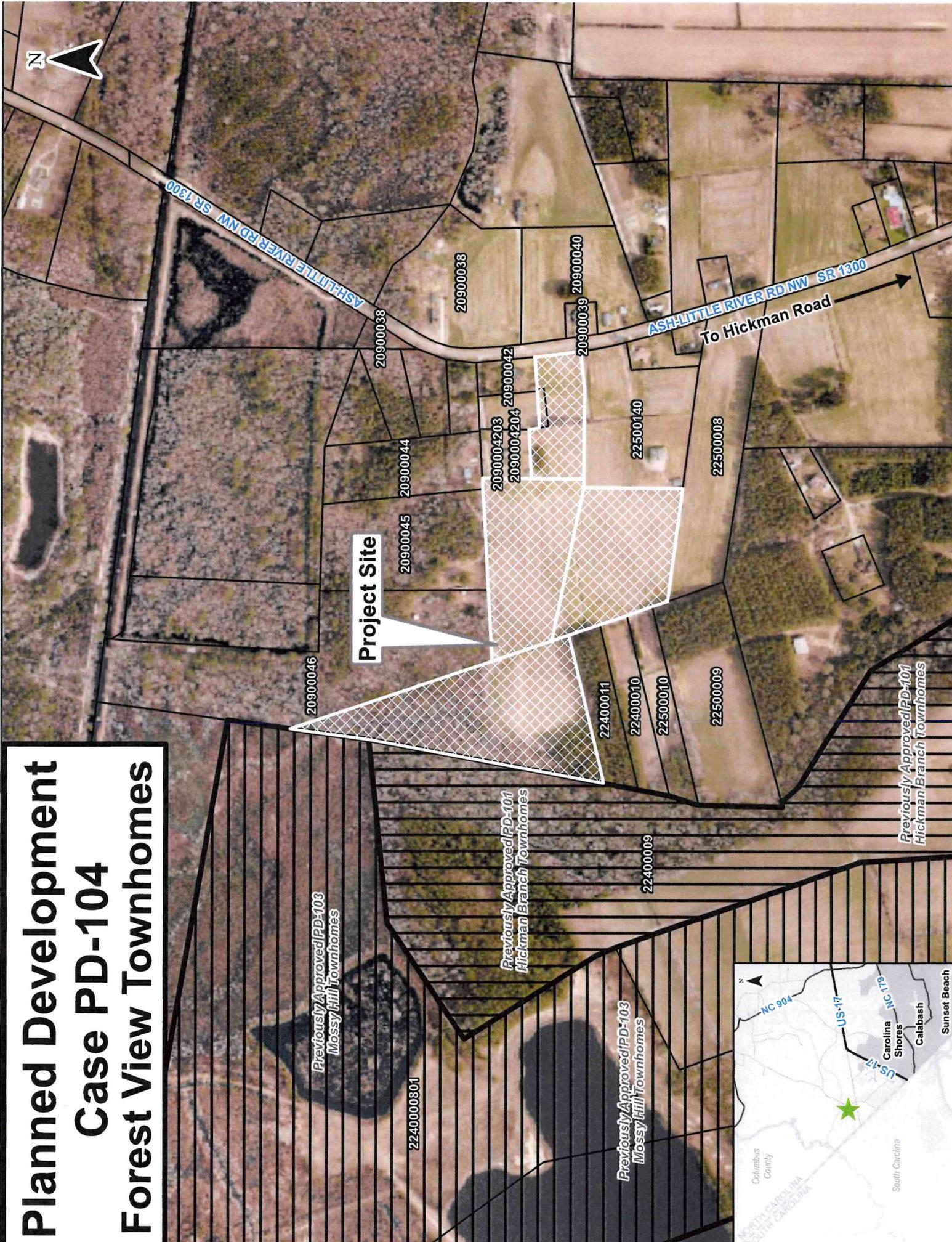
Previously Approved PD-101  
Hickman Branch Townhomes

Previously Approved PD-103  
Mossy Hill Townhomes

Previously Approved PD-101  
Hickman Branch Townhomes



# Planned Development Case PD-104 Forest View Townhomes



Previously Approved PD-103  
Mossy Hill Townhomes

Previously Approved PD-101  
Hickman Branch Townhomes

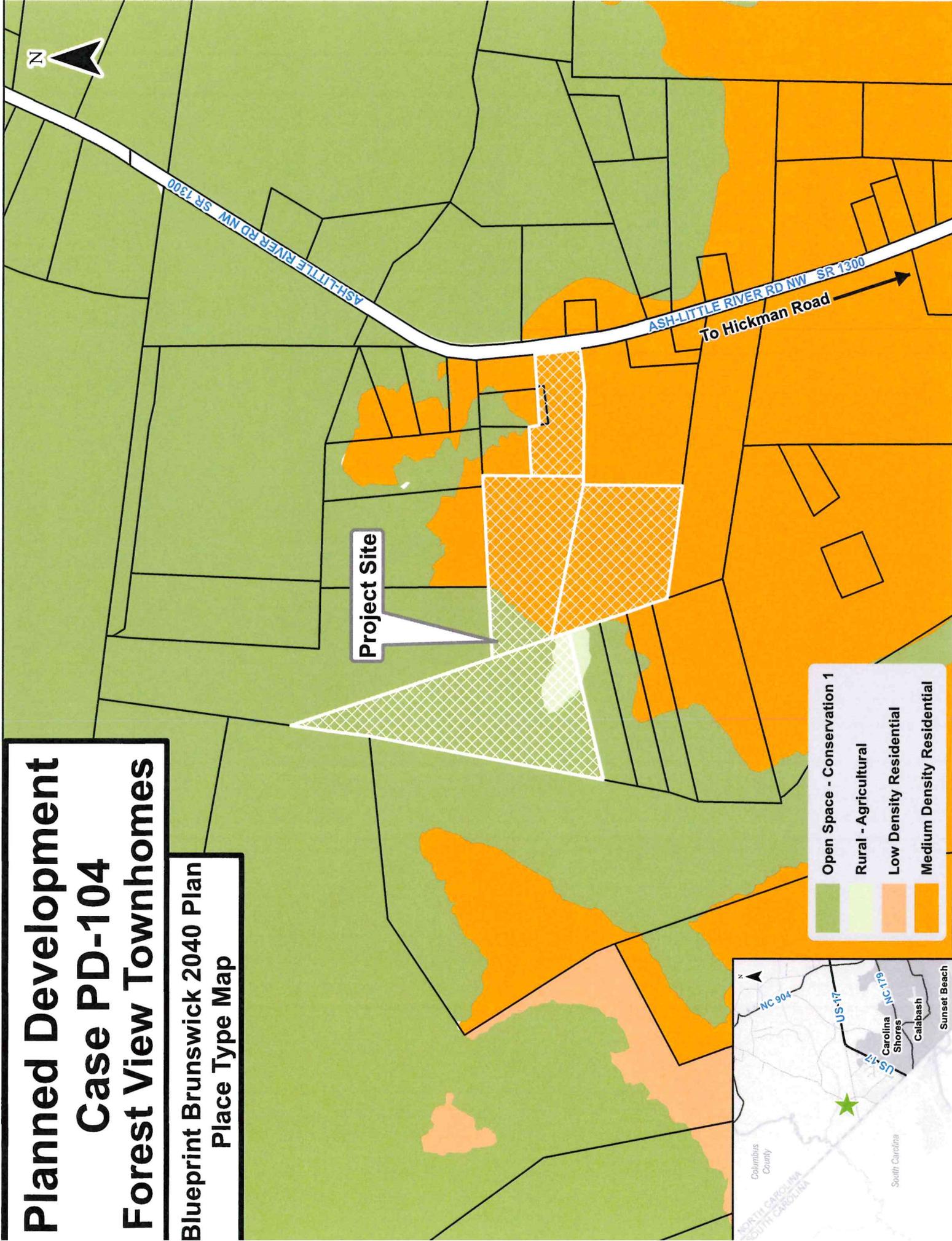
Previously Approved PD-103  
Mossy Hill Townhomes

Previously Approved PD-101  
Hickman Branch Townhomes

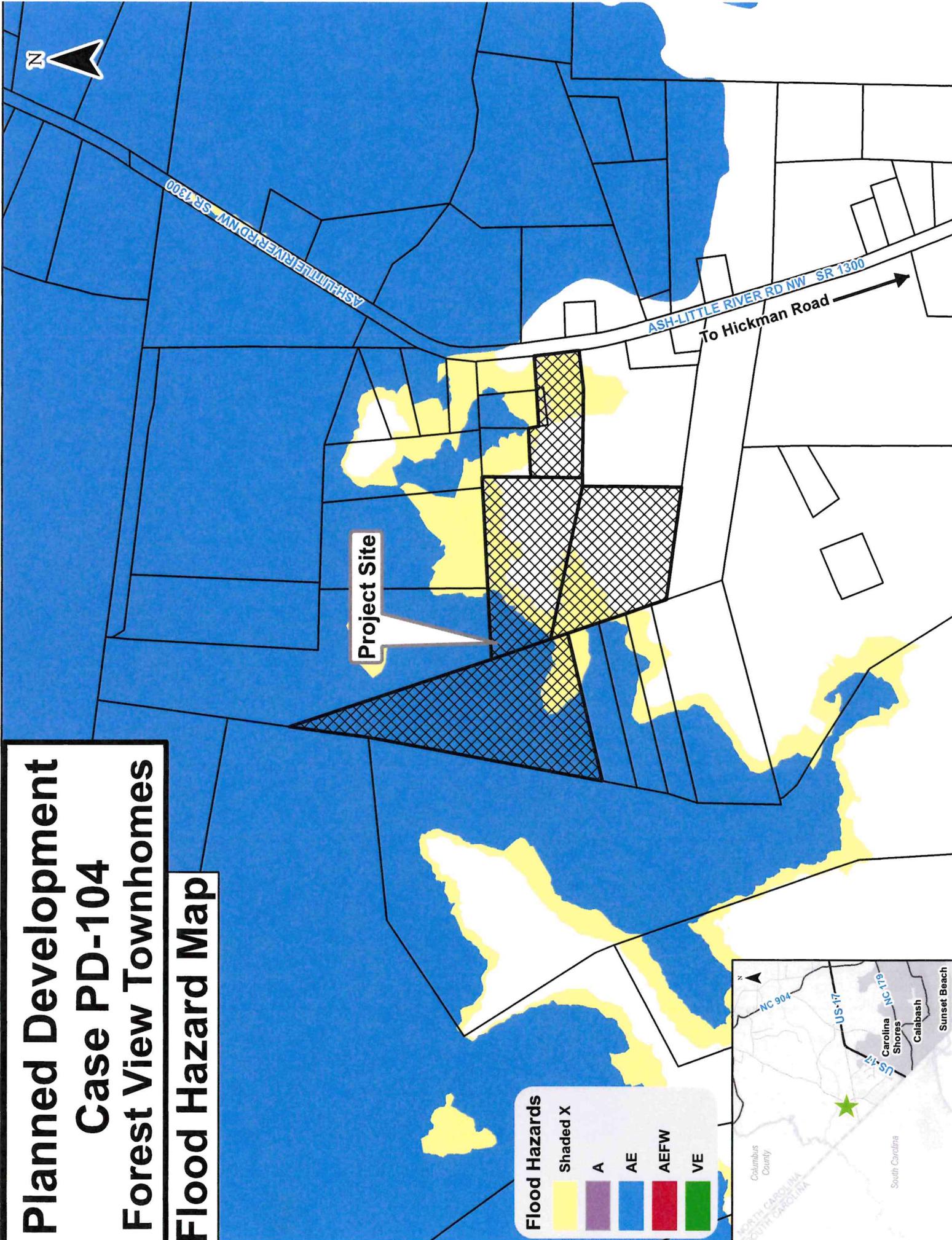


# Planned Development Case PD-104 Forest View Townhomes

Blueprint Brunswick 2040 Plan  
Place Type Map



# Planned Development Case PD-104 Forest View Townhomes Flood Hazard Map





# 19061-3



# Planned Development (PD)

## Application and Checklist

Fee: \$500 (Brunswick County Jurisdiction)

\$880 (City of Northwest Jurisdiction)

Brunswick County Planning Dept. 910-253-2025

For Office Use Only	
File # _____	Invoice # _____
Date Received: _____	
Northwest Jurisdiction <input type="checkbox"/> YES <input type="checkbox"/> NO	

This application is a request to construct a Planned Development consistent with a submitted master site plan that identifies permitted land uses, densities, building setbacks, heights, lot layout, buffers, off-street parking and street widths. This application should only be used if the proposed development is requesting flexibility in zoning requirements in order to achieve a development as an alternative to a conventional zoning design standards. Please reference Section 4.3.1. of the Unified Development Ordinance (UDO) for requirements regarding Planned Developments (PD's).

Please fill out form completely, supplying all necessary information and documentation to support your request.

Property Owner	Name	SEE ATTACHED LIST	Phone	
	Address		Fax	
	City, St, Zip		Email	

Applicant or Representative	Name	J. Phillip Norris, P.E. / Norris & Tunstall Consulting Engineers, P.C.	Phone	910-287-5900
	Address	1429 Ash- Little River Rd.	Fax	910-287-5902
	City, St, Zip	Ash, NC 28420	Email	pnorris@ntengineers.com

Property Information	Address	Ash-Little River Road.		
	Tax Parcel(s)	2090004201, 2090004202, 20800011, 22500141, and portion of 2090004204		
	Acreage	22.99		
	Current Zoning	R-7500	13.93 AC	
		RR	9.06 AC	
Public Utilities Available?	Water	yes	Sewer	yes

Project Information	Project Name	Forest View Townhomes		
	Modification or Expansion Of Existing PD?	Yes	No	<input checked="" type="checkbox"/>
	Single Family Acres	0	Lots	0 <input checked="" type="checkbox"/>
	Multi-Family Acres	22.99	Units	107
	Commercial Acres	0		

Authorization	Property Owner Signature		Date	3/20/23
	Applicant/Representative Signature		Date	3/20/2023

**Please submit three folded copies and one electronic copy of the site plan with application.**



## BRUNSWICK COUNTY PLANNING DEPARTMENT

75 Government Drive, Building I • P.O. Box 249 • Bolivia, NC 28422

[www.brunswickcountync.gov/planning](http://www.brunswickcountync.gov/planning) • (910)253-2025

May 4, 2023

Norris and Tunstall Engineering  
1429 Ash-Little River Rd.  
Ash, NC 28420

**RE: Forest View Townhomes Planned Development  
File # PD-104**

Dear Mr. Norris,

The Technical Review Committee (TRC) at their May 3, 2023 meeting reviewed the preliminary plans for the above referenced project.

Please find below comments with regards to the review of the project.

Comments from Planning:

Marc Pages – 910-253-2056 – [marc.pages@brunswickcountync.gov](mailto:marc.pages@brunswickcountync.gov)

- Please indicate the required open space based upon the acreage in the RR and R-7500 Zones. Recalculate recreation space accordingly.
- Please indicate the proposed project density.
- Please indicate a pedestrian connection parallel to the utility easement to the Hickman Branch Townhomes project.
- Please label the potential wetlands as open space.
- Please indicate the street side setback will be 15'.
- Please indicate a stubout to Parcel 22500008.
- Please provide some additional parking areas similar to the parking provided adjacent to the pump station elsewhere in the project.
- Please note that a neighborhood meeting is encouraged per UDO Section 9.2.

Comments from Stormwater

Brigit Flora – 910-253-2405 – [brigit.flora@brunswickcountync.gov](mailto:brigit.flora@brunswickcountync.gov)

- State and County Stormwater Permits will be required.
- A State Erosion Control Permit is required before any land disturbance, including clearing and/or grading occurs.
- Due to flooding concerns in the area, stormwater control measures must be designed to control up to the 100-year 24-hour storm to pre-development conditions. This requirement is already included in the Notes.

Comments from Engineering

Amy Aycock – 910-253-2047 – [amy.aycock@brunswickcountync.gov](mailto:amy.aycock@brunswickcountync.gov)

- Existing 12" watermain on Ash-Little River Road available for connection.
- Existing 8" high pressure forcemain on Ash-Little River Rd available for connection.
- Proposed pump station site would not require Odor Control.



## BRUNSWICK COUNTY PLANNING DEPARTMENT

75 Government Drive, Building I • P.O. Box 249 • Bolivia, NC 28422

[www.brunswickcountync.gov/planning](http://www.brunswickcountync.gov/planning) • (910)253-2025

- See note utility re: easement for connection to Hickman Branch Townhomes – are you going to be looping water and sewer? May need a wider easement.
- With all of the connectivity proposed with other developments; make sure the main pump station is designed for all flow and that the main pump station is reviewed and approved by Brunswick County and NCDEQ before adding additional connections/developments.
- No proposed water and/or sewer shown on plans.
- Double water meter boxes would be required or gang meter assemblies.
- NCDOT Encroachment required.

### Comments from Floodplain Administrator

James Paggioli – 910-253-2054 – [james.paggioli@brunswickcountync.gov](mailto:james.paggioli@brunswickcountync.gov)

- The development has portions of the property within the AE 24.9 Zone, the Brunswick County RFPE = 26.9'. There are no building or roads located within the AE Flood Zone. A Floodplain Development Permit is required for the Stormwater Pond construction and Future Sewer Connection construction.
- The proposed Sewage Pump Station is located within the Shaded X Zone. The Control Panel, Electrical Control Panels, ATS, Communication Panels and Generator for the Sewage Pump Station shall be installed above the 500 year Floodplain elevation of 26.2'. Recommend complying with the RFPE for the adjacent location which would be elevation 26.9'.

### Comments from Fire Code Official

Joe Oliver – 910-676-4392 – [joseph.oliver@brunswickcountync.gov](mailto:joseph.oliver@brunswickcountync.gov)

- Will need development permit for access roads and fire hydrants.
- Will need to determine fire flow requirements and witness hydrant flow.
- General Comments:
  1. Need to apply for a fire development permit.  
<https://www.brunswickcountync.gov/code-administration/permits/> . Select Fire Application and complete all applicable fields. And upload civil/utility plans.
  2. Need to provide a site utility plan indicating the locations of all fire hydrants. Need to show a fire hydrant at the entrances and then every 800' feet thereafter, 400 feet from any commercial structure, and 100' feet from any FDC. Will need Hydraulic calculations. Hydrants are to be in place and have water before combustible construction materials are placed on site.
  3. Need to review the "Development / Subdivision Fire approval Guidance document located at the following link.

<https://www.brunswickcountync.gov/fire-marshal/development-subdivision-fire-approval-process/>

- Final plat will require fire approval.
- Will need NFPA 291 form (Fire Hydrant Flow Test) for fire hydrant systems at time of field Fire inspection prior to final plat.



## BRUNSWICK COUNTY PLANNING DEPARTMENT

75 Government Drive, Building I • P.O. Box 249 • Bolivia, NC 28422

[www.brunswickcountync.gov/planning](http://www.brunswickcountync.gov/planning) • (910)253-2025

Please provide a digital set of revised plans to the Brunswick County Planning Department by 5:00 p.m. on May 12, 2023.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Marc A. Pages".

Marc A. Pages  
Brunswick County Principal Planner

# CASE PD-104

## ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME 1	NAME 2	ADDRESS	CITY	STATE	ZIP
22400009	BELLAMY FAMILY FARM LLC		950 PEA LANDING ROAD NW	ASH	NC	28420
22400010	THOMAS JACKIE		1404 ASH-LITTLE RIVER RD	ASH	NC	28420
22500010	DIXON WILLIAM A		8199 GRIFFIN ST NW	ASH	NC	28420
20900039	HEWETT JANET TODD		5713 LANCASHIRE CT	RALEIGH	NC	27606
20900040	HEWETT JANET T ETVIR	HEWETT JEFFREY A	5713 LANCASHIRE COURT	RALEIGH	NC	27606
224000801	BELLAMY LAND LLC		1350 HICKMAN RD NW	CALABASH	NC	28467-1703
20900046	WILLETTE LETHA B ET	BLANTON DANNY	1190 ROBERT BLANTON RD NW	ASH	NC	28420-1720
20900044	BLANTON ROBERT E (LT)	% ROBERT E BLANTON	1140 ROBERT BLANTON RD NW	ASH	NC	28420-1720
20900045	BLANTON ROBERT E (LT)	% ROBERT E BLANTON	1140 ROBERT BLANTON RD NW	ASH	NC	28420-1720
2090004204	PHILLIPS MICHAEL CAMERON ETUX	PHILLIPS MACKENZIE	1117 ROBERT BLANTON RD NW	ASH	NC	28420-1721
20900042	DOWLESS JOHN W ET	DOWLESS MARILYN T	1756 WATERWAY DR SW	OCEAN ISLBCH	NC	28469-4724
20900043	CANADY JOSEPH A ET	CANADY AMY S	1135 ROBERT BLANTON RD NW	ASH	NC	28420
22500140	WEISS NICHOLAS J ET	WEISS JEANNETTE	PO BOX 4864	CALABASH	NC	28467
22400011	SASSER BARRETT		1180 RIVERVIEW DR	CALABASH	NC	28467-2727
20900038	LONG WILDA H (LT)	C/O KIMRY V LONG	1516 ASH LITTLE RIVER RD NW	ASH	NC	28420-1702
22500009	LONG WILDA H (LT)	C/O KIMRY V LONG	1516 ASH LITTLE RIVER RD NW	ASH	NC	28420-1702
22500008	FAULK GERALD RANDLE AND	FAULK WANDA GAYLE	9218 OLD STAKE RD	TABOR CITY	NC	28463-8892

## OWNER(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
20800011	HEWETT JANET TODD		5713 LANCASHIRE CT	RALEIGH	NC	27606
2090004202	STANLEY DOROTHY ELAINE B ETVIR	STANLEY HORA	1650 STANLEY COVE WAY SW	SHALLOTTE	NC	28470
22500141	HUGHES MARGRET RUTH B ETVIR	HUGHES DONALD	2351 ASH LITTLE RIVER RD	ASH	NC	28420
2090004201	GOLDSTEIN LES ETUX	GOLDSTEIN CINDY A	708 WHISPERING WIND WAY	CALABASH	NC	28467-1974
2090004204	PHILLIPS MICHAEL CAMERON ETUX	PHILLIPS MACKENZIE	1117 ROBERT BLANTON RD NW	ASH	NC	28420-1721

## APPLICANT(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
	J. PHILLIP NORRIS, P.E.		1429 ASH-LITTLE RIVER RD NW	ASH	NC	28420
			NORRIS & TUNSTALL CONSULTING ENGINEERS, P.C.			



# BRUNSWICK COUNTY PLANNING DEPARTMENT

75 Government Drive, Building I • P.O. Box 249 • Bolivia, NC 28422

www.brunswickcountync.gov/planning • (910)253-2200

## MEMORANDUM

DATE: June 1, 2023

TO: Brunswick County Planning Board

FROM: Kirstie Dixon, Planning Director

RE: **Town of Ocean Isle Beach Extraterritorial Jurisdiction (ETJ) Request**

---

On April 21, 2023, the Town of Ocean Isle Beach formally submitted an Extraterritorial Jurisdiction (ETJ) request to the Planning Department. The authority for counties to grant municipalities ETJs are within the North Carolina General Statutes (NCGS). NCGS 160D-202 addresses Municipal Extraterritorial Jurisdiction and provides basic guidelines. For municipalities like the Town of Ocean Isle Beach with a population of less than 10,000, an ETJ may extend up to one mile from its corporate limits. The NCGS requires county approval if the county enforces zoning and subdivision regulations. Brunswick County adopted the Brunswick County ETJ Expansion Policy to guide the ETJ process in Brunswick County in 1995. The policy exercises the authority for Brunswick County to evaluate and approve all ETJ expansions. Below outlines the submittal requirements, review meeting, Town of Ocean Isle Beach public hearing, evaluation criteria, and approval process & timeline of key events as provided in more detail below:

- ***Submittal Requirements***

The policy outlines key items required as a part of the formal submission including the proposed ETJ boundary, documentation addressing the concerns of the municipality and commitment to general development planning, and outlining the capability and qualifications to provide land use planning, zoning, subdivision regulation, and building code programs within the proposed ETJ area.

- ***Review Meeting***

The policy requires a Review Meeting with the municipality at least 14 days before Planning Board. Two Review Meetings were scheduled, one internally with Brunswick County Staff and one with the Town of Ocean Isle Beach and Brunswick County Staff. These meetings identify changes/impacts to the level of services and concerns that need to be addressed within this request. *Both Review Meetings were held on May 23, 2022 (See attached Review Meeting Summary).*

- ***Town of Ocean Isle Beach Public Hearing***

NCGS 160D-202 requires the municipality to hold a public hearing on the ETJ proposal. *The Town of Ocean Isle Beach held a Public Hearing on the ETJ on April 11, 2023.*

- **Evaluation Criteria**

The policy provides three ETJ evaluation criteria that should be reviewed and evaluated. Below outlines the three criteria:

- 1) *Commitment to General Development Planning.*  
To determine the municipality’s ability to provide services; commitment to good planning; the ability to manage growth and development; comprehensive planning including stormwater planning, transportation planning, infrastructure planning, and capital improvement programming (CIP).
- 2) *Annexation Within Ten Years.*  
ETJ requests should be granted in areas anticipated for annexation within ten years. To determine the municipality’s ability to annex within ten years.
- 3) *Evidence of Feasibility for Urban Density Development.*  
To determine if the municipality can accommodate urban development and urban densities while protecting the integrity of the county’s rural areas.

- **Approval Process & Timeline of Key Events**

The policy provides specified time frames and deadlines for key events. For example, the Planning Director must forward the ETJ Expansion Request to the Planning Board for review no later than 60 days following submission, and the Review Meeting must be completed at least 14 days before Planning Board. Planning Board will hold a public hearing, consider the request using the Evaluation Criteria, and make a formal recommendation. It’s anticipated that the Board of Commissioners will hold a public hearing and consider the ETJ Request at their July 17, 2023 Meeting.

**TIMELINE OF KEY EVENTS & DATES**

<b><i>Submittal Date</i></b>	<b><i>April 21, 2023</i></b>
<b><i>Internal Staff Review Meeting</i></b>	<b><i>May 23, 2023</i></b>
<b><i>Review Meeting with Ocean Isle Beach</i></b>	<b><i>May 23, 2023</i></b>
<b><i>Ocean Isle Beach Public Hearing</i></b>	<b><i>April 11, 2023</i></b>
<b><i>Planning Board</i></b>	<b><i>June 12, 2023</i></b>
<b><i>Board of Commissioners</i></b>	<b><i>July 17, 2023</i></b>

**Attachments**

- 1) Brunswick County Planning Staff Report
- 2) Zoning Map
- 3) Ortho Map
- 4) Blueprint Brunswick 2040 Plan Map
- 5) Town of Ocean Isle Beach City & ETJ Boundary Map
- 6) Ocean Isle Beach Proposed ETJ Expansion Owners & Adjacent Owners List
- 7) Review Meeting Summary Memo
- 8) Town of Ocean Isle Beach ETJ Request dated June 1, 2023
- 9) Town of Ocean Isle Beach Resolution
- 10) Brunswick County ETJ Expansion Policy

# BRUNSWICK COUNTY STAFF REPORT AND RECOMMENDATION

Request Type: Extraterritorial Jurisdiction (ETJ)

Applicant: Town of Ocean Isle Beach

Request: The Town of Ocean Isle Beach formally requested an Extraterritorial Jurisdiction (ETJ) in accordance with Brunswick County ETJ Expansion Policy.

Parcel Numbers: 22900090, 2290000101, 2290000109, and 2290000104

Location: Off Hale Swamp Road (SR 1154).

Description: The ETJ area consists of the above tax parcels and encompasses approx. 15.83 acres, 4 parcels, and 4 different owners.

## **ETJ EVALUATION CRITERIA:**

### **1) COMMITMENT TO GENERAL DEVELOPMENT PLANNING.**

To determine the municipality's ability to provide services; commitment to good planning; the ability to manage growth and development; comprehensive planning including stormwater planning, transportation planning, infrastructure planning, and capital improvement programming (CIP).

### **2) ANNEXATION WITHIN TEN YEARS.**

ETJ requests should be granted in areas anticipated for annexation within ten years. To determine the municipality's ability to annex within ten years.

### **3) EVIDENCE OF FEASIBILITY FOR URBAN DENSITY DEVELOPMENT.**

To determine if the municipality can accommodate urban development and urban densities while protecting the integrity of the county's rural areas.

## **DISCUSSION POINTS:**

- The uses within the proposed ETJ area include single-family residential, woodlands, and vacant lands.
- Surrounding uses consist of single-family residential, an airport, non-residential/commercial uses, woodlands, and vacant lands.
- County zoning within the ETJ area is CLD (Commercial Low Density) and R-7500 (Medium Density Residential).
- A small portion of Tax Parcel #22900090 and approx. half of Tax Parcel #2290000109 is currently located within the Ocean Isle Beach ETJ and zoned C-3.
- Ocean Isle Beach proposes to rezone the ETJ area to C-3 (Commercial Highway District). The zoning district intent of the proposed C-3 district & Brunswick County CLD district is similar that would allow commercial uses related to retail, offices, and services. Uses that are allowed are similar and dimensional standards are different.

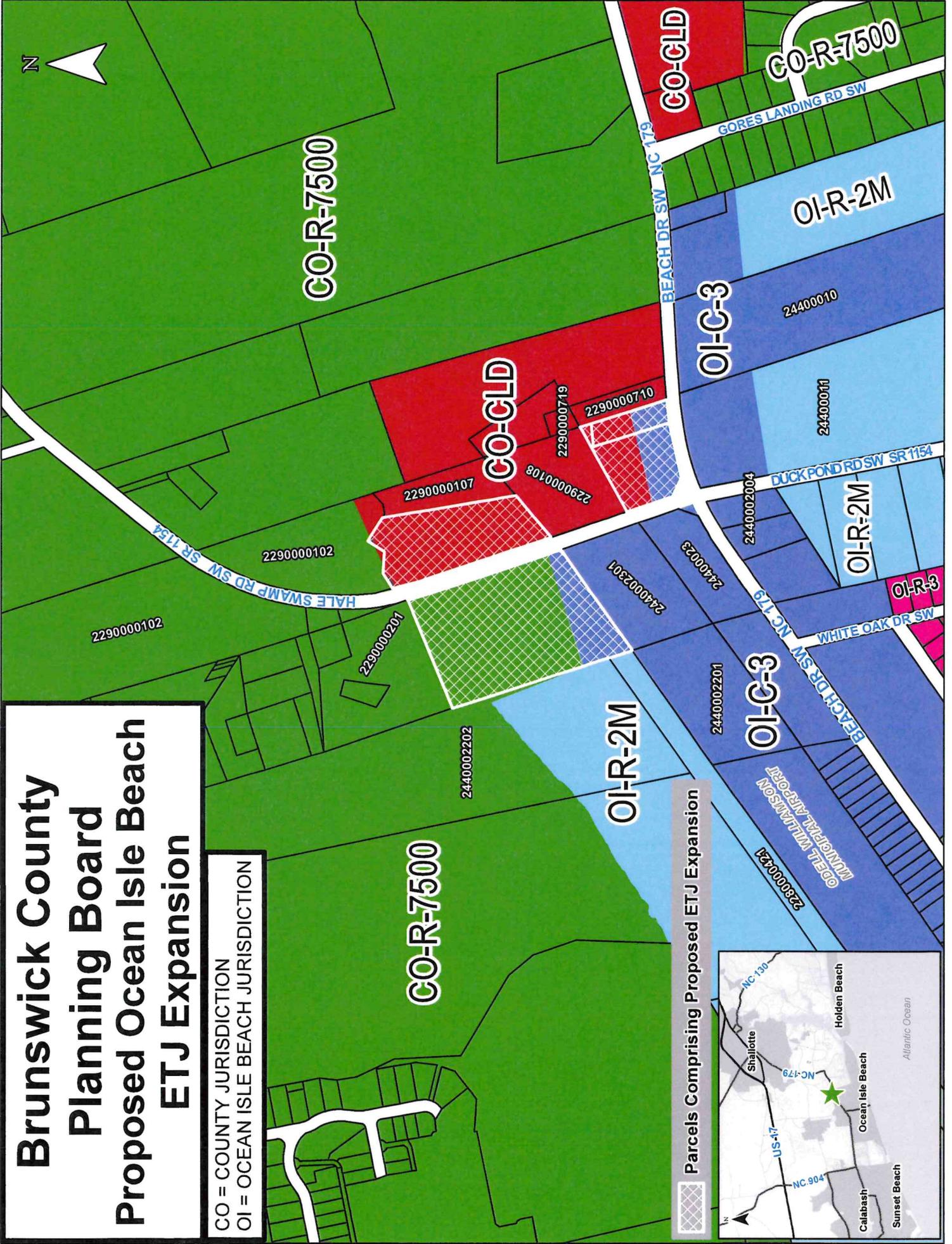
- Land Use Plan Classification & Policies: The Future Land Use Map from the Blueprint Brunswick 2040 Plan adopted in February of 2023 denotes this area as Open Space – Conservation 1, Low Density Residential (LDR), and Commercial.
- Jennies Branch runs along the northern boundaries of Tax Parcel #22900090 and #229000101.
- Portions of Tax Parcel #22900090 and #229000101 are located within the AE flood hazard zone and AE Floodway flood hazard zone.
- Biodiversity & Wildlife Habitat Assessment Score: The Tax Parcel #22900090 and #229000101 score between 7 & 8 out of 10 due to substantial wetlands, flood zones, and water areas (Jennies Branch) in the area. Other parts of the ETJ area score 0.
- The proposed ETJ area is located within ½ mile of properties in the Voluntary Agricultural District.
- There are not any pending permits within Brunswick County's online permitting system OR pending projects within the ETJ area.
- There are not any active Brunswick County Unified Development Ordinance or Brunswick County Solid Waste Ordinance violations within the proposed ETJ area.
- Brunswick County Utilities provides some water and sewer in this area and will continue without any changes or impacts.
- Ocean Isle Beach has a Planning/Inspections Department that facilitates the town development services that include planning/zoning services, building/fire code administration, stormwater management, erosion control, and floodplain management. The Department is comprised of 5 team members including a Development Service Director position and a Permitting position. The Development Services Director serves as planning & zoning administrator.
- Brunswick County provides services to the Town of Ocean Isle Beach through an MOU including the following services: floodplain administration, fire code administration, building code administration, and stormwater administration. These services will continue without any changes or impacts.
- The Town of Ocean Isle has an annexation agreement in place with Holden Beach & Shallotte. The ETJ request does not violate the agreement.
- The Brunswick County Review Meeting was held on May 23, 2023.
- The Ocean Isle Beach public hearing was held on April 11, 2023.
- Property owners and adjacent property owners were notified via US mail.

*If approved, County development regulations (planning, building/fire code, stormwater) will remain in effect until Ocean Isle Beach adopts regulations OR 60 days lapse.*

Staff reviewed and evaluated the three ETJ evaluation criteria outlined within the Brunswick County ETJ Expansion Policy. Based upon the evaluation criteria and information received from the town, Planning Staff recommends **APPROVAL** of the Town of Ocean Isle Beach ETJ request.

# Brunswick County Planning Board Proposed Ocean Isle Beach ETJ Expansion

CO = COUNTY JURISDICTION  
OI = OCEAN ISLE BEACH JURISDICTION



Parcels Comprising Proposed ETJ Expansion



# Brunswick County Planning Board Proposed Ocean Isle Beach ETJ Expansion



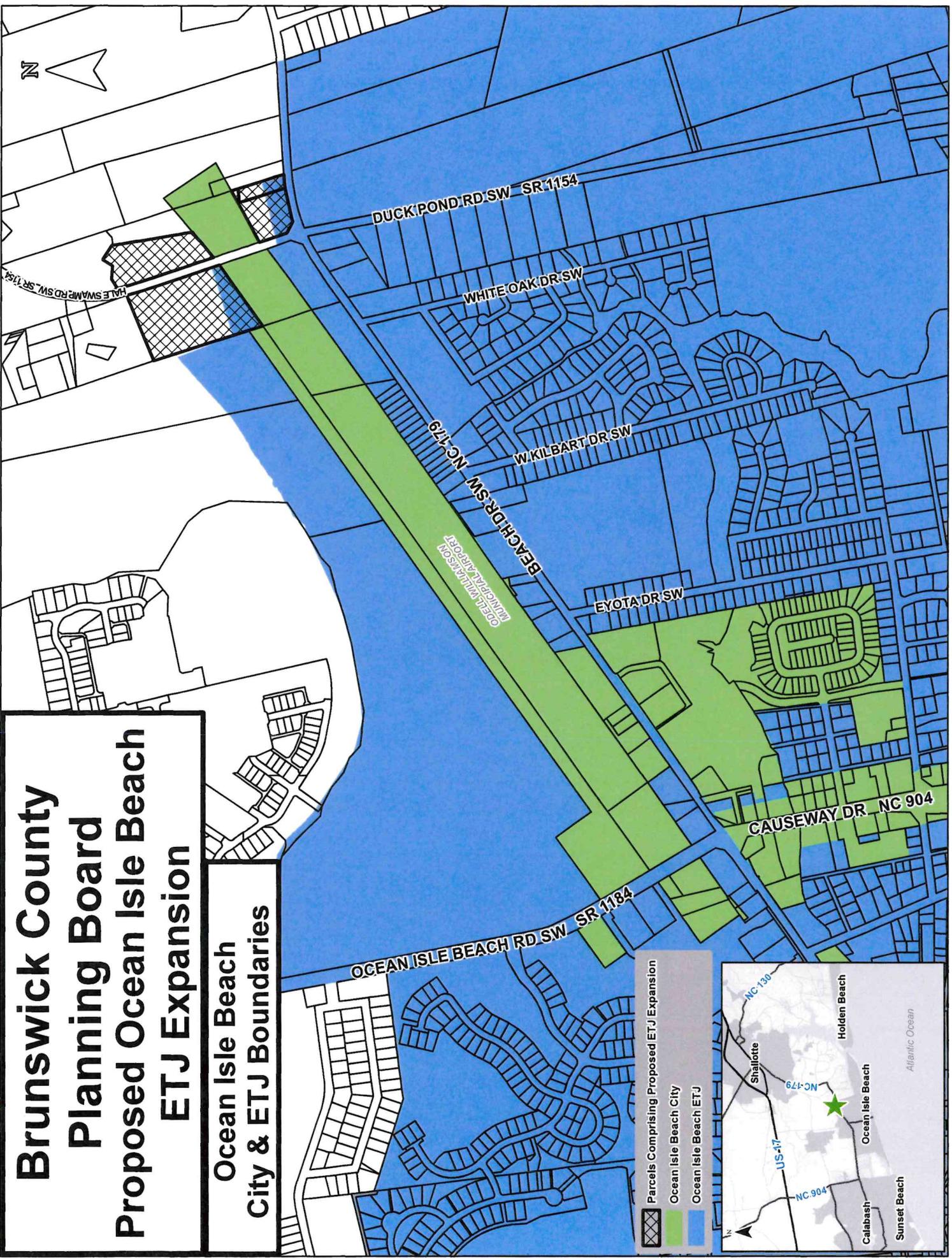
Parcels Comprising Proposed ETJ Expansion





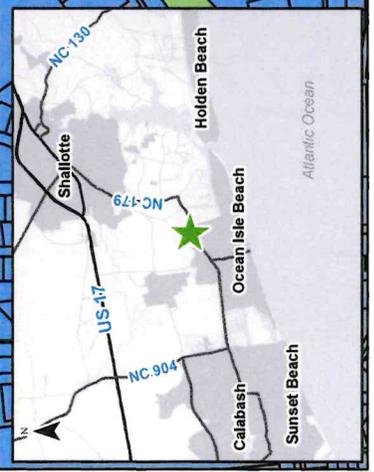
# Brunswick County Planning Board Proposed Ocean Isle Beach ETJ Expansion

## Ocean Isle Beach City & ETJ Boundaries



**Parcels Comprising Proposed ETJ Expansion**

- Ocean Isle Beach City
- Ocean Isle Beach ETJ



# Ocean Isle Beach Proposed ETJ Expansion

## ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME 1	NAME 2	ADDRESS	CITY	STATE	ZIP
2440002301	TOWN OF OCEAN ISLE BEACH		3 W THIRD ST	OCEAN ISLE BEACH	NC	28469-7506
2280000421	TOWN OF OCEAN ISLE BEACH		111 CAUSEWAY DR	OCEAN ISLE BEACH	NC	28469-7502
24400011	CLARK BUILDERS LLC		200 E ARLINGTON BLVD STE A	GREENVILLE	NC	27858
24400010	CLARK BUILDERS LLC		200 E ARLINGTON BLVD STE A	GREENVILLE	NC	27858
2290000710	GAUSE OTTO	% GLADYS HANKINS	751 MAKATOKA ROAD NW	SUPPLY	NC	28462
2290000102	OIP NC LLC		4123 LANKERSHIM BLVD	NORTH HOLLYWOOD	CA	91602-2828
2440002202	DRAPAC GROUP 35 LLC	C/O COLD RIVER LAND LLC	PO BOX 2219	CUMMING	GA	30028
2440002004	LDJH ENTERPRISES LLC		1450 RUSSTOWN RD NW	OCEAN ISLE BEACH	NC	28469-3561
24400023	DWE I LLC AND	DWE II LLC	2618 NEW VILLAGE WAY	WILMINGTON	NC	28405
2290000201	MCMULLAN BRANTLEY S ETUX	MCMULLAN AMY G	1770 TWISTED OAK LN SW	OCEAN ISLE BEACH	NC	28469-6334
2290000108	TOWN OF OCEAN ISLE BEACH		3 W THIRD ST	OCEAN ISLE BEACH	NC	28469-7506
2290000719	TOWN OF OCEAN ISLE BEACH		3 W THIRD ST	OCEAN ISLE BEACH	NC	28469-7506
2440002201	TOWN OF OCEAN ISLE BEACH		3 W THIRD ST	OCEAN ISLE BEACH	NC	28469-7506
2290000107	ROBINSON JERRY L ETUX	ROBINSON DIANE M	88 N LINDEN DR	PLANO	IL	60545-9641

## OWNER(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
229000090	VAW INVESTMENT TRUST		1535 HALE SWAMP RD	SHALLOTTE	NC	28470-6405
2290000109	COX WILLA RAE ETALS		16 CAUSEWAY DR	OCEAN ISLE BEACH	NC	28469-7504
2290000101	CHARLES FOX HOMES LTD		16 CAUSEWAY DR SW	OCEAN ISLE BEACH	NC	28469
2290000104	SAULS BRANDON K ETUX	SAULS WHITNEY S	1766 TWISTED OAK LN SW	OCEAN ISLE BEACH	NC	28469-6334

## APPLICANT(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
	TOWN OF OCEAN ISLE BEACH		3 W THIRD ST	OCEAN ISLE BEACH	NC	28469-7506



# BRUNSWICK COUNTY PLANNING DEPARTMENT

75 Government Drive, Building I • P.O. Box 249 • Bolivia, NC 28422

www.brunswickcountync.gov/planning • (910)253-2200

## MEMORANDUM

DATE: May 26, 2023

TO: Justin Whiteside

FROM: Brunswick County Planning

RE: Ocean Isle Beach Extraterritorial Jurisdiction Request — Review Meeting Summary

---

On Tuesday, May 23rd, a Review Meeting was held with multiple Brunswick County Departments with you regarding the Ocean Isle Beach Extraterritorial Jurisdiction (ETJ) request. This meeting is required per the Brunswick County ETJ Expansion Policy. During this meeting, comments were received from the various departments regarding changes/impacts to the level of services and concerns that need to be addressed to implement the ETJ. Below are the department's comments and a summary of questions/comments.

Stormwater (Brigit Flora [Brigitflora@brunswickcountyncgov](mailto:Brigitflora@brunswickcountyncgov) — 253-2405)

If the ETJ request is approved, the Engineering Department will no longer provide stormwater services for the 4 parcels. Ocean Isle Beach does their own stormwater permitting. The State Stormwater Permits will still be required.

Public Utilities (John Nichols [John.Nichols@brunswickcountyncgov](mailto:John.Nichols@brunswickcountyncgov) — 253-2653)

No change. Will continue to provide utility services (received via email) to the 4 parcels.

FIRE (Andrew Thompson - [andrewethompson@brunswickcountync.gov](mailto:andrewethompson@brunswickcountync.gov) — 253-2041)

If the ETJ request is approved, the Fire Division of Code Administration will no longer provide fire code services for the 4 parcels. Ocean Isle Beach does own fire and building permitting.

PLANNING AND ZONING (Kirstie Dixon - [kirstie.dixon@brunswickcountync.gov](mailto:kirstie.dixon@brunswickcountync.gov) - 253-20<sup>27</sup>)

No impact. If the ETJ request is approved, the Planning Department will no longer provide planning, zoning, or subdivision services for the 4 parcels. Please address the following so that Planning Staff can schedule the request for Planning Board on June 12, 2023:

- Provide updated maps with a scale as the Brunswick County ETJ Policy Manual requires.
- Provide updated written documentation to demonstrate the willingness to annex the area in the future.

COMMUNITY ENFORCEMENT (Kirstie Dixon - [kirstie.dixon@brunswickcountync.gov](mailto:kirstie.dixon@brunswickcountync.gov)- 253-2027)

No change to the enforcement of the Solid Waste Ordinance. There will be a change in the enforcement of the UDO (zoning and subdivision regulations).

LEGAL (Bryan Batton - [bryanabatton@brunswickcountync.gov](mailto:bryanabatton@brunswickcountync.gov) — 253-2030) No comment.

ADMINISTRATION (Haynes Brigman - [haynes.brigman@brunswickcountync.gov](mailto:haynes.brigman@brunswickcountync.gov) —253-2033) No comment.

### TIMELINE OF KEY EVENTS & DATES

T

<i>Submittal Date</i>	<b>April 21, 2023</b>
<i>Internal Staff Review Meeting</i>	<b>May 23, 2023</b>
<i>Review Meeting with St. James</i>	<b>May 23, 2023</b>
<i>Ocean Isle Beach Public Hearing</i>	<b>April 11, 2023</b>
<i>Planning Board</i>	<b>June 12, 2023</b>
<i>Board of Commissioners</i>	<b>TBD</b>

Revised May 31, 2023



June 1, 2023

Kirstie Dixon  
Planning Director  
Brunswick County Planning

RE: Proposed Ocean Isle Beach ETJ Expansion

Ms. Dixon,

This letter is to serve as the official request to the Brunswick County Commissioners for the Town of Ocean Isle Beach to expand its Extraterritorial Jurisdiction to fully encompass the following parcels:

- 22900090
- 2290000101
- 2290000109
- 2290000104

Included with this letter are the draft public hearing minutes from the April 11, 2023, Board of Commissioners meeting, letters from the affected property owners requesting inclusion into the Town's ETJ, required public hearing letters mailed to affected owners, affidavit of publication, and maps showing the proposed ETJ boundary and proposed zoning. This letter will also address the Evaluation Criteria outlined in the Brunswick County ETJ Expansion Policy.

**Critical Concerns of the Municipality:** The parcels abut the municipal limits of the Town of Ocean Isle Beach. These parcels are directly adjacent to the Odell Williamson Municipal Airport. All of these parcels are identified as "Runway Part 77 Primary and Approach Easement/Land Acquisition/Clearing" on the Town's Airport Layout Plan. Having these parcels fully within the Town's ETJ would allow the Town to better control and monitor potential development within this critical area. It will also benefit the property owners who've requested this expansion. It will serve to clear up any confusion on who's zoning requirements their property falls under.

## Article VI. ETJ Evaluation Criteria

- 1. Commitment to General Development Planning.** The Town's most current CAMA Land Use Plan was adopted September 12, 2017, and our Hazard Mitigation Plan was adopted February 9, 2021. If the ETJ is expanded to include the entirety of these properties, the Land Use Plan would be amended to reflect that change. The Town does not currently provide water and sewer service to properties outside of its corporate limits. The properties would be served by Brunswick County Utilities if applicable. The Town currently enforces its zoning, subdivision regulations, and building codes with the ETJ area. This enforcement would extend to any new area within the ETJ.
- 2. Annexation with Ten Years.** Portions of these parcels are shown on the Town's Airport Layout Plan as areas to be considered for future acquisition. When and if acquired, these parcels would certainly be annexed into the municipal limits. The Town is open and willing to possibly annex these parcels in the future regardless of ownership. However, current laws can make involuntary annexation difficult in some cases.
- 3. Evidence of Feasibility for Urban Density Development.** If the ETJ expansion proposal is approved, it will be recommended that these parcels be zoned C-3 (Commercial Highway) to match the surrounding area. With these parcels being located on and adjacent to a major thoroughfare leading to the beach we expect commercial development. However, some areas may be protected through airport zoning where development restrictions may apply.

Thank you for your assistance during this process. We look forward to the required review meeting and answering any questions you may have.

If you need any further documents, please let me know.

Respectfully,



Justin W. Whiteside  
Asst. Town Administrator  
Town of Ocean Isle Beach

cc: Debbie S. Smith, Mayor  
Daisy L. Ivey, Town Administrator

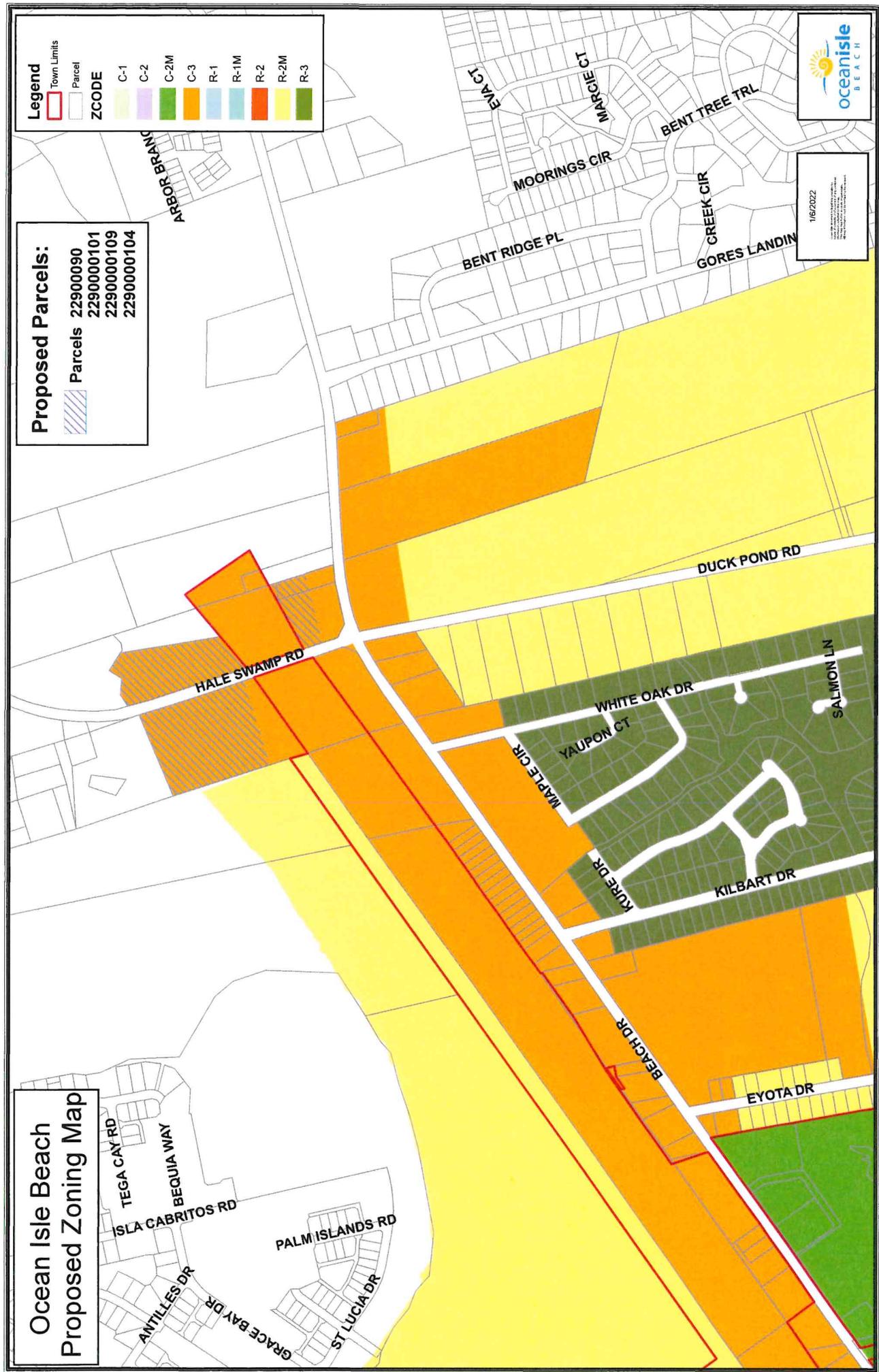
# Ocean Isle Beach Proposed Zoning Map

**Proposed Parcels:**  
 Parcels 22900090  
 229000101  
 2290000109  
 2290000104

**Legend**

- Town Limits
- Parcel
- ZCODE
- C-1
- C-2
- C-2M
- C-3
- R-1
- R-1M
- R-2
- R-2M
- R-3

1/6/2022



# Ocean Isle Beach Proposed Zoning Map Sheet: 1

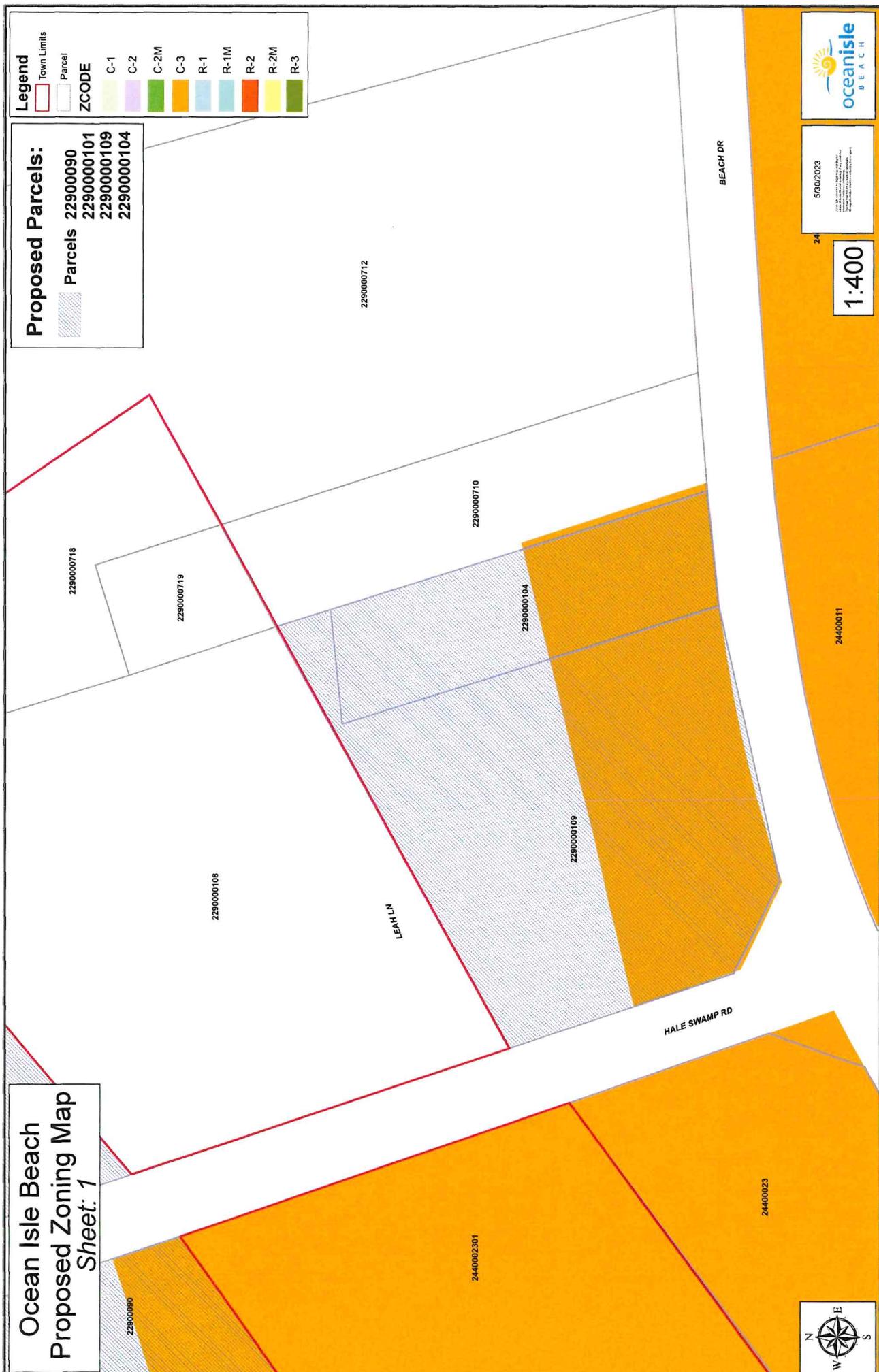
**Proposed Parcels:**  
Parcels 229000090  
2290000101  
2290000109  
2290000104

**Legend**

Town Limits  
Parcel

**ZCODE**

C-1	C-2	C-2M	C-3	R-1	R-1M	R-2	R-2M	R-3
-----	-----	------	-----	-----	------	-----	------	-----



1:400

5/30/2023

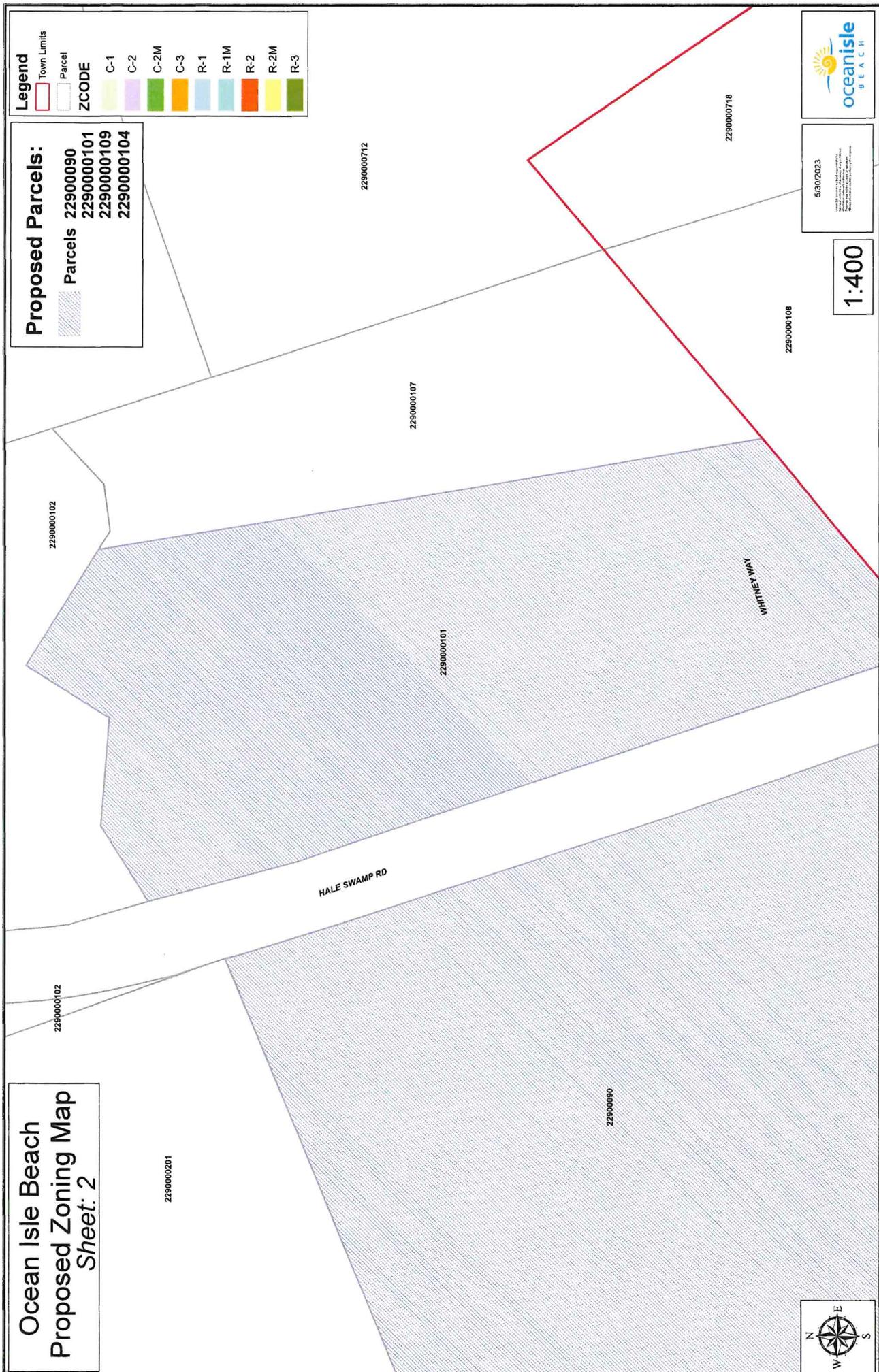


Ocean Isle Beach  
Proposed Zoning Map  
Sheet: 2

**Proposed Parcels:**  
 Parcels 229000090  
 2290000101  
 2290000109  
 2290000104

**Legend**

	Town Limits
	Parcel
<b>ZCODE</b>	
	C-1
	C-2
	C-2M
	C-3
	R-1
	R-1M
	R-2
	R-2M
	R-3



1:400

5/30/2023  
 OCEAN ISLE BEACH  
 1000 OCEAN ISLE BEACH BLVD  
 OCEAN ISLE BEACH, FL 32969  
 (888) 888-8888



Ocean Isle Beach  
Proposed Zoning Map  
Sheet: 3

**Proposed Parcels:**  
 Parcels 229000090  
 2290000101  
 2290000109  
 2290000104

**Legend**

Town Limits 

Parcel 

**ZCODE**

C-1 

C-2 

C-2M 

C-3 

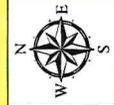
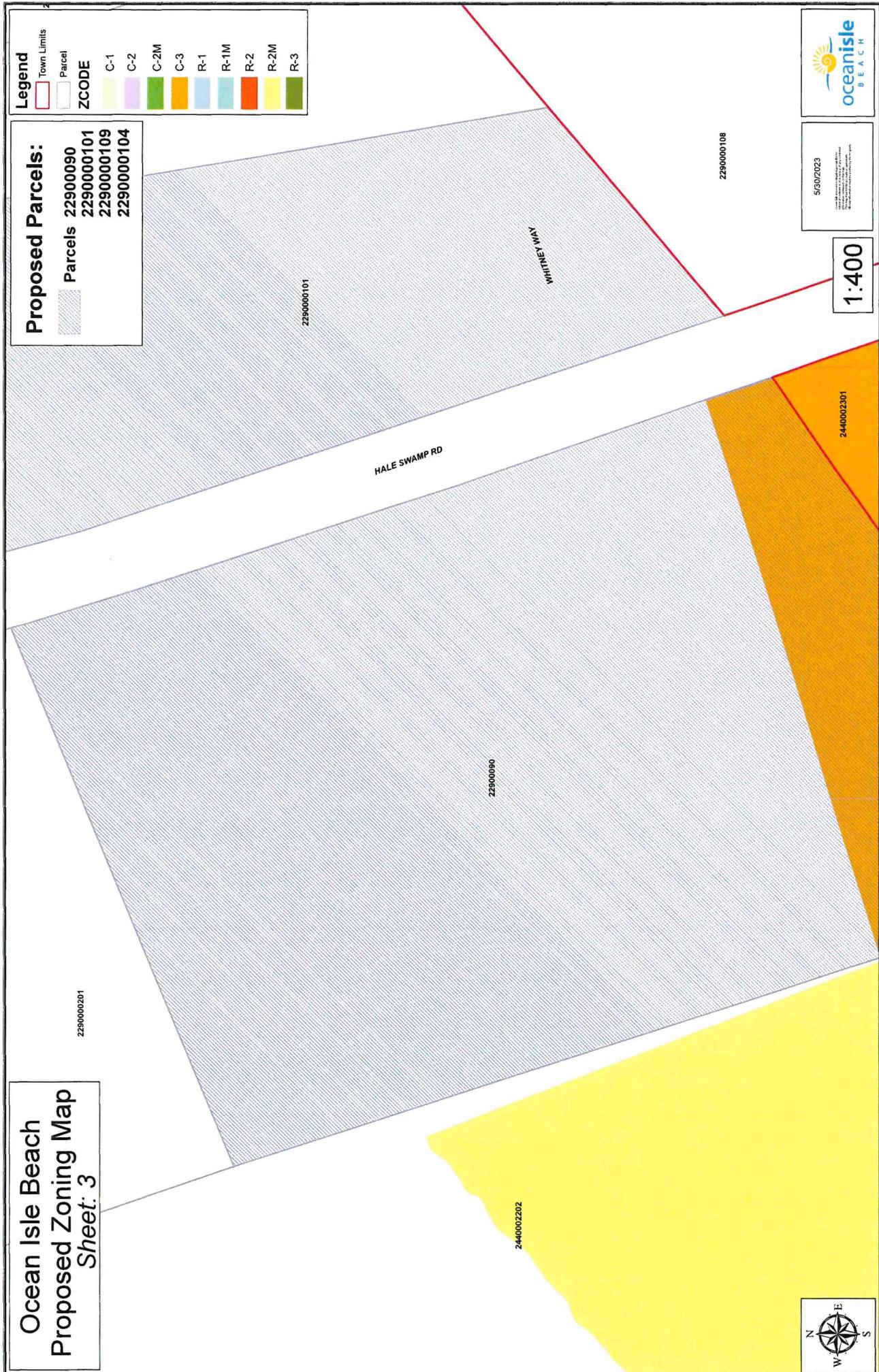
R-1 

R-1M 

R-2 

R-2M 

R-3 



1:400

5/30/2023  
 1000 N. Highway 17, Suite 100  
 Ocean Isle Beach, SC 29955  
 803.681.1234



Ocean Isle Beach  
Proposed Zoning Map  
Sheet: 4

**Proposed Parcels:**

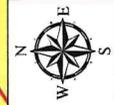
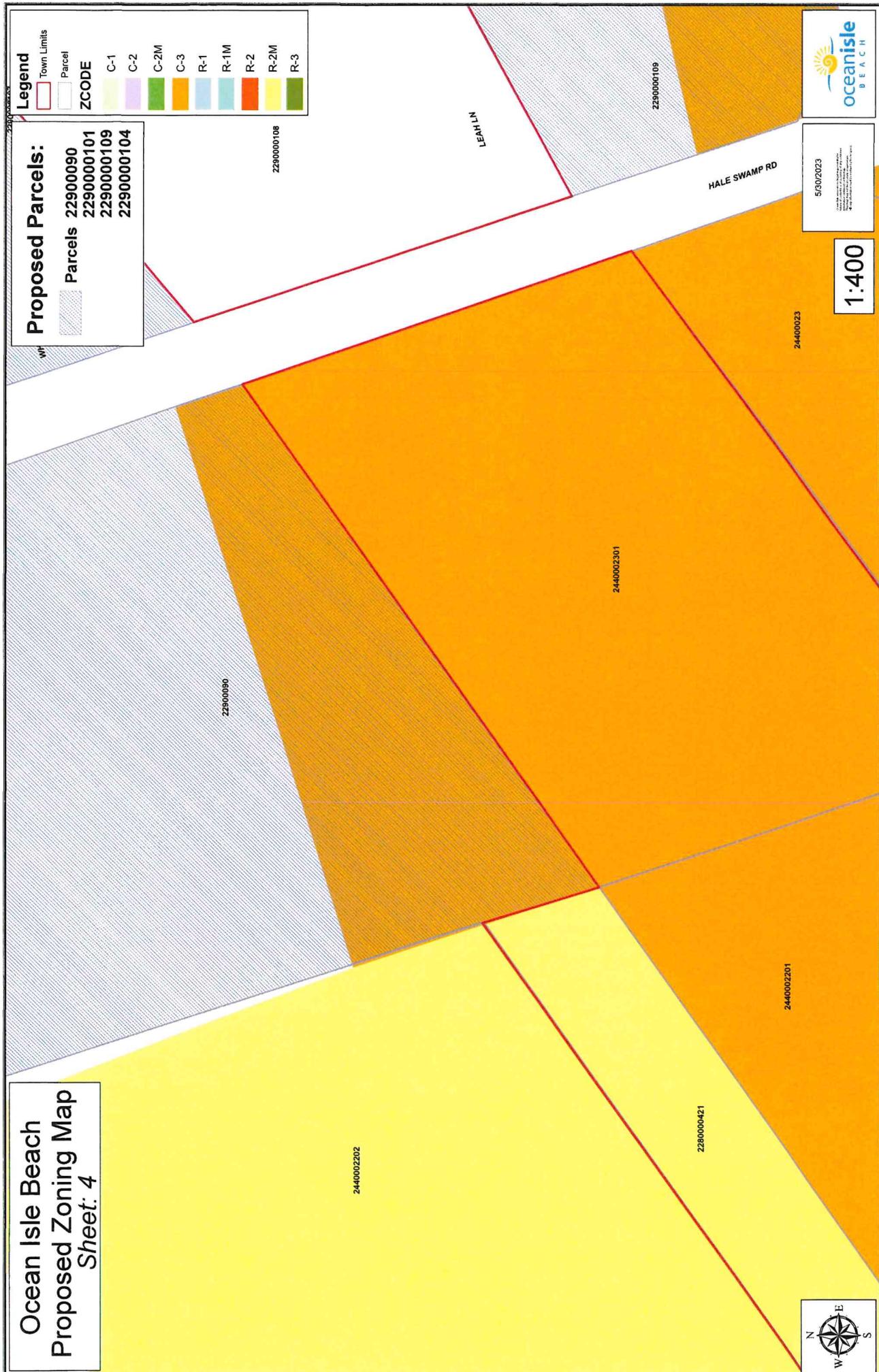
Parcels 22900090  
229000101  
229000109  
229000104

**Legend**

- Town Limits
- Parcel

**ZCODE**

- C-1
- C-2
- C-2M
- C-3
- R-1
- R-1M
- R-2
- R-2M
- R-3



1:400

5/30/2023

1000 N. Ocean Blvd., Suite 200  
Ocean Isle Beach, NC 28551  
Phone: 252.753.1234  
Fax: 252.753.1235  
www.oceanislenorthcarolina.com



**TOWN OF OCEAN ISLE BEACH  
111 CAUSEWAY DRIVE  
OCEAN ISLE BEACH, NC 28469**

**PUBLIC HEARING  
April 11, 2023  
MINUTES**

**MEMBERS PRESENT:**

Mayor Debbie Smith  
Commissioner Wayne Rowell  
Commissioner Betty Williamson  
Daisy L. Ivey, Town Administrator  
Justin Whiteside, Asst. Town Admin.  
Ken Bellamy, Police Chief  
Brian Edes, Asst. Town Attorney

Mayor Pro Tem Dean Walters  
Commissioner Tom Athey  
Commissioner Dave Green  
Casey R. Hayes, Town Clerk  
Keith Dycus, Development Services Dir.  
Herman "Blue" Born, Fire Chief

**OTHERS PRESENT:**

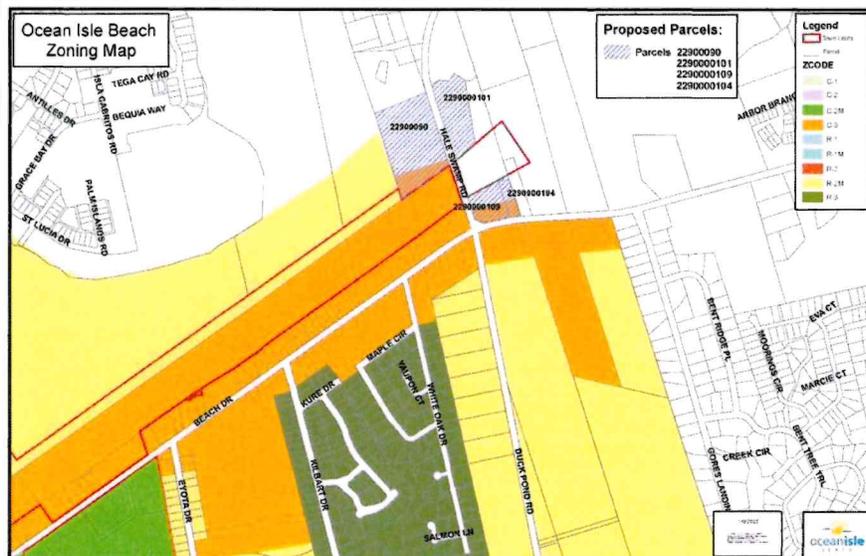
Applicant – Jonathan Williamson  
Approximately 25 Members of the Public

**HEARING CALLED TO ORDER**

Mayor Smith called the public hearing to order.

**OVERVIEW OF HEARING**

Mayor Smith stated the purpose of this hearing is to solicit public comment regarding requests made to the Town for parcels 22900090, 2290000101, 2290000104 and 2290000109 to be incorporated into the Town's Extra Territorial Jurisdiction zoning limits:



AFFP  
Public Hearing ETJ Expansion

**Affidavit of Publication**

STATE OF NC }  
COUNTY OF BRUNSWICK } SS

Christy Williamson, being duly sworn, says:

That he is Christy Williamson, Advertising Director Brunswick Beacon , a daily newspaper of general circulation, printed and published in Shallotte , Brunswick County, NC; that the publication, a copy of which is attached hereto, was published in the said newspa

March 23, 2023, March 30, 2023

The said newspaper was regularly issued and circulated on those dates.

SIGNED:

Christy Williamson  
Christy Williamson, Advertising Director

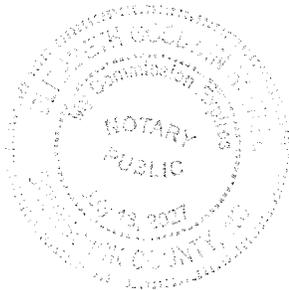
Subscribed to and sworn to me this 30th day of March 2023.

Elizabeth Goodwin Howell  
Elizabeth Goodwin Howell, , Brunswick County, NC

My commission expires: July 13, 2027

70027853 70610437

TOWN OF OCEAN ISLE BEACH  
111 CAUSEWAY DR  
OCEAN ISLE BEACH, NC 28469



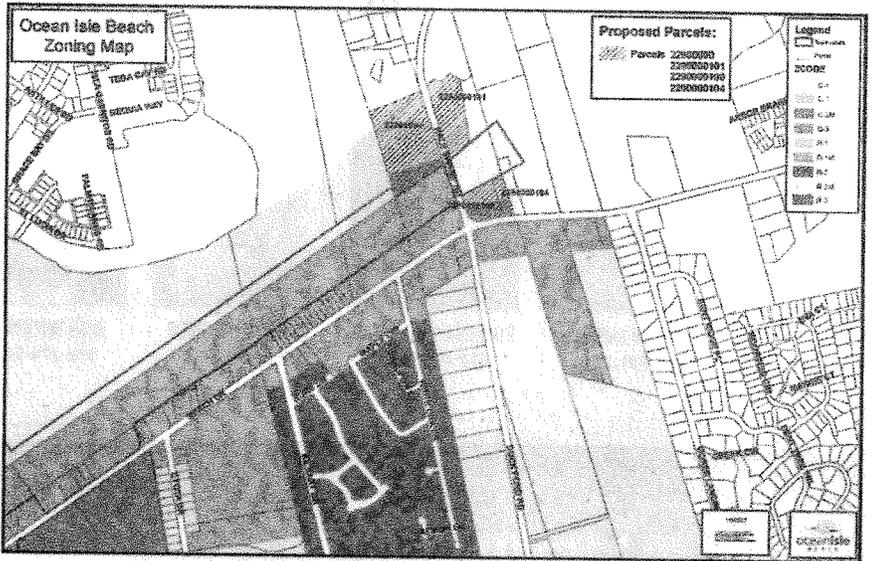

**oceanisle**  
B E A C H

TOWN OF OCEAN ISLE BEACH  
NOTICE OF PUBLIC HEARING

The public will take notice that the Board of Commissioners of the Town of Ocean Isle Beach has called a public hearing at 8:45am on April 11, 2023 in the Town Meeting Hall located at 111 Causeway Drive, to allow comment regarding requests made to the Town for parcels 229000090, 2290000101, 2290000104 and 2290000109 to be incorporated into the Town's Extra Territorial Jurisdiction zoning limits:

All interested persons are invited to attend and provide public comment. The Board of Commissioners may adopt, reject, or make modifications to the requests based upon the public input received during the hearing. Copies of the requests are available in the Town Clerk's office for public inspection.

Casey R. Hayes, Town Clerk  
Town of Ocean Isle Beach



# TOWN OF OCEAN ISLE BEACH

ETJ EXPANSION – CERTIFICATION OF NOTICES MAILED



March 1, 2023

Town of Ocean Isle Beach  
111 Causeway Drive  
Ocean Isle Beach, NC 28469

I, Justin Whiteside, Assistant Town Administrator for the Town of Ocean Isle Beach, do hereby certify that copies of the attached letters and corresponding map were mailed by Certified First Class Mail to the following affected property owners per G.S. 160-A-360 (a1).

*Jonathan Williamson and Family  
VAW Investment Trust  
1535 Hale Swamp Road  
Shallotte, NC 28470*

*Willa Rae Cox ETALS  
Charles Fox, Whitney Sauls, Tripp Sloane  
16 Causeway Drive  
Ocean Isle Beach, NC 28469*

*Whitney and Brandon Sauls  
1766 Twisted Oak Lane SW  
Ocean Isle Beach, NC 28469*

*Charles Fox Homes LTD  
16 Causeway Drive  
Ocean Isle Beach, NC 28469*

These notices were mailed on the 1<sup>st</sup> day of March, 2023 from the South Brunswick Post Office.

Dated: 3-1-2023



Signed: *Justin Whiteside*

**Legend**

- Town Limits
- Parcel

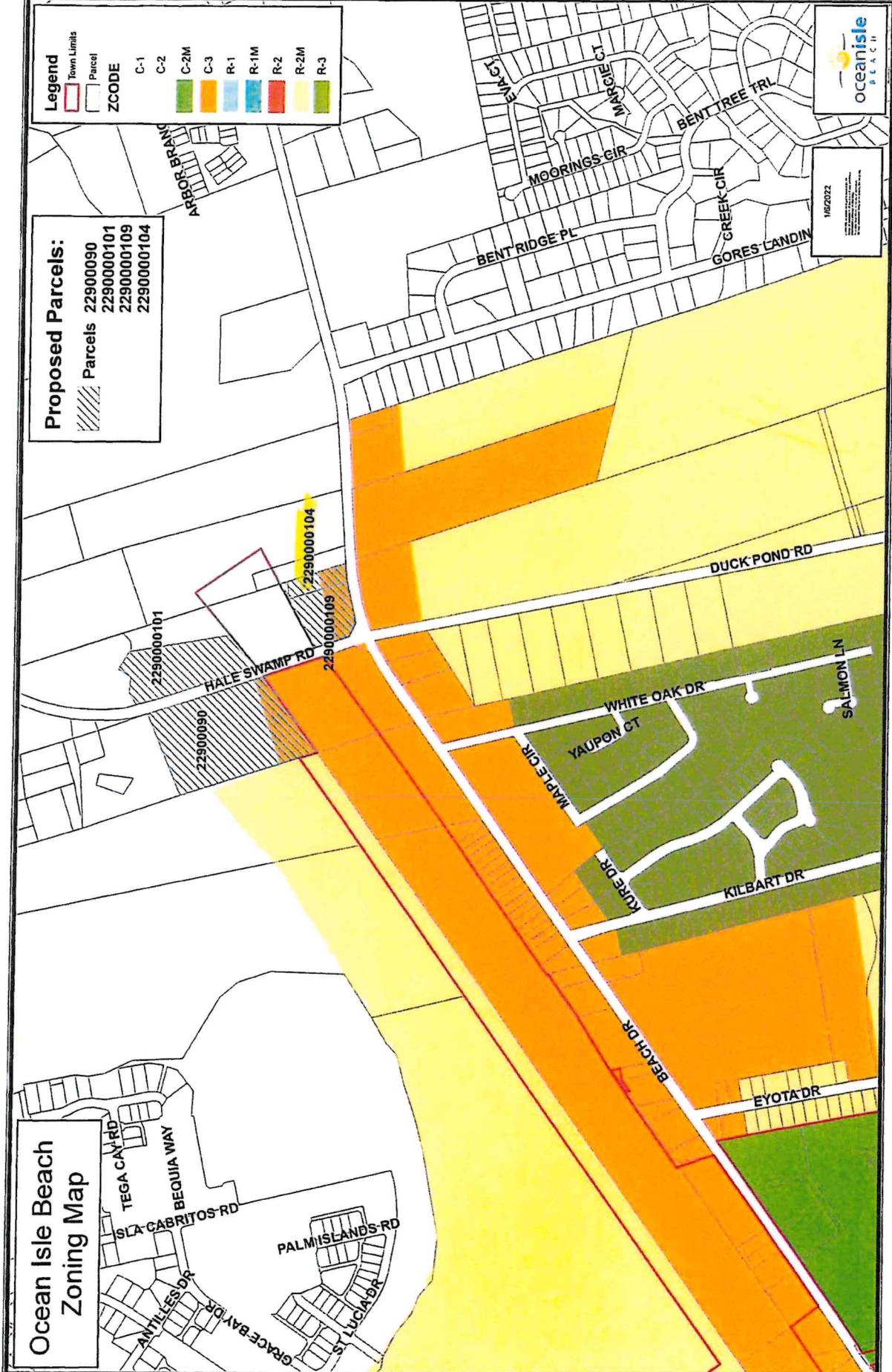
**ZCODE**

- C-1
- C-2
- C-2M
- C-3
- R-1
- R-1M
- R-2
- R-2M
- R-3

**Proposed Parcels:**

Parcels 229000090  
 2290000101  
 2290000109  
 2290000104

1/6/2022



**Ocean Isle Beach  
 Zoning Map**

TEGA CAY RD  
 BEQUIA WAY  
 ISLA CABRITOS RD  
 ANILLES DR  
 GRACE BAY DR  
 PALM ISLANDS RD  
 ST LUCIA DR

EMAGT  
 MARGIE CT  
 MOORINGS CIR  
 BENT TREE TRL  
 BENT RIDGE PL  
 GORES LANDING  
 CREEK CIR

DUCK POND RD  
 HALE SWAMP RD  
 WHITE OAK DR  
 SALMON LN  
 YAUPON CT  
 MAPLE CIR  
 KURE DR  
 KILBART DR  
 BEACH DR  
 EYOTA DR

---

# TOWN OF OCEAN ISLE BEACH

ETJ EXPANSION – PUBLIC HEARING



March 1, 2023

Mr. Jonathan Williamson and Family  
VAW Investment Trust  
1535 Hale Swamp Road  
Shallotte, NC 28470

Dear Recipient:

The Town of Ocean Isle Beach Board of Commissioners will hold a public hearing on April 11, 2023 at 8:45am in the Town Meeting Hall at 111 Causeway Drive to hear comments from the public regarding the expansion of the Town's ETJ area to encompass your entire property located at 1535 Hale Swamp Road (Parcel 22900090). Currently only a portion of your property lies within the Town's ETJ area. If this expansion is approved, this property will be subject to the zoning, subdivision, building code and minimum housing standards of the Town of Ocean Isle Beach. In the future if this property becomes your residence, you will be able to apply to the Brunswick County Board of Commissioners to serve as an ETJ Representative on the Town's Planning Board or Board of Adjustment.

I have included a map showing the proposed expansion area. If you have any further questions regarding this proposal or the public hearing, please contact me at 910-579-2166 or [justin@oibgov.com](mailto:justin@oibgov.com)

Sincerely,

Justin Whiteside  
Assistant Town Administrator  
Town of Ocean Isle Beach

# Ocean Isle Beach Zoning Map

**Legend**

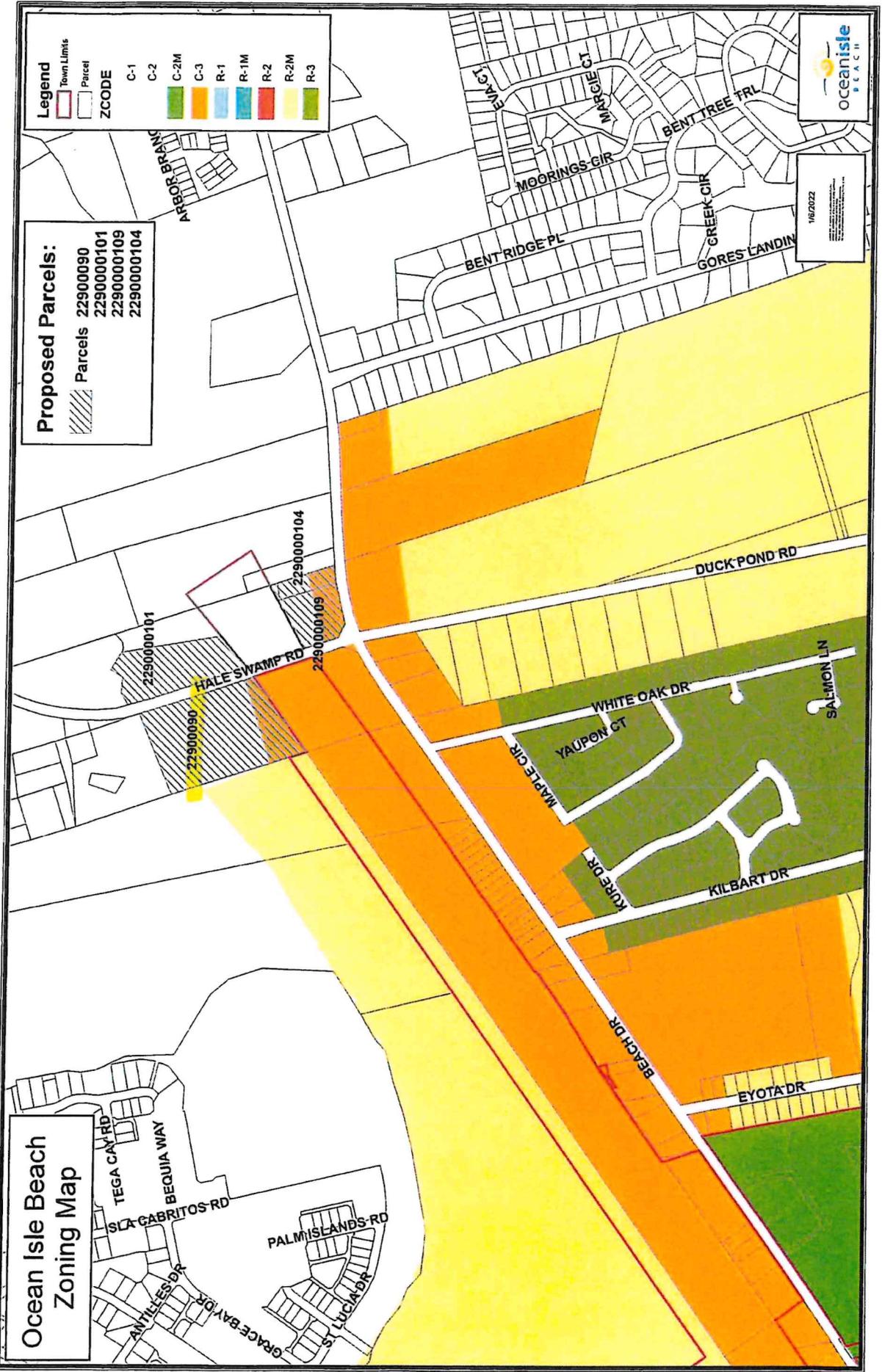
- Town Limits
- Parcel
- ZCODE
- C-1
- C-2
- C-2M
- C-3
- R-1
- R-1M
- R-2
- R-2M
- R-3

**Proposed Parcels:**

- Parcels 229000090
- 2290000101
- 2290000109
- 2290000104



1/6/2022



---

# TOWN OF OCEAN ISLE BEACH

ETJ EXPANSION – PUBLIC HEARING



March 1, 2023

Charles Fox Homes LTD  
16 Causeway Drive  
Ocean Isle Beach, NC 28469

Dear Recipient:

The Town of Ocean Isle Beach Board of Commissioners will hold a public hearing on March 14, 2023 at 8:45am in the Town Meeting Hall at 111 Causeway Drive to hear comments from the public regarding the expansion of the Town's ETJ area to encompass your entire property located on Hale Swamp Road (Parcel 2290000101). Currently your property lies within the County limits. If this expansion is approved, this property will be subject to the zoning, subdivision, building code and minimum housing standards of the Town of Ocean Isle Beach. In the future if this property becomes your residence, you will be able to apply to the Brunswick County Board of Commissioners to serve as an ETJ Representative on the Town's Planning Board or Board of Adjustment.

I have included a map showing the proposed expansion area. If you have any further questions regarding this proposal or the public hearing please contact me at 910-579-2166 or [justin@oibgov.com](mailto:justin@oibgov.com)

Sincerely,

Justin Whiteside  
Assistant Town Administrator  
Town of Ocean Isle Beach

# Ocean Isle Beach Zoning Map

**Legend**

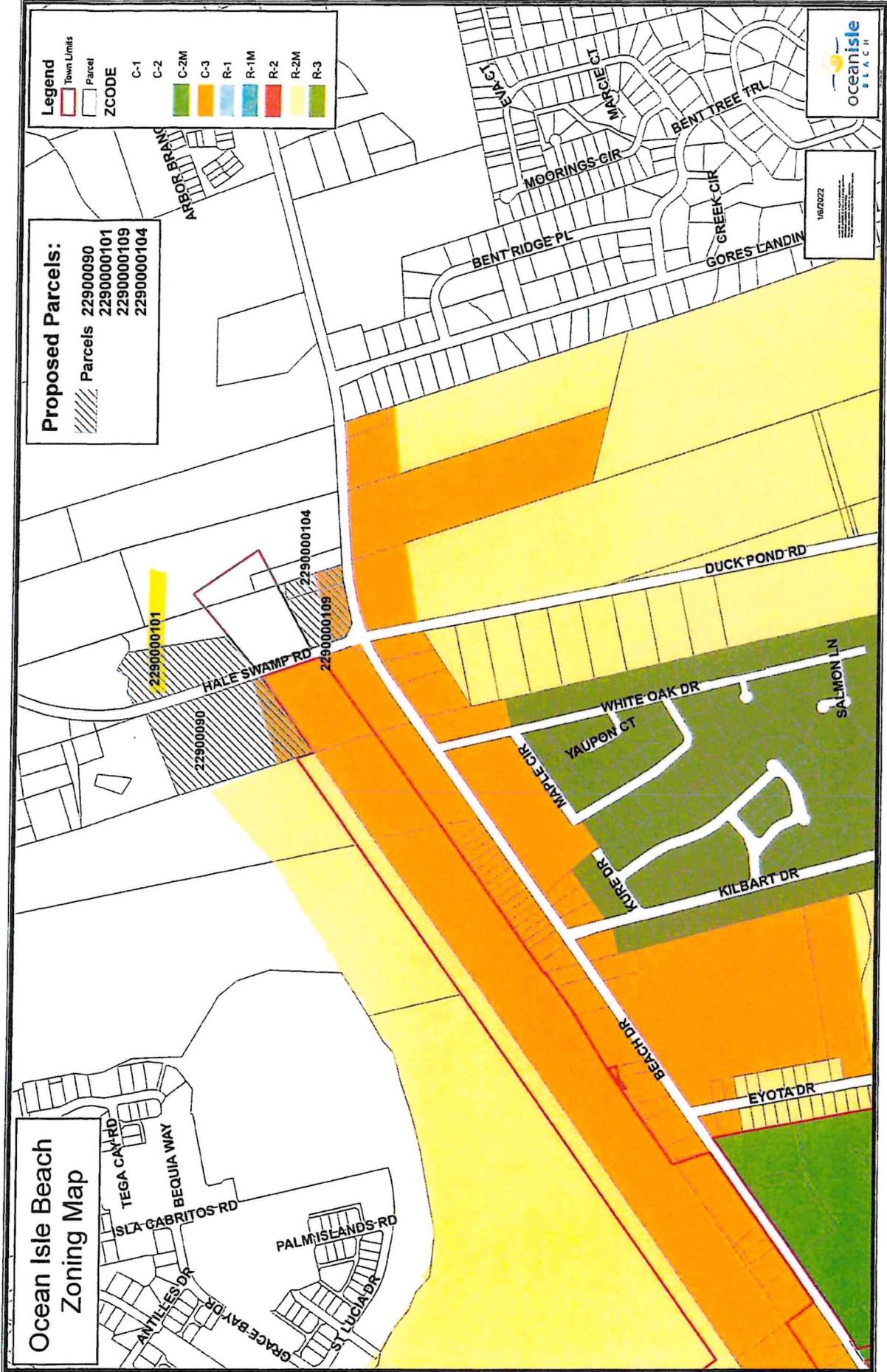
- Town Limits
- Parcel
- ZCODE
- C-1
- C-2
- C-2M
- C-3
- R-1
- R-1M
- R-2
- R-2M
- R-3

**Proposed Parcels:**

- Parcels 229000090
- 2290000101
- 2290000109
- 2290000104



1/6/2022



---

# TOWN OF OCEAN ISLE BEACH

ETJ EXPANSION – PUBLIC HEARING



March 1, 2023

Willa Rae Cox ETALS  
*Charles Fox, Whitney Sauls, Tripp Sloane*  
16 Causeway Drive  
Ocean Isle Beach, NC 28469

Dear Recipient:

The Town of Ocean Isle Beach Board of Commissioners will hold a public hearing on **April 11, 2023 at 8:45am** in the Town Meeting Hall at 111 Causeway Drive to hear comments from the public regarding the expansion of the Town's ETJ area to encompass your entire property located at the corner of Hale Swamp Road and HWY 179 (Parcel 2290000109). Currently only a portion of your property lies within the Town's ETJ area. If this expansion is approved, this property will be subject to the zoning, subdivision, building code and minimum housing standards of the Town of Ocean Isle Beach. In the future if this property becomes your residence, you will be able to apply to the Brunswick County Board of Commissioners to serve as an ETJ Representative on the Town's Planning Board or Board of Adjustment.

I have included a map showing the proposed expansion area. If you have any further questions regarding this proposal or the public hearing, please contact me at 910-579-2166 or [justin@oibgov.com](mailto:justin@oibgov.com)

Sincerely,

Justin Whiteside  
Assistant Town Administrator  
Town of Ocean Isle Beach

**Legend**

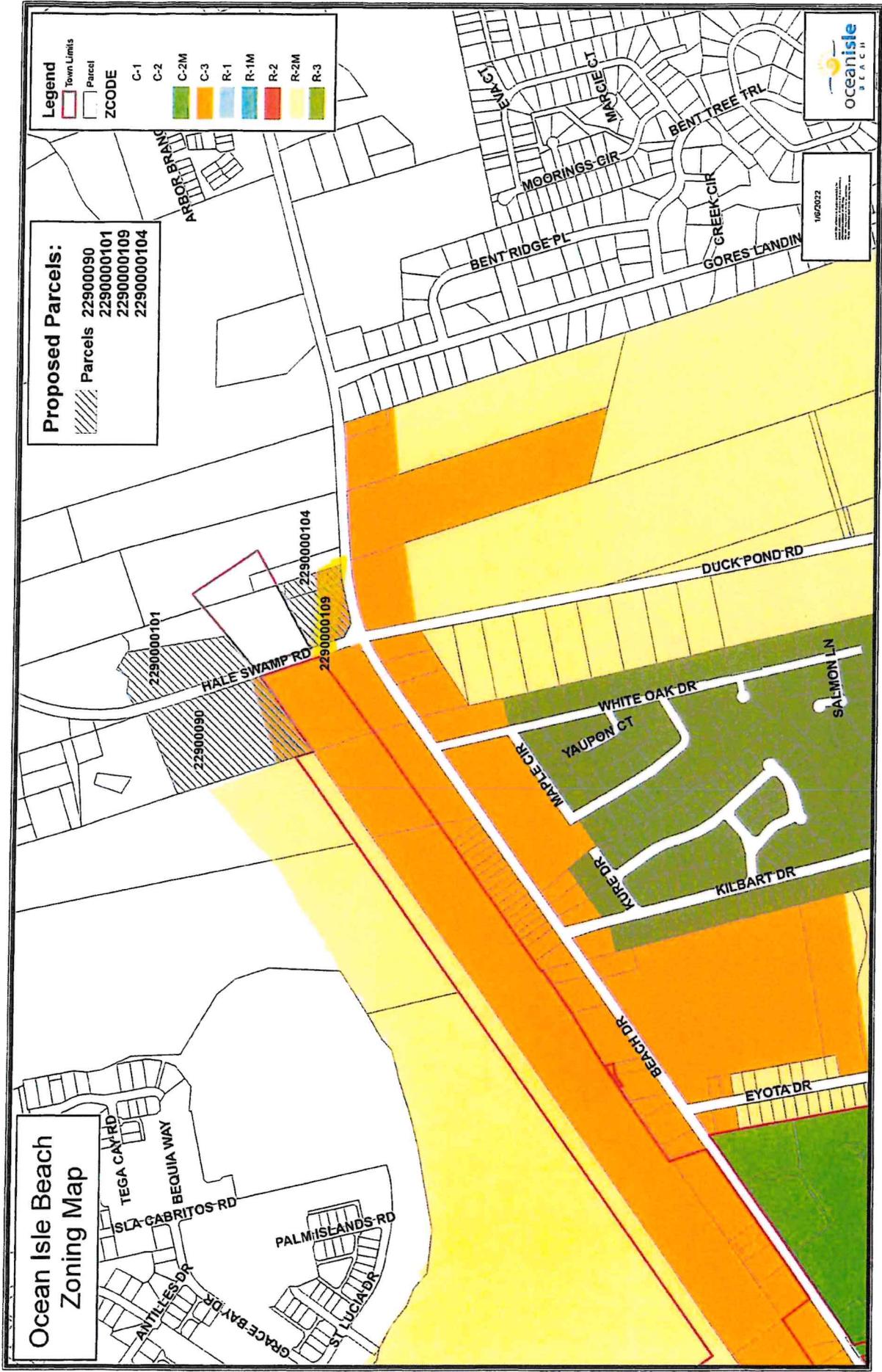
- Town Limits
- Parcel
- ZCODE
- C-1
- C-2
- C-2M
- C-3
- R-1
- R-1M
- R-2
- R-2M
- R-3

**Proposed Parcels:**

- Parcels 229000090
- 2290000101
- 2290000109
- 2290000104



1/6/2022



---

# TOWN OF OCEAN ISLE BEACH

ETJ EXPANSION – PUBLIC HEARING



March 1, 2023

Whitney and Brandon Sauls  
1766 Twisted Oak Lane SW  
Ocean Isle Beach, NC 28469

Dear Recipient:

The Town of Ocean Isle Beach Board of Commissioners will hold a public hearing on April 11, 2023 at 8:45am in the Town Meeting Hall at 111 Causeway Drive to hear comments from the public regarding the expansion of the Town's ETJ area to encompass your entire property located at the corner of Hale Swamp Road and HWY 179 (Parcel 2290000104). Currently only a portion of your property lies within the Town's ETJ area. If this expansion is approved, this property will be subject to the zoning, subdivision, building code and minimum housing standards of the Town of Ocean Isle Beach. In the future if this property becomes your residence, you will be able to apply to the Brunswick County Board of Commissioners to serve as an ETJ Representative on the Town's Planning Board or Board of Adjustment.

I have included a map showing the proposed expansion area. If you have any further questions regarding this proposal or the public hearing, please contact me at 910-579-2166 or [justin@oibgov.com](mailto:justin@oibgov.com)

Sincerely,

Justin Whiteside  
Assistant Town Administrator  
Town of Ocean Isle Beach



Town of Ocean Isle Beach

Ordinance No. 2023 - 9  
Date Adopted: April 11, 2023

**RESOLUTION TO REQUEST EXTRA TERRITORIAL JURISDICTION  
EXPANSION APPROVAL FROM BRUNSWICK COUNTY COMMISSIONERS**

**WHEREAS**, the Town of Ocean Isle Beach desires that the areas within one mile of the Town Limits be developed in the likeness of the Town and therefore subject to the Town's zoning and planning jurisdiction; and

**WHEREAS**, there are areas within one mile of the Town limits that are zoned by Brunswick County; and

**WHEREAS**, the proposed area of expansion is located adjacent to the existing northeastern limits of the extraterritorial jurisdiction of the Town of Ocean Isle Beach, adjacent to Beach Drive (HWY 179) and/or Hale Swamp Road SW, known as parcels 22900090, 229000101, 229000104, and 229000109; and

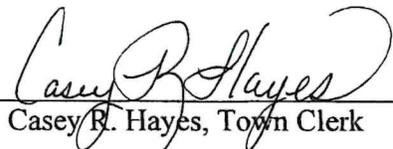
**WHEREAS**, Brunswick County has such a large land mass to provide zoning and building code services; and

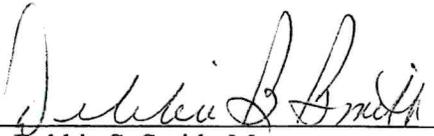
**WHEREAS**, the Town of Ocean Isle Beach is very capable of providing inspections quickly, discovering zoning and building violations and providing other planning and zoning services.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Ocean Isle Beach Board of Commissioners request the Brunswick County Commissioners recognize the concerns of the Town of Ocean Isle Beach for areas adjacent to its Town limits, its commitment to Planning and its ability to provide land use planning, zoning, subdivision regulation and building code programs within the areas described above and therefore allow the Town to exercise extra-territorial jurisdiction over said area.

**Adopted, this the 11th day of April, 2023.**

ATTEST:

  
Casey R. Hayes, Town Clerk

  
Debbie S. Smith, Mayor

**BRUNSWICK  
COUNTY  
ETJ  
EXPANSION  
POLICY**

BRUNSWICK COUNTY PLANNING DEPARTMENT  
COUNTY GOVERNMENT CENTER  
20 REFERENDUM DRIVE  
BOLIVIA, NORTH CAROLINA 28422  
PHONE (910) 253-2025  
OCTOBER 30, 1995

ARTICLE I. PURPOSE

The purpose of this policy is to recognize and emphasize that municipalities and their extraterritorial jurisdictions are integral parts of Brunswick County and that many planning decisions should be coordinated with municipal plans, goals and objectives. This policy is intended to be a planning tool for growth, and a proactive response to ETJ requests.

ARTICLE II. DESCRIPTION

The extraterritorial jurisdiction of a municipality in Brunswick County is the area one-mile beyond the corporate limits in which a town may exercise the same planning, zoning and building inspection authority as in its corporate limits. With the approval of the Board of County Commissioners, a municipality of 10,000 or more population but less than 25,000 may exercise these powers over an area extending not more than two miles beyond its limits. A municipality of 25,000 or more population may exercise these powers over an area extending not more than three miles beyond its limits.

ARTICLE III. AUTHORITY

Brunswick County hereby exercises authority to evaluate ETJ Expansion Requests under the authority granted under N.C.G.S. 160A-360. 160D-202?

ARTICLE IV. EXTRATERRITORIAL JURISDICTION REVISIONS

Brunswick County realizes the need of ETJ extensions. The Board of County Commissioners approval is required for extension of ETJ in Brunswick County, under N.C.G.S. 160A-360(e):

160D-202(c)

(c)?

- (e) No city may hereafter extend its extraterritorial powers under this Article into any area for which the county at the time has adopted and is enforcing a zoning ordinance and subdivision regulations and within which it is enforcing the State Building Code. However, the city may do so where the county is not exercising all three of these powers, or when the city and the county have agreed upon the area within which each will exercise the powers conferred by this Article.

REPEALED

6/19/20

100D-202?

N.C.G.S. 160A-360(b) describes the rationale for requesting extension of ETJ:

- (b.) Areas included in ETJ shall be based upon existing or projected urban development and areas of critical concern to the city, as evidenced by officially adopted plans for its development...

Because of the implementation of zoning, subdivision regulations, and building codes, no expansion of ETJ boundaries are granted without an intergovernmental agreement between the entities involved.

Under N.C.G.S. 160A-360(g), any ETJ extension may be rescinded. To rescind an ETJ extension, the government, which granted or accepted the ETJ must send to the other unit of government a two year written notice repealing the original resolution. In addition, the resolution granting ETJ may be modified at any time by mutual consent of the county and the municipality.

(i)

N.C.G.S. 160A-360(g) states:

- (g.) When a local government is granted powers by this section subject to the request, approval, or agreement of another local government, the request, approval, or agreement shall be evidenced by a formally adopted resolution of that government's legislative body. Any such request, approval, or agreement can be rescinded upon two years' written notice to the other legislative bodies concerned by repealing the resolution. The resolution may be modified at any time by mutual agreement of the legislative bodies concerned.

ARTICLE V. PROCEDURE FOR SECURING APPROVAL FOR ETJ EXPANSION REQUESTS

Section A. Presentation Requirements

1. The municipality shall present a map of its proposed ETJ boundaries on a county tax map in a scale of sufficient size to clearly define the boundaries by natural or geographic features easily identifiable on the ground. This scale shall not be smaller than 1" = 400'.
2. Written documentation shall accompany the request and shall address the critical concerns of the municipality, which are being met by the ETJ proposal.
3. Documentation shall accompany the request outlining the specific commitment to General Development Planning as outlined in Article VI, Section 1.
4. Outline the capability and qualifications of the municipality to provide land use planning, zoning, subdivision regulation, and building code programs within the proposed ETJ area.

Section B. Review of the Expansion Request

1. Municipalities requesting ETJ expansion should submit six (6) copies of all required documents to the Brunswick County Planning Director, a minimum of twenty-eight (28) days prior to the monthly Planning Board Meeting. The Planning Director shall then forward a copy of the proposed expansion plan to all appropriate agencies for review and comments. Following the evaluation period, a review meeting shall be set with town officials and appropriate agencies not less than fourteen (14) days prior to the Planning Board Meeting, to discuss the proposal. The Planning Director shall forward the ETJ Expansion Request to the Planning Board for approval no later than sixty (60) days following submission.
2. The Brunswick County Planning Board shall review all applications for ETJ expansion and shall determine the adequacy of the documentation supplied and conduct fact finding meetings as deemed necessary. The Planning Board shall then make a formal recommendation to the Brunswick County Board of Commissioners concerning the request within sixty (60) days.
3. The formal recommendation of the Brunswick County Planning Board will be forwarded to the Brunswick County Board of Commissioners along with all findings, maps, documentation and support materials for consideration and final action by the Board. It shall be the responsibility of the Board of Commissioners to take action in an expeditious manner, provided all pertinent information and documentation has been submitted in order for the Board to make their decision.

## ARTICLE VI. ETJ EVALUATION CRITERIA

The purpose of ETJ evaluation criteria is to evaluate the potential for an area's development, the municipality's ability to provide services and its capability and commitment to good planning and managing of development. In addition to conformance with the criteria, the Planning Board and Board of Commissioners will also consider the opinions of residents and property owners in the area request for ETJ, and shall include those opinions in their consideration.

The criteria are as follows:

### 1. Commitment to General Development Planning.

The municipality should demonstrate a commitment to comprehensive planning, preferably including adopted land use and infrastructure planning to include: water, sewer, storm water planning, and transportation plans, a capital improvements program (CIP) and funding to implement the CIP, and the implementation of land use regulations such as zoning, subdivision regulations, and building codes. Where such plans have not actually been adopted, a municipality could demonstrate commitment by including service construction in an adopted CIP or completing preliminary engineering studies.

### 2. Annexation Within Ten Years.

ETJ extensions should be granted primarily for areas anticipated to be developed and annexed within ten years. The ten-year period projection should be used as a guideline, and is adopted with the understanding that actual progress in development and annexation of a given ETJ area may vary from that originally projected at the time of ETJ extension. The ten year period projection should be based on the best information available concerning Municipal and County policies and plans, and development experience and projections.

### 3. Evidence of Feasibility for Urban Density Development

Areas proposed for ETJ extension by a municipality should be capable of being developed to urban standards. The Land Use Plans and Development Standards of Municipalities should encourage this urban development. However, this requirement does not include conservation or other protected areas. This standard will serve to protect the integrity of the county's rural areas.

ARTICLE VII. MINOR CORRECTIONS TO ETJ BOUNDARIES

For a two-year period following the effective date of this policy, municipalities may make minor corrections to their ETJ line to adjust for lot splits, and other irregular boundary configurations without adhering to the standards of this policy. These minor corrections will have no direct impact on expansions. Minor corrections must be approved through the normal ETJ approval process.