

CTP Work Group Meeting Minutes

The purpose of this memorandum is to document the discussion at the meeting held on December 9, 2021, through a virtual Zoom meeting. Below is a list of attendees who took part in this virtual meeting:

Dana Stoogenke (Matthews)
Andrew Grzymiski (CDOT)
Erika Martin (Mooresville)
Stuart Basham (NCDOT Div 10)

Julio Paredes (GCLMPO)
Dominique Boyd (NCDOT)
Julian Burton (CDOT)
Todd Huntsinger (Indian Trail)

CRTPO Staff: *Bob Cook, Neil Burke, Agustin Rodriguez, Jerrel Leonard, and Brian Elgort*

Items Discussed:

1. Status Update
 - PIP revisions were adopted last month (November)
 - Looking at Q2 – Q3 for PIP completion
 - Discussed responses to online survey regarding LDI recommendations and the future of the CTPWG
 - CRTPO in the hiring process for final of 3 recommended new positions
2. Workshop/review draft of a task order for consultant services
 - Agustin made notes of the discussion within the draft document
 - Translation services to be covered by separate task order (but needs to be acknowledged)
 - Model ordinance language might be too specialized – may require a separate task order or consultant service
 - a. Andy recommended looking at existing model ordinances to prevent duplicating efforts
 - Reach out to Jennifer Stafford, Procurement, to help with developing the task order draft
3. 2004 NCDOT Corridor Preservation Methods dialog
 - Stuart, Dominique unfamiliar with this document
 - Could the School of Government be a resource?
 - Add review of this document into the task order?
4. City of Charlotte UDO draft overview and highlights
 - There is language in the UDO related to corridor preservation
 - Currently in First Draft Review Period (January 14th deadline for comments)
 - The goal is for it to be adopted in July 2022
 - Subdivisions as the primary strategy for getting new streets
 - 18-month timeline for condemnation
 - Articles 31 and 33 are most relevant to right-of-way discussion (particularly 33)

Next Steps / Action Items:

- CRTPO staff to revise task order and send to Work Group for review before the January meeting
- Work Group to review and provide feedback of the City of Charlotte UDO draft
<https://charlotteudo.org/wp-content/uploads/2021/10/Charlotte-UDODraft1-Oct2021.pdf>
- Work Group to review the summary of the 2004 NCDOT Corridor Preservation Methods (see attachment A)
- Brian Elgort to schedule the January CTPWG meeting during Agustin absent
- Agustin Rodriguez to reschedule the monthly CTPWG meetings as a placeholder (3rd Thursday of each month from 11 AM to 12 PM)

Next Meeting:

Virtual meeting: **January 2022 – Time and date TBD**

Attachment A – NCDOT Corridor Preservation Methods (July 2004)

State Corridor Management Program

- A. Does not exist in NC at this time

Mapping

- A. Important to include corridors in maps featured in adopted plans (i.e. comprehensive, thoroughfare)
 - a. “In North Carolina, thoroughfare plans produced and adopted by MPOs are the most typical of these plans.”
 - i. If jurisdictions do not make their own plans, they should include something by ordinance that refers to CRTPO plans

Police Power Regulation

Corridor Management/Preservation Ordinance

- A. State statutes do not allow for this in North Carolina
- B. Model ordinance provided (Appendix III)

Zoning and Subdivision Regulations

- A. Overlay district zoning
- B. “Local governments may also require setbacks to be measured from the future right-of-way line.”
- C. “A setback may preserve land for the right-of-way, but that must be a **secondary** result of the setback, and compensation must be made to the property owner when the right-of-way is acquired.”

Official Maps

- A. Map Act discussion

Exactions

- A. Exaction = “contribution by a developer to the government in return for subdivision approval, a special or conditional use permit, an amendment to the zoning map, or another land use approval or permit that is necessary to the developer”
 - a. In-kind contributions (i.e. dedication of land, sewer lines)
 - i. Within the project
 - ii. Near the project
 - b. Payment in lieu of in-kind contributions
 - c. Impact fees
- B. “For corridor preservation, exactions may be used to obtain land within the planned right-of-way or to reach an agreement in which the developer constructs some part of the planned facility on or near the property.”

Development Moratoria

- A. “meant to allow a municipality to address a pressing problem, develop and adopt a plan, or create new rules for the area in question... development moratoria... should be used **only when absolutely necessary.**”

Early Property Acquisition

- A. Most common, most expensive, avoid regulatory concerns
- B. Fee simple, eminent domain
- C. Protective and hardship acquisitions (parcel-by-parcel)

Acquisition of Lesser Interest than Fee Simple

Development Easements

- A. “For corridor preservation, development easements often involve the purchase of development rights to offset the restricted use of the land”
 - a. Allows current use of the property to continue, as long as it is not further developed
- B. Can be permanent or temporary
- C. Valuation can cause litigation

Options to Purchase

- A. “Conditional contract in which a party purchases the sole right to buy a property under specified conditions within a certain time period”
- B. Pay property owner a consideration (percentage of the purchase price)

Inducements for Property Owner

Transferable Development Rights

- A. Well-covered in LDI discussions

Public/Private Partnerships

- A. Working with developers that want a facility
- B. Exchange excess government land for the desired property

Access Management Techniques

- A. Increasing the minimum spacing between driveways
- B. Decreasing the number of driveways on a corridor
- C. Using frontage and service roads
- D. “contribute to the safety, capacity, and appearance of a corridor, but also help discourage development in and near the planned right-of-way”

Follow Up

- A. Reiterate impact of [HB 821](#) on several of these options – no authority to (among other things):
 - a. Require impact fees
 - b. Community benefits agreements
 - c. Require a developer to construct a greenway

Reference: https://www.ncdot.gov/projects/us-64-phase-1/Documents/US64-NC49_Corridor_Preservation_Report.pdf