



STAFF REPORT RZ-25-05

Prepared by Patrick Creech, Planning Director

December 11th, 2025

PETITION	RZ-25-05
APPLICANTS	Darleen Haun & Brenda Sharpe
OWNERS	Brenda & Lynn Sharpe
PIN	3799-79-0005
ADDRESS	0 Lackey Mountain Rd
LOCATION	Gwaltneys
ACREAGE	1.464
REQUESTED ACTION	Rezone parcel from (OI) to (R3)

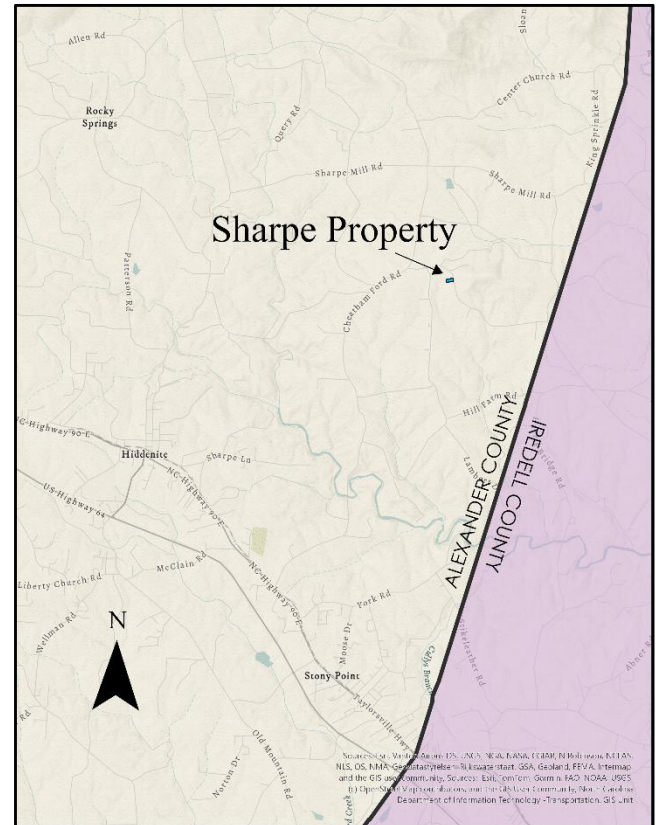


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BACKGROUND

The owner, Brenda Sharpe, recently sought a zoning permit for a single-wide mobile home to place on the property for her daughter, Darleen Haun, to live. In 2024; however, the parcel was zoned **Office Institutional** (OI). Singlewide manufactured homes are not a permitted usage in OI zoning districts.

The applicants seek to rezone the property from (OI) to (R3) to move forward with the permitting process for their singlewide manufactured home.

The designation of the parcel as (OI) is the result to a cemetery on the property which dates to the mid-1800s. The county has 127 documented cemeteries. Of those, the 81 are in (OI) zones and are associated with cemeteries. The remaining 46 are in residential zones (R1, R2, R2R, R3, and WR). These are predominantly family cemeteries and can be viewed in **Appendix H**.

The cemetery on the parcel is identified as the *Lackey and Thompson* cemetery and was the historical resting place for many members of those families. The cemetery is currently in disrepair, as can be seen in the photos found in **Appendix I**. A census of the headstones compiled in 1939 can be found in **Appendix J**.

In regards to local history, this the most famous person interred in this cemetery is Caroline Thompson, who was brutally murdered in 1881. The story of her death was a sensation and has been recounted several times in local histories. See **Appendix K** for some historical news clippings regarding her murder and **Appendix L** for a brief history compiled by Dr. Warren Hollar for the *Taylorsville Times* in 2010.

The property intended for residential development is separated from the cemetery by the tree line. This can be seen in the photos in Appendix F and the overhead satellite view found in **Appendix M**.

PROPERTY INFORMATION

- **Vicinity**

- **North, West, & South:** The property is abutted on three sides by property owned by MILLER JONATHON P & EMILENE FAMILY TRUST. This property is undeveloped.
- **East:** The property is bound by Lackey Mountain Rd to the east. Across the street to the east is a residence owned by Rickey & Susan Lackey.

- **Road Access**

- Direct access to the property is available from Lackey Mountain Rd.

- **Sewer and Water Access**

- The property is currently served by public water from Energy United.

- **Development Potential**

- Based off the placement of the cemetery this property is best suited for agricultural use, a single-family residence, or remaining otherwise undeveloped.

REVIEW CRITERIA

In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors:

1) Consistency of the proposed zoning with the Alexander County Comprehensive Plan

The vicinity in which the subject property is located is classified *Rural Agricultural Area (RAA)* by the Alexander County Future Land Use Plan. The patterns of development encouraged in the RAA include:

- **The RAA covers those portions of the county that are predominantly rural and are characterized by low-density residential development with substantial land areas devoted to agriculture and undeveloped lands. Land use policies will seek to retain that character. ...**
- **Extraordinary care should be taken in these areas to preserve their rural character and to protect valuable farmlands as well as environmental and cultural resources. Farmland protection measures should be aggressively pursued within the RAA. ...**
- **Land use planning should acknowledge the presence of sensitive natural areas such as floodplains, wetlands, areas of excessively steep topography, and other natural and cultural assets, and should strive to protect these areas from development which would damage such resources or diminish their integrity.**

- **Commercial development and Community Facilities will be directed to defined Community Service Centers (see below), which are located at key nodes / intersections and traditional locations, and within predefined zoning districts whose standards and configuration are in keeping with the surrounding community and which minimize congestion and sprawl. Commercial development will be of a Local and Community commercial nature, and most Industrial and Regional Commercial land uses should be prohibited. Economic development activities will be largely discouraged in the RAA.**

See Appendix E on page 12 for more information from the Comprehensive Plan.

2) Consistency of the proposed zoning with the purpose and intent of the zoning ordinance.

Existing Zone: OI	Proposed Zone: R3
<p>OI Zoning Purpose:</p> <p>The purpose of the Office Institutional District (OI) is to foster orderly growth where the principal use of land is a mixture of office, institutional, and residential. The intent of this district is to allow for office, institutional and residential development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide office, institutional, and residential development that: (1) is directed largely to Community Service Centers as defined in the Comprehensive Plan; (2) is compatible with adjacent development and the surrounding community; and (3) will minimize congestion and sprawl.</p>	<p>R3 Zoning Purpose</p> <p>The purpose of Residential District Three (R3) is to foster orderly growth where the principal use of land is low density residential. The intent of this district is to allow for residential development consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized in areas designated as Rural (RAA) in the Comprehensive Plan</p>

See Appendix F on page 16 for more information from the Comprehensive Plan.

3) The full range of uses permitted in the proposed district.

When a property is rezoned, the governing body must consider the full range of uses which would be permitted in the proposed district.

Office Institutional (**OI**) has been applied to many parcels which house non-profits, religious institutions, and cemeteries. Residential Three (**R3**) is the county's most rural designation, and applies to the least densely populated areas in the county.

Appendix G on page 20 contains a complete list of permitted uses for (**OI**) and (**R3**) zones, with differences highlighted. These zones have significant differences that relate to the differences in their overall purposes referenced above.

The most significant of those differences include:

- **Residential**
 - OI is a form of multi-use zone, whereas R3 is a primarily residential zone. More residential purposes are allowed within R3 zones.

- **Commercial:**
 - OI allows more forms of commercial activities that might be associated with non-profits or religious-based institutions.
- **Industrial:**
 - R3 zones are slightly more permissive for industrial uses than OI zones to allow for rural home occupations.

4) If the zoning is considered spot zoning, and if so whether or not the spot zoning is reasonable.

Spot zoning is defined as when a small area is zoned in a way that is different from the surrounding area.

This zoning would not be considered spot zoning, as most of the surrounding area, as visible in **Appendix B** are R3 zones.

TRC and DEPARTMENT FEEDBACK

This rezoning was forwarded to the TRC, Economic Development, Historic Preservation and the Tax Office for comment.

Connie Kincaid, staff liaison for the Historic Preservation Commission indicated that the historic nature of the cemetery would not be an obstacle to a potential rezoning for residential purposes. Her staff report is included in **Appendix N**.

No other comments were received.

CITIZEN INPUT

As of December 5th no citizen input has been received.

NOTIFICATION/INPUT REQUIREMENTS

TRC	
Meeting Date	Files sent online for commentary on: 11/26/2025

Planning Board		
Meeting Date	Wednesday, December 11, 2025	
Notice Requirements	Mailed Notice – Properties within 400 ft (at least 7 days prior)	Letters mailed: 11/26/2025

County Commissioners		
Meeting Date	Monday, January 5th, 2025 <i>Includes Public Hearing</i>	
Notice Requirements	Mailed Notice – Properties within 400 ft (10-25 days prior)	Letters mailed:

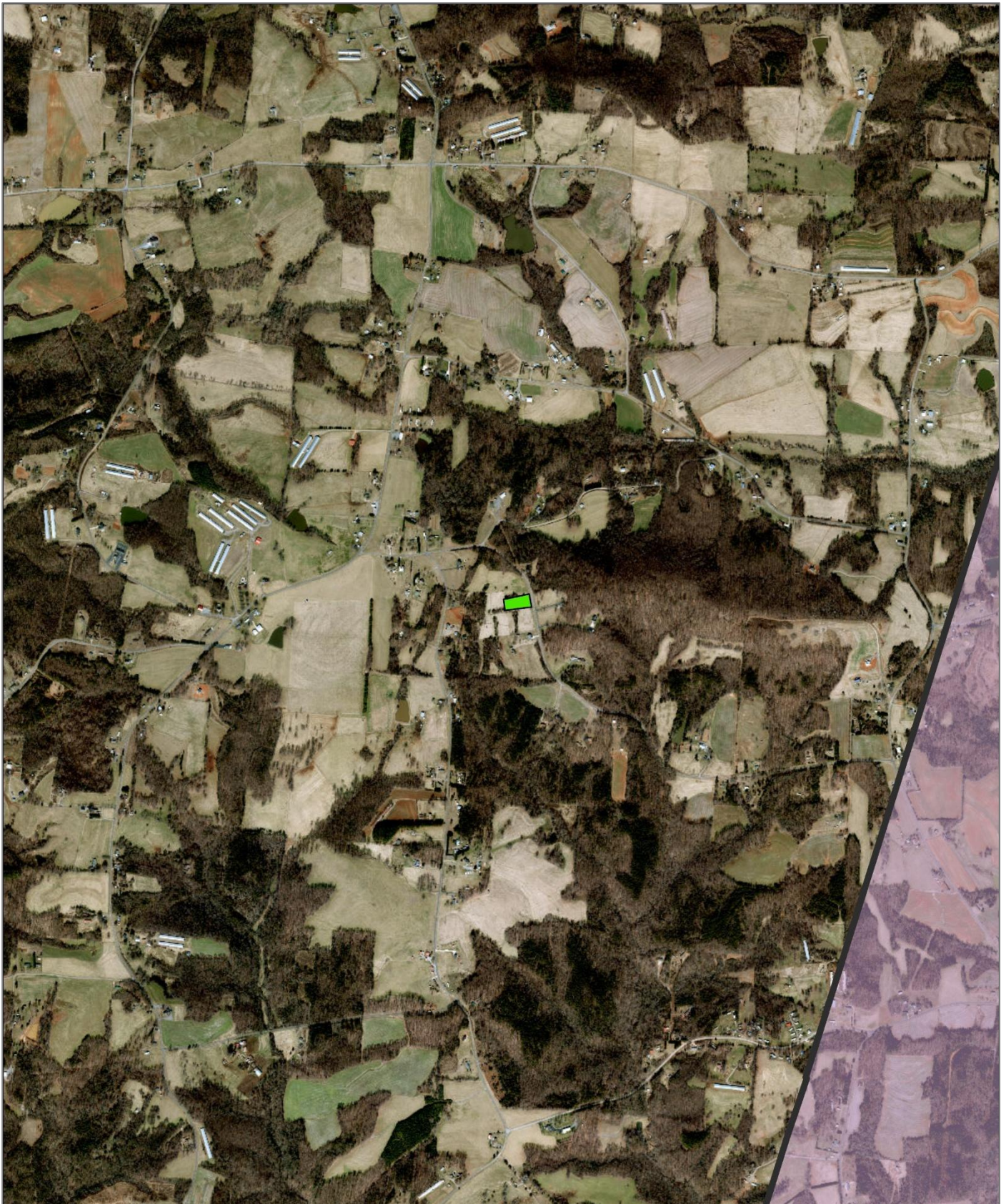
	<p>Published Notice – Once a week for 2 successive weeks (10-25 days prior)</p> <p>Posted Notice – Posted on or near property (10-25 days prior)</p>	<p>Newspaper dates:</p> <p>Sign posted:</p>
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RECOMMENDED ACTION

[to be completed on or before December 5th]

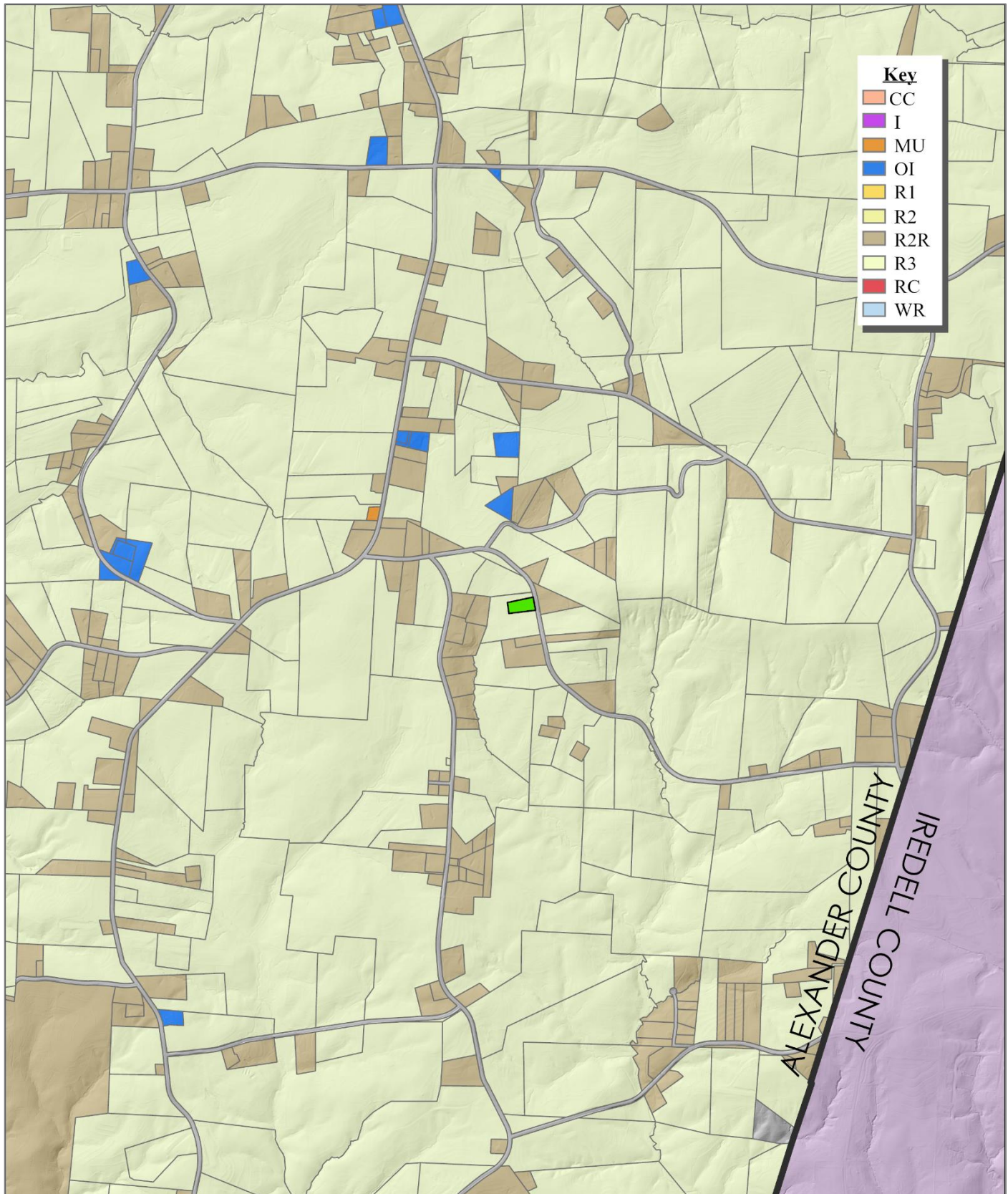
RZ-25-05 APPENDIX A

Location Map



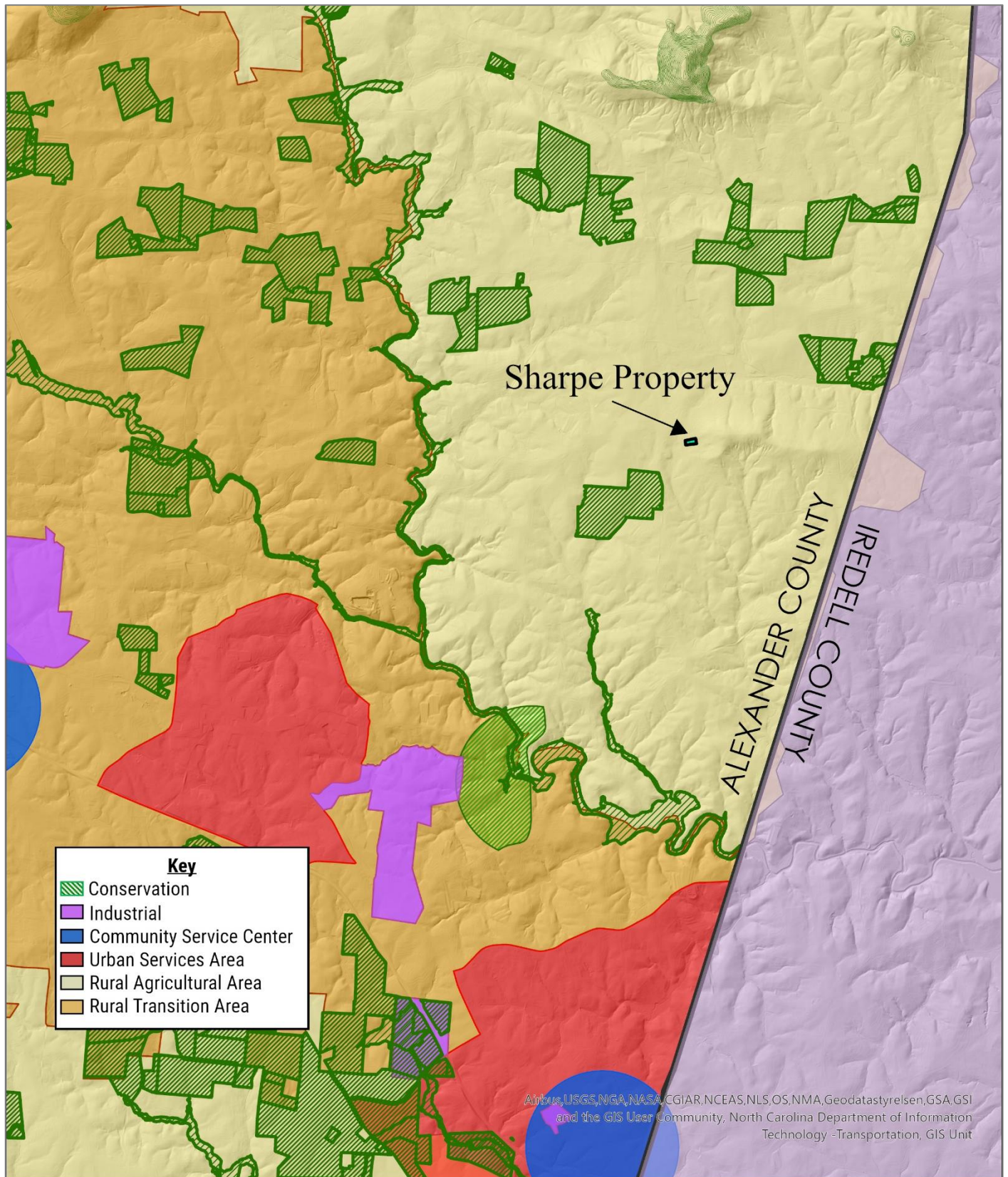
RZ-25-05 APPENDIX B

Zoning Map



RZ-25-05 APPENDIX C

Future Land Use Map



RZ-25-05 APPENDIX D

Application



ALEXANDER COUNTY
North Carolina
General Rezoning Application

Case #: _____
Tax Map #: _____
Date Submitted: _____

A) OWNER/APPLICANT OR AGENT INFORMATION:

1) APPLICANT: Brenda Sharpe P.O.A. Darleen Hawn
ADDRESS: 2791 Chatham Ford Rd Hiddenite
TELEPHONE #: 828 310 4140 FAX #: _____ EMAIL: _____

2) PROPERTY OWNER: Brenda Sharpe " "
ADDRESS: 2791 Chatham Ford Rd Hiddenite
TELEPHONE # 828 310 4140 FAX #: _____ EMAIL: _____
☐

Check here if there are additional property owners, and attach their names, addresses and telephone numbers.
3) Will an attorney, engineer, realtor or other agent represent the applicant/property owner in this matter?
REPRESENTATIVE: _____

ADDRESS: _____
TELEPHONE #: _____ FAX #: _____ EMAIL: Jennifer hawn 46@gmail

B) PROPERTY INFORMATION:

1) PROPERTY LOCATION (Address or Description): Lackey Mountain Rd Hiddenite
on the right at 2 Rock columns
2) DATE PROPERTY ACQUIRED: _____ DEED BOOK/PAGE: _____
3) TAX MAP #: _____ LOT #: 404/2119 SIZE (sqft./acres): 1.404

☐ Check here if there are more than two lots and attach a list of the properties to be considered for rezoning.
☐ Check here if the request is a portion of the lot listed above. A written legal description with a map of the portion of the lot requested for rezoning must be attached.

4) UTILITIES PROVIDED (please circle): Public Water Well Public Sewer Septic
System

5) AMOUNT OF ROAD FRONTAGE: 72 ft from edge of rd CURRENT LAND USE: N/A

6) METES AND BOUNDS DESCRIPTION ATTACHED: _____ YES _____ NO _____

C) REZONING REQUEST:

1) CURRENT ZONING DISTRICT: _____ PROPOSED ZONING DISTRICT: _____

2) PROPOSED USE: Family Home
PLEASE NOTE: THE PLANNING & ZONING COMMISSION AND BOARD OF COMMISSIONERS MUST CONSIDER ALL USES WITHIN THE REQUESTED ZONING DISTRICT, NOT MERELY THE USE OF WHICH YOU ARE PROPOSING.

GENERAL REZONING APPLICATION

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D) REQUIRED SIGNATURES:

To the Planning and Zoning Commission and the Board of County Commissioners, I/We, the

\$500 pd
ec
11/10/25
455899

undersigned, do hereby make application and petition to amend the Official Zoning Map of Alexander County as herein requested. I/We, the undersigned, do hereby certify that all information given above is true, complete and accurate to the best of my/our knowledge, and do hereby request the Board of Commissioners to take action as sought by this application.

1) Brenda Sharpe Brenda Sharpe
 (Owner's Name-please print) (Owner's Signature)
 (Date)

2) Janlean Hain Janlean Hain
 (Owner's Name-please print) (Owner's Signature)
 (Date)

3) _____
 (Applicant's Name-please print) (Applicant's Signature) (Date)

4) _____
 (Representative's Name-please print) (Representative's Signature) (Date)

If there are additional property owners, applicants or representatives, please attach an additional signature sheet with their names and signatures. If the applicant is different from the property owner, both parties must sign the application.

Corporations, Limited Liability Corporations, Partnerships or other similar entities: please include a notarized Official Corporate Certification authorizing a representative to sign on behalf of the corporation.

STAFF USE ONLY – APPLICANT: DO NOT WRITE BELOW THIS LINE

Staff Initials: _____ Date: _____ Receipt #: _____

PZC Meeting Date: _____ BOC Meeting Date: _____

Published on: _____

Published on: _____

Letters Mailed: _____

Letters Mailed: _____

Sign posted: _____

Sign posted: _____

PZC Recommendation: Approved Denied Applicant Notified: _____

BOC Action: Approved Denied Applicant Notified: _____

Staff Signature: _____ Date: _____

Staff Comments:

**GUIDELINES FOR THE APPLICATION
TO AMEND THE OFFICIAL ZONING MAP**

Chapter 2: Land Use

13. Farmland protection measures should be aggressively pursued within the RTA.

14. The precise extent of the USA and RTA should be periodically reviewed in light of any changes in sewer and water capacity or other factors. As urban densities within the USA and development pressures within the RTA increase and as sewer and water capacities within the RTA are developed, areas of the RTA should be pulled into the USA and allowable densities substantially increased.

15. Limited public transportation within the RTA should be focused on defined Community Service Centers.

Rural / Agriculture Areas (RAA)

The following is a description of the patterns of development envisioned within the RAA:

1. The RAA covers those portions of the county that are predominantly rural and are characterized by low-density residential development with substantial land areas devoted to agriculture and undeveloped lands. Land use policies will seek to retain that character.

2. Slopes may be steep, often exceeding 10%, with significant areas greater than 20%.

3. Most sections of the RAA are so far from sewer services as to make their extension largely impossible. Land development regulations should recognize this by not permitting densities that would require sewer

services or introduce traffic capacity problems and by encouraging densities that are consistent with steep slopes, poor septic capacities, and sensitive topography.

4. Densities should be considerably lower than that of the USA or the RTA. The suitability of land within these regions of the county should be a principal consideration in determining developmental densities and segregation of incompatible land uses. Land development ordinances in the RAA should strive for a general, average density of 1½ or more acres per residential dwelling unit, but due to topography and land use constraints, some areas in the RAA should have densities of 1 unit per 5 or more acres. Actual densities as defined by zoning requirements should vary across the RAA according to constraints and community characteristics.

5. Extraordinary care should be taken in these areas to preserve their rural character and to protect valuable farmlands as well as environmental and cultural resources. Farmland protection measures should be aggressively pursued within the RAA.

6. Land use planning should acknowledge the presence of sensitive natural areas such as floodplains, wetlands, areas of excessively steep topography, and other natural and cultural assets, and should strive to protect these areas from development which would damage such resources or diminish their integrity.

Chapter 2: Land Use

7. The Residential-Agriculture Zoning district covers much of the RAA. While the basic structure of the Residential-Agriculture Zoning district may remain, certain established residential communities should be protected with more traditional zoning.

8. Commercial development and Community Facilities will be directed to defined Community Service Centers (see below), which are located at key nodes / intersections and traditional locations, and within predefined zoning districts whose standards and configuration are in keeping with the surrounding community and which minimize congestion and sprawl. Commercial development will be of a Local and Community commercial nature, and most Industrial and Regional Commercial land uses should be prohibited. Economic development activities will be largely discouraged in the RAA.

9. Sewer and water development (including private waste treatment, or “package” plants) in the RAA should be generally discouraged.

10. Only very limited, formal, project-based affordable housing development should take place.

11. Limited public transportation within the RAA should be focused to defined Community Service Centers (see below).

Conservation

This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives. Conservation areas are lands that generally exhibit any of the following characteristics:

1. Sensitive natural areas such as steep slopes, floodplains, major wetlands, forest reserves and wildlife conservation areas, and key watersheds.
2. Areas of historic and archeological significance.
3. Local, state or federally-managed natural areas.
4. Areas managed for agricultural or forestry land uses.
5. Other areas yet to be defined.

Community Service Centers

Community Service Centers are intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined service areas. Community Service Centers are appropriate for a mixture of commercial uses scaled to the service area in question; residential uses of varying densities depending upon available services; and Community Facilities such as schools, parks, community

Chapter 2: Land Use

centers, and other similar Community Facilities. The mixture and intensity of land uses contained within Community Service Centers are intended to be appropriate within the context of the surrounding community and intended service area. Community Service Centers should also be properly controlled by appropriate aesthetic standards, access management standards, and other appropriate development control measures.

Community Service Centers are located in unified development concentrations at intersections of selected thoroughfares and in central locations that are convenient to nearby residential development so as to minimize problems associated with “strip” commercial development. Community Service Centers should be priority targets of investments for sewer and water, public transportation, greenways, other general road improvements, and other appropriate infrastructural improvements. Numerous Community Service Centers are identified on the Future Land Use Map. Other Community Service Centers throughout the county remain to be identified via the Community Planning process envisioned in Strategy 5.4.1. The following are descriptions of general land uses that should be located within Community Service Centers.

Community Facilities: Sites and uses that generally serve their immediate surrounding community. This can range from schools and public services to churches and community centers.

Local Commercial areas are located within defined Community Service Centers. They serve small market areas and are intended to be located within the residential neighborhoods that they serve. They contain a range of commercial uses that can be safely intermixed with residential uses. They are pedestrian-friendly areas that typically generate fairly low traffic volumes and can be located along minor residential streets. Public utilities are strongly encouraged but not necessarily required. The range of uses permitted within a Local Commercial area should be compatible with available utilities and infrastructure. They include a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on a local or neighborhood scale. They should be compatible with adjacent development and the surrounding community and should minimize congestion and sprawl.

Regional Commercial areas are located within defined Community Service Centers. Regional Commercial areas can overlap with Industrial areas given proper design. While internally pedestrian-friendly on a project basis, they are intended to service a regional market area. As such, they generate high volumes of traffic and are located along major roadways. Public utilities are required. They should include a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local, community, and regional level. They should be compatible with adjacent development and the surrounding community and should minimize congestion and sprawl.

Chapter 2: Land Use

Commercial and Community Facilities uses are not represented individually on the Future Land Use Map. Rather, they are depicted in generalized form within defined Community Service Centers. Whenever practical, the Future Land Use Map should be updated to depict commercial and community facilities land uses as Community Plans and other land use and master planning documents are developed.

Industrial

Most defined industrial areas should lie within the Urban Services Area, and in other areas on a very limited basis. Most industrial uses should be segregated from other uses with the exception of Regional Commercial uses. Industrial areas depicted on the Future Land Use Map are derived from existing industrial zoning districts. It is intended that the Countywide Community Plans will further refine the location, extent, and intensity of future industrial areas.



RZ-25-05 APPENDIX F

Pertinent Sections from the Land Development Code

§154-31. Office Institutional District (OI)

- A. Purpose.** The purpose of the Office Institutional District (OI) is to foster orderly growth where the *principal use* of land is a mixture of *office, institutional, and residential*. The intent of this district is to allow for office, institutional and *residential development* consistent with the recommendations of the *Comprehensive Plan*. In accordance with the *Comprehensive Plan*, the district will allow for and provide *office, institutional, and residential development* that: (1) is directed largely to Community Service Centers as defined in the *Comprehensive Plan*; (2) is compatible with adjacent development and the surrounding community; and (3) will minimize congestion and sprawl.
- B. Density and Dimensional Requirements.** Each *use* allowed in this district shall at a minimum conform to the following requirements (in the case of a nonresidential *use* the *residential density* requirements shall not apply). In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §154-60 (Supplemental Requirements).

Table 2.6. OI Density and Dimensional Requirements			
(1) Residential Density (units/acre)		(2) Standard	4
		(3) Maximum	16
Maximum Impervious Surface (%)			80
(4) Yard Setbacks (feet)	Front or ROW	Local	20
		Collector	25
		Arterial	35
		Thoroughfare	45
		Expressway	55
		Freeway	60
	Side		10
	Rear		10
Maximum Height (feet)			50

- (1) *Residential density* shall be calculated utilizing the entire acreage of a *tract* of land. Under this scenario, *residential density* shall be determined based on the following formula:

Lot size x allowable units per acre = permitted dwelling units
The following example assumes a 5 acre tract with an allowable density of 4 units/acre:

5 acres x 4 units per acre = 20 permitted dwelling units

The maximum *residential density* for portions of the *tract* with a *slope* of 60 percent or greater (where such *slope* areas of the *tract* account for ten (10) percent or more of the *tract*) shall be one-half (½) the eligible density.

- (2) Standard *residential density* shall be applied:

- a. On a *lot* existing at the time of the initial adoption of this Chapter, where there is not adequate area to comply with the applicable standard *residential density* requirement.
 - b. To single-family residential *uses*.
- (3) Maximum residential density shall be available to applicants proposing multifamily developments with three (3) or more units (specifically excluding single-family units) where:
 - a. A total of at least five (5) units would be permitted by standard residential density, and
 - b. Such dwellings shall be served by both: (1) a *public water supply system* and (2) a *sewage disposal system* (of the following types: municipal, approved public, or approved community) which meet the requirements of the local or State authorities having jurisdiction thereof.
- (4) Accessory structures may be located in the side, rear or front yards and may be setback a minimum of five (5) feet from the side or rear property lines and ten (10) feet from the front or Right of Way (ROW).

§154-30. Residential District Three (R3)

- A. Purpose.** The purpose of Residential District Three (R3) is to foster orderly growth where the *principal use* of land is low density residential. The intent of this district is to allow for *residential development* consistent with the recommendations of the *Comprehensive Plan*. This general *use district* is typically meant to be utilized in areas designated as Rural (RAA) in the *Comprehensive Plan*.
- B. Density and Dimensional Requirements.** Each *use* allowed in this district shall, at a minimum, conform to the following requirements (in the case of a nonresidential *use* the *residential density* requirements shall not apply). In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §154-60 (Supplemental Requirements).

Table 2.4. R3 Density and Dimensional Requirements			
(1) Residential Density (units/acre)		1	
(2) Yard Setbacks (feet)	Front or ROW	Local	15
		Collector	20
		Arterial	35
		Thoroughfare	50
		Expressway	60
		Freeway	90
	Side		15
	Rear		15
Maximum Height (feet)		40	

- (1) *Residential density* shall be calculated utilizing the entire acreage of a *tract* of land. Under this scenario, *residential density* shall be determined based on the following formula:

Lot size x allowable units per acre = permitted *dwelling units*
The following example assumes a 5 acre tract with an allowable density of 1 unit/acre:
5 acres x 1 unit per acre = **5 permitted dwelling units**

The maximum *residential density* for portions of the *tract* with a *slope* of 60 percent or greater (where such *slope* areas of the *tract* account for ten (10) percent or more of the *tract*) shall be one-half (½) the eligible density.

Residential density shall be applied:

- On a *lot* existing at the time of the initial adoption of this Chapter, where there is not adequate area to comply with the applicable standard *residential density* requirement;
- To single-family residential *uses*; and
- To two family attached dwellings.

- (2) Accessory structures may be located in the side, rear or front yards and may be setback a minimum of five (5) feet from the side or rear property lines and ten (10) feet from the front or Right of Way (ROW).
- (3) *Special Use Permit* Requirements. Any use that requires a special use permit has a maximum impervious surface not to exceed 80% and a maximum floor area limit not to exceed 80,000 square feet (excluding machining and assembly operations, manufacturing and production operations and landscaping materials sales and storage).

RZ-25-02 APPENDIX G

Permitted Uses Table

Changes in permitted uses that would result from this rezoning petition are highlighted in yellow.

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit		
1. RESIDENTIAL USES	OI	R3	Supplementary Requirements
<i>Assisted Living Residence</i>	P	S	1.1
<i>Bed and Breakfast Inn</i>	P	P	1.2
<i>Continuing Care Retirement Community</i>	P	S	1.3
<i>Dwelling, Manufactured Home (multi-section)</i>		P	1.4
<i>Dwelling, Manufactured Home (singlewide)</i>		P	1.4
<i>Dwelling, Multifamily</i>	P		1.5
<i>Dwelling, Single Family Detached/Attached</i>		P	1.6
<i>Dwelling, Two Family Attached</i>	P	P	1.7
<i>Family Care Home</i>	P	P	1.8
<i>Fraternity and/or Sorority House</i>	P		1.9
<i>Hospice Residential Care Facility</i>	P	S	1.10
<i>Manufactured Home Park</i>		S	1.11
<i>Nursing Home</i>	P	S	1.12
<i>Rooming and Boarding House</i>		S	1.13
<i>Upper Story Residential</i>	P		

2. ACCESSORY USES	OI	R3	SR
<i>Childcare Facility (as an accessory for a principal business)</i>	P	P	2.1
<i>Drive-Thru Window</i>	P		2.2
<i>Dumpster(s)</i>	P	P	2.3
<i>Dwelling, Single-Family (as an accessory for a principal business)</i>	P	P	2.4
<i>Fuel Pumps</i>		S	2.5
<i>Home Occupation, Adult Day Care</i>		P	2.6
<i>Home Occupation, Childcare Facility</i>		P	2.7
<i>Home Occupation, General</i>	P	P	2.8
<i>Home School</i>	P	P	-
<i>Outdoor Storage ≤5000 sq ft</i>		P	2.9
<i>Outdoor Storage >5000 sq ft</i>		S	2.10
<i>Rural Family Occupation</i>		P	2.11
<i>Solar Panels</i>	P	P	2.12

3. ACCESSORY STRUCTURES	OI	R3	SR
<i>Airport (Private Accessory)</i>		S	3.1
<i>Automatic Teller Machine</i>	P		3.2
<i>Boathouse, Private</i>		P	3.3
<i>Bulkhead</i>		P	3.4

Carport	P	P	-
Dock/Pier	P	P	3.5
Dwelling, Accessory Residential	P	P	3.6
Garage, Residential	P	P	-
Gate and/or Guardhouse	P	P	3.7
Greenhouse	P	P	3.8
Heliport (Private Accessory)	P	S	3.9
Loading Bay	P	S	-
Outdoor Sale Display Areas			3.10
Parking Garage	P		3.11
Planned Seasonal Agricultural Worker Development	P	P	3.12
Produce Stand, Accessory	P	P	3.13
Satellite Dish	P	P	-
Storage Shed	P	P	3.14
Swimming Pool, Spa, Hot Tub, Residential	P	P	-
Wastewater Treatment Plant, Small Accessory	P	S	3.15
Wind Mill/Turbine, Accessory ≤ 40 ft height	S	S	3.16
Wind Mill/Turbine, Accessory > 40 ft height	S	S	3.17

4. RECREATIONAL USES	OI	R3	SR
<i>Amusement Park</i>			4.1
<i>Camp</i>	P	P	4.2
<i>Campground</i>		P	4.3
<i>Coin Operated Amusements</i>			4.4
<i>Common Area Recreation and Service Facilities</i>	P	P	4.5
<i>Golf Course and/or Country Club</i>	P	P	4.6
<i>Governmental Recreational Facilities</i>	P	P	4.7
<i>Marina</i>		S	4.8
<i>Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)</i>	S	S	4.9
<i>Motor Sports Facility, Major</i>			4.10
<i>Motor Sports Facility, Minor</i>			4.11
<i>Motor Sports Facility, Recreational</i>		S	4.12
<i>Park</i>	P	P	4.13
<i>Recreational Facilities (Indoor/Outdoor)</i>	P	S	4.14
<i>Recreational Vehicle Park</i>		S	4.15
<i>Riding Stables</i>		P	4.16
<i>Commercial Shooting Ranges, Indoor</i>		S	4.17
<i>Commercial Shooting Ranges, Outdoor</i>		S	4.18

5. EDUCATIONAL AND INSTITUTIONAL USES	OI	R3	SR
<i>Adult Day Care Facility</i>	P	P	5.1
<i>Ambulance Services</i>	P	P	5.2
<i>Cemetery, Family</i>	P	P	5.3
<i>Cemetery/Mausoleum/Columbarium (excluding crematoriums)</i>	P	P	5.4

<i>Childcare Facility</i>	P	P	5.5
<i>Club/Lodge</i>	P	P	5.6
<i>College or University</i>	P		5.7
<i>Community Club</i>	P	P	5.8
<i>Correctional Facilities</i>	P		5.9
<i>Fire and Rescue Station</i>	P	P	5.10
<i>Funeral Home or Crematorium</i>	P		5.11
<i>Government Offices</i>	P		5.12
<i>Homeless Shelter</i>	P		5.13
<i>Hospital</i>	P		5.14
<i>Museum/Library/Archive</i>	P	S	5.15
<i>Place of Assembly, Large</i>	S		5.16
<i>Place of Assembly, Small</i>	P	S	5.17
<i>Police Station</i>	P	S	5.18
<i>Religious Institution</i>	P	P	5.19
<i>School (Home)</i>	P	P	-
<i>School (Public/Private/Charter)</i>	P	P	5.20
<i>Youth Center</i>	P	S	5.21

6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES	OI	R3	SR
<i>Animal Shelter</i>			6.1
<i>Automobile and Equipment Service</i>		S	6.2
<i>Automotive Towing</i>		S	6.3
<i>Broadcasting and Communications Facilities</i>	P		6.4
<i>Car Wash</i>			6.5
<i>Exterminating and Pest Control Services</i>		S	6.6
<i>Kennel</i>		S	6.7
<i>Motel/Hotel</i>			6.8
<i>Office: Business, Professional and Public</i>	P	P	6.9
<i>School (Technical, Trade and Business)</i>	P		6.10
<i>Theater, Drive-In</i>			6.11
<i>Urgent Care Clinic</i>	P	S	6.12

7. RETAIL TRADE	OI	R3	SR
<i>Adult Book and Retail Merchandise Store</i>			7.1
<i>Adult Theatre and Live Entertainment</i>			7.2
<i>Cinema Complex</i>			7.3
<i>Convenience Store</i>	P		7.4
<i>Entertainment Complex</i>			7.5
<i>Flea Market</i>			7.6
<i>Fuel Oil Distribution and Sales</i>			7.7
<i>Landscaping Materials Sales and Storage</i>		S	7.8
<i>Manufactured/Mobile Home Sales</i>			7.9
<i>Motor Vehicle Sales or Leasing</i>			7.10

Open Air Market		S	7.11
Parking Garage or Lot (requiring payment)			7.12
Produce Stand	P	P	7.13
Retail Sales and Services ≤50,000 sq ft (of gross floor area)	P		7.14
Retail Sales and Services >50,000 ≤100,000 sq ft (of gross floor area)			7.15
Retail Sales and Services >100,000 ≤150,000 sq ft (of gross floor area)			7.16
Retail Sales and Services >150,000 sq ft (of gross floor area)			7.17
Shopping Mall			7.18
Truck Stop			7.19

8. WHOLESALE TRADE	OI	R3	SR
<i>Wholesale Trade</i>			8.1

9. TRANSPORTATION, WAREHOUSING AND UTILITIES	OI	R3	SR
<i>Airport (Private)</i>			9.1
<i>Airport (Public)</i>			9.2
<i>Communication Facilities, Category 1</i>	P	P	9.3
<i>Communication Facilities, Category 2</i>	P	P	9.3
<i>Communication Facilities, Category 3</i>			9.3
<i>Hazardous Waste Disposal Facilities</i>			9.4
<i>Land Clearing Debris and Inert Debris Storage or Disposal</i>		S	9.5
<i>Rail Transportation Facilities and Support Activities</i>			9.6
<i>Self-Storage Warehousing</i>	S	S	9.7
<i>Septic Tank and Related Services</i>		S	9.8
<i>Solar Energy Generation Facility ≤ 30 acres</i>	P	S	9.9
<i>Solar Energy Generation Facility > 30 acres</i>	S	S	9.9
<i>Solid Waste Combustors and Incinerators</i>			9.10
<i>Solid Waste Facility, County Owned/Operated</i>	P	P	9.11
<i>Transit and Ground Passenger Transportation</i>			9.12
<i>Truck Terminals</i>			9.13
<i>Utility Substation</i>	P	P	9.14
<i>Warehousing and Storage (Excluding Warehousing of Hazardous Substances)</i>			9.15
<i>Waste Collection and Transfer Facility (Hazardous)</i>			9.16
<i>Waste Collection and Transfer Facility (Non-hazardous)</i>	S	S	9.17
<i>Wastewater Treatment Plant</i>	S	S	9.18
<i>Water Treatment Plant</i>	S	S	9.19

10. MANUFACTURING & INDUSTRIAL USES	OI	R3	SR
<i>Asphalt Plant</i>			10.1
Battery Manufacturing Facility			10.2
<i>Chip Mill</i>			10.3
Concrete Batch Plant			10.4
<i>Junkyard</i>			10.5
Landfill, Public or Private			10.6
<i>Machining and Assembly Operations ≤10,000 sq ft (of gross floor area)</i>		S	10.7
<i>Machining and Assembly Operations >10,000 sq ft (of gross floor area)</i>			10.7
<i>Manufacturing and Production Operations ≤10,000 sq ft (of gross floor area)</i>		S	10.8
<i>Manufacturing and Production Operations >10,000 sq ft (of gross floor area)</i>			10.8
<i>Materials Recovery Facilities (Recycling)</i>			10.9
<i>Mining and Extraction Operations</i>			10.10
<i>Packaging and Labeling Services</i>			10.11
Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing			10.12
<i>Product Processing and Storage Facilities</i>			10.13
<i>Recycling Centers, Drop-Off Facilities</i>	P	P	10.14
<i>Research and Development Operations (Hazardous or Biological Materials)</i>			10.15
<i>Research and Development Operations (Non-hazardous)</i>			10.16
<i>Sawmill</i>		P	10.17
Slaughterhouse			10.18
Truck Wash			10.19

11. TEMPORARY USES	OI	R3	SR
Christmas Tree Lot Sales	P	P	11.1
Circuses, Carnivals, Fairs, Religious Services (or similar types of events)	P	S	11.2
Food Trucks	P		-
<i>Model Home Sales Office, Temporary</i>	P	P	11.3
Movie Production	P	P	-
Portable Sawmill		P	11.4
Special Events between 250 and 499 persons	P	P	11.5
Special Events greater than 500 persons	P	P	11.6
Yard Sale	P	P	11.7

12. TEMPORARY STRUCTURES	OI	R3	SR
<i>Portable Storage Container</i>	P	P	12.1
<i>Produce Stand, Temporary</i>	P	P	12.2
Temporary Construction Project Buildings	P	P	12.3
Tent Sale			12.4

13. AGRICULTURAL USES	OI	R3	SR
<i>Agriculture</i>	P	P	-
Food Manufacturing	P	P	-
<i>Forestry</i>	P	P	-
<i>Forestry Support Services</i>	P	P	-
Veterinary Services (livestock)	P	P	-

RZ-25-05 APPENDIX H

Alexander County Cemeteries by Zone

Cemetery Name	Zoning District
Bentley Cemetery	OI
Lebanon Baptist Church Cemetery	OI
Pisgah Cemetery	OI
Antioch Church Cemetery	OI
Bethel Baptist Church Cemetery	OI
Bethlehem Baptist Church Cemetery	OI
Clary Cemetery	OI
Concord Baptist Church Cemetery	OI
Fairview Baptist Church Cemetery	OI
Fellowship Advent Church Cemetery	OI
Friendship Lutheran Church Cemetery	OI
Mt Hebron Baptist Church Cemetery	OI
Liberty United Methodist Church Cemetery	OI
Liledoun Baptist Church Cemetery	OI
Linneys Grove Church Cemetery	OI
Little River Church Cemetery	OI
Macedonia Baptist Church Cemetery	OI
Marvin United Methodist Church / Union Cemetery	OI
Millersville Baptist Church Cemetery	OI
Mt Bethel United Methodist Church Cemetery	OI
Mt Nebo Baptist Church Cemetery	OI
Mt Olive Baptist Church Cemetery	OI
Mt Herman Baptist Church Cemetery	OI
New Salem Presbyterian Church Cemetery	OI
Philadelphia United Methodist Church Cemetery	OI
Pleasant Hill Baptist Church Cemetery	OI
Poplar Springs Baptist Church Cemetery	OI
Shiloh Lutheran Church Cemetery	OI
Smith Grove Baptist Church Cemetery	OI
Sulphur Springs Baptist Church Cemetery	OI
Taylorsville City Cemetery	OI
Oxford Memorial Baptist Church Cemetery	OI

Teague Mundy Family Cemetery	OI
Mountain Ridge Church Cemetery	OI
Three Forks Baptist Church Cemetery	OI
White Plains Baptist Church Cemetery	OI
Zion Chapel AME Church Cemetery	OI
Salem Lutheran Church Cemetery	OI
Macedonia Baptist Church Cemetery	OI
Stony Point Baptist Church Cemetery	OI
Freedom Baptist Church Cemetery	OI
Shady Grove Cemetery	OI
Lackey Thompson Cemetery	OI
Hiddenite Community Cemetery	OI
Pilgrim Baptist Church Cemetery	OI
St Luke Lutheran Church Cemetery	OI
Dover Church Cemetery	OI
Smyrna Baptist Church Cemetery	OI
Rocky Springs United Methodist Church Cemetery	OI
Rocky Face Baptist Church Cemetery	OI
Bethlehem Church of God Cemetery	OI
Berea Baptist Church Cemetery	OI
Carson Chapel UMC Cemetery	OI
Liberty Grove Baptist Church Cemetery	OI
Mt Wesley Wesleyan Church Cemetery	OI
Poplar Springs Church of God Cemetery	OI
St Johns Baptist Church Cemetery	OI
St Johns Lutheran Church Cemetery	OI
Third Creek Baptist Church Cemetery	OI
Victory Baptist Church Cemetery	OI
Wayfound Baptist Church Cemetery	OI
Wayside Baptist Church Cemetery	OI
Pleasant Home FBH Church Cemetery	OI
New South River Methodist Church Cemetery	OI
Old Dover Church Cemetery	OI
Bryson Land Cemetery	OI
Bumgarner Cemetery	OI
Hines Family Cemetery	OI
Harrington Family Cemetery	OI
Stony Point Tabernacle Cemetery	OI
Wesley Memorial Gardens Cemetery	OI

Northside Baptist Church Cemetery	OI
Promised Land Ministries Cemetery	OI
King Family Cemetery	OI
Faith Revival Crusades Cemetery	OI
Oakwood Baptist Church Cemetery	OI
Vashti Baptist Church Cemetery	OI
Witteburg Community Cemetery	OI
Stony Point Methodist Church Cemetery	OI
Taylorsville Wesleyan Church Cemetery	OI
SP Tabernacle Baptist Church	OI
Mt Carmel Church Cemetery	R1
Love & Unity Resurrection Assembly Cemetery	R1
Old Mt. Pleasant Church Cemetery	R2
Elder Family Cemetery	R2
Jolly Cemetery	R2R
Old Hopewell Cemetery - Wittenburg	R2R
William Willis Hubbard Family Cemetery	R2R
Beckham/Mitchell Cemetery	R2R
Daniels Family Cemetery	R2R
Payne Family Cemetery	R2R
Friendly Baptist Church Cemetery	R2R
Dillard Family Cemetery	R2R
Teague Family Cemetery	R2R
Munday Family Cemetery	R2R
Benjamin & Mary Austin Gravesite	R2R
Gwaltney Family Cemetery	R2R
Ford Family Cemetery	R2R
Misheal Mack Pennell Family Cemetery	R2R

Lackey Family Cemetery	R2R
Loudermilk Family Cemetery	R2R
Old Davidson / McRee Family Cemetery	R2R
Allen Family Cemetery	R2R
Flowers Family	R2R
Patterson/Warren Cemetery	R2R
Joseph Drum Cemetery	R2R
Old Hopewell Methodist Church Cemetery - Hiddenite	R3
Kerley Graveyard	R3
Mayberry Cemetery	R3
Old Pearson Family Cemetery	R3
Stevenson/Stephenson Cemetery	R3
Little River Baptist Church Old Cemetery	R3
Lackey Cemetery (black)	R3
White Pennell Cemetery	R3
Indian Cemetery	R3
Montgomery Newland Bell Cemetery	R3
Bowles Family	R3
Litton Family Cemetery	R3
Old Bethel Church Cemetery	R3
Pusser Family Cemetery	R3
Webster Family	R3
Rector Cemetery	R3
Ambrose C Wike Cemetery	R3
Old Kerley Town Cemetery	R3
Robinette Family Cemetery	R3
Old Smith Grove Church Cemetery	R3
Nimrod Lunsford Cemetery	WR

RZ-25-05 APPENDIX I

Site Photos







RZ-25-05 APPENDIX J

1939 Cemetery Survey

Worker: Mary Pauline Bolick

Compiled by the Historical Records
Survey of North Carolina, 1939

ALEXANDER COUNTY
STONY POINT, N. C.

LACKEY'S AND THOMPSON'S CEMETERY

Location: Take highway # 90 from Stony Point, travel for 2 $\frac{1}{2}$ miles west, turn onto a county road to the right, the cemetery is to the left if this road.

<u>NAME</u>	<u>BORN</u>	<u>DIED</u>	<u>REMARKS</u>
Beckham, Edward	.....1803	Aug.13,1874	
Beckham,Martha			
Victoria	.....1784	Sept.24,1800	Dau. of E. and S. A. Beckham
Bowling, Addis, J.M.	.....1860	Jan. 2,1862	Dau. of J. and I.E. Bowling
Lackey, Alexander	Jan.13,1785	Mar.20, 1869	
Lackey, George H.	.....1792	June 7,1866	
Lackey, Laura F.	Apr.4,1853	Aug.31,1879	
Lackey,Margaret	Aug.17,1854	Aug. 7,1862	
Lackey, Nancy E.	Oct. 6,1824	Dec. 9,1886	
Lackey, R.C.	Feb. 1,1821	Nov. 26,1888	
Lackey, Susan	Apr.14,1799	Dec. 2,1885	Wife of G. H. Lackey
McLain, Elizabeth	.....1819	Dec.24,1856	
Thompson, Alexander	Dec.25,1832	Aug.11,1842	
Thompson, Army	July 18,1800	Sept.19,1873	
Thompson,Cynthan	Oct. 17,1868	Apr. 12,1881	Wife of James Thompson
Thompson, Eliza	.....,1803	Apr....,1856	
Thompson, Franklin	Feb.19, 1838	Apr. 4, 1868	
Thompson, James,	Nov.12, 1800	Jan. 12,1886	
Thompson, James,	Aug. 6, 1776	Oct.26, 1850	
Thompson, Joseph	Sept. 4,1788	June 9, 1862	
Thompson, Margaret			
Caroline	Jan. 31,1830	June 10,1861	Wife of Jame Thompson
Thompson, Roxannah	Aug.17,1854	Aug. 7, 1862	

a speech against Prohibition. — We learn, verbally, that a most horrible murder was committed four miles from Taylorsville, Alexander county, last week, by an unknown person or persons. A Miss Caroline Thompson was killed in her father's house, when the father, James Thompson, an old man, was in the field plowing, and the house robbed of six or eight hundred dollars. When Mr. Thompson went to the house from the field about sun-down, he found his daughter lying in the yard dead with her skull crushed, and the house plundered. Another warning against keeping money in dwellings. — A friend writes us a note concerning the Commencement exercises at Rutherford College on the 25th of May, from which we condense the following. Rev. W. W. Pharr, of this county, preached the annual sermon, and Hon. A. S. Merriam delivered the address. The degree of D. D. was conferred upon Rev. Walter W. Pharr, of Mecklenburg county, and Rev. Solomon Pool, of Wake county. Two hundred students were on the roll of the

Ephraim Davis, convicted of being an accessory before the fact to the murder of Miss Caroline Thompson, in her father's residence in Alexander county, on June 10, 1881, was sentenced at Taylorsville last week, to ninety-nine years' imprisonment in the penitentiary. On the day of the crime Davis, with Harrison Dockery, Elijah Church, and John Adams, entered the residence of the Thompsons while Mr. Thompson was working in a field. After binding and gagging Miss Thompson they robbed the house of \$900 and departed. Fearing that Miss Thompson would cause their arrest they returned soon afterward and murdered her. Adams, Dockery, and Church are on trial, and will probably be convicted this week.

A man by the name of Harrison Dockery living near Wilkesboro has been arrested for the murder of Miss Caroline Thompson, having first robbed her father. A woman who spent the night at the house of a man named Adams, overheard some conversation between Elijah Church, a fugitive from justice, and the man Dockery. The three held a conference and the tone of their conversation aroused her suspicions that the two had committed some crime that Adams was privy. A son of Adams' has expressed the same suspicion. The officers told Dockery that all the facts were known and he made a full confession. He alleges that Church and himself committed the murder, the affair being planned by Adams. Some weeks before the crime Church stayed all night at the house of Mr. Thompson to acquaint himself with the premises. After they had robbed the house of all the money they could find, Miss Caroline Thompson remarked to Church, "you are the man that stayed all night here not long ago." After going to the woods they concluded to return and kill the woman and then divide the money—changed their clothing and fled the neighborhood. Dockery told the officers that they would find the clothes in a rail pile near Adams', which proved true. Adams was arrested and released on a \$500 bond. He has some property but is not a reputable man, as it is said he has planned two murders before.

JUDGE LYNCH

FINDS A VICTIM IN NEWTON.

Elijah Church, One of the Caroline Thompson Murderers, is Hung by a Party of Twenty-Eight Undisguised Men.

Night before last Elijah Church, one of the Caroline Thompson murderers, was lynched near Newton to the jail of which town he had been removed about two weeks ago from the Taylorsville jail, in apprehension of a lynching at the latter place, near which the murder was done.

From a gentleman in the city yesterday, who himself had obtained the facts from a citizen of Newton, an OBSERVER reporter was able to get the following.

About 10 o'clock Thursday night a body of 28 men, not one of whom made the slightest attempt at disguise, rode into Newton from a direction directly opposite to Taylorsville. Several of the men were rather inebriated. They proceeded quietly to the jail and de-

THE TAYLORSVILLE TIMES, WEDNESDAY, JUNE 30, 2010 9A

In the Shadow of Hogan's Mountain

by Dr. Warren Hollar



The 1881 Axe Murder of Caroline Thompson

The axe murder of 50-year-old maiden, Caroline Thompson, in the Sharpe's Township of Alexander County created great consternation in the idyllic, rural environment in 1881. Even in the post Civil War days, the atrociousness of the murder created a great hue and cry from the citizens of the area for justice for the family and punishment for the perpetrators.

The days following the murder resulted in a huge manhunt by Sheriff Mays, other law enforcement officers, and citizens of the county. Media coverage was extensive for the area and times. The case took many interesting twists and turns including a plot to abscond reward money by the criminal and his brother-in-law, arrests of the suspects, an impassioned plea by future congressman R.Z. Linney to thwart a lynching, hiding of the prisoners, and a lynching of the main suspect. The trials of two of the accomplices were reminiscent of ones that might have been written for a Hollywood script. *The Crime*

Fifty-year-old Margaret Caroline Thompson, daughter of wealthy James Thompson of Sharpe's Township, was murdered by repeated axe blows to the head.

fatal. Dr. Little reported no attempt at outrage was noted on the victim. Sheriff Mays soon came to realize that Caroline Thompson must have known the killer because no experienced robber would have found it necessary to kill the victim.

The time of the murder was based on the time James Thompson left for the field and the time the victim's dog came to the field where Thompson was working. Credibility was added to the probability that the victim knew the murderer because nothing other than the chest containing the valuables was disturbed. The total taken was about \$500 with some in small bills and the remainder in silver and gold, much of which was very old.

The Search for the Criminals
Alexander County residents were in an uproar about the murder. Many statements were being made about what would be done to the murderer when he was found. Word was spread to surrounding counties about the manhunt. An award was

Church Moved to Newton, Mob Justice Prevails
The next day, Church was moved to the jail in Newton for what was hoped would be safe keeping until his trial. On October 7, 1881, about 100 mounted men appeared at the door of the Newton jail and demanded the keys from jailer Andrew Helton. The jailer at first protested, but acquiesced to the demands of the mob because of an imminent threat of violence. The cell door was opened and Elijah Church was taken out, carried about a mile and a half from town, and swung from the limb of a tree. Two doctors who followed the mob at a distance found Church's body still swinging from the tree. The lynching drew mixed reviews from the various papers in the area. The Statesville paper was more forgiving of the mob by stating that Church has been a pest to society, he was guilty, and the lynching summarily put him out of the way. Others papers made statements in favor of allowing the laws of justice to prevail.

Sheriff Mays heard of the plan to attack the Taylorsville Jail on a Tuesday night. Dockery was removed from the jail and guarded in the woods all night. The next morning, Sheriff Mays took Dockery to Charlotte for safe keeping. He did this since housing Church in the adjoining county had not dissuaded the lynching of the murderer.

Dockery's Testimony
During an appeal of a guilty verdict for Ephraim Davis, Dockery gave the following testimony. On the ninth of June Dockery and Church started from his house in the county of Wilkes. That night they stole provisions from the springhouse of George Thomburg. They then went on toward the Thompson farm and arrived about day-break. Dockery watched the house and Church watched the elder Thompson. When Thompson went to plow, Church said it was time to act. They went up to the house, Dockery stopped at the fence some ten feet from the house. Church asked Caroline Thompson

old neighborhood about noon on the next day (June 11th) and hid their clothes in the woods, and of the fifty-five dollars of the money which the witness got, he hid nine dollars in half dollar pieces in a hole under the root of a tree. Dockery's testimony included information about other robberies, their travels to Virginia and the return. In Watauga County they met up with Ephraim Davis and asked if he had received his money. According to Dockery, Church and Davis had scopped out the Thompson farm two weeks before the actual murder and robbery.

The Verdicts and Aftermath
We have already described Lige Church's fate at the hands of the 100 riders. Harrison Dockery was found guilty for his part in the crime against Caroline Thompson and was sentenced to five years in state prison since he testified against the other participants. Ephraim Davis was found guilty as an accessory before the fact of murder and sentenced to life in prison. His appeal to

In the Shadow of Hogan's Mountain — The 1881 Axe Murder of Caroline Thompson

By Dr. Warren Hollar

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The days following the murder resulted in a huge manhunt by Sheriff Mays, other law enforcement officers, and citizens of the county. Media coverage was extensive for the area and times. The case took many interesting twists and turns including a plot to abscond reward money by the criminal and his brother-in-law, arrests of the suspects, an impassioned plea by future congressman R.Z. Linney to thwart a lynching, hiding of the prisoners, and a lynching of the main suspect. The trials of two of the accomplices were reminiscent of ones that might have been written for a Hollywood script.

The Crime

Fifty year-old Margaret Caroline Thompson, daughter of wealthy James Thompson of Sharpe's Township, was murdered by repeated axe blows to the head.

On the day of her death, 81-year-old James Thompson came from the fields and ate lunch with his daughter. He then returned to the fields some three quarters of a mile from his home where he plowed in his fields until sundown. He found it unusual that his house dog came to the field and stayed with him beginning at about 3:00 p.m. When he returned from the fields, he saw his daughter lying flat on the ground near the kitchen door. Believing she was sick, he spoke to her asking her what was the matter. Her dog was lying at her side. When no reply was given, he bent over her and realized that she was covered in blood and was dead. He then hurried into his house to see what other havoc had been caused. He found that his valuables including mortgages, notes, bonds, and money were gone. When he realized the magnitude of his loss and the horrendous death of his daughter, he hurried to a Mr. Kennedy's home, his

nearest neighbor. Mr. Kennedy sent his sons to raise the alarm concerning the horrifying scene at Mr. Thompson's home.

Very soon residents from far and wide arrived at the scene. Sheriff Mays arrived and moved the gawkers away from the home. Sheriff Mays found Caroline in a pool of blood with an axe covered with blood and hair beside her. A gate some ten feet in distance from the body was spattered in blood. Dr. Little of Taylorsville did the autopsy and stated that any number of the wounds to her head could have been fatal. Dr. Little reported no attempt at outrage was noted on the victim.

Sheriff Mays soon came to realize that Caroline Thompson must have known the killer because no experienced robber would have found it necessary to kill the victim. The time of the murder was based on the time James Thompson left for the field and the time the victim's dog came to the field where Thompson was working. Credibility was added to the probability that the victim knew the murderer because nothing other than the chest containing the valuables was disturbed. The total taken was about \$500 with some in small bills and the remainder in silver and gold, much of which was very old.

The Search for the Criminals

Alexander County residents were in an uproar about the murder. Many statements were being made about what would be done to the murderer when he was found. Word was spread to surrounding counties about the manhunt. An award was established for the arrest of the criminals in the amount of \$300 by the governor of North Carolina.

The Arrest

Lige Church, a former prisoner and escapee, was a bold and desperate man who had stayed near the Thompson farm while being taken to the penitentiary for another offense. Church was brought to Taylorsville and presented to the sheriff by his brother-in-law, Minton. Minton, who had been feeding Church in the woods since the crime, was obviously in collusion with Church to collect the \$300 reward as evidenced by his ease of surrender. After the award had been given, his friends were to break him out of jail and split the reward. The scheme almost worked, but a portion of the outraged citizenry surrounded the jail a few nights after his apprehension for the purpose of lynching the murderer.

R.Z. Linney, Future Congressman, Intervenes

R.Z. Linney, civil war veteran and future congressman, was later to be known as the Bull of the

Brushies and as the originator of the June Bug name in a speech that funded the Alexander County Railroad. Linney, a prominent Taylorsville attorney, made an impassioned speech to thwart the lynching as he pleaded for the citizens to let the law of the land deal with the misdeeds of Church. Other Taylorsville residents also demonstrated with Linney to avert the lynching. While the lynch mob stood outside the jail and Linney made his speech, it was said that Church cried like a baby and a deadly fear was noted as he groveled in his cell.

Church Moved to Newton, Mob Justice Prevails

The next day, Church was moved to the jail in Newton for what was hoped would be safe keeping until his trial. On October 7, 1881, about 100 mounted men appeared at the door of the Newton jail and demanded the keys from jailer Andrew Helton. The jailer at first protested, but acquiesced to the demands of the mob because of an imminent threat of violence. The cell door was opened and Elijah Church was taken out, carried about a mile and a half from town, and swung from the limb of a tree. Two doctors who followed the mob at a distance found Church's body still swinging from the tree. The lynching drew mixed reviews from the various papers in the area. The Statesville paper was more forgiving of the mob by stating that Church had been a pest to society, he was guilty, and the lynching summarily put him out of the way. Other papers made statements in favor of allowing the laws of justice to prevail.

Two Catawba County newspapers, the Newton Enterprise and Piedmont Press, provided additional information about the lynching. When the riders came and the prisoner, Lige Church, heard them, he jumped up and exclaimed, "My time has come!" As he was being led out of his cell, the shackles were removed, his hands were tied behind his back, and a rope placed around his neck. The keys were returned to the jailer and Church was placed on a horse and they all rode off together. Several young men of Newton were out drinking. They followed the riders and saw the lynching. They were close enough to hear what was said. Church denied the murder to the end. Just as he was about to swing, he asked for more time, but the group said he had more time than Caroline Thompson. Not a single man in the group was recognized even though they did not have masks or disguises.

Harrison Dockery, Lige Church's Accomplice, Implicates Ephraim Davis

Harrison Dockery was apprehended, put in jail, and admitted to his involvement in the Thompson murder.

Dockery, according to his confession, was not one of the original planners of the crime, but was paid \$55 by Church to watch the Thompson farm. He stated that one Ephraim Davis was to originally help Church with the robbery, but he had a sore leg. Davis was later to be found guilty of being an accessory before the fact of murder. Friends of Church and Davis made plans to get Dockery out of the Taylorsville Jail and to lynch him for his statements that implicated Davis and others. Sheriff Mays heard of the plan to attack the Taylorsville Jail on a Tuesday night. Dockery was removed from the jail and guarded in the woods all night. The next morning, Sheriff Mays took Dockery to Charlotte for safe keeping.

Dockery's Testimony

During an appeal of a guilty verdict for Ephraim Davis, Dockery gave the following testimony. On the ninth of June Dockery and Church started from his house in the county of Wilkes. That night they stole provisions from the springhouse of George Thornburg. They then went on toward the Thompson farm and arrived about daybreak. Dockery watched the house and Church watched the elder Thompson. When Thompson went to plow, Church said it was time to act. They went up to the house, Dockery stopped at the fence some ten feet from the house. Church asked Caroline Thompson for her father's money. Thompson told him he had no business with his money. Church said, d---- if he wouldn't have it; he came for it; she let him go into the house. Thompson recognized Church as the man that stayed at Tom Adams' house as he was being escorted to the penitentiary.

Church came out of the house with a large roll of "greenback" money, and a satchel of silver money. They started off, and after going about twenty five yards Church said, "It will not do to leave the thing undone, I told her my name," and after handing Dockery the things and telling him to go on, he went back to the house. In the meantime Dockery went back to the fence, and Church had then knocked the deceased down and was hitting her on the head with an axe. As they went off, Church took out a twenty dollar gold piece, and said, "it is the prettiest I ever saw."

They travelled mostly in the woods until they came to the "graded road" on which, about a mile distant, lived John Adams, the way to whose house they inquired of parties they had met. They reach Adams' late at night, and after Adams came out. Adams asked Church what had become of the woman, and said to him, "you may be

caught," and Church replied "the woman will never bother anyone." Adams gave them some meat, and they went into the road, laid down their sacks of money and built up a fire, and Adams picked up one of the sacks and left. Witness never saw Adams before, but took a good look at him while he and Church were talking, and knew him the next time they met. He had a peculiar voice which the witness recognized.

After leaving Adams', they reached their old neighborhood about noon on the next day (June 11th) and hid their clothes in the woods, and of the fifty-five dollars of the money which the witness got, he hid nine dollars in half dollar pieces in a hole under the root of a tree. Dockery's testimony included information about other robberies, their travels to Virginia and the return. In Watauga County they met up with Ephraim Davis and asked if he had received his money. According to Dockery, Church and Davis had scoped out the Thompson farm two weeks before the actual murder and robbery.

The Verdicts and Aftermath

We have already described Lige Church's fate at the hands of the 100 riders. Harrison Dockery was found guilty for his part in the crime against Caroline Thompson and was sentenced to five years in state prison since he testified against the other participants. Ephraim Davis was found guilty as an accessory before the fact of murder and sentenced to life in prison. His appeal to the State Supreme Court was denied. In later years, Davis was pardoned after Dockery changed his story. Tom Adams was said to have received money from the robbery. He was questioned during the Supreme Court case as to the source of old silver dollars he possessed. Adams was the only one of those involved that was not charged in the crime. He was later killed by his own son. Clark Bruce, a local farm worker, was arrested two years after the crime and charged with involvement in the murder. Much of the information found in this column came from the testimony provided in Davis decision before the NC Supreme Court and the http://www.ncgenweb.us/alexander/alexco_news_1881.html web-page. James Thompson died shortly after the conclusion of the trials of the perpetrators of his daughter's death. Many said that he died of a broken heart.

For those of you interested in reading more about this murder, Elsie Arcuri has developed a webpage titled In Memory of Caroline at http://www.ncgenweb.us/alexander/carolinethompson_memorial.html.

RZ-25-02 APPENDIX M

Satellite View of Parcel



RZ-25-05 APPENDIX N

Historic Preservation Commission Staff Liaison Report

ALEXANDER COUNTY HISTORIC PRESERVATION COMMISSION

REZONING RECOMMENDATION—STAFF REPORT

DATE:	December 2, 2025
RZ #:	RZ-25-03
ADDRESS:	Lackey Mountain Road Hiddenite, NC 28636
PROPERTY OWNER:	Brenda & Lynn Sharpe 2971 Cheatham Ford Road Hiddenite, NC 28636
PROJECT DESCRIPTION:	<p>PIN 3799 79 0005</p> <p>The property owners request a rezoning from OI to R3 in order to place a single-wide mobile home on the property. The property is the location of the Lackey and Thompson Cemetery as confirmed by the 1939 Cemetery Survey. The most notable Alexander County citizen buried in the cemetery is Margaret Caroline Thompson who was the victim of a brutal axe murder in 1881. Many historical news clippings document the crime, the subsequent manhunt, and the court proceedings.</p> <p>Although the cemetery may qualify in the future, The Lackey and Thompson Cemetery is not currently designated as a local historic site in Alexander County. As noted in NCGS 160D-942, Alexander County Historic Preservation Commission (HPC) may recommend the designation of local historic sites located within their jurisdiction; however, the HPC is not authorized to regulate properties not currently designated as local historic resources in Alexander County.</p>
STAFF RECOMMENDATION:	<p>The Alexander HPC has not yet officially inventoried cemeteries nor designated any cemeteries as historic sites. A family living near an 1800s family cemetery may be beneficial in preserving the potential historic site. HPC staff recommends the proposed rezoning.</p>



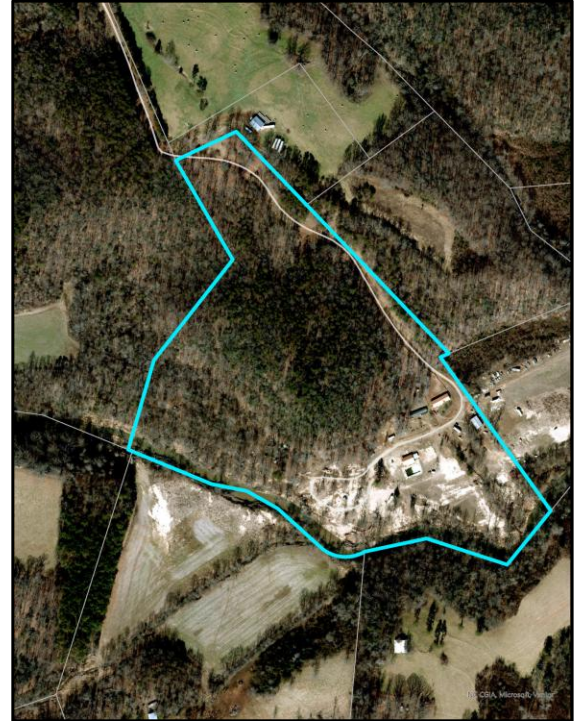
ALEXANDER COUNTY PLANNING DEPARTMENT

(828) 632-1000 – planning@alexandercountync.gov
www.alexandercountync.gov/departments/planning

STAFF REPORT ZV-25-01 - APPEAL

Prepared by Patrick Creech, Planning Director
December 11, 2025

APPLICANT	Kent Korte
OWNER	Jimmy & Wendy Korte
PIN	3798 56 0306
ADDRESS	508 Princess Ln
LOCATION	Gwaltneys
ACREAGE	36.76
REQUESTED ACTION	Appeal of Zoning Violation Determination



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REQUESTED ACTION

The petitioner, Kenneth “Kent” Korte, operator of the Hiddenite Family Campground, requests the Alexander County Board of Adjustment to overturn on appeal the zoning violation ZV-25-01 issued 20 March 2025 which cites the Hiddenite Family Campground as being in violation and the Alexander County Land Development Code as it is operating without the required permits.

The initial zoning violation letter can be viewed in the appendix, **ITEM A: MARCH 2025 ZONING VIOLATION LETTER & DOCUMENTATION**.

REVIEW CRITERIA

When hearing an appeal from an administrative decision, the Board of Adjustment is performing a quasi-judicial function and must therefore apply strict procedural and evidentiary standards. The review is not a policy decision, but rather a determination of whether the staff correctly interpreted and applied the ordinance. The following questions must be considered.

- **Is the decision appealed a “final and binding order, requirement, or determination”?**
 - Final binding orders include a notice of violation, a zoning permit decision, or a formal interpretation of the ordinance and can be appealed. General zoning information,

informal advice, or predictions of future interpretation are not appealable to the Board of Adjustment.

- **Was the appeal filed within proper time limits?**
 - A party receiving written notice has 30 days from receipt. Other parties have 30 days from actual or constructive notice, including beginning of construction or posted signage.
- **Does the appealing party have standing?**
 - Standing exists for the property owner, the holder of the permit/notice recipient, the local government, or a person or association suffering “special damages,” or specific harms related to the site. No other persons or groups have standing before the Board of Adjustment to appeal. If any of the above elements are lacking, the Board must dismiss the appeal.
- **Has the staff correctly interpreted the ordinance?**
 - Staff must provide the administrative record, and the Board must evaluate whether the decision correctly reflects the ordinance wording.
- **Has staff correctly applied the ordinance to the facts?**
 - The Board must determine if the factual findings used by staff are supported by evidence, if staff applied the ordinance to those facts correctly, and if the staff relied on competent, material, substantial evidence.

The board’s decision must be supported by competent, material, and substantial evidence. The decision must be grounded in evidence in the hearing record and administrative record. The Board must explicitly determine facts based on presented evidence. The appealing party bears the burden to show the staff decision was incorrect.

In considering appeals of administrative decisions, NC General Statute 160A-388(b1)(8) gives the Board of Adjustment the authority to “reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.”

BACKGROUND

The Hiddenite Family Campground was opened in 1977 by Grier Lackey as the **Cheatham Ford Park**.¹ Jimmy and Wendy Korte took ownership of the business in 2002, by which time it was renamed the **Hiddenite Family Campground**.² As a land usage, it operated as a *recreational vehicle park* and as a *campground*. The business was and is operated by Jimmy and Wendy Korte’s son, Kenneth “Kent” Korte.

¹ “Campground Owner Shares Singing Talent,” *The Taylorsville Times*, July 19, 1979. <https://newspapers.digitalnc.org/lccn/sn97064600/1979-07-19/ed-1/seq-1/>

² Lester W. Hittie to Jimmy L. Korte and wife, Wendy L. Korte, Deed Book 437 Page 2110, Alexander County Register of Deeds

In the early morning of 12 November 2020, Alexander County experienced major flooding with rain exceeding 7 inches in just a few hours.³ This led to the South Yadkin River to rise over 14 feet at the location of the Hiddenite Family Campground.⁴ The flood waters overcame the property, washing away campers, flooding structures, and killing 5 individuals staying on the premises at the time. Their names were:

- Crystal Dawn LeVan Reed, age 49 of Hiddenite, NC
- Tyrell Jordan “Ty” Reed, age 18 of Hiddenite, NC
- Tina Ann Allen, age 52 of Hiddenite, NC
- Ronald James Wintemute, age 76 of Hiddenite, NC
- Mason Lee Flowers, age 1 of Hiddenite, NC⁵

For more information about the flood, see the appendix, **ITEM B - TAYLORSVILLE TIMES REPORT: 13 NOV 2020.**

After the Flood

The severe flooding suffered at the campground made its continued operations impossible until debris and materials could be cleaned out. Pictures of the damage can be viewed in the appendix, **ITEM C – FLOODING SITE PHOTOS**. According to news reports at the time, the Kortzes required heavy machinery to excavate the tons of sand that covered the site and to remove the damaged campers, which they didn’t own or to which they didn’t have access.⁶ The extensive damage is evident in the photos in a video report published 18 January 2021. In this video, Katie Korte and Tiffany Bryden show reporter Vanessa Leon the devastation on the property. In this video, Ms. Korte says the business is not operational when discussing the finances associated with lot rentals, say, “*Campers and stuff like that was income. So now he doesn’t have any. The campground doesn’t have any income at all.*” A link and a transcript can be found in the appendix, **ITEM D – 18 JANUARY 2021 SPECTRUM NEWS VIDEO**.

A GoFundMe was established on 5 January 2021 seeking \$40,000 to help pay for the removal of debris, saying, “*The residents of Hiddenite Family Campground just wanna go home. We need help rebuilding to make that happen.*”⁷ Screenshots of the GoFundMe can be viewed in the appendix, **ITEM E – GOFUNDME PAGE**.

On 20 November 2020, Alexander County Chief Building Inspector hand delivered a letter during a meeting with Kent Korte deeming two manufactured homes, a pool/bathhouse, and a storage building on the property unsafe. The letter lists specific requirements for repair and/or removal of the

³ “Flood waters cause 6 deaths in Alexander.” The Taylorsville Times, November 13, 2020. <https://www.taylorsvilletimes.com/2020/11/13/roads-closed-by-storm-flood-waters/>.

⁴ “1 year since heavy rain flooded the Hiddenite Family Campground”, WCNC, November 12, 2021. <https://www.youtube.com/watch?v=21UkAAQcUuM>.

⁵ “Flood waters cause 6 deaths in Alexander.” The Taylorsville Times, November 13, 2020. <https://www.taylorsvilletimes.com/2020/11/13/roads-closed-by-storm-flood-waters/>.

⁶ Vanessa Leon. “Hiddenite Campground Struggling to Recover Months After Deadly Flooding.” Spectrum News, January 18, 2021. <https://spectrumlocalnews.com/nc/charlotte/news/2021/01/18/campground-struggling-months-following-deadly-flood>.

⁷ “Flood Victims Want to Return Home, Organized by Kent Korte.” gofundme.com, January 5, 2021. https://web.archive.org/web/20210201082252/https://www.gofundme.com/f/28rmd9u82o?utm_medium=social&utm_source=twitter&utm_campaign=p_nacp%2Bshare-sheet&pc_code=tw_dn_cpgnpg_a&rcid=5c519ec6638b4f469e86de9c057c1951.

structures necessary for the state building inspections. This letter is available in the appendix, **ITEM F - 20 NOVEMBER 2020 BUILDING INSPECTIONS LETTER**

Ordinance Requirements for Re-Opening

At the time of the construction of the campground in the 1970s, Alexander County had no county-wide zoning regulations. By 2020, the Hiddenite Family Campground was a nonconforming use under the 1995 *Alexander County Flood Damage Prevention Ordinance* (updated 2008), which was in effect at the time. (*Alexander County's Floodplain Damage Prevention* regulations have since been incorporated into the 2024 *Land Development Code*).

A nonconforming use was defined in the 2008 *Land Development Code* as, "A building or land lawfully occupied by a use that does not conform with use regulations of the district in which it is situated." Under the 2008 *Land Development Code*, nonconforming uses were allowed to continue as a legacy usage, but specific standards were placed if the usage ceased.

The land on which the Hiddenite Family Campground operates was zoned RA-20 under the zoning ordinance in effect in 2020 and 2021. Its use as a *recreational vehicle park* and a *campground* would both be permitted only by a special use permit had it not predated the ordinance. As such, it was considered a zoning nonconformity unless approved through the special use process.

Further, as can be seen in the **FEMA Flood Insurance Rate Map** number **3710378800K (ITEM G)** in the appendix), the operational area of the Hiddenite Family campground sits entirely in a zone designated AE. AE zones are considered by FEMA to have at least a 1-percent-annual chance of being flooded. These are commonly (yet erroneously) referred to as "100 year flood zones."

The 2008 *Flood Damage Prevention Ordinance* defines these areas as *Special Flood Areas*, and includes specific standards for structures placed in these areas in order to restrict uses which would be dangerous to health, safety, and property due to water hazards. These regulations included flood protection elevation for utilities, documentation for the placement of *Recreational Vehicles*, floodproofing certificates for structures, and others which the Hiddenite Family Campground, constructed before the adoption of the law, did not meet. The 2008 *Flood Damage Prevention Ordinance* also includes specific rules for flood damaged structures, and requires any substantial improvements to be permitted before they are repaired.

The 2008 *Land Development Code* included specific language governing the renewed operation of a nonconforming use after a cessation of activities, such as faced by the Hiddenite Family Campground. Section **§154.052 (B)** states, "If active operations are discontinued for a continuous period of 180 days with respect to a nonconforming use of building, such nonconforming use shall thereafter be occupied and used only for a conforming use." This regulation was the general standard for nonconforming uses; however, as *Recreational Vehicle Park* was considered a subset of *Manufactured Homes*, the applicable standard sets a smaller window for re-opening. Section **§154.270** of the 2008 *LDC* states,

Manufactured home parks which have been operating in the county since before the effective date of this adopted manufactured home park ordinance as existing nonconforming uses may continue to operate unaffected by this ordinance. If, however, their operating permit should be revoked or if the nonconforming park should cease operation for a period of 90 days, then the

park shall not reopen until it complies with this and all other applicable state and local regulations. Parks operating as existing nonconforming uses shall not be expanded.

Section **§154.053 (B)**, goes on to further require that nonconforming commercial structures which are partially or fully destroyed may be rebuilt or repaired upon a finding that the *Board of Adjustment* determine, among other criteria, that the use will not create a health or safety hazard. For more information see in the appendix **ITEM H - 2008 ALEXANDER COUNTY LAND DEVELOPMENT CODE (RELEVANT SECTIONS)** and **ITEM I - 2008 ALEXANDER COUNTY FLOODPLAIN DAMAGE PREVENTION ORDINANCE (RELEVANT SECTIONS)**.

In December of 2020, the then Alexander County Zoning Administrator, Seth Harris, informed the Kortess by letter of the requirement to obtain a floodplain permit before being able to re-open the business and of the 90-day window to continue operations to avoid a re-application requirement applied to the Hiddenite Family Campground. It was communicated that that if operations have not resumed by February 10, 2021 a conditional use (also known as a special use) permit would be required in addition to floodplain permits. This letter is included in the appendix, **ITEM J - LETTER FROM S. HARRIS TO K. KORTE**. Mr. Korte signed, acknowledging receipt of the letter, on 7 January 2021.

Inability to Resume Activities Before February 10, 2021

The destruction of the flood made the resumption of activities immediately afterwards impossible. Based on statements made by Mr. Korte at the time, it is clear that the campground was unable to re-open in the time period required to maintain legacy status under the 2008 Land Development Code.

At no point between 20 November 2020, when the Chief Building Inspector provided details on the state building code regulations to re-open did representatives of the Hiddenite Family Campground comply with those requirements. Additionally, at no point was an application taken to the *Board of Adjustment* for permission to rebuild or repair the existing structures.

To this day, no legal electric grid exists on the property to support *Recreational Vehicles* usage. Section **§154.262 (A)** of the *2008 Land Development Code* required, "Each RV lot shall be equipped with plumbing and electrical connections sufficient to safely meet demands." The electricity to the property was terminated as a result of the flooding of November 2020. On 8 April 2021, the Alexander County Building Inspections authorized an electrical permit to energize the well at the Hiddenite Family campground. This permit did not authorize any extension of electricity to any other structure, and as a result no legal electricity could be supplied for *Recreational Vehicle* use. This permit is included in the appendix, **ITEM K – 8 APRIL 2021 PERMIT FOR WELL**.

Operation in Violation

On 2 March 2021, a letter was sent to the Hiddenite Family Campground that explained that, due to the failure of the property owners to acquire all necessary permits and repairs before February 10th, 2021, the campground was no longer considered to be a grandfathered use. This notification goes to great lengths to inform the Kortess of all of the requirements, and included the applicable applications which they would need to complete. It informs the operators that it has come to the attention of the

county that the operators of the Hiddenite Family Campground have begun advertising and allowing campers for business purposes, despite not completing the requirements which were communicated to them. This letter can be found in the appendix, **ITEM L – 2 MARCH 2021 LETTER FROM S. HARRIS TO K. KORTE**.

In August of 2021, Mr. Korte supplied partial information pertaining to a floodplain permit, but did not provide a complete application that could be reviewed. Appendix **ITEM M** is an email provided by Mr. Korte to officials at the Western Piedmont Council of Governments who were processing zoning permits at the time for the county. It contains one flood plain elevation certificate, despite the fact that others are required. No complete permit was ever submitted.

Special Use Permit Application

On 27 July 2023, KaCee Willis applied to have the Hiddenite Family Campground re-opened. Her complete Special Use Application can be found in the appendix, **ITEM N – 2023 SPECIAL USE APPLICATION**. The application requested the placement of the operations to move to higher land to be out of the floodplain.

The Board of Adjustment considered the request over the course of three meetings (dated 10 August 2023, 21 September 2023, and 12 October 2023) and one site visit (dated 9 October 2023). During these meetings, the Board reviewed the application, the background information previously recounted in this staff report, police reports, and call logs recording community concerns. The staff report and summary of considerations can be found in the appendix, **ITEM O – 2023 SPECIAL USE APPLICATION STAFF REPORT & SUMMARY**. The Board rejected the application. Their resolution continuing their findings of fact can be found in **ITEM P – SPECIAL USE RESOLUTION & FINDINGS OF FACT**.

March 2025 Zoning Violation

On 20 March 2025, acting on an anonymous tip, code compliance staff conducted a site visit to the Hiddenite Family Campground to determine if they were in continued operation. Staff observed 10 occupied campsites, mostly utilizing *Recreational Vehicles* and conducted three interviews. Residents interviewed there confirmed they were being charged by the Kortes rent for the usage and that they had available electric. This violation is the subject of this appeal.

Appeals must be filed within 30 days according to the 2024 Alexander County Land Development Code. In a meeting with Mr. Korte on 14 October 2025, Mr. Korte asserted he attempted to contact the planning department to file an appeal, but was unsuccessful at reaching us via phone. The Alexander County Planning Director provided information on how to appeal and informed the applicant of his interpretation that this information would start a 30-day window to appeal. Mr. Korte provided notice by email that he intended to appeal on 10 November 2025.

Subsequent Developments

In October of 2025, the county received an anonymous complaint that the Hiddenite Family Campground's seasonal Camp Fear attraction was dangerous and unsafe. A site visit conducted by the Fire Marshal and Chief Building Inspector found numerous state code violations and unsafe electrical

connections. The county sought and received an injunction preventing the camp from operating Camp Fear for the 2025 Halloween season due to these concerns.

As a part of the investigation, the Chief Building Inspector noted unauthorized power access from the well that was being used to provide electricity to the flood-damaged structures, campers, the previously flooded electrical gear, and to the Camp Fear attraction. Duke Power was notified and de-energized the well due to the unauthorized access.

STAFF POSITION

Based on the evidence presented in this report, Alexander County Planning Staff believe the following:

A. The Hiddenite Family Campground operated as a nonconforming use in 2020 and before.

- See **ITEM H: 2008 ALEXANDER COUNTY LAND DEVELOPMENT CODE** to read the definition of a *nonconforming use*, see the permitted usage table demonstrating in what zones a *recreational vehicle park* and *campground* could operate.
- See **ITEM I: 2008 ALEXANDER COUNTY FLOODPLAIN PREVENTION ORDINANCE** to read the requirements for structures in the *Special Flood Hazard Zone*.
- See **ITEM G: FEMA FLOOD INSURANCE RATE MAP NUMBER 3710378800K** to confirm the camp's location in an AE floodplain.

B. The floods of 12 November 2020 rendered the Hiddenite Family Campground inoperable.

- See **ITEM B - TAYLORSVILLE TIMES REPORT: 13 NOV 2020** for information about the flood damage.
- See **ITEM C – FLOODING SITE PHOTOS** for images of the destruction.
- See **ITEM D – 18 JANUARY 2021 SPECTRUM NEWS VIDEO** for video of the destruction and testimonial as to how the flood rendered the Hiddenite Family Campground inoperable.
- See **ITEM E – GOFUNDME PAGE** for further testimonial as to how the flood rendered the Hiddenite Family Campground inoperable.

C. Before re-opening, local ordinances required the Hiddenite Family Campground to first comply with a number of regulations. Those included:

- 1) *that any repair or construction activity on the property would require a floodplain development permit*
 - 2) *that structures deemed UNSAFE required demolition permits OR the services of a licensed structural engineer to inspect and certify the structures and all of their systems*
 - 3) *that an inspection of all on-site electrical and water system is required by a North Carolina Licensed Structural Engineer for the applicable trades.*
- See **ITEM F - 20 NOVEMBER 2020 BUILDING INSPECTIONS LETTER** for building inspections requirements provided by the Chief Building Inspector.
 - See **ITEM J - LETTER FROM S. HARRIS TO K. KORTE** for floodplain permit requirements provided by the Zoning Administrator
 - See **ITEM L – 2 MARCH 2021 LETTER FROM S. HARRIS TO K. KORTE** for a reminder of the floodplain permit requirements provided by the Zoning Administrator.

- D. If the Hiddenite Family Campground was unable to comply with those regulations by 10 February 2021, they would be required to seek a conditional use permit (also known as a special use permit) to re-open.
- See **ITEM H: 2008 ALEXANDER COUNTY LAND DEVELOPMENT CODE** for information regarding the timeline regarding the cessation of activities for nonconforming usages.
- E. These requirements were communicated to the Korte family.
- See **ITEM F - 20 NOVEMBER 2020 BUILDING INSPECTIONS LETTER** for building inspections requirements provided by the Chief Building Inspector.
 - See **ITEM J - LETTER FROM S. HARRIS TO K. KORTE** for floodplain permit requirements provided by the Zoning Administrator
 - See **ITEM L – 2 MARCH 2021 LETTER FROM S. HARRIS TO K. KORTE** for a reminder of the floodplain permit requirements provided by the Zoning Administrator.
- F. At no point before 10 February 2021 did the Hiddenite Family Campground comply with the required regulations to re-open, and thus lost their legacy status as a nonconforming use.
- See **ITEM L – 2 MARCH 2021 LETTER FROM S. HARRIS TO K. KORTE** notifying the operators they would no longer be considered a grandfathered use and providing the documents required to submit to re-open.
- G. The Hiddenite Family Campground could not have properly re-opened due to the lack of power.
- See **ITEM K – 8 APRIL 2021 PERMIT FOR WELL** indicating the only power available to the campground was for a family well.
- H. At some point before 3 March 2021, the Hiddenite Family Campground began advertising and operating in defiance of county ordinance.
- See **ITEM A - MARCH 2025 ZONING VIOLATION LETTER & DOCUMENTATION** which includes the determination that the Hiddenite Family Campground had resumed operations and that this resumption was in violation of county policy.
- I. The Korte family only made incomplete attempts to attain a floodplain permit and were denied a special use permit by the Board of Adjustment.
- See Appendix **ITEM M – KENT KORTE EMAIL TO THERESA KINNEY – INCOMPLETE FLOODPLAIN INFORMATION** which demonstrates only incomplete submittals for the process *after* the required deadline.
 - See **ITEM N – 2023 SPECIAL USE APPLICATION, ITEM O – 2023 SPECIAL USE APPLICATION STAFF REPORT & SUMMARY**, and **ITEM P – SPECIAL USE RESOLUTION & FINDINGS OF FACT** for information for the rejected *special use permit*.
- J. On 30 March of 2025, the Hiddenite Family Campground continued to operate in violation of county ordinance.
- See **ITEM A: MARCH 2025 ZONING VIOLATION LETTER & DOCUMENTATION** for documentation that they continued to operate in violation of the law.

If the Board of Adjustment agrees that the positions above are correct and are based on competent, material, substantial evidence, they must uphold the zoning violation and deny the appeal.

NOTIFICATION

Board of Adjustment		
Meeting Date	Thursday, December 11, 2025	
<i>Notice Requirements</i>	Mailed Notice – Properties abutting the parcel of land must be notified by mail at least 10 but no more than 25 days prior to the date of the public hearing. Posted Notice - The County shall post one or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the hearing no more than 25 days and at least 10 days prior to the hearing.	Letters mailed: 11/21/2025 Sign posted: 11/21/2025

COMMUNITY INPUT

- 11/21/2025 12:30 – Received a call about the sign. The caller expressed concern that the campground is open due to the activities that take place there.

APPENDIX

ITEM A - MARCH 2025 ZONING VIOLATION LETTER & DOCUMENTATION



3/21/2025

RE: ZV-25-01

Jimmy Korte
508 Princess Ln
Hiddenite, NC 28636

WRITTEN NOTICE

Dear Jimmy Korte

Our office has received a zoning complaint being located on property owned by you, being located at 508 Princess Ln and otherwise known as Tax Parcel #11680. The complaint has been investigated and found valid. The complaint concerns the highlighted section below.

The specific section(s) of the Alexander County Zoning Ordinance being violated is detailed below:

§154-8 Compliance

No building, premises, or structure shall be constructed, erected, placed, moved, modified, converted, occupied, or maintained, and **no land use shall be maintained, modified, or commenced, except as authorized by the Alexander County Land Development Code.** All development within the County shall comply with the development standards identified by this Code. The most restrictive local, state, or federal laws pertaining to the establishment and operation of a use shall apply

§154-22. Application of Regulations

The regulations of this Article shall apply uniformly to each class or kind of structure or land located within any of the enumerated district classifications. Within the districts as established by this Chapter, the requirements as set forth in this Article shall be complied with in addition to any other general or specific requirements of this Chapter. Within the districts indicated on the Official Zoning Map, (1) **no structure or land shall be used and no structure shall be erected or altered which is intended or designed to be used in whole or in part for any use other than those listed as permitted for that district in this Article,** and (2) no structure shall be erected which does not adhere to the scale and dimensional requirements as permitted for that district in this Article. These requirements in no way relieve a use of having to meet all local, state and federal laws pertaining to the establishment and operation of that use.

Alexander County Planning Department
151 West Main Avenue, Taylorsville, North Carolina 28681
Phone: (828) 632-1000 Fax: (828) 632-1095

ITEM A – MARCH 2025 ZONING VIOLATION LETTER



§154-59. Table of Permitted and Special Uses

4. RECREATIONAL USES	R1	R2	R2R	R3	OI	MU	CC	RC	I
<i>Campground</i>	S	S	S	P					

Circumstances Giving Rise to the Violation:

On **March 20, 2025**, staff from Alexander County Planning Department visited the property located at **508 Princess Ln, Hiddenite, NC 28636**. During the visit, staff observed and collected evidence indicating that the property was being operated as a campground without the required zoning approval or permits. Accommodations included tents and recreational vehicles.

Operation of a campground at this location is not a permitted use under the Alexander County Land Development Code for the applicable zoning district, and no zoning permit or special use permit has been obtained authorizing such use.

A special use permit to operate a campground at 508 Princess Ln was applied for and **denied** on October 12th, 2023.

Listed below are the penalties for continued violation of the zoning ordinance:

§ 154.376 Violations.

Notices concerning *violations* of the provisions of this Chapter shall be provided to the *person(s)* alleged to be in *violation* in accordance with this Chapter of the Alexander County Code.

- A. Notification. Upon making a *determination* that a *person* is in *violation* of this Chapter, the County shall issue a compliance order to the *person* in *violation* of this Chapter which shall notify the violator of the *violation* in writing. The notice of *violation* shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of *violation* may be posted on the property. The person providing the notice of *violation* shall certify that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Such compliance order (notification of *violation*) shall:

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- (1) Identify the circumstances giving rise to the *violation*, including the times, dates and places of the *violation*;
- (2) Identify the action(s) necessary to comply with this Chapter;
- (3) State that the violator shall comply within a reasonable time, not to exceed 30 days, or be subjected to a civil penalty (except where circumstances exist such that the violator cannot come into compliance within 30 days, and at which time the County may grant an extension of time commensurate with the magnitude of the *violation*);
- (4) State that failure to comply with the terms of the compliance order will subject the violator to a civil penalty; and
- (5) State the amount of applicable civil penalty.

B. Failure to Comply. Failure to comply with the terms of a compliance order within the time stated in the order shall subject the violator to a civil penalty of \$50 dollars. Violators shall be issued a written citation, which must be paid within 72 hours. Each day's continuing violation shall be a separate and distinct offense. Fines for violations that have gone unabated for longer than 30 days may be increased to \$250 per day at the discretion of the Planning and Development Director. Fines for violations that have gone unabated for longer than 60 days may be increased to \$500 per day at the discretion of the Planning and Development Director. Each day that the *violation* continues shall be considered a separate offense and the violator may be subject to an additional civil penalty for each such separate offense.

C. Penalties and Remedies. Penalties and remedies for *persons* found to be in *violation* of this Chapter shall be as set forth below. Civil penalties for those in violation of *stormwater management regulations* may be assessed up to the full amount of penalty to which Alexander County is subject for violations of its Phase II Stormwater permit, or if no Phase II Stormwater permit exists for the jurisdiction, civil penalties may be assessed up to the full amount allowed by law. Penalties for those in violation of Article XIII (Nuisances) shall be subject to the penalties and remedies laid out within that Article. Such penalties and remedies shall include:

- (1) Civil Action. When necessary to collect any civil penalty or accrued civil penalties, a civil action may be instituted against an individual for the collection of all accrued penalties.

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- (2) Equitable Remedies. This Chapter may be enforced by equitable remedies, and any unlawful condition existing in *violation* of this Chapter may be enforced by injunction and order of abatement in accordance with *NCGS* §160D-1212.
- (3) Injunction. Where necessary to effect compliance with this Chapter, the County may institute an action in a court of competent jurisdiction seeking an injunction against the further *violation* of this Chapter. Such action may be joined with a civil action instituted to collect accrued civil penalties in accordance with the provisions above.
- (4) Order of Abatement. Where necessary to abate a condition existing upon land in *violation* of this Chapter or a *use* made of land in *violation* of this Chapter, the County may institute an action in a court of competent jurisdiction seeking an order of abatement of the *use* or condition of land in *violation* of this Chapter. Such action may be joined to an action for an injunction and/or an action to recover civil penalties accrued against an individual for the *use* or condition of land in *violation* of this Chapter.
- (5) Stop-Work Order. If any *building* or *structure* is erected, constructed, repaired, converted, or maintained or any *building*, *structure* or land is used in violation of the Alexander County Code, the *Zoning Administrator* or any other appropriate authority may institute a stop-work order if further action by the violator would cause irreparable harm or damage. Once a stop-work order has been issued, no work may be done on the *structure* or property until authorized by Alexander County Code Enforcement Services or a court of appropriate jurisdiction.

Actions Required to Comply:

To remedy this violation, you must immediately cease operation of the unauthorized campground at 508 Princess Ln, Hiddenite, NC 28636. All camping activities and occupancy in campers, tents, vans, or any other non-permitted residential units must be fully discontinued, and these units must be removed from the property or otherwise rendered uninhabitable for camping or residential purposes.

Compliance Deadline:

You are required to bring the property into compliance by April 20, 2025. A second inspection will be conducted within 14 days after this compliance deadline to verify that corrective actions have been fully implemented and that the property is no longer being operated as an

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unauthorized campground. The County reserves the right to grant an extension if circumstances demonstrate that compliance within 30 days is not feasible and if measurable progress toward compliance is being actively demonstrated.

Consequences for Non-Compliance:

Failure to fully comply with this order by the date specified (**April 20, 2025**) will subject you to a civil penalty, as authorized under the Alexander County Land Development Code. The applicable civil penalty is **\$50.00 per day** for each day the violation continues beyond the compliance deadline. Each day that the violation continues constitutes a separate and distinct offense. Fines per day may be increased according to the regulations set forth in §154-376.

Appeal Process:

Pursuant to §154.379 of the Alexander County Zoning Ordinance, you have the right to appeal this declaration of zoning violation. For details regarding the appeal process or to read the full zoning ordinance, please visit:
<https://alexandercountync.gov/pdf/ordinances/zoning-ordinance.pdf>.

If you have any questions or require clarification regarding this notice, please contact our office directly at **(828) 632-1000**.

Sincerely,

Victor Breininger
Code Compliance Officer
Cc: File

Alexander County Planning Department
151 West Main Avenue, Taylorsville, North Carolina 28681
Phone: (828) 632-1000 Fax: (828) 632-1095

Note Detail

Type: Case

Id: ZV-25-01

Note Type: GENERAL

Text:

P. Creech - Observations after visiting 3/20/2025

While there we observed no fewer than 10 people camping. There were people staying in campers, tents, and at least one in a van. We have pictures of each.

We spoke to 4 residents.

1) A white female who (I believe) said she was 41 named Sabrina Shook. She said she has been there 2-3 weeks and has intentions to stay for a while. She pays \$400 a month. She is hooked up to power, and Victor has pictures. Her phone number is 704-252-2057

2) A white male who looked to be in his 50s staying in a tent who declined to give his name. He said that he has been there since the summer and pays \$350 a month. He has no power, and instead uses batteries. He is looking to move to a solar camp in Nebo that would be cheaper, but has no timeline for the move.

3) A black male who looked to be in his 40s named Levi. He had a truck and shirt representing Dilling Plumbing and Electrical. He declined to say if he paid, but said that he and Ken do favors for each other. He has purchased land in Ashe County and intends to leave soon. His phone number is 727-303-4206

4) A white male in his 50s who declined to give his name. He was living in a tent and said he had stayed there about a year. When asked about payment he said he did when he could, but that he often doesnt have money to pay because hes disabled and unable to work.

Begin Date:

03/20/2025



ITEM A – MARCH 2025 ZONING VIOLATION LETTER



ITEM B – TAYLORSVILLE TIMES REPORT: 13 NOV 2020

11/17/25, 10:56 AM

Flood waters cause 6 deaths in Alexander – The Taylorsville Times

Caring for the Community: Alexander Health Dept. (<https://www.taylorsvilletimes.com/2025/11/12/caring-for-the-community-alexander-health-dept/>)

Home (<https://www.taylorsvilletimes.com/>)

f (<https://www.facebook.com/taylorsvilletimes>) t (https://twitter.com/Tville_Times) @ (<https://instagram.com/taylorsvilletimes>) ✉ (<mailto:news@taylorsvilletimes.com>)



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Flood waters cause 6 deaths in Alexander

By Editor (<https://www.taylorsvilletimes.com/author/editor/>) | November 13, 2020 | 2 (https://www.taylorsvilletimes.com/2020/11/13/roads-closed-by-storm-flood-waters/#comments)



A swiftwater rescue team returns to shore after searching for missing persons at Hiddenite Family Campground, Nov. 12, 2020.

UPDATED NOV. 17, 2:20 p.m.

A 37-member USAR team (Urban Search and Rescue) began search efforts at 8:00 a.m. on Friday, November 13, at Hiddenite Family Campground in an attempt to locate one adult and a 1-year-old child, who were presumed missing.

The rescue team discovered the adult's body and child's body Nov. 13, for a total of five deceased at the campground. On Thursday, swiftwater rescue teams evacuated 31 people from the campground.

One additional death occurred in an automobile accident on Thursday morning on Hopewell Church Road due to a bridge outage and high water. The car's occupant, Daniel Keith Ballew, 64, of Hiddenite, was pronounced deceased at the scene.

There have been a total of six casualties as a result of the flooding:

- Crystal Dawn LeVan Reed, age 49 of Hiddenite, NC.
- Tyrell Jordan "Ty" Reed, age 18 of Hiddenite, NC.

<https://www.taylorsvilletimes.com/2020/11/13/roads-closed-by-storm-flood-waters/>

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ITEM B – TAYLORSVILLE TIMES REPORT: 13 NOV 2020.

11/17/25, 10:56 AM

Flood waters cause 6 deaths in Alexander – The Taylorsville Times

- Tina Ann Allen, age 52 of Hiddenite, NC.
- Ronald James Wintemute, age 76 of Hiddenite, NC.
- Mason Lee Flowers, age 1 of Hiddenite, NC.

Alexander County experienced major flooding during the recent storm with approximately 7-10 inches of rain on Wednesday night and early Thursday morning. Approximately 50 roadways across the county were compromised, with four bridge outages and six roads that are currently impassable.

Closed roads now include: Millersville Road near Hwy. 16 South (bridge outage), Cheatham Ford Road (bridge outage), Rocky Face Church Road (bridge outage), Hopewell Church Road (bridge outage), Sulphur Springs Road, Macedonia Church Road, Rocky Springs Road, Berea Church Quincy Road, Ramie Mitchell Road, and Jud Smith Road.

County emergency services currently has four (4) assessment teams on the ground across the county to determine the extent of the damage.

If you have flood damage, visit www.alexandercountync.gov/storm (<http://www.alexandercountync.gov/storm>) to submit photos and information.

Alexander County would like to express its appreciation to the many emergency agencies that assisted, including four swiftwater teams from Mooresville Fire Department, Sawmills Fire Department, Conover Fire Department, Alexander Rescue Squad & EMS, Alexander County CERT (Community Emergency Response Team), USAR (Urban Search and Rescue), and local volunteer fire departments.

Earlier updates:

Alexander County has experienced major flooding, with approximately 7-10 inches of rain overnight Nov. 11-12. Approximately 50 roads across Alexander were compromised, with four bridges washed out. A State of Emergency has been declared in Alexander County and the Town of Taylorsville.

Swiftwater rescue personnel from Alexander and surrounding areas sprang into action. Rescue teams evacuated 31 people from the Hiddenite Family Campground. There were three confirmed deaths at the campground; however, the deceased persons' identities have not yet been released. Currently, as of 4:00 p.m. Nov. 12, there are one adult and one child who are presumed missing. Alexander County Sheriff Chris Bowman said the child is approximately one year old.

The doors to the campers cannot be opened due to high water. Emergency personnel are continuing the search, said Alexander County Emergency Services Director Doug Gillispie.

In addition, an automobile accident occurred on Hopewell Church Road, in the Vashti Community, due to a bridge outage and high water. The car's occupant was pronounced deceased at the scene. The identity of the deceased motorist has not been released.

Alexander County Emergency Services opened a storm shelter at East Taylorsville Baptist Church at approximately 7:00 a.m. Nov. 12 for those affected by flooding. There are currently 13 people at the shelter, which initially had 19 sheltered there, said Gillispie.

Citizens are advised to use extreme caution if they must drive, and to never drive through standing water.

If you require assistance, call 828-632-9336 for non-emergencies or 911 for emergencies.

If you have flood damage, visit <https://alexandercountync.gov/storm> (<https://alexandercountync.gov/storm/>) to submit damage photos and information.

Gillispie said Alexander County staff would like to express their appreciation to the many emergency agencies that assisted, including four swiftwater rescue teams from Mooresville Fire Department, Sawmills Fire Department, Conover Fire Department, Alexander Rescue Squad & EMS, Alexander County CERT (Community Emergency Response Team), and the local volunteer fire departments.



A flooded home and autos at Hiddenite Family Campground, Nov. 12, 2020.

Earlier Nov. 12 update, 10:30 a.m. —

Here is a list of roads that have been compromised or closed due to the flooding —

NC Hwy. 16 (500 block and 900 block),
 NC Hwy. 90 (5400 block),
 NC Hwy. 127 (600 block, 6400 block, and 9300 block),
 US Hwy. 64 (2100 block),
 Adrian Drive,
 Barrett Ridge Lane (1200 block),
 Berea Church Quincy Road (500 block),
 Boston Road (2000 block),
 Cabin Lane (1 block),
 Carrigan Road (900 block),
 Cascades Drive,
 Crappie Hollow Lane,
 Daniels Lumber Road (1500 block),
 East Jay Drive (100 block),
 Hill River Road,
 Hopewell Church Road (1100 block),
 Hubbard Road (1800 block),
 Icard Dam Road,
 Jim Millsaps Road (700 block),
 Lewittes Road (500 block),
 Liledoun Road (400 block and 3300 block),
 Macedonia Church Road (800 block and 1000 block),
 Marsh Road,
 Marvin Church Road, and
 Matheson Park Avenue,
 Millersville Road (100 block),
 North Thomas Lane (200 block),
 Northwood Circle (300 block),
 Old Landfill Road (1600 block),
 Old Mountain Road (300 block),
 Old Wilkesboro Road (300 block, 1000 block, and 2700 block),
 Patterson Road (900 block),

<https://www.taylorsvilletimes.com/2020/11/13/roads-closed-by-storm-flood-waters/>

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11/17/25, 10:56 AM

Flood waters cause 6 deaths in Alexander – The Taylorsville Times

Paul Payne Store Road (2200 block and 5500 block),
Piney Grove Road (100 block),
Pisgah Church Road,
Rink Dam Road (4600 block),
Rocky Face Church Road,
Rocky Springs Road (2500 block),
Shiloh Church Road,
Sulphur Springs Road (1000-1100 block),
Sunset Drive,
Terrace Lawn Court,
Waggin' Trail Road,
Wayside Church Road (1400 block)
West Jay Drive (200 block).

Alexander County experienced major flooding during the recent storm. Multiple roadways are flooded and multiple water rescues are currently underway. Citizens are advised to use extreme caution if they must drive, and to never drive through standing water.

Twenty-nine (29) people were rescued from Hiddenite Family Campground earlier this morning. Four people are presumed missing at this time. One (1) person is presumed missing from an automobile accident. Rescue efforts are continuing.

Alexander County Emergency Services is in the process of opening a shelter for those affected by the flooding at East Taylorsville Baptist Church. The shelter should be established by 7:00 a.m.

People can submit damage photos and information to the county at: <https://alexandercountync.gov/storm/> (https://l.facebook.com/l.php?u=https%3A%2F%2Falexandercountync.gov%2Fstorm%2F%3Ffbclid%3DlWAr14H307icAmI_jPryAazs_cU0W6xXLasePOpsAPwuGoESjaBK_T_OMa8ZY&h=AT2LxFWc5ePb6i7Sxllgq7AV1nslbb09R5bhOOryB45a81g7VhwjtCyQFcpUuMpr1uVG2rB-25lkqu6ADZ-yqPF0GI6L10G6bEj7D3eYwil9hbs0_AyrcvdzH9gCWxN92bV14CRyT8y6OuH5orBFzxixsZVNYDOWF4VuOvfdNfyRym3G2F_MBVVlimDGb1C01ew-CUUNADPIRwnqonVvNa4UcgWnjVVGxrezlon7Ta8nwGXoPZnfZx0boEdFPRfaHiunEPVVAH8nBSlnPCGFSlK_8zMvHyX8iQ3ugcSZNRDNfm6X0naxNN5kVPqd03MleceV7SrKOBQSFSS1EUsoYGEZJLhPTZdS_Yo0G03q0Az9sPGVGsAj8WPKgLnHnjKxQD69zK8pzUZuUgFYV4zv4o5jtbh0UslLczVoTB3th-uDi1Fvmt7TbnJDoUJ7uAKSQx62jwmy8hlekb-8t6wWn6tlaS8ZMrCL0QObC6N0e-Qh5Xoxf73BPvRRn1DQ7IsGPopl42au_QQ_NDD_fwW1CWE_fvxEMBGtMA-92M7trycktVePGEfRjzgo_hOwdXe7KboOxTSz5AkU6yc-M9PgbA)

In addition, Alexander County Government offices operated on a two-hour delay Nov. 12.

Alexander County Schools switched to virtual learning for Nov. 12, with two hour delay for staff going to school facilities.

If you require assistance, call (828) 632-9336 for non-emergencies or 9-1-1 for emergencies. For more storm updates from Alexander County Government, visit: <https://alexandercountync.gov/multiple-roads-flooded-and-water-rescues-underway-county-offices-on-2-hour-delay/> (<https://alexandercountync.gov/multiple-roads-flooded-and-water-rescues-underway-county-offices-on-2-hour-delay/>)



High water caused part of Cheatham Ford Road near the bridge at Col. R.L. Tatum Water Plant to collapse, forcing closure of the road, Nov. 12, 2020.

<https://www.taylorsvilletimes.com/2020/11/13/roads-closed-by-storm-flood-waters/>

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ITEM C – FLOODING SITE PHOTOS



ITEM C – FLOODING SITE PHOTOS



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ITEM C – FLOODING SITE PHOTOS

ITEM D – 18 JANUARY 2021 SPECTRUM NEWS VIDEO.

Link to video: <https://www.youtube.com/watch?v=EMqOSLuYQQ4>
<https://spectrumlocalnews.com/nc/charlotte/news/2021/01/18/campground-struggling-months-following-deadly-flood>

Transcript:

[Katie Korte]

And the whole ground is gone.

[Vanessa Leon]

Katie Korte and Tiffany Bryden have spent almost every day at the Hiddenite Family Campground since it flooded back in November.

[Tiffany Bryden]

It was just campground insurance. There was no flood insurance. So therefore, because this happened due to a flood, insurance isn't paying anything.

[Katie Korte]

The grass is actually starting to show, so more stuff is coming up from the grass.

[Vanessa Leon]

Their father, Ken Korte, has owned the campground since 2000, but he's still too shaken up to go on camera. He's okay.

[Katie Korte]

He is not too bad.

[Vanessa Leon]

The handful of family members have been doing what they can to clean up more than 32 acres of washed out land.

[Katie Korte]

That one was my grandpa's.

[Tiffany Bryden]

We were told is that we need to separate like the household garbage from like the construction, the construction garbage. And that's a matter of getting up all the, I mean the food, the dishes, the um, clothes, just all of those things.

[Vanessa Leon]

And they're doing it all by hand.

[Katie Korte]

He needs a front loader or a backhoe and a dump truck. He had one. He could. He could do a lot.

[Vanessa Leon]

But to shuffle through the trash, they're fighting mountains of sand.

[Tiffany Bryden]

Yeah, pretty much. We don't know. We don't understand where the sand come from.

[Vanessa Leon]

Five people lost their lives during the flood in November, including a 1-year-old child. More than 30 families lived here. The water carried their homes hundreds of feet away.

[Katie Korte]

Pretty much. Just that one right there was there before. This one was kind of right there where that red car was at. So some of 'em, some of 'em didn't move too far. Some of 'em didn't move too far, but the rest of 'em are in the creek all the way back there, so.

[Vanessa Leon]

But not all was lost digging through knee deep mud and debris, they've helped families find hope.

[Tiffany Bryden]

Way, way down. Mm-hmm. In the woods. Like we have found, um...

[Katie Korte]

in the creek. We found a lot of stuff. Yeah. Um, wallets. Um. Safe. Safe boxes, like key lock, key boxes.

[Vanessa Leon]

Some families are staying a few miles away in campers donated by Samaritan's Purse.

[Katie Korte]

It's hard for them to be able to, you know, come out and go through like their stuff when it looks like that.

[Vanessa Leon]

With no flood insurance, the owner is left feeling stuck with no equipment to clean out the mounds of sand and trash.

[Katie Korte]

This whole thing wasn't here. None of it. Campers and stuff like that was income. So now he doesn't have any. The campground doesn't have any income at all.

[Vanessa Leon]

For now. They'll do what they can by hand.

[Katie Korte]

Yeah. The whole ground, the whole ground just is like a sinkhole under there.

[Vanessa Leon]

Digging out people's homes from the sand. They're asking when they're gonna be able to come home and everything.

[Katie Korte]

So because we were, I mean, we were all just one big family, you know what I mean? Like, it, it wasn't just, you know, one of us. He, he would help everybody.

ITEM D – 18 JANUARY 2021 SPECTRUM NEWS VIDEO.

Flood victims want to return home



Team fundraiser

Kent Korte and 2 others are organizing this fundraiser.

\$60 raised of \$40,000 goal

Share



Donate now

Anonymous
\$20 • 9 mosAnonymous
\$25 • 9 mosEthan Rockette
\$15 • 9 mos

For the last 20 years, Hiddenite Family Campground, wasn't just the Korte's family business. It was their home. This place is his children's childhood home. This is his grandchildren's home. This is where most of us have most of our childhood memories. This place is the home to the survivors of the flood and this was the home to those who didn't make it.

The residents of Hiddenite Family Campground just wanna go home. We need help rebuilding to make that happen. 13 to 14 inches of rain in 3 or 4 hours sent the river to levels no one could predict. There was no warning. It was 20 plus feet above flood stage, 12 feet higher than the 100 flood stage. This was somewhere around a 2000 year event. There is no data to compare. The loss of our friends, family, and loved ones is incomprehensible. The residents lost everything. They lost their cars, clothes, pets, friends, and their entire home. Even though this disaster took nearly everything, most of the families, just wanna know when they can return. Help us give them the answer.

Anonymous
\$25 • 9 mosEthan Rockette
\$15 • 9 mos

Donate

Share

ITEM F - 20 NOVEMBER 2020 BUILDING INSPECTIONS LETTER



*ALEXANDER COUNTY
BUILDING INSPECTIONS
151 West Main Ave., Taylorsville NC 28681
Telephone: 828-632-1000 Fax: 828-632-1095
William Rogers – Chief Building Code Official*

Jimmy L. Korte
Wendy L. Korte
PO Box 547
Hiddenite NC 28636

Re: Declaration of UNSAFE Structure(s)

On Thursday November 12, 2020, properties owned by you were impacted by floodwaters. Because of this event, Alexander County Building Inspections has declared four permanent structures as "UNSAFE" in accordance with North Carolina General Statute 153A-356. The structures are as follows:

- 1- 508 Princess Lane – Double Wide Manufactured Home.
- 2- 572 Princess Lane - Single Wide Manufactured Home
- 3- 601 Princess Lane- Concrete Masonry Pool/ Bath House
- 4- 537 Princess Lane – Storage Building / Workshop

On Saturday November 14, 2020, Inspectors with the Alexander County Building Inspections Department conducted a physical inspection of these structures. Because of these inspections, the structures listed above have been declared UNSAFE by this agency. I have listed below the actions you may take to remedy these conditions.

- 1- Obtain Demolition permits for the structures listed above and remove all components of these structures to and include footing and foundations from the site.
- OR
- 2- Engage the services of a North Carolina Licensed Structural Engineer to inspect and certify the structures and all of their systems (electrical/mechanical/plumbing) as safe. The Engineer will also be permitted to provide this department his plan for rehabilitating and repairing these structures, their components and systems.

In addition to the items listed above pertaining to the structures, an inspection of all on site electrical and water systems shall be performed by North Carolina Licensed Contractors for the applicable trade(s). The contractor conducting these inspections shall provide to this office a notarized report, on their business stationery, verifying that all hazards were removed and that said structures have been deemed safe to authorize the reconnection of utilities. No utilities will be reconnected without these documents.

If you choose, the option of removing the existing structures or if a North Carolina Licensed Design professional deems them not repairable, the following steps are required if you decide to replace these structures:

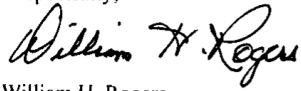
- 1- Obtain a Plain Improvement Permit from the Alexander County Flood Plain Administrator.
- 2- Obtain all required permits from Alexander County Building Inspections Department.
- 3- Provide a Flood Plain Certificate for each structure being installed or constructed on site. This certificate must be prepared and submitted by a North Carolina Licensed Land Surveyor.

In addition to the items listed above, the repair or reconstruction of all on site water and electrical distribution systems not owned by a public utility, shall require permits to be issued and inspections to be performed by this department. Any privately owned well or sewage disposal systems shall be inspected and approved by the Alexander County Department of Environmental Health.

ITEM F - 20 NOVEMBER 2020 BUILDING INSPECTIONS LETTER

Please notify this department in writing, no later than December 21, 2020, as to your plan for removing the above listed conditions. If you have, any questions please feel free to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "William H. Rogers". The signature is fluid and cursive, with a large initial "W" and "H".

William H. Rogers
Alexander County Chief Building Code Official

ITEM G - FEMA FLOOD INSURANCE RATE MAP NUMBER 3710378800K



ALEXANDER LAND DEVELOPMENT CODE

§ 154.006 DEFINITIONS. (Amend. 3-6-03; 9-8-03; 3-3-05; 1-23-06; 5-21-07; 2-25-08; 11-9-09; 1-4-10)

...

EXISTING NONCONFORMING RECREATIONAL VEHICLE PARK. A park that is operating outside of areas where recreational vehicle parks are permitted and has been operating since before the adoption of this ordinance or any other previous manufactured home regulations.

...

NONCONFORMING USE. A building or land lawfully occupied by a use that does not conform with use regulations of the district in which it is situated.

NONCONFORMING USES

§ 154.050 APPLICATION.

Any use of buildings, structures, or land as defined in § 154.006 (Nonconforming Use) is considered nonconforming. Nonconforming uses may be continued provided they conform to the provisions of this subchapter.

§ 154.051 CONTINUING THE USE OF NONCONFORMING LAND

The regulations set forth below provide the conditions under which the nonconforming use of land shall be continued.

(A) ***Extensions of use.*** Nonconforming uses of land shall not hereafter be enlarged or extended in any way.

(B) ***Change of use.*** Any nonconforming uses of land may be changed to a conforming use, or with the approval of the Board of Adjustment to any use more in character with the uses permitted in this district.

(C) ***Cessation of use.*** If active operations are discontinued for a continuous period of 180 days with respect to a nonconforming use of land, such nonconforming use shall thereafter be occupied and used only for a conforming use.

§ 154.052 CONTINUING THE USE OF NONCONFORMING BUILDINGS; CESSATION.

(A) ***Continuing use.*** The conditions under which the nonconforming building shall be continued are set forth as follows:

(1) *Extension of uses.* Nonconforming buildings and nonconforming uses of buildings may be enlarged upon the existing lot or tract which was, at the time of passage of this chapter, part of a business or industrial lot or tract and intended for such use where, if in the opinion of the Board of Adjustment, such extension would not substantially increase traffic volumes, air pollution, water pollution, noise pollution, provision of services and utilities or in some other way adversely affect the health, safety or welfare of the residents of the area. In permitting such extension, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this chapter.

(2) *Change of use.* Any nonconforming building or use of buildings may be changed with the approval of the Board of Adjustment to any use more in character with uses permitted in the district. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this chapter.

(B) *Cessation of use.* If active operations are discontinued for a continuous period of 180 days with respect to a nonconforming use of building, such nonconforming use shall thereafter be occupied and used only for a conforming use.

§154.053 REBUILDING NONCONFORMING USES AFTER DAMAGE OR DESTRUCTION.

(A) Nonconforming single-family residences or two-family residences, which are partially or fully destroyed, may be rebuilt or repaired as a matter of right provided that all other requirements of this chapter are complied with, as it applies to the construction of single-family and two-family residences; and

(B) Nonconforming commercial, industrial and multi-family (three or more dwelling units) structures which are partially or fully destroyed, may be rebuilt or repaired as a matter of right provided that the Board of Adjustment can make the following finding:

(1) That the use will not adversely affect traffic;

(2) That the use will not adversely affect the physical environment pertaining to water pollution, air pollution and noise pollution;

(3) That the use will not adversely affect the provision of services and utilities;

(4) That the use will not create a health or safety hazard;

(5) That the use will not adversely affect other property values;

(6) That the use will not impair the public safety and welfare of the surrounding neighborhood and that substantial justice would be done in carrying out the request.

(C) In permitting such reconstruction, the Board of Adjustment may require appropriate conditions and safeguards to protect the purpose and intent of this chapter.

(D) In meeting to decide on the issuance of a permit under division (B) of this section, the Board of Adjustment must hold a public hearing. Notice of this hearing shall be posted on the property under consideration and advertised in regular notice in a local newspaper for at least ten days prior to the hearing. The legal notice shall describe the request and appear at least once weekly for two consecutive weeks. Adjacent property owners shall also be notified by first class mail.

§ 154.202.1 SCHEDULE OF USES AND PERMISSIBLE SPECIAL USES--RESIDENTIAL

X = Permitted Principal Uses A = Permitted Accessory Uses S = Special Uses PC = Permitted with Conditions

USES	DISTRICTS						REFERENCE
	RA-20	R-20	R-SF	R-1	R-2	R-3	
RESIDENTIAL USES							
Campgrounds	S	S					
Cluster Development							
Congregate living facility	S	S					
Dwelling units:							
Single-family	X	X	X	X	X	X	
Two-family	X	X			X	X	
Multiple-family	X				X		
Condominiums/Townhouses	S	S			S	S	
Accessory Dwelling Unit	X	X					
Group Multi-Family Development					S		§ 154.131.4
Life and care treatment facility	S	S			PC	PC	§ 154.131.2
Manufactured or mobile homes:							
Double-wide (multi-section)	X				X	X	
Single-wide	X						
Accessory Manufactured Home	X						
Manufactured home park	S				S	S	
Orphanage					X	X	
Recreational vehicle park	S						
Residential development sales office; model	X	X	X				
Planned Unit Development—Mixed Use							

§ 154.222 USES SUBJECT TO SPECIAL SITE PLAN REVIEW.

The following types of development shall be subject to the site plan review provisions in Section 154.223:

- (A) All commercial and industrial facilities, including off-street parking;
- (B) All institutional facilities such as schools, hospitals and clubs;
- (C) All residential developments involving more than four dwelling units in one building or one lot;

- (D) Manufactured home park;
- (E) Special exceptions when specified in this ordinance;
- (F) Townhouse development projects;
- (G) Planned unit development projects, subject to additional requirements in Sections 154.180 *et seq.* herein;
- (H) Recreation vehicle parks, subject to special site plan requirements in Section 154.255 herein; and
- (I) Other uses when specified by the governing Board.

§ 154.255 FINAL PLAN APPROVAL.

To acquire final plan approval for a manufactured home park, the developer must submit 10 copies of the plan.

(A) **Agency review.** The following agencies shall review the final plan and shall certify to the Administrator that the actual installation of the required improvements of this chapter is physically in place and that they meet the requirements of these respective agencies:

- (1) North Carolina Department of Transportation District Engineer as to street entrance and any intersection with a state-maintained road.
- (2) Health Department as to the water, sewer, and solid waste collection system.
- (3) Building Inspection Department as to compliance with the North Carolina State Building Code (all applicable sections).
- (4) Zoning Inspector as to compliance with the floodplain regulations.
- (5) North Carolina Department of Environment and Natural Resources as to compliance with the state erosion and sedimentation control regulations.
- (6) Any other agency the Planning Board may deem necessary in order to adequately evaluate the proposed final plan.

(B) **Final plan review; procedure by Planning and Zoning Commission.** The Planning and Zoning Commission shall make a decision on a final plan approval within 45 days of the receipt of all required final agency reviews in division (A) of this section. If the Board fails to act within this time, the owner may request that the Board of Commissioners review the plan for approval at its next scheduled meeting.

(C) **Notification of final approval.** Upon action by the Planning and Zoning Commission to grant final approval to the park plan, the Administrator shall notify the owner as shown on the plan of this approval within ten days of the action.

(D) **Procedure for denial of final plan.** Should the Planning and Zoning Commission decide to deny final approval, the reasons shall be stated in writing, citing the specific section or sections of this chapter upon which they have based their decisions. Notification of such action shall be given the owner as shown on the plat by the Administrator within ten days of the action. The owner may make

corrections as necessary and resubmit the final plan for approval, or the owner may appeal the decision of the Planning and Zoning Commission to the Board of County Commissioners at its next meeting.

(E) **Action by Board of Commissioners.** If the Board of Commissioners reviews a proposed park plan appeal, and overturns the decision of the Planning and Zoning Commission to deny final approval, the reasons for overturning the decision shall be stated in writing, citing the specific sections of this ordinance on which they based their decision. Notification of any decision shall be given to the owner of the park and the Chairperson of the Planning and Zoning Commission within ten days of the action.

RECREATIONAL VEHICLE PARKS

§ 154.260 ESTABLISHMENT.

The intent of this section is to establish minimum standards for: the orderly layout of Recreational Vehicle Parks, to secure safety from fire, panic and other dangers, to provide adequate light and air, and to insure that facilities for transportation, parking water, sanitation and yard areas are provided.

§ 154.261 DESIGN STANDARDS.

Any site, tract of land or lot to be developed as a recreational vehicle park shall not be less than two (2) acres. The following requirements also take into account the need for adequate space to prevent overcrowding, prevent fire hazards, provide sufficient light, air and the like.

- (A) Minimum space between each recreational vehicle shall be twenty (20) feet;
- (B) Maximum density shall be twenty-five (25) spaces per usable acre;
- (C) All streets serving the park shall at a minimum, be graveled;
- (D) All spaces shall have direct access to the interior streets of the park;
- (E) Every park shall have adequate parking areas. If parking is not available on the lot, then provisions shall be made in other areas. Parking areas may be paved or graveled.

§ 154.262 Facilities.

(A) Each RV lot shall be equipped with plumbing and electrical connections sufficient to safely meet demands;

(B) At least one service building shall be provided;

(C) All RV parks shall provide regular solid waste disposal. All disposal practices shall be in compliance with accepted practices established by Alexander County.

(D) All RV parks must provide a recreational area for its occupants. The minimum requirements shall be ten percent (10%) of the total park area up to a maximum of two acres. Recreational areas shall be located so as to be free of traffic hazards and easily accessible to all park occupants.

(E) Water supplies and sewerage disposal shall be approved by the Alexander County Health Department.

§ 154.263 REQUIREMENTS.

The same development requirements for manufactured home parks shall apply to recreational vehicle parks as set forth in subchapters 154.246, 154.247, 154.250 - 154.256 and 154.270 - 154.278 of this chapter.

ADMINISTRATION

§ 154.270 NONCONFORMANCE.

Manufactured home parks which have been operating in the county since before the effective date of this adopted manufactured home park ordinance as existing nonconforming uses may continue to operate unaffected by this ordinance. If, however, their operating permit should be revoked or if the nonconforming park should cease operation for a period of 90 days, then the park shall not reopen until it complies with this and all other applicable state and local regulations. Parks operating as existing nonconforming uses shall not be expanded.

§ 154.271 EFFECTS ON EXISTING MANUFACTURED HOME PARKS.

Manufactured home parks that are operating as existing approved parks as of the effective date of this ordinance may continue to operate under the terms of their operating permit unaffected by this ordinance. However, the expansion of such park must conform to the regulations herein and if such park should have its operating permit revoked or should cease operation for a period of 90 days then the park shall not reopen until it complies with the regulations contained herein, as well as all other applicable state and local laws.

ITEM I - 2008 ALEXANDER COUNTY FLOODPLAIN DAMAGE PREVENTION ORDINANCE (RELEVANT SECTIONS)

Chapter 159: Alexander County Flood Damage Prevention Ordinance

§ 159.005 INTERPRETATION AND DEFINITIONS. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance the most reasonable application.

...

Special Flood Hazard Area (SFHA). The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section §159.110 of this ordinance.

§ 159.210 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(A) Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (1)** A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (a)** The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (b)** The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section §159.110 or a statement that the entire lot is within the Special Flood Hazard Area;
 - (c)** Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section §159.110;
 - (d)** The boundary of the floodway(s) or non-encroachment area(s) as determined in Section §159.110;
 - (e)** The Base Flood Elevation (BFE) where provided as set forth in Section §159.110; Section §159.220; or Section §159.330;
 - (f)** The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

(g) The certification of the plot plan by a registered land surveyor or professional engineer.

(2) Proposed elevation and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

(a) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and

(c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

(3) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

(4) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

(a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and

(b) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section §159.310(D)(3) when solid foundation perimeter walls are used in Zones A, AE, and A1-30.

(5) Usage details of any enclosed areas below the lowest floor.

(6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

(7) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

(8) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section §159.310 (F) and (G) of this ordinance are met.

(9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(B) Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:

- (1)** A description of the development to be permitted under the floodplain development permit.
- (2)** The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section §159.110.
- (3)** The regulatory flood protection elevation required for the reference level and all attendant utilities.
- (4)** The regulatory flood protection elevation required for the protection of all public utilities.
- (5)** All certification submittal requirements with timelines.
- (6)** A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- (7)** The flood openings requirements, if in Zones A, AE or A1-30.
- (8)** Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

§ 159.300 GENERAL STANDARDS

In all Special Flood Hazard Areas the following provisions are required:

- (A)** All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (B)** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (C)** All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (D)** Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- (E)** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

(G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(H) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.

(I) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, nonencroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

(J) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section §159.240 (J). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of Section §159.210(C).

(K) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

(L) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(M) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(N) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(O) When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

(P) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

§ 159.310 SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section §159.110, or Section §159.330, the following provisions, in addition to the provisions of Section §159.300, are required:

...

(E) Additions/Improvements.

(1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

(b) A substantial improvement, the existing structure and the addition and/or improvements must comply with the standards for new construction.

(2) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

(3) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

(b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(F) Recreational Vehicles. Recreational vehicles shall either:

(1) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

(2) Meet all the requirements for new construction

ITEM J - LETTER FROM S. HARRIS TO K. KORTE



December 30, 2020

Jimmy Korte
Wendy Korte
PO Box 547
Hiddenite, NC 28636

Mr. & Mrs. Korte:

One or more of the structures located on property owned by you, said structures being located at 537 and 601 Princess Lane and the property otherwise known as TaxPIN#3798-56-0395, incurred substantial damage as a result of the flood event that occurred on Thursday, November 12, 2020. As a result of this event, Hiddenite Family Campground ceased operation on this date.

Any repair or construction activity at 537 and 601 Princess Lane will require a Floodplain Development Permit, as both are located within zone AE as determined by the DFIRM 3710378800K. This permit requires a plot plan drawn by a licensed surveyor, among other items. Please see the attachment for a more detailed list of requirements for this permit.

Any additional activity on the subject property that lies within zone AE of the DFIRM 3710378800K will also require a Floodplain Development Permit. Note that that this includes utilities and any utilities to be installed must be elevated above the base flood elevation as determined by an elevation certificate.

Furthermore, Section 159.310 of the Floodplain Damage Prevention Ordinance defines a "Recreational Vehicle," provides the conditions under which a Recreational Vehicle is permitted in a floodplain, and states that Recreational Vehicles must meet the following requirements:

(F) Recreational Vehicles. Recreational vehicles shall either:

- (1) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- (2) Meet all the requirements for new construction.

As such, please note that Recreational Vehicles cannot be "permanent" housing or provide housing beyond 180 days; if Recreational Vehicles are on site for 180 days, they will be treated as new

Alexander County Planning Department
152 West Main Avenue Suite 6, North Carolina 28681
Phone: (828) 352-7747 Fax: (828) 632-1095

ITEM J- LETTER FROM S. HARRIS TO K. KORTE



construction and subject to additional requirements under the Floodplain Damage Prevention Ordinance.

Please note this is a summary of the requirements laid out in the Floodplain Damage Prevention Ordinance and does not constitute a comprehensive list of all requirements. I would encourage you to consult with a surveyor and/or engineer regarding the requirements.

Additionally, the above is in regard to the Floodplain Damage Prevention Ordinance solely and does not encompass any additional zoning or building code requirements, if any. Please note Alexander County Zoning Ordinance Section 154.270 states that nonconforming Recreational Vehicle Parks that cease operation for more than 90 days shall not reopen until the Park complies with all current local and state regulations. If operations do not start before the 90 days has expired, a conditional use permit will be required in addition to the floodplain development permit (referenced above).

In summary:

1. An application for a Floodplain Development Permit must be submitted and approved. Please see attached for the requirements of this permit. All requirements listed in the Floodplain Damage Prevention Ordinance must be satisfied prior to issuance of this permit.

AND

2. If the above is submitted and subsequently approved and all other local and state regulations are met prior to February 10, 2021, Hiddenite Family Campground may resume operations.

HOWEVER

3. If the application for a Floodplain Development Permit is not timely submitted and the Hiddenite Family Campground is not authorized to operate as of February 10, 2021 and does not or cannot resume operations until AFTER February 10, 2021, then the property owner must also apply for a Conditional Use permit.

Based on the above, please be aware that it may take staff up to 10 days to review and comment on your submittal for the Floodplain Development Permit. Nothing contained herein is intended to approve, provide or otherwise grant vested rights as to the development of your property. Please contact me if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Seth Harris".

Seth Harris
Zoning Administrator

Attachment: (1) Floodplain Development Permit Requirements

Alexander County Planning Department
152 West Main Avenue Suite 6, North Carolina 28681
Phone: (828) 352-7747 Fax: (828) 632-1095

ITEM J- LETTER FROM S. HARRIS TO K. KORTE

§ 159.210 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(A) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

(a) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

(b) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section §159.110 or a statement that the entire lot is within the Special Flood Hazard Area;

(c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section §159.110;

(d) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section §159.110;

(e) The Base Flood Elevation (BFE) where provided as set forth in Section §159.110; Section §159.220; or Section §159.330;

(f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;

(g) The certification of the plot plan by a registered land surveyor or professional engineer.

(2) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

(a) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and

(c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

(3) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

(4) A Foundation Plan, drawn to scale,, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

(a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);

(b) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section §159.310(D)(3) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;

(5) Usage details of any enclosed areas below the lowest floor.

(6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

(7) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

(8) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section §159.310 (F) and (G) of this ordinance are met.

(9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(B) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

(1) A description of the development to be permitted under the floodplain development permit.

(2) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section §159.110.

(3) The regulatory flood protection elevation required for the reference level and all attendant utilities.

(4) The regulatory flood protection elevation required for the protection of all public utilities.

(5) All certification submittal requirements with timelines.

(6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

(7) The flood openings requirements, if in Zones A, AO, AE or A1-30.

(8) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

(C) Certification Requirements.

(1) Elevation Certificates.

(a) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

(b) An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. . Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(c) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make

required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(2) Floodproofing Certificate. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(3) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section §159.310 (C)(2).

(4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(5) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

(a) Recreational Vehicles meeting requirements of Section §159.310 (F)(1);

(b) Temporary Structures meeting requirements of Section §159.310 (G); and

(c) Accessory Structures less than 150 square feet meeting requirements of Section §159.310 (H).

04/08/2021 15:05 8286326299

LAND'S ELECTRIC

PAGE 01

PERMIT #

9916

ALEXANDER COUNTY INSPECTIONS DEPARTMENT
 6125 NC Hwy 16 S Taylorsville, NC 28681 Phone: (828) 632-1000 Fax: (828) 632-1095

SINGLE TRADE PERMIT APPLICATION - ELECTRICAL

Applicants Name Hiddenite Family Campground Phone # 828-850-9244

Property Owners Name Kent Korte Phone # _____

Project Address
601 Princess Lane Hiddenite NC 28636

Rental Property: ☐ yes ☒ no Rental property requires licensed contractors

Job Description: Pump Service

Electrical Contractor

License # 10.12718

Name (as licensed) Land's Electric Repair, Inc Phone # 632-6296

Email landselectricrepair@yahoo.com Address 67 N. Center St

City Taylorsville State NC Zip 28681

Electrical (check all that applies) ☒ Commercial ☐ Residential Power Company: Duke Energy

- | | |
|--|---|
| <input type="checkbox"/> New Service — Panel # 1 _____ amps. Panel # 2 _____ amps. Panel # 3 _____ amps. Panel # 4 _____ amps. | <input type="checkbox"/> Utility Service |
| <input type="checkbox"/> Temporary Power | <input checked="" type="checkbox"/> Fence or Pump Service |
| <input type="checkbox"/> Add Sub Panel | <input type="checkbox"/> Saw Service |
| <input type="checkbox"/> Branch Circuit Work | <input type="checkbox"/> Service Change _____ amps. |
| <input type="checkbox"/> Low Voltage Wiring | <input type="checkbox"/> Service Repair |
| <input type="checkbox"/> Photovoltaic System | <input type="checkbox"/> Signs |
| <input type="checkbox"/> Swimming Pool | <input type="checkbox"/> Mobile Home |
| | <input type="checkbox"/> Other: _____ |

Estimated Cost of Electrical Work: \$ 600.00

The undersigned hereby certifies that he/she is the licensee and certifies that all information in this form is correct and that all work will comply with the state code and all other applicable state and local laws, ordinances and regulations.

David Land
 Electrical Contractor's Signature

4-8-21 DAVID LAND
 Date Printed Name

Munis App. # 9916

Parcel # 11680

9916

Austin, Virginia

From: Breining, Victor
Sent: Thursday, April 22, 2021 4:42 PM
To: Austin, Virginia; Woodie, Jill; Rogers, Bill
Subject: Power

Permit # 9916 572 Princess Lane
OK for Well Power Duke

Victor Breining
Building Code Enforcement Officer
Alexander County Building Inspections
(828) 244-7829

9916

D 3912

Final Well Service

4-23-2021

YA 8:48

ITEM L – 2 MARCH 2021 LETTER FROM S. HARRIS TO K. KORTE



March 2, 2021

Jimmy Korte
Wendy Korte
PO Box 547
Hiddenite, NC 28636

Mr. & Mrs. Korte:

You have previously been advised on multiple occasions of the procedure and permit(s) required to reopen the Hiddenite Family Campground. In a letter dated December 30, 2020, you were advised that a Floodplain Development Permit was required for any construction activity at 537 and 601 Princess Lane. You were also provided a summary of the requirements based upon information you had provided thus far to the County or information available and known to the County based upon response and recovery activities during the emergency event. Furthermore, you were advised that if all requirements listed in the Floodplain Damage Prevention Ordinance were not met for the issuance of a permit, and all other state and local regulations were not met prior to February 10, 2021, and you therefore remained unauthorized to reopen, then you would be required per the ordinance to obtain a conditional use permit to open the RV Park.

It remains the County's determination that the Hiddenite Family Campground, which the County has classified as a Recreational Vehicle (RV) Park, ceased operation on November 12, 2020 as a result of the damage to its structures and utilities. The required complete application was not timely submitted and as of the date of this letter, the requirements previously noted have not been submitted. Further, the County has not received an application for a conditional use permit. Therefore, any operation of the Hiddenite Family Campground is in violation of the Alexander County Zoning Ordinance and to resume operations following the February 10, 2021 is and remains a violation of the ordinance.

It has come to the attention of the County that you are knowingly advertising and allowing campers at the Hiddenite Family Campground despite the prior notification of the requirements to reopen and the February 10, 2021 deadline. Pursuant to Section 154.274, this letter serves as formal notice of the violation(s); failure to correct the violation by ceasing operation immediately and/or applying for the conditional use permit will result in a misdemeanor and/or fine of \$50 for each offense; each day the violation continues constitutes a separate offense.

The following is a summary of the requirements called for by the Zoning Ordinance and Flood Damage Prevention Ordinance. All of these requirements shall be met, along with any other federal, state, and local regulations, before Hiddenite Family Campground resumes operation.

Alexander County Planning Department
152 West Main Avenue Suite 6, North Carolina 28681
Phone: (828) 352-7747 Fax: (828) 632-1095

ITEM L – 2 MARCH 2021 LETTER FROM S. HARRIS TO K. KORTE



Sincerely,

Seth Harris

Seth Harris
Zoning Administrator

Attachment:

- (1) Recreational Vehicle Park Plan Approval Requirements
- (2) Conditional Use Permit
- (3) Floodplain Development Permit Requirements

Alexander County Planning Department
152 West Main Avenue Suite 6, North Carolina 28681
Phone: (828) 352-7747 Fax: (828) 632-1095

ITEM L – 2 MARCH 2021 LETTER FROM S. HARRIS TO K. KORTE



REQUIREMENTS:

1. The property owner must apply for a Conditional Use Permit. An application is included with this correspondence. The completed copy must be submitted to my office with the required fee. The filing fee for the application is \$425. A Preliminary Plan prepared in accordance with Section 154.251 of the Zoning Ordinance should be included with the application in order to facilitate consideration and approval in accordance with Section 154.334 of the Zoning Ordinance; please note that additional review and approval of the following will be required prior to issuance of a zoning permit:

- a) Preliminary Plan Approval – (see attached for full requirements)
- b) Construction Permit – this allows for the construction phase, which would include installation of utilities.
- c) Final Plan Approval
- d) Issuance of an Operating Permit – once all other federal, state, and local regulations have been met an operating permit will be issued.

Please note that it is imperative that you are prepared to address the requirements of the Floodplain Damage Prevention Ordinance as part of the Conditional Use Permit. Also, the Conditional Use Permit is not issued by staff but rather the governing body as identified in Section 154.334 of the Zoning Ordinance. Because that body is sitting in the capacity of a quasi-judicial board, they may not speak to you prior to a hearing during which they consider your application, all materials submitted as evidence, and the testimony or yourself and any members of the public with standing.

Please see attached for more detail on each of these steps along with the Conditional Use Permit application. Please note Section 154.263 of the Ordinance states these requirements shall apply to Recreational Vehicle Parks.

2. An application for a Floodplain Development Permit must be submitted and approved. Please see attached for the requirements of this permit. All requirements listed in the Floodplain Damage Prevention Ordinance must be satisfied prior to issuance of this permit. Again, please note that is imperative that you be prepared to address the requirements of this ordinance during the conditional use permit process.

Any further questions pertaining to the permit process, Zoning Ordinance or Flood Damage Prevention Ordinance should be submitted in writing. Questions pertaining to issues beyond this purview should be directed to the proper agencies or professionals. Please note that this is the first step and does not address or include matters related to building code.

Alexander County Planning Department
152 West Main Avenue Suite 6, North Carolina 28681
Phone: (828) 352-7747 Fax: (828) 632-1095

PLAN APPROVAL; PERMITS

§ 154.250 SKETCH DESIGN PLAN.

Prior to the preparation of a preliminary plan, the manufactured home park developer may submit an informal sketch to the Administrator for review and consultation. The purpose of this review is for the Administrator to inform the developer of the requirements in this ordinance and to discuss any obvious conflicts with the plan and this ordinance in the early stages of development.

§ 154.251 PRELIMINARY PLAN REQUIREMENTS.

The preliminary manufactured home park plan shall be submitted to the Administrator a minimum of 20 days prior to the date of the Planning and Zoning Commission meeting at which time the plan will be considered for approval. Prior to consideration of the plan by the Planning and Zoning Commission, the plan must be consistent with the requirements and standards established in this ordinance. When an existing manufactured home park is being expanded such that no additional property is being added or the boundaries of the park are not expanded, the preliminary plan shall be reviewed by the Administrator as a site plan review process. The preliminary plan for new or expanding manufactured home parks shall contain the following:

- (A) The proposed name of the park.
- (B) The name of the park developer, address, and telephone number.
- (C) The outside boundaries of the tract of land on which the park will be built and the approximate bearings and distances of each line.
- (D) The proposed location of all streets, driveways, open recreational areas, parking areas, service buildings, easements, manufactured home spaces, and existing structures.
- (E) A vicinity map showing the location of the proposed park in the county.
- (F) Street design and construction standards, water and sewer facilities, street lighting, and solid waste collection.
- (G) The zoning classification of the property, if applicable.
- (H) Manufactured home spaces numbered consecutively.
- (I) Site calculations including approximate total area of park and approximate area of each space.
- (J) The plan shall be drawn at a scale of one-inch equals 200 feet or larger.
- (A) A north arrow and bar scale.

§ 154.252 PRELIMINARY PLAN APPROVAL.

To acquire preliminary approval for a proposed manufactured home park, the park developer must submit 10 copies of the plan. The following provisions shall be complied with before preliminary approval may be granted by the Planning and Zoning Commission:

(A) **Agency review.** The following agencies shall review the preliminary plan and shall certify to the Administrator that the proposed design meets their agency's requirements before preliminary approval may be granted:

- (1) NCDOT District Engineer as to street entrance design and proposed intersection with a state-maintained road.
- (2) Health Department as to proposed water, sewer, and solid waste collection systems design.
- (3) Building Inspection Department as to design compliance with the North Carolina State Building Code (all applicable sections).
- (4) Code Enforcement Officer as to design compliance with the floodplain regulations and zoning regulations where applicable.
- (5) North Carolina Department of Environment and Natural Resources as to design compliance with the state soil erosion and sedimentation control regulations where applicable.
- (6) Any other agency that the Planning and Zoning Commission may deem necessary to properly evaluate the design of the proposed work.

(B) **Preliminary plan review procedure by Planning and Zoning Commission.** The Planning and Zoning Commission shall review the application within 45 days of receipt of all required preliminary agency reviews in division (A) of this section. If the Planning and Zoning Commission fails to act within this period the developer may assume that preliminary approval is granted and proceed in accordance with this ordinance.

In reviewing the preliminary plan, the Planning and Zoning Commission shall determine its consistency with these regulations. The Planning and Zoning Commission in evaluating the plan will also consider the following standards:

- (1) Does the proposed site and development plan provide for adequate access to the public street system without causing undue congestion or placing excessive traffic loads on local streets?
- (2) Are the size and shape of the site adaptable to good manufactured home park design?
- (3) Will implementation of the development plan unduly disrupt any natural features of the site such as topography, streams, and the like?

The Planning and Zoning Commission may impose safeguards on the proposed development as it deems necessary for the protection of adjoining properties and the public interest.

(C) ***Notification of preliminary approval.*** Upon action by the Planning and Zoning Commission on a proposed plan, the Administrator shall notify the developer as shown on the plan of this approval within ten days of the action.

(D) ***Procedure for denial of preliminary plan.*** Should the Planning and Zoning Commission decide to deny preliminary approval, the reasons for denial shall be stated in writing, citing the specific section or sections of this chapter upon which it has based this decision. Notification of such action shall be given to the developer shown on the plat by the Administrator within ten days of the action by the Planning Board. The developer may make corrections or changes to the plan and resubmit the plan for preliminary approval.

(E) ***Time limit of approval.*** The developer shall have one year after the date of preliminary approval is granted to apply for a construction permit. If a construction permit is not applied for in the one year period, the preliminary approval shall become null and void. The plan must then be resubmitted for preliminary approval to be re-granted and the plan must comply with any changes in this ordinance that may have taken effect since the original approval was granted.

§ 154.253 CONSTRUCTION PERMIT.

Upon the granting of preliminary approval to a proposed manufactured home park plan, the owner of the proposed park or authorized agent may apply to the Administrator for a construction permit. There shall be no fee for this permit; however, this permit will not exempt the owner, agent, or developer from other required permits by other federal, state, or county agencies.

(A) ***Construction of park.*** Upon receipt of the construction permit, the owner, agent, or developer may begin with construction of the proposed park in accordance with the approved preliminary plan.

(B) ***Time limitation on construction permit.*** The construction permit shall be valid for a period of two years. If, at the end of two years, the developer has not applied for final approval of the plan, the construction permit shall become null and void. The developer may, however, apply to the Administrator before the two years expire for a one-year extension of the permit. The Administrator shall in no case grant more than one extension. If the construction permit becomes null and void, the plan must be resubmitted and preliminary approval regranted before another construction permit may be granted. The plan must then comply with any changes made in this chapter since the original preliminary approval was granted.

(C) ***Effects on development in stages.*** If a plan receives preliminary approval, a developer may apply for a construction permit for only a portion of the total plan. However, if at the end of one year from the date of preliminary approval the remaining area of the plan has not had a construction permit applied for, the remaining portion of the plan shall lose its preliminary approval status in accordance with division (B) of this section.

§ 154.254 FINAL PLAN REQUIREMENTS.

(A) The final manufactured home park plan shall be submitted to the Administrator a minimum of 20 days prior to the date of the Planning and Zoning Commission meeting at which time the plan will be reviewed. The final plan shall be prepared by a professional land surveyor or engineer licensed to practice in North Carolina.

(B) The final plan shall contain the following:

- (1) The park name.
- (2) The name of the owner(s).
- (3) The exact bearings and distances of the outside boundaries of the tract of land on which the park is built.
- (4) The location of all streets, driveways, open and recreational areas, parking spaces, and other existing structures.
- (5) A vicinity map showing the location of the park in the county.
- (6) A cross-section of the construction of the streets, the location of streetlights, and location of solid waste collection containers (other than individual spaces).
- (7) Manufactured home spaces numbered consecutively.
- (8) Site calculations including total park area and total area of each manufactured home space.
- (9) North arrow and bar scale; plan shall be drawn at a scale of one inch = 200 feet or larger.
- (10) The seal and signature of the surveyor or engineer who prepared the plan.

§ 154.255 FINAL PLAN APPROVAL.

To acquire final plan approval for a manufactured home park, the developer must submit 10 copies of the plan.

(A) **Agency review.** The following agencies shall review the final plan and shall certify to the Administrator that the actual installation of the required improvements of this chapter is physically in place and that they meet the requirements of these respective agencies:

- (1) North Carolina Department of Transportation District Engineer as to street entrance and any intersection with a state-maintained road.
- (2) Health Department as to the water, sewer, and solid waste collection system.
- (3) Building Inspection Department as to compliance with the North Carolina State Building Code (all applicable sections).
- (4) Zoning Inspector as to compliance with the floodplain regulations.
- (5) North Carolina Department of Environment and Natural Resources as to compliance with the state erosion and sedimentation control regulations.
- (6) Any other agency the Planning Board may deem necessary in order to adequately evaluate the proposed final plan.

(B) **Final plan review; procedure by Planning and Zoning Commission.** The Planning and Zoning Commission shall make a decision on a final plan approval within 45 days of the receipt of all required final agency reviews in division (A) of this section. If the Board fails to act within

this time, the owner may request that the Board of Commissioners review the plan for approval at its next scheduled meeting.

(C) **Notification of final approval.** Upon action by the Planning and Zoning Commission to grant final approval to the park plan, the Administrator shall notify the owner as shown on the plan of this approval within ten days of the action.

(D) **Procedure for denial of final plan.** Should the Planning and Zoning Commission decide to deny final approval, the reasons shall be stated in writing, citing the specific section or sections of this chapter upon which they have based their decisions. Notification of such action shall be given the owner as shown on the plat by the Administrator within ten days of the action. The owner may make corrections as necessary and resubmit the final plan for approval, or the owner may appeal the decision of the Planning and Zoning Commission to the Board of County Commissioners at its next meeting.

(E) **Action by Board of Commissioners.** If the Board of Commissioners reviews a proposed park plan appeal, and overturns the decision of the Planning and Zoning Commission to deny final approval, the reasons for overturning the decision shall be stated in writing, citing the specific sections of this ordinance on which they based their decision. Notification of any decision shall be given to the owner of the park and the Chairperson of the Planning and Zoning Commission within ten days of the action.

§ 159.210 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(A) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

(a) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

(b) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section §159.110 or a statement that the entire lot is within the Special Flood Hazard Area;

(c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section §159.110;

(d) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section §159.110;

(e) The Base Flood Elevation (BFE) where provided as set forth in Section §159.110; Section §159.220; or Section §159.330;

(f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;

(g) The certification of the plot plan by a registered land surveyor or professional engineer.

(2) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

(a) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and

(c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

(3) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

(4) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

(a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);

(b) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section §159.310(D)(3) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;

(5) Usage details of any enclosed areas below the lowest floor.

(6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

(7) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

(8) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section §159.310 (F) and (G) of this ordinance are met.

(9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(B) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

(1) A description of the development to be permitted under the floodplain development permit.

(2) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section §159.110.

(3) The regulatory flood protection elevation required for the reference level and all attendant utilities.

(4) The regulatory flood protection elevation required for the protection of all public utilities.

(5) All certification submittal requirements with timelines.

(6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

(7) The flood openings requirements, if in Zones A, AO, AE or A1-30.

(8) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

(C) Certification Requirements.

(1) Elevation Certificates.

(a) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

(b) An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. . Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(c) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make

required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(2) Floodproofing Certificate. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(3) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section §159.310 (C)(2).

(4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(5) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

(a) Recreational Vehicles meeting requirements of Section §159.310 (F)(1);

(b) Temporary Structures meeting requirements of Section §159.310 (G); and

(c) Accessory Structures less than 150 square feet meeting requirements of Section §159.310 (H).



ALEXANDER COUNTY
North Carolina

Conditional Use Permit Application

Case #: _____
Tax Map #: _____
Date Submitted: _____

A) OWNER/APPLICANT OR AGENT INFORMATION:

- 1) APPLICANT: _____
ADDRESS: _____
TELEPHONE #: _____ FAX #: _____ EMAIL: _____
- 2) PROPERTY OWNER: _____
ADDRESS: _____
TELEPHONE #: _____ FAX #: _____ EMAIL: _____
☐ Check here if there are additional property owners, and attach their names, addresses and telephone numbers.
- 3) Will an attorney, realtor or other agent represent the applicant/property owner in this matter?
REPRESENTATIVE: _____
ADDRESS: _____
TELEPHONE #: _____ FAX #: _____ EMAIL: _____

B) PROPERTY INFORMATION:

- 1) PROPERTY LOCATION (Address or Description): _____

- 2) DATE PROPERTY ACQUIRED: _____ DEED BOOK/PAGE: _____
- 3) TAX MAP #: _____ LOT #: _____ SIZE (sqft./acres): _____
☐ Check here if there are more than two lots and attach a list of the properties to be considered for a conditional use.
- 4) UTILITIES PROVIDED (please circle): Public Water Well Public Sewer Septic System
- 5) AMOUNT OF ROAD FRONTAGE: _____ CURRENT LAND USE: _____
- 6) METES AND BOUNDS DESCRIPTION ATTACHED: YES NO

C) CONDITIONAL USE REQUEST:

- 1) ZONING DISTRICT: _____ PROPOSED USE: _____
- 2) SITE PLAN OF PROPOSED DEVELOPMENT ATTACHED: YES NO
- 3) # OF EXISTING BUILDINGS: _____ GROSS FLOOR AREA: _____
- 4) # OF PROPOSED BUILDINGS: _____ GROSS FLOOR AREA: _____
- 5) TOTAL LAND AREA TO BE DISTURBED: _____
- 6) ESTIMATED COST OF PROJECT: _____

ITEM L – 2 MARCH 2021 LETTER FROM S. HARRIS TO K. KORTE

D) CONDITIONAL USE REQUEST:

TO THE ALEXANDER COUNTY BOARD OF ADJUSTMENT/BOARD OF COMMISSIONERS:

I/We hereby petition the Board of Adjustment/County Commissioners to grant a conditional use permit, pursuant to Section 154.350 of the Alexander County Zoning Ordinance for the aforementioned use and subject to the following conditions:

- 1) **DEVELOPMENT AND DIMENSIONAL REQUIREMENTS:** *(In no case shall the development and dimensional requirements be less strict than what is allowed by the zoning district, however, the applicant may propose stricter requirements: i.e., increased setbacks, larger minimum lot size, lower overall density, etc.)*

- 2) **TRANSPORTATION:** *(The applicant may propose to dedicate a right-of-way for future roadway improvements, limit and/or restrict the number and location of vehicular access points to the site; provide turn lanes or offer other vehicular or pedestrian access conditions/restrictions.)*

- 3) **LANDSCAPING, BUFFERS AND SCREENING:** *(The applicant may propose to provide landscaping at a rate above the ordinance requirements, specify type or size of plantings, provide additional buffer areas, construct screening fences, require preservation of existing trees, etc.)*

- 4) **OTHER CONDITIONS:** *(Are there other conditions the applicant is willing to offer in order to address any potential negative impact to abutting property owners?)*

E) REQUIRED SIGNATURES:

I/We certify that I/we completely read the application and understand the guidelines as listed above. I/We, the undersigned, do hereby certify that all information given above is true, complete and accurate to the best of my/our knowledge. It is understood and acknowledged that if the conditional use permit is authorized, the use is bound by the conditions imposed unless amended as provided by the Alexander County Zoning Ordinance.

- | | | | |
|----|---|------------------------------|--------|
| 1) | _____ | _____ | _____ |
| | (Owner's Name- <i>please print</i>) | (Owner's Signature) | (Date) |
| 2) | _____ | _____ | _____ |
| | (Owner's Name- <i>please print</i>) | (Owner's Signature) | (Date) |
| 3) | _____ | _____ | _____ |
| | (Applicant's Name- <i>please print</i>) | (Applicant's Signature) | (Date) |
| 4) | _____ | _____ | _____ |
| | (Representative's Name- <i>please print</i>) | (Representative's Signature) | (Date) |

If there are additional property owners, applicants or representatives, please attach an additional signature sheet with their names and signatures. If the applicant is different from the property owner, both parties must sign the application.

Corporations, Limited Liability Corporations, Partnerships or other similar entities: please include a notarized Official Corporate Certification authorizing a representative to sign on behalf of the corporation.

STAFF USE ONLY – APPLICANT: DO NOT WRITE BELOW THIS LINE

Staff Initials: _____ Date: _____ Receipt #: _____

BOA Meeting Date:	_____	BOC Meeting Date:	_____
Published on:	_____	Published on:	_____
Letters Mailed:	_____	Letters Mailed:	_____
Sign posted:	_____	Sign posted:	_____

BOA Action: Approved Denied Applicant Notified: _____

BOC Action: Approved Denied Applicant Notified: _____

Staff Comments: _____

**GUIDELINES FOR THE
CONDITIONAL USE PERMIT APPLICATION**

1. The petition must be filed with the Director of Planning and Development at least twenty (20) days prior to the meeting at which it is to be considered by the Board of Adjustment or County Commissioners. The following items are required at the time of submission:
 - A) A completed petition;
 - B) A filing fee of \$425.00; and
 - C) A site plan depicting the property lines in relation to the proposed buildings and associated improvements (parking, landscaping, etc.).

Staff will post a sign on the subject property in a prominent position no later than ten (10) days prior to the first public meeting at which the case is to be considered.

2. An application may only be withdrawn by written request from the applicant or property owner. If such request is received prior to submitting public notices to the newspaper, filing fees may be refunded. However, if the application is withdrawn after public notices are published, application fees cannot be refunded.
3. All exhibits, including maps, pictures, drawings, mounted materials, models, etc., presented at the public hearing become part of the petition and the permanent record, and shall be considered the property of the County. Such items shall not be returned to the petitioner. Where an identical copy not yet mounted can be provided for the County's record, then the petitioner may request in writing the retrieval of mounted documents.
4. All meetings are held at 6pm in Multi-Purpose Room 103 located in the CVCC-Alexander Campus at 345 Industrial Boulevard.
5. The Alexander County Planning and Zoning Commission, serving as the Board of Adjustment, meet on the 1st Thursday of every month and calls for a public hearing on all conditional use petitions. A notice of public hearing is published in the *Taylorsville Times* and adjoining property owners within 100 feet are notified by first class mail. The Board may choose to approve or deny the application and their action is final unless appealed in a court of law.
6. The Alexander County Board of Commissioners meet the 1st and 3rd Monday of every month and shall also call a public hearing and notify persons as mentioned above. The Board of Commissioners may choose to approve or deny the application and their action is final unless appealed in a court of law.
7. If an approved conditional use permits has not been exercised within one year of the date of approval, as described by the Alexander County Zoning Ordinance, the permit shall be null and void.

ITEM M - KEN KORTE EMAIL TO THERESA KINNEY - INCOMPLETE FLOODPLAIN INFORMATION

From: Kent Korte <kk28636@gmail.com>
Sent: Friday, August 13, 2021 2:20 PM
To: Teresa Kinney
Subject: Hiddenite Campground
Attachments: image002.png; image003.png; image004.png; image005.png; image006.png; Korte - Elevation Certificate.pdf

Follow Up Flag: Follow up
Flag Status: Completed

This is an external email. Please be cautious before clicking any links or attachments. If you have questions about this email, please contact a WPCOG IT Staff Member.

I wasn't sure how long you have been involved I just found out there where changes on Thursday.
BTW Yes i am that guy from campground. Don't believe what they say.

These are not new construction so I do not have drafted plans.
Elevation certificates I have pool house. The workshop/garage elevation was done and submitted when build 10 years ago by fox surveying. Seth has lost his copy was seeing if he could get from state or fema. Both are waiting for the zoning ok to get inspected. I did flood plain applications on both buildings.
I was never asked for no rise certificates I'll have to look up to see what they are it's not in code

When was the floodplain audit ? When is your meeting?

When looking at history pay attention to first letter. I don't know what happened in Dec. Dec 15 permits where denied pending a new letter from zoning. The letter was held up until January 7th.
I had questions and some where never answered.

Why page 21 section I of flood plain ordinance doesn't apply?
And the Definition of operating?

It's been months still no answers. And no permits garage and pool should be ok I know someone has a issue with campground. I've had a response to that issue for months waiting on approvals. I might send it too.

I'm not as angry as they say common sense goes a long ways. Have I gotten upset... yes more in the last year than my whole life. Being told I have to tear out the pool and workshop to put 10 sites up out of the flood plain for the survivors of the flood... that is not common sense and no where in codes is that justified. I'm truly hoping the change in personnel helps.

ELEVATION CERTIFICATE


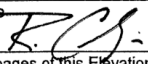
Important: Follow the instructions on pages 1–9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name JIMMY L. KORTE AND WIFE WENDY L. KORTE				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 601 PRINCESS LANE				Company NAIC Number:	
City HIDDENITE		State North Carolina		ZIP Code 28636	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) DEED BOOK 437 PAGE 2110 PARCEL ID 0011680 PIN 3798560395					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>NON-RESIDENTIAL</u>					
A5. Latitude/Longitude: Lat <u>N 35-53-33.85</u> Long <u>W 81-02-29.39</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>1B</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>1074.00</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>N/A</u>					
c) Total net area of flood openings in A8.b <u>N/A</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>N/A</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>N/A</u>					
c) Total net area of flood openings in A9.b <u>N/A</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number ALEXANDER COUNTY 370398			B2. County Name ALEXANDER		B3. State North Carolina
B4. Map/Panel Number 3788	B5. Suffix K	B6. FIRM Index Date 03-18-2008	B7. FIRM Panel Effective/ Revised Date	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 859.30'
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input checked="" type="checkbox"/> FIS Profile <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 601 PRINCESS LANE			Policy Number:	
City HIDDENITE	State North Carolina	ZIP Code 28636	Company NAIC Number	
SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)				
C1. Building elevations are based on: <input type="checkbox"/> Construction Drawings* <input type="checkbox"/> Building Under Construction* <input checked="" type="checkbox"/> Finished Construction *A new Elevation Certificate will be required when construction of the building is complete.				
C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters. Benchmark Utilized: NCGS "HIDDENITE" Vertical Datum: NAVD88				
Indicate elevation datum used for the elevations in items a) through h) below. <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____				
Datum used for building elevations must be the same as that used for the BFE.				
Check the measurement used.				
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	858.90	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters	
b) Top of the next higher floor	N/A	<input type="checkbox"/> feet	<input type="checkbox"/> meters	
c) Bottom of the lowest horizontal structural member (V Zones only)	N/A	<input type="checkbox"/> feet	<input type="checkbox"/> meters	
d) Attached garage (top of slab)	N/A	<input type="checkbox"/> feet	<input type="checkbox"/> meters	
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	863.50	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters	
f) Lowest adjacent (finished) grade next to building (LAG)	858.70	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters	
g) Highest adjacent (finished) grade next to building (HAG)	858.90	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters	
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	858.71	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters	
SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION				
This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.				
Were latitude and longitude in Section A provided by a licensed land surveyor? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Check here if attachments.				
Certifier's Name R. CURTIS GAINES		License Number L-4868		
Title PRESIDENT				
Company Name WESTERN CAROLINA SURVEYORS PA				
Address 912 WILKESBORO BLVD NE / P.O. BOX 1826				
City LENOIR	State North Carolina	ZIP Code 28645		
Signature 	Date 01-22-2021	Telephone (828) 758-5353	Ext.	
Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.				
Comments (including type of equipment and location, per C2(e), if applicable) C2e) THE LOWEST ELEVATION OF MACHINERY IS THE CENTER OF A DISCONNECTED POWER METER LOCATED AT THE EAST END OF THE BUILDING.				

FEMA Form 086-0-33 (12/19)

Replaces all previous editions.

Form Page 2 of 6

ITEM M - KEN KORTE EMAIL TO THERESA KINNEY - INCOMPLETE FLOODPLAIN

ELEVATION CERTIFICATEOMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 601 PRINCESS LANE			Policy Number:	
City HIDDENITE	State North Carolina	ZIP Code 28636	Company NAIC Number	
SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)				
For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.				
E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).				
a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ <input type="checkbox"/> feet <input type="checkbox"/> meters <input type="checkbox"/> above or <input type="checkbox"/> below the HAG.				
b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ <input type="checkbox"/> feet <input type="checkbox"/> meters <input type="checkbox"/> above or <input type="checkbox"/> below the LAG.				
E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ <input type="checkbox"/> feet <input type="checkbox"/> meters <input type="checkbox"/> above or <input type="checkbox"/> below the HAG.				
E3. Attached garage (top of slab) is _____ <input type="checkbox"/> feet <input type="checkbox"/> meters <input type="checkbox"/> above or <input type="checkbox"/> below the HAG.				
E4. Top of platform of machinery and/or equipment servicing the building is _____ <input type="checkbox"/> feet <input type="checkbox"/> meters <input type="checkbox"/> above or <input type="checkbox"/> below the HAG.				
E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown. The local official must certify this information in Section G.				
SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION				
The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.				
Property Owner or Owner's Authorized Representative's Name				
Address		City	State	ZIP Code
Signature		Date	Telephone	
Comments				
<input type="checkbox"/> Check here if attachments.				

FEMA Form 086-0-33 (12/19)

Replaces all previous editions.

Form Page 3 of 6

ITEM M - KEN KORTE EMAIL TO THERESA KINNEY - INCOMPLETE FLOODPLAIN

ELEVATION CERTIFICATEOMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 601 PRINCESS LANE			Policy Number:	
City HIDDENITE	State North Carolina	ZIP Code 28636	Company NAIC Number	
SECTION G – COMMUNITY INFORMATION (OPTIONAL)				
The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.				
G1. <input type="checkbox"/> The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)				
G2. <input type="checkbox"/> A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.				
G3. <input type="checkbox"/> The following information (Items G4–G10) is provided for community floodplain management purposes.				
G4. Permit Number		G5. Date Permit Issued		G6. Date Certificate of Compliance/Occupancy Issued
G7. This permit has been issued for: <input type="checkbox"/> New Construction <input type="checkbox"/> Substantial Improvement				
G8. Elevation of as-built lowest floor (including basement) of the building: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters Datum _____				
G9. BFE or (in Zone AO) depth of flooding at the building site: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters Datum _____				
G10. Community's design flood elevation: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters Datum _____				
Local Official's Name		Title		
Community Name		Telephone		
Signature		Date		
Comments (including type of equipment and location, per C2(e), if applicable)				
<input type="checkbox"/> Check here if attachments.				

ELEVATION CERTIFICATE**BUILDING PHOTOGRAPHS**

See Instructions for Item A6.

OMB No. 1660-0008

Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 601 PRINCESS LANE			Policy Number:
City HIDDENITE	State North Carolina	ZIP Code 28636	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One

Photo One Caption FRONT VIEW #1, 01-21-2021

Clear Photo One



Photo Two

Photo Two Caption FRONT VIEW #2, 01-21-2021

Clear Photo Two

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

Continuation Page

OMB No. 1660-0008

Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 601 PRINCESS LANE			Policy Number:
City HIDDENITE	State North Carolina	ZIP Code 28636	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.



Photo Three

Photo Three Caption FRONT AND SIDE VIEW, 01-21-2021

Clear Photo Three



Photo Four

Photo Four Caption SIDE AND REAR VIEW, 01-21-2021

Clear Photo Four

FEMA Form 086-0-33 (12/19)

Replaces all previous editions.

Form Page 6 of 6

ITEM M - KEN KORTE EMAIL TO THERESA KINNEY - INCOMPLETE FLOODPLAIN

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

Continuation Page

OMB No. 1660-0008

Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 601 PRINCESS LANE			Policy Number:
City HIDDENITE	State North Carolina	ZIP Code 28636	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.



Photo Three

Photo Three Caption REAR AND SIDE VIEW #1, 01-21-2021

Clear Photo Three



Photo Four

Photo Four Caption REAR AND SIDE VIEW #2, 01-21-2021

Clear Photo Four

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

Continuation Page

OMB No. 1660-0008

Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 601 PRINCESS LANE			Policy Number:
City HIDDENITE	State North Carolina	ZIP Code 28636	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.



Photo Three

Photo Three Caption SIDE AND REAR VIEW, 01-21-2021

Clear Photo Three



Photo Four

Photo Four Caption SIDE AND FRONT VIEW, 01-21-2021

Clear Photo Four

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

Continuation Page

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 601 PRINCESS LANE			Policy Number:
City HIDDENITE	State North Carolina	ZIP Code 28636	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.



Photo Three

Photo Three Caption FRONT VIEW #3, 01-21-2021

Clear Photo Three

Photo Four

Photo Four Caption

Clear Photo Four

ITEM N – 2023 SPECIAL USE APPLICATION



ALEXANDER COUNTY
North Carolina

Special Use Permit Application

12914
Case #:
Tax Map #: J-8 0007
Date Submitted:

A) OWNER/APPLICANT OR AGENT INFORMATION:

- 1) APPLICANT: KaCee Willis
ADDRESS: 601 Princess Lane, Hiddenite NC 28636
TELEPHONE #: 828-838-3579 EMAIL: kaceewillis@yahoo.com
- 2) PROPERTY OWNER: Jimmy and Wendy Korte
ADDRESS: 572 Princess Lane, Hiddenite NC 28636
TELEPHONE #: 828-850-9240 EMAIL: Wenkor37@gmail.com
☐ Check here if there are additional property owners, and attach their names, addresses and telephone numbers.
- 3) Will an attorney, realtor or other agent represent the applicant/property owner in this matter?
REPRESENTATIVE: _____
ADDRESS: _____
TELEPHONE #: _____ EMAIL: _____

B) PROPERTY INFORMATION:

- 1) PROPERTY LOCATION (Address or Description): 601 princess ln, Hiddenite, NC 28636
- 2) DATE PROPERTY ACQUIRED: 8/1/2000 DEED BOOK/PAGE: 0437 / 2110 / 2002
- 3) PIN #: 3798 56 0306 PARCEL ID #: 0011680 SIZE (sqft./acres): 36.76
☐ Check here if there are more than two lots and attach a list of the properties to be considered for a special use.
- 4) UTILITIES PROVIDED (please circle): Public Water Well Public Sewer Septic System
- 5) AMOUNT OF ROAD FRONTAGE: 88 ft CURRENT LAND USE: Campground
- 6) METES AND BOUNDS DESCRIPTION ATTACHED: YES NO

C) SPECIAL USE REQUEST:

- 1) ZONING DISTRICT: RA-20 PROPOSED USE: Campground
- 2) SITE PLAN OF PROPOSED DEVELOPMENT ATTACHED: YES NO
- 3) # OF EXISTING BUILDINGS: Five GROSS FLOOR AREA: 6524
- 4) # OF PROPOSED BUILDINGS: Five GROSS FLOOR AREA: 6524
currently 9 acres
- 5) TOTAL LAND AREA TO BE DISTURBED: _____
- 6) ESTIMATED COST OF PROJECT: \$75,000

12914

ITEM N – 2023 SPECIAL USE APPLICATION

E) REQUIRED SIGNATURES:

I/We certify that I/we completely read the application and understand the guidelines as listed above. I/We, the undersigned, do hereby certify that all information given above is true, complete and accurate to the best of my/our knowledge. It is understood and acknowledged that if the conditional use permit is authorized, the use is bound by the conditions imposed unless amended as provided by the Alexander County Zoning Ordinance.

- | | | | |
|----|--|---|-----------------------------|
| 1) | <u>JIMMY LEE KORTE</u>
(Owner's Name-please print) | <u>[Signature]</u>
(Owner's Signature) | <u>06/22/2023</u>
(Date) |
| 2) | <u>Wendy Lou Korte</u>
(Owner's Name-please print) | <u>[Signature]</u>
(Owner's Signature) | <u>06/22/2023</u>
(Date) |
| 3) | <u>Kalee Rae Willis</u>
(Applicant's Name-please print) | <u>[Signature]</u>
(Applicant's Signature) | <u>06/22/2023</u>
(Date) |
| 4) | _____
(Representative's Name-please print) | _____
(Representative's Signature) | _____
(Date) |

If there are additional property owners, applicants or representatives, please attach an additional signature sheet with their names and signatures. If the applicant is different from the property owner, both parties must sign the application.

Corporations, Limited Liability Corporations, Partnerships or other similar entities: please include a notarized Official Corporate Certification authorizing a representative to sign on behalf of the corporation.

STAFF USE ONLY – APPLICANT: DO NOT WRITE BELOW THIS LINE

Staff Initials: _____ Date: _____ Receipt #: _____

BOA Meeting Date: _____
Published on: _____
Letters Mailed: _____
Sign posted: _____

BOA Action: Approved Denied Applicant Notified: _____

BOC Action: Approved Denied Applicant Notified: _____

Staff Comments: _____



Future plans include mitigation of owner residence and maintenance shop. Additional 15 to 40 RV sites.



Sites will be determined by existing trees and land layout. We will be keeping as much old growth trees as possible for shade and Aesthetic appeal. RV lots will be spacious and angled we do not want the parking Lot look or feel. We cater to families who appreciate our rural setting and want to "get away from it all". We are an adventure destination campground offering swimming, tubing, fishing, rock and gem hunting, horse shoes, volleyball, planned activities, outdoor movies, and theme weekends. A lot of our customers visit the Emerald Hollow Gem Mine and Rocky Face Park.

SPECIAL USE PERMIT ANALYSIS

PETITION: SUP 23-03

OWNER: Korte Jimmy L & Korte Wendy L

APPLICANT: KaCee Willis

PROPERTY LOCATION: 601 Princess Ln.

PIN: 3798-56-0306

ACREAGE: 36.76 acres

REQUESTED ACTION: The applicant requests a Special Use Permit to operate an RV Park and Campground in the Residential Agricultural (RA-20) zoning district.

BACKGROUND: The subject property is currently being used as a campground, though without any permit to do so.

The Zoning Ordinance defines a Recreational Vehicle Park as: *A parcel, tract, plat or lot, consisting of a minimum of one acre which is designed and improved to accommodate two or more RVs and is permitted as a R.V. Park.*

The zoning ordinance does not offer a definition for a campground, though the common definition is: *A place used for camping, especially one equipped with cooking grills, water, and toilets.*

DEVELOPMENT POTENTIAL: The existing structures are built out within the floodplain, for which no flood damage prevention permits have been issued, and have been established since the early 2000's. At least one of the structures has been condemned due to flood damage.

LAND USE AND ZONING:

Please see Map below for a map of the area zoning.

Subject property: The property is zoned RA-20 and is currently in use as an unpermitted campground.

North: The property to the north is zoned RA-20 and is in use as residences, farmland, or are vacant.

East: The property to the east is zoned RA-20 and is in use as residences, farmland, or are vacant.

South: The property to the south is zoned RA-20 and is in use as residences, farmland, or are vacant.

West: The property to the west is zoned RA-20 and is in use as residences, farmland, or are vacant.

ACCESS: Access to the property will continue to be used from existing entrance on Huckleberry Ridge.

SPECIAL USE PERMIT REVIEW CRITERIA: Zoning Ordinance Section 154.334, Special Use Permits, provides that special uses are those uses that require, because of their inherent nature, intensity, and external effects, special care in the control of their location, site design and methods of operation may be allowed if reviewed and approved in accordance with the Special Use procedures of this Section. Required findings are as follows:

1. The application meets all of the regulations in the zoning district in which it is proposed;

The applicant has been using this property for the proposed use since well before seeking this special use permit. Staff has instructed the applicant to cease operation until a permit can be obtained, but this direction seems to have gone wholly unheeded. Proof of the campground's continued operation is provided below. There is no convincing reason to believe that the applicants will begin following regulations if this permit were to be granted.

2. The use for which the special use permit is sought will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;

Since January 1st, 2023 the Alexander County Sheriff's Office has responded to 12 calls regarding the subject property for various concerns. Furthermore, the subject property has structures that have remained condemned for several years that have gone unrepaired and unmitigated. No new development seems to be proposed within the floodplain, however, the risk of flood hazards is significant; this site has experienced loss of life due to flooding in recent years. There are tangible reasons to believe that the operation of this campground would adversely affect the health and safety of those in the neighborhood, as well as visitors to the location.

3. Will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood

For the safety concerns noted above staff believes there is a significant risk to the public welfare. There is no reason to believe there will be any detrimental effects on property or public improvements.

Other considerations beyond the scope of the ordinance that are consistent with NCGS 160D include:

1. Any significant adverse impacts resulting from the use will be mitigated or offset;

No measures thus far have been taken to mitigate the existing adverse impacts from the use of this property as a campground. As noted above, noncompliant structures have yet to be addressed, and the site has been used for the unpermitted purpose despite having been instructed to cease operation due to safety concerns. The project has been and will continue to be reviewed for compliance with all applicable development standards.

2. The proposed use will not cause substantial diminution in value of other property in the neighborhood in which it is to be located;

No qualified information has been submitted that would indicate the proposed campground would have detrimental impacts on the values of properties in the vicinity.

3. Adequate assurances of continuing maintenance and compliance have been provided;

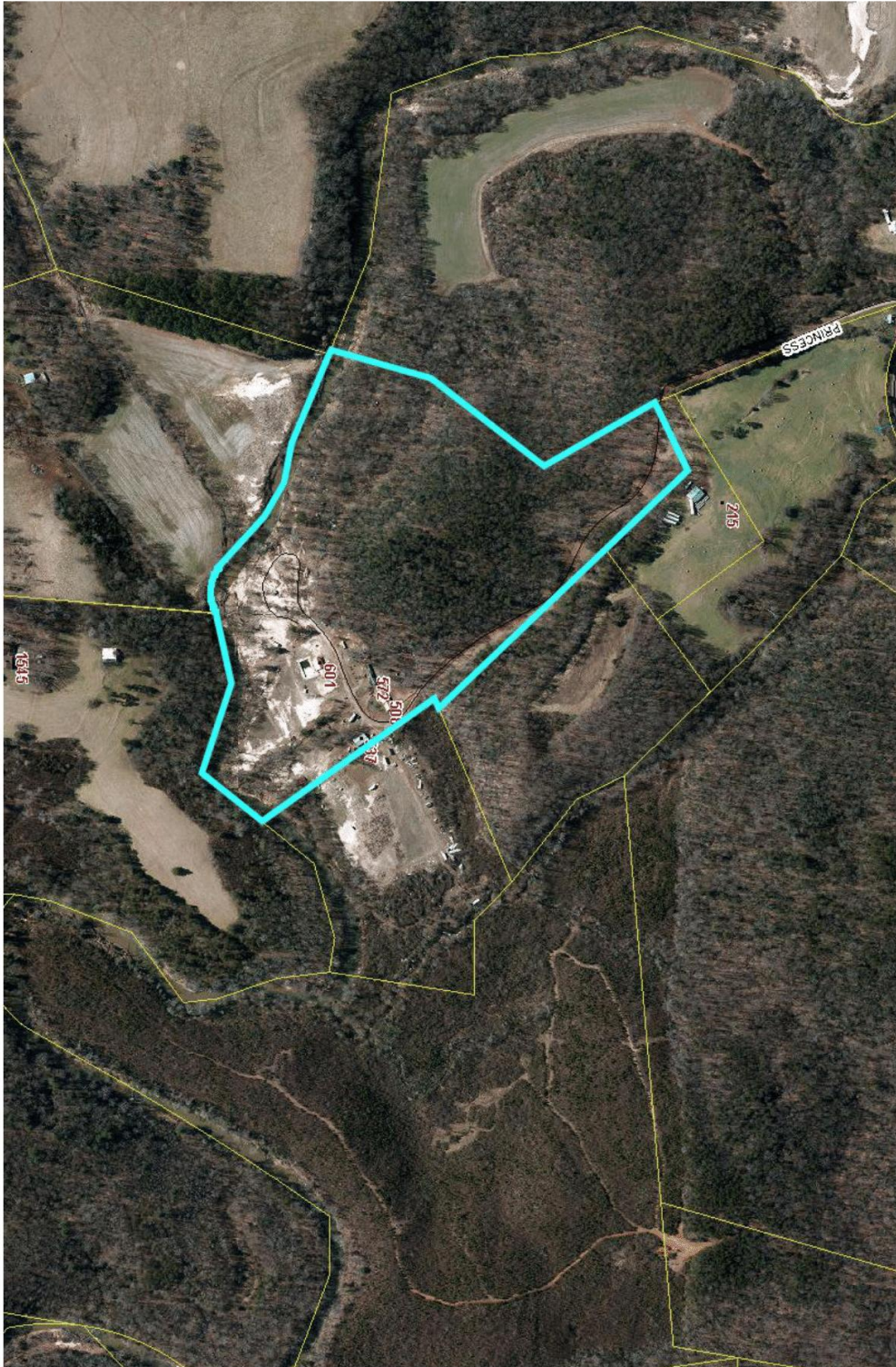
The applicant has kept the property in violation of the existing zoning code nearly in perpetuity since being made aware of their need for a permit. Staff does not feel like the actions of the applicant provide adequate assurance of continuing maintenance and compliance.

RECOMMENDED ACTION: Staff recommends denial of the Special Use Permit due to the following conditions:

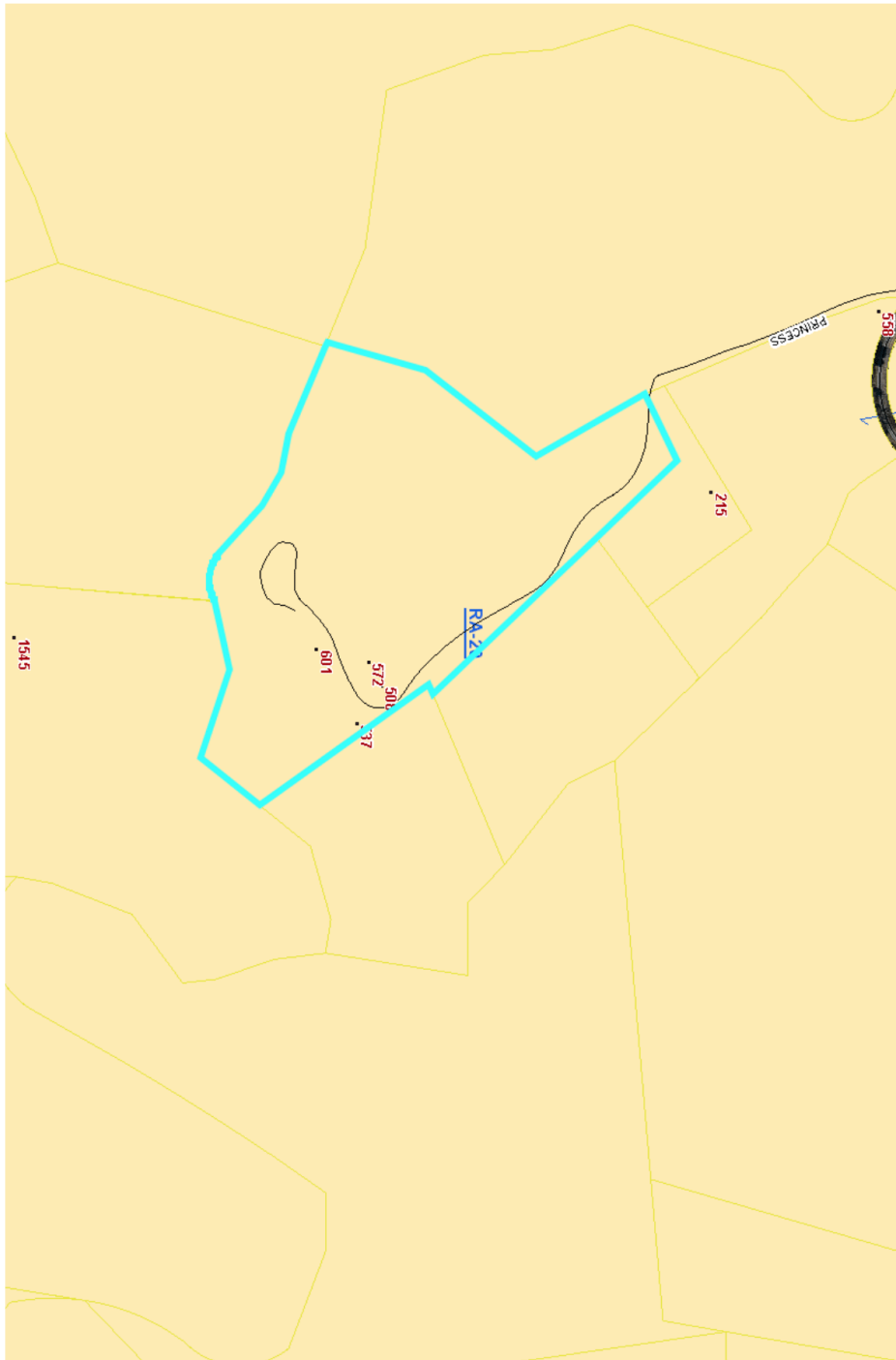
1. All aspects of the project, and its subsequent improvements, would need to comply with all applicable provisions of the County's Zoning Ordinance, and the Building and Fire Codes of the State of North Carolina;
2. Prior to receiving the proper permits for operation the applicant has shown a consistent disregard for the County's zoning ordinance, Building and Fire Codes, and Law Enforcement;
3. The current violating use appears to be hazardous to the welfare of the visitors to this site.

CITIZEN INPUT: As of August 3rd, there has been one inquiry from the public in opposition to the petition.

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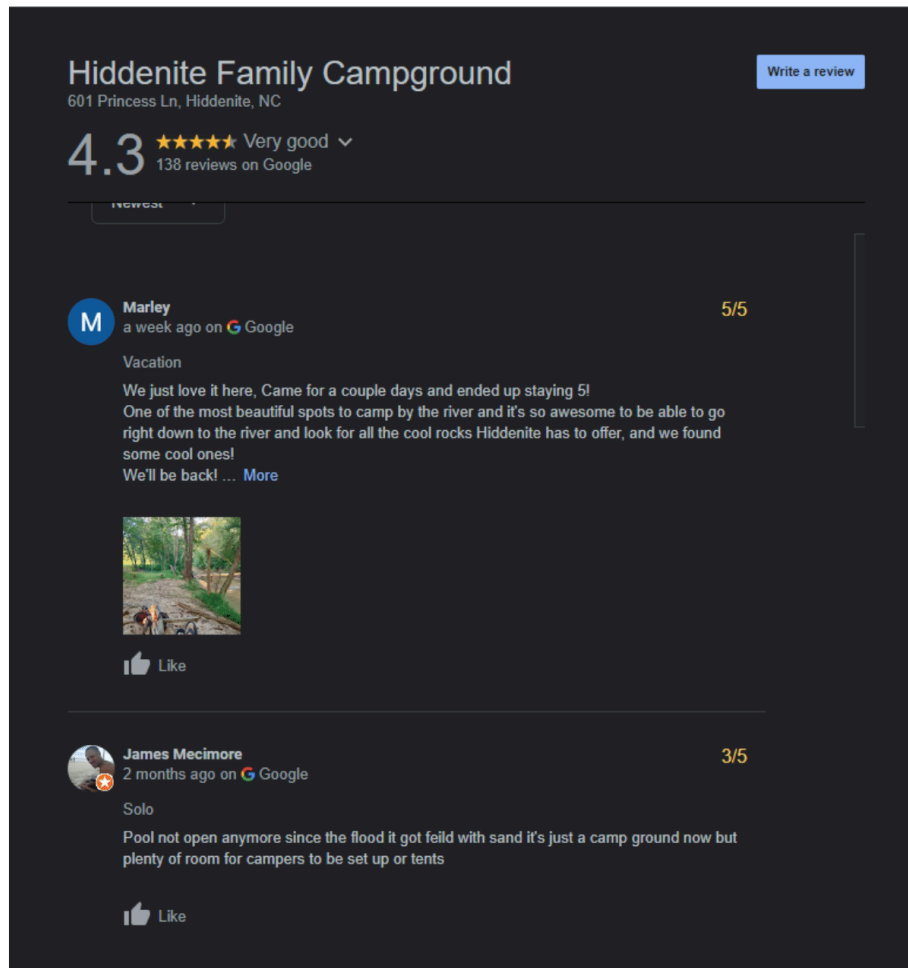


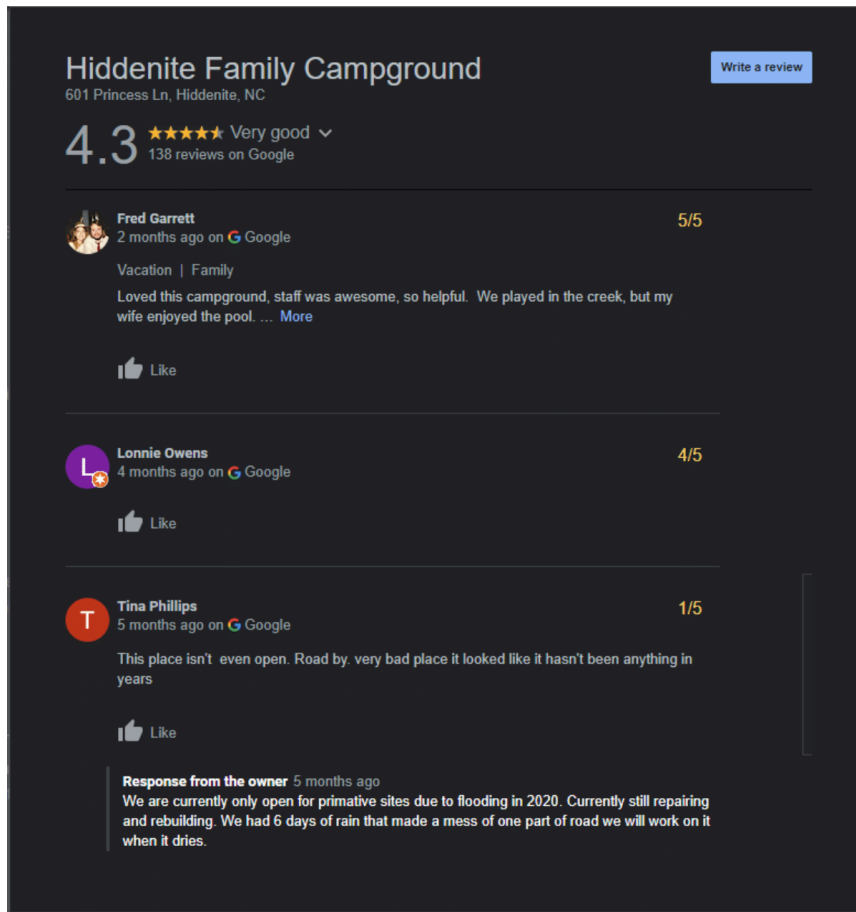
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Shown below are two screenshots of recent reviews of campers using the campground, as well as a screenshot from the Hiddenite Family Campground website claiming the location is still in operation.







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Family Owned and Operated, "Hideaway Family Campground" is open for camping year round, with 37 full hook-up sites, upgraded tent sites, and numerous primitive tent sites, nestled in peaceful wooded surroundings along the South Yadkin River. Come enjoy our animals, large pool and explore our 30+ acres of pure nature! Rates start at \$22/nightly for primitive tent sites and \$33/night for full hook up sites (Rates are for 2 adults. Children under 18 stay free)

Email lz0367@gmail.com





September 25, 2023

SUP 23-03 Summary Brief

This brief is meant to summarize and clarify the facts presented thus far regarding the pending case SUP 23-03. An application was presented to staff on July 27th, 2023 requesting a special use permit to re-open the Hiddenite Family Campground at 601 Princess Ln. The public hearing for this case took place on August 10th, 2023. Staff presented a report that recommended the denial of said application, and continues to support this recommendation on the following grounds:

1. Section 154.334(C)(1) of the Alexander County Zoning Ordinance states, "In granting a special use permit, the Governing Body shall find that: (a) The application meets all of the regulations in the zoning district in which it is proposed; (b) The use for which the special use permit is sought will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use; (c) Will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood." (See Item #5)
2. On November 12th, 2020 the Alexander County Building Inspections Department issued a letter (Item #2) declaring four structures on the site in question to be "UNSAFE". This led to a subsequent letter from the Alexander County Planning Department issued on December 30th, 2020 (Item #3) stating that if the permits and repairs necessary were not acquired by February 10th, 2021 a new Conditional Use Permit (now known as a Special Use Permit) would be required before operations may resume. A signature from Kenneth Korte was provided on January 7th, 2021 acknowledging receipt of this letter. On March 2nd, 2021 a letter (Item #4) was issued that explained that, due to the failure of the property owners to acquire all necessary permits and repairs before February 10th, 2021, the campground was no longer considered to be a grandfathered use. However, due to the documented continuation of this use without appropriate permits, the continued use of this property as a RV Park and Campground was deemed to be in violation of the Alexander County Zoning Ordinance and subject to a fine of \$50 per day of continued violation. Given that this violation has never been remediated with the County (with evidence of continued operation being provided in the August 10th Staff Report), as of this date (September 25th, 2023) 937 days have passed with this property in continuous violation. This results in a current pending violation fine of \$46,850. For this reason staff has concluded that the applicant does **NOT** meet all of the regulations in the zoning district in which it is proposed, as mentioned above. It has remained the position of the applicant that the continued use of the campground should protect the grandfathered status of the campground.

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3. Staff presented call records to the Board of Adjustment in an abbreviated form on August 10th, and in an expanded form on September 21st, 2023. Both staff and the Alexander County Sheriff explained that this site seems to be an abnormally high for call volume even when eliminating calls that warranted no law enforcement or emergency medical service action. For this reason staff has concluded that the use for which the special use permit is sought **WILL** adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use and **WILL** be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. It has remained the position of the applicant that the evidence provided by the Sheriff's Department does not represent a substantial claim to risk for public health and safety.
4. Section 154.334(C)(1) of the Alexander County Zoning Ordinance states that the Board "shall" find that the applicant meets the standards discussed above- that is to say that the Board *must* find evidence that proves that the three standards have been satisfactorily met in order to grant a special use permit. This is echoed by the North Carolina Court of Appeals ruling *Signorelli v. Town of Highlands* (Item #1, pg. 85) which established that special use permit applications *must* be denied if any of the required standards cannot be satisfactorily met.
5. The Board inquired at the September 21st meeting as to whether they could impose conditions on the application that would serve the purpose of satisfactorily meeting the requirements of State Law and County Ordinance. The written opinion of the Court in *Signorelli v. Town of Highlands* cautions explicitly against this. Judges Phillips and Green write:

"Testimony from petitioner likewise failed to demonstrate in any reasonable measure of specificity what petitioner planned for the game room area of the building. At the hearing petitioner was asked by a Board member what kind of games he desired to install. Petitioner replied, 'Whatever is permitted, whatever the law is, I will comply with it.' When asked what changes he would make in the building's interior, petitioner replied, 'I will clean it up and make it look nice.' And when asked whether he had thought about soundproofing, petitioner replied that he had not thought about soundproofing but would soundproof if it was necessary."

Despite petitioner's apparent good faith desire to accede to the Board's wishes, we decline to require the Board to generate a plan to which petitioner can tailor his needs. The Board has the duty to give applicants impartial review. Impartiality would be destroyed if the Board created the plan for petitioner to follow. In the Appeal of Hi-Line Boat Club, 403 Pa. 50, 53, 169 A.2d 47, 48 (1961), the Pennsylvania Supreme Court held that, since the zoning ordinance required a plan drawn to scale as a prerequisite for granting a special exception, "[i]t was within the Board's discretion to reject anything less formal."

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The Board has a duty to safeguard the health and safety of the entire community. A plan lacking in essential details and specifics potentially threatens health and safety no less than a detailed plan which is antithetical to the public interest. If the Board approves a special use in ignorance of the specifics, health and safety could be threatened when the plan later materializes. A finding that setback requirements and building codes have been met does not provide a sufficient safeguard.

We hold that the Board did not err in denying petitioner's application on the ground that the plans were so indefinite that public health and safety questions could not be properly addressed by the Board. As the Board correctly pointed out in its brief before this Court, petitioner is not barred from resubmitting an application with more details. If he does, the other alleged errors complained of by petitioner may not reoccur upon reconsideration and need not be addressed here." (No. 8830SC528).

It is the position of staff that the creation and enforcement of tailor-made conditions that would clear a pathway to approval for the applicant would be frowned upon by the Court should the case be presented.

A site visit to the property has been scheduled for October the 9th at 10am, which will precede the Board of Adjustment's regularly scheduled meeting at the CVCC Alexander Campus at 6pm on October 12th. Included in this packet are materials that broadly explain the special use permit process in North Carolina (Item #1), correspondence with the applicant and staff relevant to this discussion (Items #2-4) and specific code references from the Alexander County Zoning Ordinance (Item #5).

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RESOLUTION NO. SUP 23-03

A RESOLUTION OF THE ALEXANDER COUNTY BOARD OF ADJUSTMENT APPROVING A RECREATIONAL VEHICLE PARK FOR THE PROPERTY AT 601 PRINCESS LANE THAT IS LOCATED IN A RESIDENTIAL-AGRICULTURAL ZONING DISTRICT.

WHEREAS, the subject property is located in a Residential Agricultural (RA-20) District; and

WHEREAS, Section 154.202.1 of the Zoning Ordinance provides that Recreational Vehicle Parks may be authorized in a Residential-Agricultural District, subject to the standards procedures and requirements set forth in Section 154.261, 154.262, and 154.263 of the Alexander County Zoning Ordinance; and

WHEREAS, the Alexander County received a request to permit a recreational vehicle park on the subject property located at 601 Princess Lane.; and

WHEREAS, the Alexander County Board of Adjustment has found Special Use Permit (SUP) Petition 23-03 **not** to be in conformance with the standards contained within the Alexander County Zoning Ordinance; and

SECTION 1. FINDINGS OF FACT

Zoning Ordinance Section 154.334, Special Use Permits, provides that special uses are those uses that require, because of their inherent nature, intensity, and external effects, special care in the control of their location, site design and methods of operation may be allowed if reviewed and approved in accordance with the Special Use procedures of this Section. Required findings are as follows:

1. The application fails to meet all of the regulations in the zoning district in which it is proposed;

The Board of Adjustment finds that the application does not comply, and fails to show compliance through material and competent evidence with the following requirements:

- a. A minimum space between each recreational vehicle shall be twenty (20) feet;
- b. The maximum density shall be twenty-five (25) spaces per usable acre;
- c. All streets serving the park shall at a minimum, be graveled;
- d. Every park shall have adequate parking areas;
- e. At least one service building shall be provided;
- f. All RV parks shall provide regular solid waste disposal. All disposal practices shall be in compliance with accepted practices established by Alexander County;
- g. All RV parks must provide a recreational area for its occupants;
- h. Water supplies and sewerage disposal shall be approved by the Alexander County Health Department.

2. The application fails to show the use for which the special use permit is sought will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;

The Board of Adjustment finds that, due to the lack of an adequate site plan, lack of repairs to structures deemed unsafe, and insufficient floodplain management planning, this project **will** adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.

Testimony in support of the applicants consisted of lay opinions that the campground should be allowed and was not based upon relevant facts concerning the issues of the special use permit compliance with Alexander County Zoning.

3. The application fails to show the use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.

Based on testimonies provide both by the Alexander County Sheriff's Office as well as neighboring property owners regarding abnormally high call volumes to law enforcement and emergency services, the Board of Adjustment finds reason to believe that this project would be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. Additional concerns noted are the lack of repairs to structures deemed unsafe by the Alexander County Chief Building Inspector, as well as an insufficient plan for flooding emergencies.

Other considerations beyond the scope of the ordinance that are consistent with NCGS 160D include:

1. Any significant adverse impacts resulting from the use will be mitigated or offset;

No satisfactory evidence was provided to suggest that any adverse impacts resulting from the proposed use would be mitigated or offset in any way.

2. The proposed use will not cause substantial diminution in value of other property in the neighborhood in which it is to be located;

No qualified information has been submitted that would indicate the proposed campground would have detrimental impacts on the values of properties in the vicinity.

3. Adequate assurances of continuing maintenance and compliance have been provided;

No satisfactory assurances of continuing maintenance and compliance have been provided.

NOW, THEREFORE, BE IT RESOLVED by the Alexander County Board of Adjustment, North Carolina, that **Special Use Permit Petition 23-03** fails to meet all of the regulations in the zoning district in which it is proposed, fails to show the use for which the special use permit is sought will not adversely affect the health and safety of persons residing or working in the neighborhood, and fails to show through material and competent evidence that the use sought will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood and thus the application is **HEREBY DENIED**.

SECTION 3. This Resolution shall become effective immediately upon adoption.

RESOLVED by the Alexander County Board of Adjustment, North Carolina, this, the ____ day of _____, 2023.

THE COUNTY OF ALEXANDER, a
North Carolina Municipal Corporation

By: _____
Coy Reese, Chairman

Brian Burgess, Planning Director

RESOLUTION NO. SUP 23-03
ALEXANDER COUNTY BOARD OF ADJUSTMENT
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Board of Adjustment Notes

BOA Member Name: _____

Validity:

- **Is the decision appealed a “final and binding order, requirement, or determination”?**

- Was a notice of violation, a zoning permit decision, or a formal interpretation of the ordinance issued?

- **Was the appeal filed within proper time limits?**

- 30 days from receipt?

- **Does the appealing party have standing?**

- Was the appeal made by the property owner, permit/notice recipient, local government, or a person suffering special damages or harms specific to the site?

Findings of Fact:

- A. The Hiddenite Family Campground operated as a nonconforming use in 2020 and before.

- B. The floods of 12 November 2020 rendered the Hiddenite Family Campground inoperable.

- C. Before re-opening, the Hiddenite Family Campground were required by local ordinance to first comply with a number of regulations. Those included:
- Obtain a floodplain permit for any repair or construction activity in the floodplain.
 - Obtain demolition permits OR inspection and certification from a licensed structural engineer, for structures designated as unsafe.
 - Inspection of all on-site electrical and water systems for all applicable trades.

- D. If the above regulations were not met prior to February 10, 2021, a conditional use permit (aka: special use permit) was required to reopen.

- E. The requirements were communicated to the Korte family.

- F. The required regulations were not met prior to February 10, 2021, and therefore the campground lost its legal, non-conforming status.

- G. The Hiddenite Campground could not have properly re-opened due to the lack of power.

- H. The Hiddenite Campground began advertising and operating sometime prior to March 3, 2021 in defiance of county ordinance.

- I. The Korte family made only incomplete attempts to attain a floodplain permit and were denied a special use permit by the Board of Adjustment.

- J. On March 30, 2025, the Hiddenite Family Campground continued to operate in violation of county ordinance.

- **Do you believe staff's decision correctly reflects the wording of the ordinance?**

- **Do you believe that staff relied on competent, material, and substantial evidence?**

Quasi-Judicial Process

Prior to meeting, per Board rules staff will place near the entrance to the room a sign up sheet for each public hearing scheduled on the agenda.

- A County Staff member shall be responsible for collecting the sign up sheets prior to the commencement of the meeting and providing the list to the Chairperson of the Planning Board.
- The sign-up sheet will include information about the requirements regarding standing and evidence. On the sign-up sheet, individuals will provide their name, relationship to the case, and whether they are an individual with standing or will be called as a witness.

<p>1</p> <p>Motion to Enter Evidentiary Hearing</p>	<p>Chair: <u>Call for motion to enter evidentiary hearing</u></p> <ul style="list-style-type: none">• <u>Motion made, seconded, then approved by vote</u> <p>Chair: <u>Call to determine which members of the Planning Board will constitute the Board of Adjustment.</u></p> <ul style="list-style-type: none">• 5 members needed• Members of the Planning Board not sitting on the Board of Adjustment will leave the dais and cannot participate in proceedings. <p>Chair: <u>Explain to public:</u></p> <ul style="list-style-type: none">• The Board is now entering quasi-judicial proceedings• In a quasi judicial proceeding, different standards apply to board considerations and proceedings.• <u>Only individuals with standing may participate.</u><ul style="list-style-type: none">○ Standing is a legal concept that determines who is directly and adversely affected by the outcome of a particular case.○ Generally, individuals with standing include the applicant and owners or residents of property adjacent to or near the subject site, particularly when they can demonstrate potential impacts such as traffic, noise, diminished property values, or environmental concerns.○ Only individuals with standing may present evidence or cross-examine witnesses.• <u>Decisions in quasi-judicial proceedings must be made based on the evidence.</u><ul style="list-style-type: none">○ Evidence, including testimony, is required to be <u>competent, material, and substantial</u>. This means it must be important information that is relevant to the case and trustworthy.<ul style="list-style-type: none">■ Evidence and testimony that is not considered to meet those standards is inadmissible.■ Documents and physical evidence are required by state law to be <u>turned over to county officials</u> to be kept with the record of the proceedings.
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	<ul style="list-style-type: none"> ○ <u>The burden of proof in this case falls on the applicant.</u> <ul style="list-style-type: none"> ■ The applicant has the legal obligation to <u>prove</u> that staff has not correctly interpreted and applied the ordinance. ■ The board's determination of whether they have proven this may only be based on the evidence presented in this case. ○ Any person allowed to speak who shall depart from the subject under discussion, or who shall make personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Board, shall be declared out of order by the Chairperson, or by majority vote of the Board. <ul style="list-style-type: none"> ■ A person declared out of order shall be barred from speaking further before the Board unless permission to continue shall be granted by a majority vote of the Board, or under such restrictions as the Board may provide.
2 Call for Disclosures	<p>Chair: <u>Call for any board members who may have any potential conflicts, prior knowledge of the case, ex parte communications, or other bias to disclose this information to the public.</u></p> <ul style="list-style-type: none"> ● Prior knowledge can include information presented in previous board hearings. ● <i>Ex parte communications</i> are private conversations, emails, social media posts, or informal discussions with applicants, neighbors, or staff outside the hearing. <p>Any member of the Board: If any member of the board feels that a disclosure, either their own or another member, could limit their ability to be impartial, they may call for a vote to require recusal of that member.</p> <ul style="list-style-type: none"> ● <i>Decided by majority vote</i>
3 Call for Parties	<p>Chair: <u>Call for the applicant and any individuals who claim to have standing who have signed up on the sheet to come forward.</u></p> <ul style="list-style-type: none"> ● As this list will be provided to the chair, he may call them by name forward. ● The Chair should review aloud the claims of standing for each individual who has signed up. <ul style="list-style-type: none"> ○ <u>If necessary, the Chair or other members may ask clarifying questions at this point regarding standing.</u> (No other discussion of the case at this point should be allowed.) <p>Chair: <u>Call for a vote on whether any additional individual who has signed up has standing.</u></p> <ul style="list-style-type: none"> ● Does not include the applicant or staff. ● For each, there should be a <u>call for a motion, a second, and a vote.</u>

	<ul style="list-style-type: none"> For each, decided by majority vote. <p>Chair: (directed to all parties which the Board has determined have standing)</p> <ul style="list-style-type: none"> Remind them that all questions and information <i>must</i> be directed to the chair. If the chair deems the question material, he will then pose it to any witnesses or other party. <ul style="list-style-type: none"> Any individual unable to adhere to this rule will be removed from the proceedings. <p>Chair: Have parties with standing to sit or step aside for a moment.</p>
<p>4</p> <p>Call for Witnesses</p>	<p>Chair: <u>For all individuals determined to have standing, the chair should ask if they intend to call any other witness, expert or otherwise, testimony.</u></p> <ul style="list-style-type: none"> Any individual who will be called as a witness should be asked to come forward. <p>Explain:</p> <ul style="list-style-type: none"> Witnesses are only allowed to participate if they can provide <u>competent, material, and substantial</u> evidence. Witnesses should be asked if they are considered <i>expert</i> or <i>non-expert</i> testimony. <ul style="list-style-type: none"> Expert witnesses provide testimony and evidence based on technical matters and are qualified based on education, certification, and/or experience. Non-expert witnesses are individuals with supplementary information about the case. Under no circumstances are they allowed to present expert, or technical testimony or evidence. <p>Chair: <i>Remind witnesses:</i></p> <ul style="list-style-type: none"> They do not have standing and have no rights to speak unless they are being questioned by the board or a party with standing. If it is determined that they are unable to provide competent, material, and substantial evidence they will be dismissed. Although not a court of law, this is a legal proceeding. False testimony is a Class 1 misdemeanor under G.S. 160A-88. As witnesses, other parties have the right to have presented to them with cross-examination questions.
5	<p>Chair: <u>Call forward all approved parties with standing, witnesses, and staff.</u></p>

<p>Swearing In</p>	<p>Board Clerk: Will ask each to raise their right hand and swear on the Bible or affirm on the Constitution:</p> <ul style="list-style-type: none"> • “Do you solemnly swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth, and nothing but the truth [so help you God]?” <p>If the Board Clerk will be presenting as a witness, she must be sworn in by the Board chair.</p>
<p>6</p> <p>Staff Witness</p>	<p>Chair: <u>Call forward the staff witness.</u></p> <ol style="list-style-type: none"> 1) Staff presents a summary of their staff report. They may present any evidence beyond their staff report that is relevant. 2) Following the presentation, the Board questions the staff. <ul style="list-style-type: none"> • The Board has the right to ask further questions of the staff at any point. 3) Chair: <u>Let the applicant know they are allowed to cross-examine the staff.</u> Remind them: <ul style="list-style-type: none"> • They <u>must</u> do so by first presenting their question to the chair. • If the chair feels that the question is relevant, will help present competent and material evidence, and <u>does not repeat earlier information</u>, he will present it to the staff to answer. • When the applicant either indicates they have no further questions, or if no additional questions meet the standards above, the chair should announce they are now moving forward. • <u>The rules do not allow a return to cross-examination for any party after the Board has moved beyond their turn.</u> 4) Chair: (In the order in which they are approved by the board) <u>Any other party determined to have standing is allowed to cross-examine the staff.</u> <ul style="list-style-type: none"> • They must do so using the same methodology as above. 5) Once each party with standing has had the opportunity to ask cross-examination questions, the <u>staff member will be dismissed as a witness.</u> Board members may call them forward any future point to answer further questions. <p>If multiple staff members will be presenting, <u>repeat this step.</u></p>

Chair: Call forward the applicant

- 1) The applicant may present their case or rebuttal of the staff position.
 - They may present any evidence that supports their position.
 - Note: Time limits may not be placed on this presentation.
 - The board may only halt the presentation if no new evidence is being presented which is considered competent, material, and substantial or if the presentation becomes repetitive.
 - *If these standards are not being met*, the Chair may interrupt the applicant and require they move forward to present competent, material, or substantial evidence and if they cannot, they must end their presentation.
- 2) Following the presentation, the Board questions the applicant.
 - The Board has the right to ask further questions of the applicant at any point.
- 3) **Chair:** (In the order in which they are approved by the board) Inform the first party with standing they are allowed to cross-examine the applicant. Remind them:
 - They must do so by first presenting their question to the chair.
 - If the chair feels that the question is relevant, will help present competent and material evidence, and does not repeat earlier information, he will present it to the staff to answer.
 - When the applicant either indicates they have no further questions, or if no additional questions meet the standards above, the chair should announce they are now moving forward.
 - The rules do not allow a return to cross-examination for any party after the Board has moved beyond their turn.
- 4) **Chair:** (In the order in which they are approved by the board) Any other party determined to have standing is allowed to cross-examine the staff.
 - They must do so using the same methodology as above.
- 5) Once each party with standing has had the opportunity to ask cross-examination questions, the applicant will be dismissed as a witness. Board members have the right to call them forward any future point to answer further questions.

<p>8</p> <p>Other Parties with Standing</p>	<p>(In the order in which they are approved by the board) Any other party determined to have standing will be called forward to present their case.</p> <ul style="list-style-type: none"> • Do so using the same methodology as above. • Cross-examination order will be applicant first, then other parties with standing, in the order in which they are approved by the board.
<p>9</p> <p>Other Witnesses</p>	<p>Chair: <u>Call forth the first witness</u></p> <ul style="list-style-type: none"> • Witnesses can be called in any order the chair chooses. <p>Chair: <u>Announce if they are considered an expert or non-expert witness.</u></p> <ol style="list-style-type: none"> 1. The witness will present their case to the board. <ul style="list-style-type: none"> • The same rules regarding non-repetitive evidence that is considered material, competent, and substantial applies. <u>The chair may interrupt or halt any testimony that does not meet this standard.</u> 2. <u>The Board questions the witness.</u> <p>Chair: <u>Ask the applicant if they have any questions for the witness.</u></p> <ul style="list-style-type: none"> • Beginning with the applicant, any party with standing is allowed to cross-examine the other party with standing by submitting questions to the chair using the methodology above. <p>Chair: <u>Ask each party with standing (in the order they were recognized by the Board) if they have any questions for the witness.</u></p> <p>Once each party with standing has had the opportunity to ask cross-examination questions, the applicant will be <u>dismissed as a witness.</u> <u>Board members have the right to call them forward any future point to answer further questions.</u></p>
<p>10</p> <p>Rebuttal</p>	<p>Chair: <u>Call forth the applicant for rebuttal.</u></p> <ul style="list-style-type: none"> • <u>Explain that rebuttal is limited to new matters raised.</u> • The chair has the obligation to halt any repetitive information or evidence that is not considered material, competent, and substantial. <p>Chair: <u>Call forth each party with standing (in the order they were recognized by the Board) for rebuttal.</u></p> <ul style="list-style-type: none"> • <u>Remind them that rebuttal is limited to new matters raised.</u>

<p>11</p> <p>Deliberation</p>	<p>After all evidence is presented:</p> <p>Chair: <u>Call for motion to close the evidentiary hearing</u></p> <ul style="list-style-type: none"> • <u>Motion made, seconded, then approved by vote</u> <p>Board members: In any matter deemed appropriate to them, board members should openly discuss findings of fact and how the evidence applies to each legal standard.</p> <ul style="list-style-type: none"> • This can be done in between each vote, <u>but it's important that it occurs aloud so that the board's reasoning is recorded.</u>
<p>12</p> <p>Vote</p>	<p>Chair: <u>(for each Finding of Fact) Call for a vote on whether the board considers each to be true.</u></p> <ul style="list-style-type: none"> • <u>Motion made, seconded, then approved by vote</u> • A 4/5 majority is required for each finding of fact. • Each finding of fact should be support by competent, material, and substantial evidence. <u>The burden of proof to overturn an administrative decision is on the applicant.</u> <p>Based on the findings of fact:</p> <p>Chair: <u>Call for a motion to reverse, affirm, or modify the administrative decision.</u></p> <ul style="list-style-type: none"> • <u>Motion made, seconded, then approved by vote</u> • A 4/5 majority is required for each finding of fact.