

Fruitville Beach Civic Association; Northern Currituck Outer Banks Association; North Swan Beach Property Owners Association; Swan Beach Property Owners Association

11/5/2017

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RE: Request for Section 10-57; Section 10-62; Section 10-129

Currituck County Board of Commissioners
153 Courthouse Rd, Suite 204
Currituck, NC 27929
TRANSMITTED VIA EMAIL 11/05/2017

Dear Commissioners

We appreciate the efforts of the Board of Commissioners to deal with perceived issues in the off road through a series of ordinance changes. We ask that instead of a piecemeal approach, that a set of integrated proposed ordinances be developed with the full engagement of the off-road community and with a discussion with the community so that those whom this ordinance is going to impact the most will have a better understanding of the proposals and trade-offs, and are given a voice in the process before a public hearing.

We understand there will be a public hearing and action on this request on November 6, 2017. Therefore, we are writing on behalf of Fruitville Beach Civic Association, North Swan Beach Property Owners



Association, Swan Beach Property Owners Association, and the Northern Currituck Outer Banks Association to request to deny Sec 10-57; postpone consideration of Sec 10-62 and engage the off road in discussions; and add language to exclude the off road from Sec 10-129.

Our requests for each section are as follows:

Sec 10-57: We request that this modification be denied. The majority of vehicles in the off road are registered, licensed, and insured. If a vehicle never leaves the beach to drive on the paved road and maintains insurance, it does not seem reasonable to require that said vehicle would need to be licensed and registered. This creates a hardship for residents/property owners in the off road who only use unlicensed, unregistered vehicles to go back and forth to the waste management area with trash or to go to the beach in the off road area.

Sec 10-62. We request that you postpone a decision and put in place a process to engage the off-road property owners and residents in the discussion. While we recognize the challenges of the influx of visitors and day-trippers to the northern beach in the summer months, we believe the root cause of 90% of all issues involve day-trippers. A standalone shift in driving patterns will not solve the issue of overstretched capacity and lack of understanding of the beach environment brought about by day-trippers. The shift will not make the beach safer—as there has never been a safety incident at the foreshore—and in fact, could do the opposite.

A system of education and enforcement coupled with a realistic program to keep capacity limits on the beach are needed—and the off-road community has developed a proposal.

Specific to the language of Sec 10-62, we find it to be

- internally contradictory. For instance, paragraph c makes paragraph a and b irrelevant during the summer—and thus does not allow any traffic, including emergency vehicle traffic, to drive on the foreshore in the summer. Paragraph (b) first sentence would allow parking at the water's edge during the summer, making passage by emergency vehicles impossible.
- difficult to effectively insure safe passage of emergency vehicles on the foreshore, including wild horse emergency management.
- unfair to the residents and property owners by bringing traffic into the subdivisions to avoid the high track sand which will also threaten the wild horses and people in the neighborhoods and increases damage to roads behind the dunes with increased traffic.
- silent on the impacts on delivery vehicles that time their passage to use the foreshore at low tide.
- odd that the timing for enforcement is 9am to 5pm. Specifically, will the sheriff's department ensure that the foreshore will be clear at 5pm? Currently the officers leave the beach at 4pm.

In addition, Sec 10-62 (b) would infringe on oceanfront property littoral rights and compromise the oceanfront dune system that is the neighborhood's only protection from storms. By allowing traffic at the toe of the dune line to 50 feet east of the dune line, this ordinance would allow traffic to drive across private property. The oceanfront property owners own up to the mean high tide mark—which is eastward of the toe of the dune line. Thus traffic would be on private property. Traffic will inevitably undermine the frontal dunes and it is easy to imagine that traffic will go onto the dunes, damaging private property



and the protection system for the neighborhoods from storms. Intrusion of breaks in dune protection of the frontal dune system would be devastating.

We also understand that the proposal for beach driving may be limited to Milepost 17 to the south. While we appreciate that it would not extend northward, we worry that this will bring traffic into Swan Beach, place a greater burden on Swan Beach oceanfront property owners (given Sec 10-62b as above). We ask consideration to move this MP further south.

Sec 10-64. Paragraph (c) is not clear as to number of permits allowed by property owners especially in cases where there are numerous owners as is the case in the large vacation homes where there are LLCs and corporations that are the property owners.

Sec 10-129

We propose that paragraph (b) not be applied to the off-road area. We do not believe that tourists or rental companies should leave containers at the toe of the dune line (which is private property) or on any area of the off road overnight. This increases the risk to night driving and risk of debris washing from dune line to water's edge during high tides.

Respectfully,

Tom Hudak
President, FBCA

Jan Epstein
President, NSBPOA

John Howland
President, NCOBA

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cc: Mr. Donald "Ike" McRee, Jr.
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