

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 16.

Date of Request: November 18, 2008

Date Request Received:

Board Meeting: December 1, 2008

Board Meeting: December 1, 2008

Date Requested:

Date Assigned:

Short Title: Resolution: Request To State Legislature To Add Pender County To List Of Localities Enabled To Provide Incentives In Exchange For Development And/Or Construction Resulting In Reduction Of Energy Consumption

Request Status:

- Request is proceeding to Board of Commissioners
 More information is needed – see attached
 Request on hold – no further information needed
 Other:

Background: During the November 5, 2008 Planning Board meeting, the Planning Board forwarded a majority recommendation (4-1) for approval to the County Commission expressing their support to add Pender County to the list of localities enabled to enact regulations which provide incentives for development practices promoting or resulting in a reduction of energy consumption. Planning Board and staff anticipate that offerings of additional residential densities would be a main focus. The County may consider other incentives not affected by Planning Board-reviewed applications. Low Impact Development practices, neotraditional development standards, conservation design and LEED certified construction are some issues leading toward offering development incentives. Staff would like to obtain this legislative authority in the 2009 session so that these development incentives can be included into the Comprehensive Plan and UDO projects. Please find attached the applicable legislation and a resolution. Staff is available for questions.

(Administrative Use Only)

CONTRACT TYPE

- Renewal Revision
 For Service(s) For Equipment
 Intergovernmental – County as Grantee
 Federal Grantor
 State Grantor
 Grantor
 County as Grantor
 County Funds
 Other Funds:

PURCHASING Budgeted Item: Yes No

Date Rec'd: Reviewed and Approved
 Comments on Reverse

Date Sent:

Signed:

ATTORNEY Reviewed and Approved

Date Rec'd: Legal Problem(s)
 Comments on Reverse

Date Sent:

Signed:

FINANCE Sufficient Funds Available
Date Rec'd Not Available

- Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent:

Signed:

CLERK Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd Approved by Board: Yes No
At meeting on

Specific Action Requested: Approve resolution.

Requested by: Patrick Davenport
Department: Planning Department
Title: Director
Contact Phone: 910.259.1529
Contact Fax: 910.259.1295



**RESOLUTION TO SUPPORT STATE LEGISLATION TO
ADD PENDER COUNTY TO THE LIST OF LOCALITIES AUTHORIZED TO ENACT
LAND USE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN
ENERGY CONSUMPTION**

WHEREAS, the Pender County Board of Commissioners, are enabled to promote health, safety, morals, or the general welfare as provided in §153A-340 et seq.; and,

WHEREAS, the Pender County Board of Commissioners recognize the importance and value of promoting energy conservation throughout the County in an effort contribute to the reduction of the overall consumption of energy nationwide; and,

WHEREAS, the General Assembly of North Carolina has enacted Session Law 2008-22 authorizing specific localities therein named to enact regulations or provide incentives to developers or builders who agree to construct new development or reconstruct existing development in a manner that makes a significant contribution to the reduction of energy consumption; and,

WHEREAS, the Pender County Board of Commissioners is currently in the process of updating its development ordinances and plans and wishes to have the authority to enact regulations and incentives which encourage the construction of development and/or buildings that will consume or cause to consume less energy than would be constructed without said regulations if it is determined that such regulations are in the best interests of the Citizens of Pender County; and,

WHEREAS, the Pender County Board of Commissioners will lack the authority to enact such regulations and incentives as part of the comprehensive update of its development ordinances unless added to the list of specific localities granted authority by Session Law 2008-22.

NOW, THEREFORE, BE IT RESOLVED that the Pender County Board of Commissioners requests that the members of our state congressional delegation, during the 2009 legislative session, to introduce, and support legislation which will add Pender County to the list of localities which are enabled to enact said regulations per Session Law 2008-22.

Adopted this the 1st day of December, 2008.

Chairman

ATTEST: _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

SESSION LAW 2008-22
SENATE BILL 1597

AN ACT TO AUTHORIZE CABARRUS COUNTY; THE CITIES OF CONCORD, DURHAM, KANNAPOLIS, AND LOCUST; AND THE TOWNS OF CARY, HARRISBURG, MIDLAND, MOUNT PLEASANT, AND STANFIELD TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION.

The General Assembly of North Carolina enacts:

SECTION 1. Sections 1 and 2 of S.L. 2007-241 read as rewritten:

"**SECTION 1.** Land-Use Development Incentives. ~~Cities and towns~~ Counties and municipalities, for the purpose of reducing the amount of energy consumption by new development, and thereby promoting the public health, safety, and welfare, may adopt ordinances to grant a density bonus, make adjustments to otherwise applicable development requirements, or provide other incentives to a developer or builder within the county or municipality and its extraterritorial planning jurisdiction if the developer or builder agrees to construct new development or reconstruct existing development in a manner that the county or municipality determines, based on generally recognized standards established for such purposes, makes a significant contribution to the reduction of energy consumption.

"**SECTION 2.** This act applies only to ~~the Cabarrus County, the~~ Cities of Asheville, Charlotte, Concord, Durham, Kannapolis, Locust, and Wilmington, and to the Towns of Carrboro and Chapel Hill. ~~Carrboro, Cary, Chapel Hill, Harrisburg, Midland, Mount Pleasant, and Stanfield.~~"

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 30th day of June, 2008.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives