



**Board of Commissioners
Agenda Packet**

January 21, 2020

Work Session

5:00 PM Schools Discussion

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance

B) Approval of Agenda

Public Comment

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.

Commissioner's Report**County Manager's Report****Amended-New Business**

Resolution in Support of Rights Afforded by the Second Amendment to the US Constitution

Administrative Reports

- A) **First Solar Donation Presentation to Currituck County Department of Social Services**
- B) **Social Services Departmental Report-Samantha Hurd, Director**
- C) **Currituck County Schools Report-Mark Stefanik, Superintendent**

Public Hearings

- A) **PB 19-23 Clearview Tower Company II, LLC:** Clearview Tower Company II, LLC, has requested a major site plan/use permit for a communication tower on lot 10 in Lewark Subdivision, Carova, Tax Map 101B, Parcel 10, Poplar Branch (Beach) Township.
- B) **PB 18-23 The Fost Tract, Phases 1, 2, 3, 4, 5:** Request for a preliminary plat/use permit for a 301 lot Planned Development on 228.83 acres located off Caratoke Highway, Tax Map 15, Parcel 86, Moyock Township.
- C) **PB 19-29 Currituck County:** Request for a use permit to expand the Moyock Regional Wastewater Treatment Plant located at 501 Winslow Road, Moyock Township.

New Business

- A) **Board Appointments**
 - 1. Moyock Stormwater Service District
 - 2. Recreation Advisory
 - 3. Amended Item-ABC Board

B) Consent Agenda

1. Approval Of Minutes-January 6, 2020
2. Budget Amendments
3. Change Order-Maritime Museum

Recess Regular Meeting

Special Meeting of the Ocean Sands Water & Sewer District Board

Budget Amendments-OSWSD

Adjourn Special Meeting

Closed Session

Closed Session pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter

Adjourn



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2703)

Agenda Item Title

5:00 PM Schools Discussion

Brief Description of Agenda Item:

Board Action Requested

Discussion

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Ben Stikeleather



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2701)

Agenda Item Title

Resolution in Support of Rights Afforded by the Second Amendment to the US Constitution

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA IN SUPPORT OF RIGHTS AFFORDED BY THE SECOND AMENDMENT TO THE UNITED STATES CONSTITUTION

WHEREAS, the Currituck County Board of Commissioners supports the United States Bill of Rights reinforcing guarantees of individual rights and limitations of federal and state governments; and

WHEREAS, the Second Amendment to the United States Constitution provides that “[A] well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.”; and

WHEREAS, similarly Article 1, Section 30 of the Constitution of North Carolina provides in part that “[A] well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed”; and

WHEREAS, in *District of Columbia v. Heller*, 554 U.S. 570 (2008) the United States Supreme Court held that the Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that fire arm for traditionally lawful purposes, such as self-defense within the home and in *McDonald v. City of Chicago*, 561 U.S. 742 (2010) the United States Supreme Court held that the right of an individual to keep and bear arms as protected by the Second Amendment is incorporated by other sections of the Constitution against the States; and

WHEREAS, the Currituck County Board of Commissioners is concerned about any effort by the North Carolina General Assembly or United States Congress to enact legislation infringing upon a citizen’s individual right to possess a firearm and to use a firearm for traditionally lawful purposes as the United States Supreme Court has interpreted the Constitution; and

WHEREAS, the Currituck County Board of Commissioners supports the decisions of the United States Supreme Court that interpret the Second Amendment as giving individual’s the right to bear arms and use firearms for traditionally lawful purposes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County, North Carolina that:

Section 1. The Currituck County Board of Commissioners supports the Second Amendment right of citizens to possess firearms and to use firearms for traditionally lawful purposes.

Section 2. In support of the citizenry's Second Amendment rights, the Currituck County Board of Commissioners will take all necessary steps within its power to ensure that legislative bodies do not enact legislation affecting the Second Amendment right of citizens to bear arms and use firearms for traditionally lawful purposes including lobbying of legislative delegations and intervention in litigation challenging such legislation.

Section 3. As further indicia of support for rights afforded citizens by the Second Amendment, the Currituck County Board of Commissioners declares Currituck County to be a "Second Amendment Refuge".

ADOPTED the 21st day of January, 2020.

Robert M. White, Chairman

Attest:

Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2698)

Agenda Item Title

First Solar Donation Presentation to Currituck County Department of Social Services

Brief Description of Agenda Item:

Board Action Requested

Discussion

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2704)

Agenda Item Title

Social Services Departmental Report-Samantha Hurd, Director

Brief Description of Agenda Item:

Samantha Hurd, Director of Social Services, will present a departmental report and review for Commissioners.

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2705)

Agenda Item Title

Currituck County Schools Report-Mark Stefanik, Superintendent

Brief Description of Agenda Item:

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2707)

Agenda Item Title

PB 19-23 Clearview Tower Company II, LLC:

Brief Description of Agenda Item:

Clearview Tower Company II, LLC, has requested a major site plan/use permit for a communication tower on lot 10 in Lewark Subdivision, Carova, Tax Map 101B, Parcel 10, Poplar Branch (Beach) Township.

Board Action Requested

Action

Person Submitting Agenda Item

Cheri Elliott, Assistant

Presenter of Agenda Item

Jennie Turner



STAFF REPORT
PB 19-23 CAROVA BEACH VFD TOWER
USE PERMIT
BOARD OF COMMISSIONERS
JANUARY 21, 2020

APPLICATION SUMMARY

Property Owner: 6600 Carova Beach Volunteer Fire Department and Rescue Squad, Inc. 2169 Ocean Pearl Road Corolla, NC 27927	Applicant: Clearview Tower Company, II, LLC Benjamin M. Gallop, Attorney 2502 S. Croatan Highway Nags Head, NC 27959
Case Number: PB19-23	Application Type: Use Permit
Parcel Identification Number: 101B-000-0010-0000	Existing Use: Vacant Land
Land Use Plan Classification: Limited Service within Carova Subarea	Parcel Size (Acres): 5.4 ac
Request: Use Permit for Emergency Communications Tower	Zoning: Single-Family Residential-Outer Banks, Remote (SFR)

SURROUNDING PARCELS

	Land Use	Zoning
North	Residential & Vacant	SFR
South	Residential & Vacant	SFR
East	Residential & Vacant	SFR
West	Residential & Vacant	SFR

STAFF ANALYSIS

The applicant, Clearview Tower Company, II, LLC, is requesting a Use Permit for construction of a 150 feet tall telecommunications tower on property located in the Off-Road Area of Corolla at Milepost 15.5. The tower will be owned by the Carova Beach Volunteer Fire Department and Rescue Squad, Inc. (CBVFD) and used in part for emergency communications.

A freestanding communications tower is permitted in the SFR zoning district subject to a use permit. Emergency communication towers owned by a volunteer fire department that are used wholly or in part for public safety or emergency communications purposes are exempt from the UDO specific standards for Telecommunication Towers.

The proposed tower and site will comply with standards for Telecommunications Towers in the SFR district since it:

- Meets the 190' maximum height requirement in the SFR district.
- Meets the 1000' setback requirement from the mean high water mark of the Atlantic Ocean.
- Is not within 4 miles of the existing tower at 2169 Ocean Pearl Road.

The applicant provided documents that indicate the FAA does not require lighting of the proposed tower; however, staff recognizes that future development of the site may include a fire station and helicopter landing area. A reevaluation of tower lighting by the FAA may be needed in the future.

In deciding this use permit application, staff suggests that the BOC include a condition that lighting requirements be evaluated by the FAA prior to construction of a helicopter landing pad and if lighting is required, it shall comply with the minimum FAA lighting standards.

The applicant is open to painting the tower to camouflage it with the surrounding area; however, camouflaging the tower may hamper visibility for aircraft. For this reason, staff suggests not requiring the tower to be camouflaged.

COMMUNITY MEETING

A community meeting was held on July 16, 2019. A summary is provided in the agenda packet.

INFRASTRUCTURE

Water	N/A
Sewer	N/A
Stormwater/Drainage	Not triggered
Design Standards	N/A
Lighting	See suggested conditions of approval
Landscaping	Screening required for ground based equipment
Parking	Parking for tower service provided
Compatibility	Institutional Use
Riparian Buffers	N/A

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

The Technical Review Committee recommends **adoption** of the use permit subject to the following conditions of approval:

1. The application complies with all applicable review standards of the UDO provided the following outstanding items are addressed:
 - a. Site plan approval is required by TRC upon adoption of the use permit.
 - b. A heritage tree mitigation plan shall be submitted and approved through the site plan review process.
 - c. An exterior lighting plan shall be provided and approved for any ground based lighting.

2. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - a. The tower shall be owned by the Carova Beach Fire Department and Rescue Squad, Inc. (Carova Beach VFD) and used in part for public safety or emergency communication purposes. Carova Beach VFD shall have space on the tower for telecommunications equipment.
 - b. Before obtaining a building permit, the applicant shall submit to the County Engineer engineering drawings for the tower, sealed by a registered engineer, that include a statement that the tower will meet all applicable local, State, and Federal building codes and structural standards.
 - c. Every two years after construction of the tower, the owner shall submit to the Planning Director a statement on the tower's structural soundness that is signed and sealed by an engineer. Every sixth year, the statement shall be signed and sealed by an independent, registered, and licensed engineer.
 - d. If lighting is required by the FAA, it shall comply with FAA standards. Unless required by the FAA, strobe lights shall not be used for nighttime lighting and lighting shall be oriented so as not to project directly onto surrounding property to the maximum extent practicable. If construction of a helicopter landing pad is proposed in the future, the tower shall be reevaluated by the FAA for lighting requirements and, if required, the minimal lighting shall be provided.
 - e. The applicant shall provide legal access for county employees to inspect the site during construction and thereafter to ensure compliance with use permit conditions.
 - f. The exterior appearance of ground-based accessory structures shall be designed to look like a residential structure typical of the district.
 - g. Install an 8' tall opaque wooden security fence to screen leased area, buildings and equipment.

USE PERMIT REVIEW STANDARDS

A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the below requirements. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary findings.

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

1. The tower will be owned by Carova Beach VFD and will have emergency communications equipment located upon it that will assist the VFD and possibly other rescue assets in providing services to the area of the County in the vicinity of the tower.
2. Cellular service providers who may collocate upon the tower will be able to provide enhanced phone service including 911 and emergency services to users who now have limited access to cellular and data services in the area of the tower
3. The tower will be located on the far western end of the Carova Beach VFD property in a location that is distant from the beach and from residences.

The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Preliminary Applicant Findings:

1. Per the enclosed Impact Study performed by Rich Kirkland the tower will not damage the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
2. On March 4, 2019, the Board of Commissioners determined that the proposed use may be permitted subject to a use permit in the SFR zoning district and the use is presumed to be in harmony with the area in which it is located.

The use will be in conformity with the Land Use Plan or other officially adopted plans.

Preliminary Staff Findings:

1. The 2006 Land Use Plan classifies this site as Limited Service within the Carova subarea. The policy emphasis for the Carova subarea identifies the lack of infrastructure and services in this remote area of the county, and the plan does not support investments that could stimulate growth and development. The policy emphasis also allows only services that protect the health, safety, and welfare (law enforcement, fire and rescue). It is staff's opinion that a telecommunication tower that improves emergency communications and limits adverse impacts to the residential areas and land uses is consistent with the county's adopted plans. The proposed use is in keeping with the policies of the 2006 Land Use Plan, including:

POLICY OB1: Currituck County supports the provision of INFRASTRUCTURE (e.g. potable water) AND SERVICES (e.g. law enforcement officers) adequate to meet basic quality of life and public health and safety requirements of residents on the Outer Banks, while at the same not stimulating inappropriate intensive development in environmentally fragile, hazardous barrier island areas.

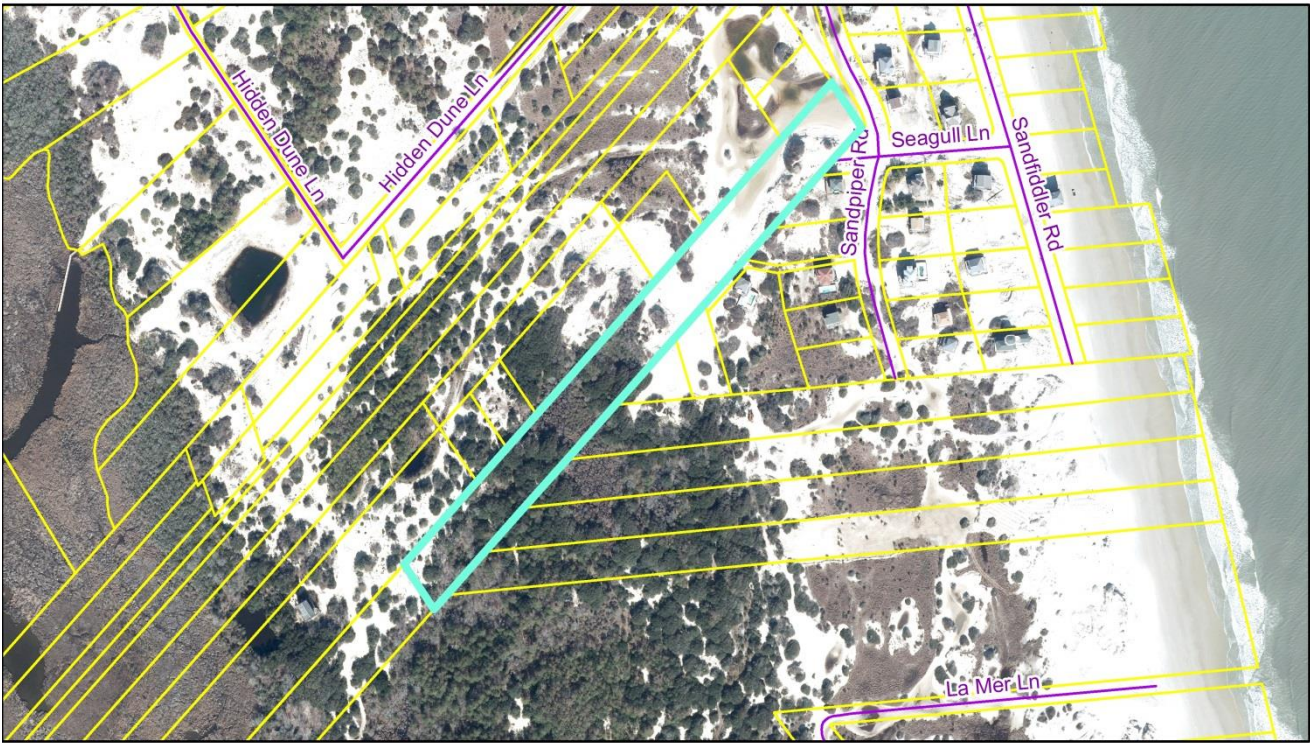
POLICY CA7: The County shall continue to monitor the placement of COMMUNICATION AND OTHER TOWERS in Currituck County, and shall take action as may be determined necessary to regulate their design and location.

The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Preliminary Staff Findings:

1. The proposed use will not exceed the county's ability to provide adequate public facilities. The use may increase the abilities of the county and Carova Beach VFD to provide fire and rescue services.

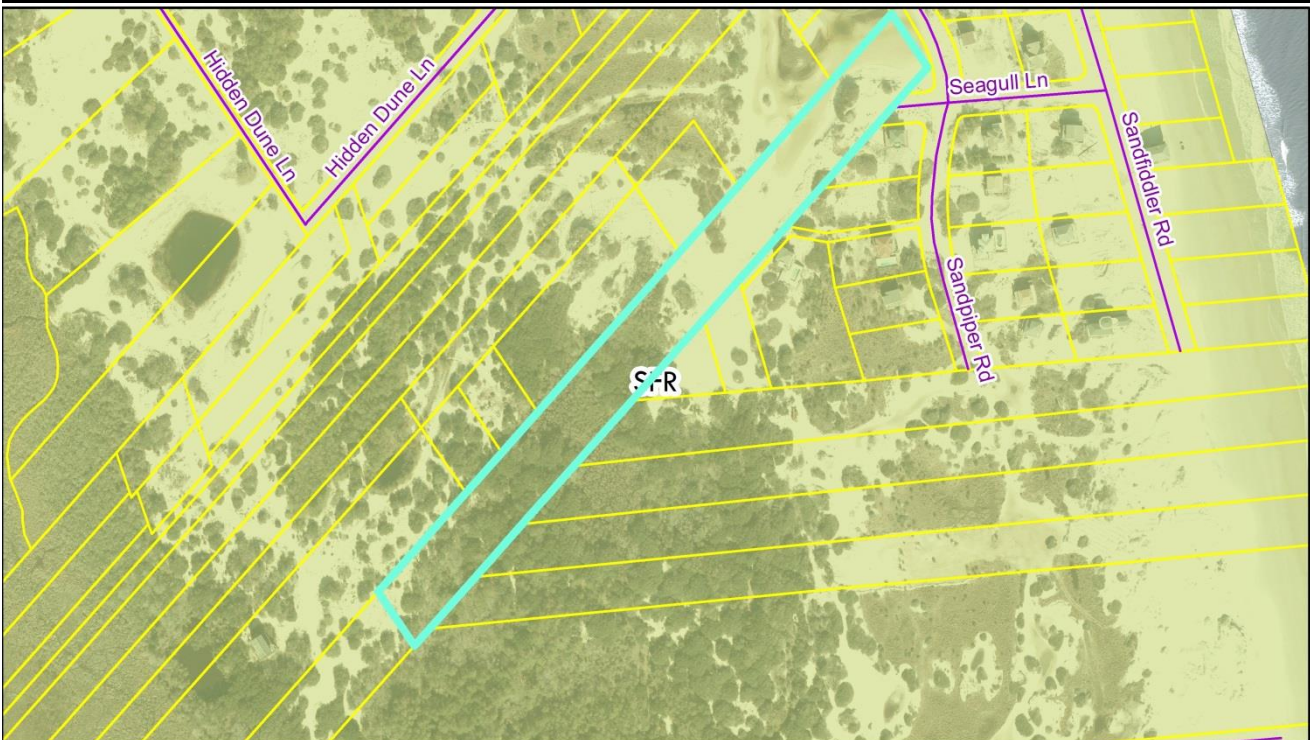
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



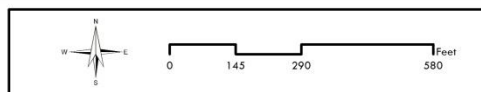
19-23 Carova Beach VFD Tower
Use Permit
Aerial



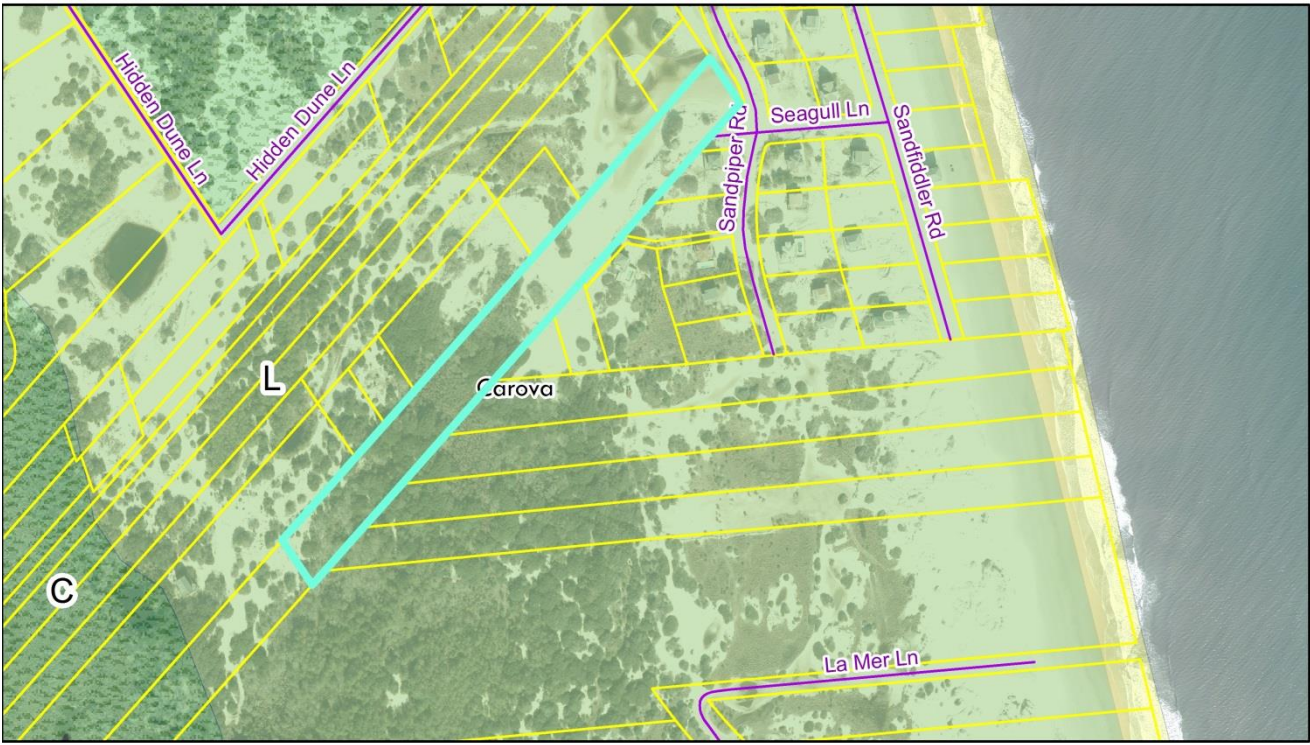
Currituck County
Planning and Community
Development



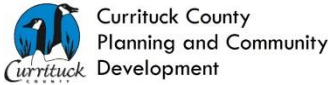
19-23 Carova Beach VFD Tower
Use Permit
Zoning



Currituck County
Planning and Community
Development



19-23 Carova Beach VFD Tower
Use Permit
LUP Classification





Use Permit Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information

APPLICANT:

Name: Clearview Tower Company, II, LLC
 Address: ATTN: Benjamin M. Gallop, Attorney
2502 S. Croatan Hwy., Nags Head, NC 27959
 Telephone: (252)441-0871
 E-Mail Address: bmgallop@hrem.com

PROPERTY OWNER:

Name: Carova Beach Volunteer Fire Department and Rescue Squad, Inc.
 Address: 2169 Ocean Pearl Rd.
Corolla, NC 27927
 Telephone: _____
 E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Tenant (see lease agreement)

Property Information

Physical Street Address: None
 Location: Eastern Half of Lot 10 Lewark Subdivision (Book 1116, Page 765)
 Parcel Identification Number(s): 101B00000100000 (Global PIN: 9929-81-5959)
 Total Parcel(s) Acreage: Approx. 5.4 acres.
 Existing Land Use of Property: Vacant for future use of Volunteer Fire Department

Request

Project Name: VFD Communications Tower
 Proposed Use of the Property: Emergency Communications Tower Owned by VFD to be used in whole or in part for emergency communications
 Deed Book/Page Number and/or Plat Cabinet/Slide Number: Book 1116, Page 765
 Total square footage of land disturbance activity: Less than 5,625 sq. ft.
 Total lot coverage: Less than 5,625 sq. ft. Total vehicular use area: N/A
 Existing gross floor area: N/A Proposed gross floor area: N/A

Community Meeting

Date Meeting Held: July 16, 2019 Meeting Location: Carova Beach Volunteer Fire Dept. 2169 Ocean Pearl

Purpose of the Use Permit and Project Narrative (please provide on additional paper if needed): _____

Please see attached Narrative.

The applicant shall provide a response to the each one of the following issues. The Board of Commissioners must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Commissioners to issue the use permit.

- A. The use will not endanger the public health or safety.

Please see attached Narrative.

- B. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Please see attached Narrative.

- C. The use will be in conformity with the Land Use Plan or other officially adopted plan.

Please see attached Narrative.

- D. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Please see attached Narrative.

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.



Property Owner(s)/Applicant*

8-20-2019

Date

***NOTE:** Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.

HORNTHAL, RILEY, ELLIS & MALAND, L.L.P.

ATTORNEYS AT LAW

2502 S. CROATAN HIGHWAY

NAGS HEAD, NORTH CAROLINA 27959

TELEPHONE (252) 441-0871

TELEFAX (252) 441-8822

INTERNET: www.hrem.com

BRYAN M. DOUGLAS
 M. H. HOOD ELLIS
 BENJAMIN M. GALLOP
 ROBERT B. HOBBS, JR.*
 L. PHILLIP HORNTHAL, III
 ANDREW W. HOWLE
 JOHN D. LEIDY
 W. BROCK MITCHELL
 WILLIAM P. NORRELL
 DONALD C. PRENTISS

*BOARD CERTIFIED SPECIALIST IN
 REAL PROPERTY LAW

RETIRED
 L. P. HORNTHAL, JR.
 MARK M. MALAND
 CHARLES W. OGLETREE
 J. FRED RILEY
 THOMAS L. WHITE, JR.

OTHER OFFICE
 ELIZABETH CITY, NC

August 22, 2019

VIA HAND DELIVERY

Currituck County
 Planning and Community Development
 ATTN: Laurie LoCicero
 153 Courthouse Road, Suite 110
 Currituck, NC 27929

Re: Carova VFD Communications Tower Applications
 HREM File No.: D4035-2

Dear Ms. LoCicero:

I hope this letter finds you doing well. I am writing on behalf of my client, Clearview Tower Company II, LLC ("Clearview"), to provide a major site plan application and use permit application (the "Applications") for the above referenced project. Please treat this cover letter, its narrative and attachments as a part of the Applications to the extent you feel doing so is necessary to the review of the Applications. In addition to a DVD with all materials and three (3) copies of the project plans, please find enclosed three (3) copies of:

1. This letter and its attachments;
2. The Applications;
3. A Community Meeting Summary;
4. A list of persons who were mailed notice of the Community Meeting;
5. An elevation certificate for the ground elevation of the tower;
6. A redacted lease agreement and amendment thereto; and
7. A check in the amount of \$700.00 payable to Currituck County;

NARRATIVE

Clearview has leased a portion of property located on the western end of a parcel owned by the Corova Beach Volunteer Fire Department and Rescue Squad, Inc. (the "VFD") having

Attachment: 3 ClearviewCoverLtrNarrative (PB 19-23 Clearview Tower Company II, LLC)

PIN No. 101B00000100000 (the “VFD Property”). Redacted copies of the lease agreement and are enclosed. Pursuant to the Lease, Clearview will design and construct a 150 foot tall communications tower on the VFD property. The VFD will own the tower upon completion, and Clearview will lease, maintain and manage the tower pursuant to the lease for a period of years thereafter. A portion of the tower will be reserved for the VFD’s use and installation of emergency and fire department related communications equipment. Clearview will be able to sublease or otherwise allow for telecommunications providers to install and operate cellular phone and data equipment on the remainder of the tower and within the enclosed ground lease area. The zoning of the VFD Property is SFR. The leased area of the VFD Property is located in F.I.R.M. X zone.

On July 2, 2019, County staff and Clearview held a Pre-application Conference. Following that conference, there were no comments made by County Staff that were to be addressed by Clearview. However, consistent with a prior similar application that was approved for another property, Clearview plans to do the following unless the Board of Commissioners finds them unnecessary during the conditional use permit approval process:

1. Clearview will provide safety lighting of the tower in a manner consistent with the FAA’s requirements for larger towers by including a flashing red beacon at the top and two red obstruction lights mounted midway on the tower.
2. Clearview will reserve space for VFD emergency and fire department related telecommunications equipment. Clearview plans to comply with the lease in that regard.
3. Clearview will provide an 8' opaque wooden security fence around the leased area to screen the buildings and equipment associated with the tower.
4. Ground based equipment will be constructed to meet flood standards. The site plan does not address the particular design of building or equipment. Those items will be addressed during the building permit application, construction, inspection and approval process.
 - a. Ground based equipment will be constructed to meet flood standards and the elevations of particular structures and equipment will be addressed during the building permit application, construction, inspection and approval process. Generally, the portion of the site being worked on is at elevation 13.5' NAVD88 (see FAA 2-C Survey Certification dated 3/16/2018).
5. All existing and new accessory structures within Clearview’s leased area meet the requisite property line setbacks.

The proposed use meets the four standards for issuance of a use permit for at least the

following reasons:

Standard 1: *The use will not endanger the public health or safety.*

The tower will be owned by the VFD, and will have emergency communications equipment located upon it that will assist the VFD and possibly other rescue assets in providing services to the area of the County in the vicinity of the tower. Additionally, cellular service providers who may collocate upon the tower will be able to provide enhanced phone service including 911 and emergency services to users who now have limited access to cellular and data services in the area of the tower. The Tower will be located on the far western end of the VFD Property in a location that is distant from the beach and from residences.

Standard 2: *The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.*

Per the enclosed Impact Study performed by Rich Kirkland the tower will not damage the value of adjoining or abutting lands and will be in harmony with the area in which it is located. Additionally, on March 4, 2019, the Currituck County Board of Commissioners determined that the proposed use should be a use permitted by use permit in the SFR district where the tower will be located and as such the use is presumed to be in harmony with the area in which it is located.

Standard 3: *The use will be in conformity with the Land Use Plan or other officially adopted plan.*

On March 4, 2019, the Currituck County Board of Commissioners adopted an ordinance allowing the proposed use to be permitted by use permit in the SFR district where the tower will be located, and per that adoption the use was determined to be in conformity with the Land Use Plan or other officially adopted plan.

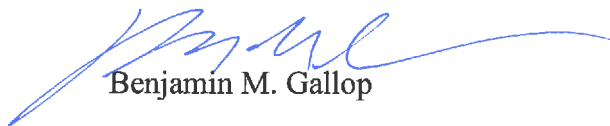
Standard 4. *The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities.*

The proposed use for a communications tower will not increase the need for any public facilities. The use will be unmanned and will not increase the population. As noted above, it will increase the County and VFD ability to provide fire, rescue and other service.

It has been a pleasure working with you and your staff on this project. Thank you for taking the time to answer my questions and to consider this application. Please let me know if I

can provide any additional information or answer any questions you may have. I look forward to hearing from you.

Sincerely yours,



Benjamin M. Gallop

BMG/

cc: Client

Attachment: 3 ClearviewCoverLtrNarrative (PB 19-23 Clearview Tower Company II, LLC)

GROUND AND TOWER LEASE

THIS GROUND AND TOWER LEASE ("Lease") made and entered into this 10th day of July, 2018, by and between **Carova Beach Volunteer Fire Department, Inc.** ("Landlord"), and **Clearview Tower Company II, LLC** ("Tenant").

WITNESSETH:

In consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound, the parties hereto agree as follows: Landlord hereby demises and leases to Tenant, and Tenant hereby hires from Landlord, for all purposes which Tenant may desire: (i) a portion of the real property located on Sandpiper Road, Corolla, Currituck County, North Carolina, Property ID Number 101B-000-0010-0000, and is more fully described in **EXHIBIT A** attached, hereto and by this reference made a part hereof (the "Property"). The portion of the Property leased to Tenant measures approximately 75' x 75' and is more fully described in **EXHIBIT B** annexed hereto and by this reference made a part hereof (the "Leased Parcel"); and (ii) the Communications Facility (as such term in hereinafter defined) (the Leased Parcel and the Communications Facility shall be collectively referred to herein as the "Demised Premises").

TO HAVE AND TO HOLD the Demised Premises, together with all rights, privileges, easements and appurtenances thereunto belonging and attaching, unto Tenant.

This Lease is made upon the covenants and agreements hereinafter set forth with which the parties respectively agree to observe and comply during the Lease Term.

1. **TERM.** The term of this Lease (the "Initial Term") is five (5) years, commencing on the date ("Commencement Date") first set forth above. This Lease will be automatically renewed for eleven (11) additional five (5) year terms (each a "Renewal Term" or collectively "Renewal Terms"). Each Renewal Term option shall be deemed exercised and shall automatically take effect unless Tenant advises Landlord prior to the expiration of the Initial Term (or any of the Renewal Terms, if applicable) that Tenant does not desire to renew this Lease. The Initial Term and Renewal Term(s) are collectively referred to herein as the "Term."

2. **RENT.**

Attachment: 4 Ground Lease (redacted) (PB 19-23 Clearview Tower Company II, LLC)

3. CONSTRUCTION OF COMMUNICATIONS FACILITY; USE OF PREMISES; COMPLIANCE WITH LAWS AND REGULATIONS.

(a) Tenant shall construct at the Leased Parcel, at Tenant's sole cost and expense, an unlit monopole tower (the "Tower"), which Tower shall be no taller than 195 ft. above ground level, together with a Tower base, utility lines, improvements and personal property, fencing around the perimeter of the Leased Parcel or the portion thereof within which such communications tower shall be located (the "Tower Compound"), and a gate to the Tower Compound, all as described and depicted in Exhibit C attached hereto (collectively, the "Communications Facility"). Upon completion of the Communications Facility, Tenant will convey all of its rights, title and interest in and to the Communications Facility to Landlord pursuant to a bill of sale in the form attached hereto as **EXHIBIT D** (the "Bill of Sale"). Upon execution and delivery of the Bill of Sale, Landlord shall be the owner of the Communications Facility, which shall be leased to Tenant pursuant to the terms of this Lease.

(b) The parties hereto agree and acknowledge that Currituck County shall be permitted to utilize the top position on the Tower to install and operate its 911 emergency radio equipment, and also to utilize space within the Tower Compound to install and operate its base equipment and cabinets, all pursuant to a separate Tower License Agreement between Tenant and Currituck County (the "Currituck County Tower License"). The terms and provisions of the Currituck County Tower License shall be mutually acceptable to Tenant and Currituck County, shall not provide for the payment of any rent by Currituck County thereunder, and such Currituck County Tower License shall be executed and delivered by the parties thereto before Currituck County shall be permitted to enter the Demised Premises and install its equipment thereat.

(c) Tenant shall use the Demised Premises for the purpose of constructing, maintaining and operating a Communications Facility (as hereinafter defined) and any related improvements. Tenant shall have the right to use the Communications Facility for its business purposes, which shall include, but not be limited to, the subleasing or licensing to third parties (without Landlord's consent) of space upon and within the Communications Facility and the Demised Premises. Such licensees or sublessees of Tenant shall have full access to the Demised Premises for their business purposes. Tenant shall have the right to alter, replace, expand, enhance and upgrade the Communications Facility within the Demised Premises at any time during the Term of this Lease. Tenant shall cause the construction of and all modifications to the Communications Facility to occur in material compliance with all applicable laws, rules, regulations, ordinances, permits, approvals and variances.

(d) Tenant shall have the right to fence the Demised Premises. Tenant may enter upon the Demised Premises and adjacent lands of Landlord from and after the date and execution of this Lease by Landlord for the purpose of making surveys and conducting soil, engineering and other tests and may cut or trim the trees on the Demised Premises or any adjacent lands of Landlord in connection therewith. Tenant shall have the right to clear and thereafter to keep clear the Demised Premises, the Rights of Way (as such term is hereinafter defined), and any utility easement areas to the Demised Premises of trees, bushes, rocks and crops, and to install upon any adjacent lands of Landlord temporary anchors and guys in connection with the construction of the Tower on the Demised Premises, and it is further understood that Landlord shall have no obligation to provide maintenance for such right of way. If the construction or maintenance of the Communications Facility results in damage to any adjacent lands of Landlord (other than as set forth herein), then Tenant shall pay Landlord for such damage.

(e) Tenant will at all times during the Term observe and conform to, in all material respects, all laws, ordinances, orders, rules and regulations now or hereafter made by any governmental authority for the time being applicable to the Demised Premises or any improvement thereon or use thereof.

(f) Notwithstanding anything in this Lease to the contrary, Tenant shall have the right to cancel this Lease upon thirty (30) days written notice to Landlord in the event that Tenant determines in its sole discretion that the Demised Premises are no longer appropriate for Tenant's intended use. Upon the exercise of such right by Tenant this Lease shall become null and void and neither party shall have any further obligation to the other. Notwithstanding the foregoing, any obligations incurred by either party prior to such termination shall remain in full force and effect.

4. **ACCESS.** Landlord hereby grants to Tenant, its licensees, subtenants, and assigns, the non-exclusive right seven (7) days a week, twenty-four (24) hours a day, for ingress and egress on foot or by motor vehicle (including trucks), for the installation and maintenance of communications equipment, utility wires, poles, cables, conduits, and pipes over, under or along, reasonable rights-of-way (the "Rights of Way") that will accommodate Tenant's intended uses for the Demised Premises, extending from the nearest public right-of-way, over and across any property of Landlord to reach the Demised Premises. The Rights of Way are non-exclusive rights of way for Tenant, its agents, employees, sublessees, licensees and business visitors. Tenant shall have the right to construct, maintain and repair a roadway over the aforementioned Rights of Way, including such work as may be necessary for slope and drainage, and to install such poles, wires, pipes, cables, conduits and related appurtenances as shall be necessary for the proper conduct of Tenant's business and for electricity, water, telephone and gas. Landlord represents and warrants that Tenant's intended use of the Rights of Way and Demised Premises does not conflict with any agreements, restrictions, covenants, conditions, easements or licenses, whether or not of record, that affect the Property.

5. **ASSIGNMENT AND SUBLETTING.** Tenant shall have the right, at any time, and from time to time, during the Term of this Lease (or any renewal or extension hereof) to assign this Lease or sublet the Demised Premises, in whole or in part, to any entity or third party, without the Landlord's consent, provided that any such assignee agrees to assume the Tenant's obligations hereunder.

6. **INSURANCE.** Tenant will, at its own cost and expense, obtain and maintain during the Lease Term, a policy or policies of comprehensive general liability insurance, or its equivalent, with minimum limits of not less than (a) \$1,000,000 for injury to one or more persons in any one occurrence and (b) \$1,000,000 for property damage in any one accident.

7. **TAXES.** Landlord shall be responsible for all real property taxes and assessments regarding the Demised Premises, and shall cause the same to be paid when due. Tenant shall be responsible for property taxes on personal property of Tenant at the Demised Premises and shall cause the same to be paid when due.

8. **INDEMNIFICATION.**

(a) Tenant shall indemnify and hold harmless Landlord (regardless of any covenant to insure by Tenant or Landlord) against and from any and all claims, liabilities and damages of every nature arising from any breach by Tenant of its covenants, warranties and obligations under this Lease, and from any loss or liability incurred by Landlord as a result of the negligence or misconduct of Tenant or Tenant's agents, employees, contractors, servants, or licensees.

(b) Landlord shall indemnify and hold harmless Tenant (regardless of any covenant to insure by Tenant or Landlord) against and from any and all claims, liabilities and damages of every nature arising from any breach by Landlord of its covenants, warranties and obligations under this Lease, and from any loss or liability incurred by Tenant as a result of the negligence or misconduct of Landlord or Landlord's agents, employees, contractors, or servants.

9. **ENVIRONMENTAL WARRANTIES.**

(a) Being familiar with the Demised Premises, including all soil, air, surface and ground water and after physical inspection thereof, including review of the relevant records of the Demised Premises and the Rights-Of-Way, including ownership, tax records and any other records pertaining to environmental matters, Landlord warrants, to the best of Landlord's knowledge, that the Demised Premises and the Rights-Of-Way contain none of the following: (1) Hazardous Substances, Pollutants or Contaminants as defined in the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), or other similar state or federal environmental legislation; or (2) underground storage tanks. Landlord agrees to defend and save Tenant harmless from any and all losses, claims, liabilities, judgements, damages, penalties, expenditures, costs, including reasonable attorneys' fees, or other expenses which Tenant may suffer or incur as a result of a breach of the warranty set forth in this Section 9(a).

(b) Tenant warrants that it shall not (a) bury underground or discharge into the sewage system at the Demised Premises any Hazardous Materials, or (b) use the Demised Premises as a storage site for Hazardous Materials, except minimal quantities used in the ordinary course of Tenant's Business and its sublessees' and licensees' business in accordance with all applicable environmental laws. Tenant agrees to defend and save Landlord harmless from any and all losses, claims, liabilities, judgments, damages, penalties, expenditures, costs, including reasonable attorneys' fees, or other expenses which Landlord may suffer or incur as a result of a breach of the warranty set forth in this Section 9(b).

10. QUIET ENJOYMENT.

(a) Landlord covenants that Tenant, upon paying the Rent and performing the covenants hereof on the part of Tenant to be performed, shall and may peaceably and quietly have, hold and enjoy the Demised Premises and all related appurtenances, rights, privilege and easements throughout the term hereof without any lawful hindrance by Landlord and any person claiming by, through or under Landlord.

(b) If Landlord controls land adjacent to the Demised Premises, Landlord agrees for itself and all future holders of such adjacent land that no use shall be made of the adjacent land during the Initial Term and any Renewal Term that would interfere with Tenant's use of the Demised Premises to construct, maintain and operate the Communications Facility. Tenant acknowledges that Landlord may grant or may have granted a mortgage or deed of trust on some or all of the Demised Premises to certain institutions or persons ("Mortgagees"). Within thirty (30) days after this Lease is executed Landlord shall obtain a non-disturbance agreement from all applicable Mortgagees agreeing to honor the Lease even in the event of foreclosure under the mortgage.

11. AUTHORITY TO ENTER INTO AGREEMENT; NO RESTRICTIVE COVENANTS. Landlord represents to Tenant that Landlord is the owner of the Leased Parcel and the lands immediately adjacent thereto which comprise the easements and rights of way and the guy anchor locations (if any), and that such ownership is free and clear of all liens and encumbrances other than those which do not interfere with Tenant's use and operation of the Demised Premises, and that Landlord has the lawful right and authority to execute this Lease and grant such easements and the Rights of Way. Tenant may, after the execution of this Lease by Tenant, obtain an abstract or preliminary title report from a title insurance company of its choice. If the state of title as indicated by said abstract or preliminary title report shall show any liens or encumbrances which interfere with Tenant's use and operation of the Demised Premises, Tenant shall have the right to either (a) discharge such liens or encumbrances of record, if possible, and deduct the cost thereof from the payments of rent to become due hereunder, or (b) cancel this Lease upon written notice to Landlord. Landlord agrees to cooperate with Tenant in curing such title defects.

12. INTENTIONALLY DELETED.

13. NOTICES. All notices, demands, requests, or other communications which are required to be given, served or sent by one party to the other pursuant to this Agreement shall be in writing, and shall be mailed, postage prepaid, by certified mail, or by a reliable overnight courier service with delivery verification, to the following addresses or at such other address as may be designated in writing by either party:

If to Landlord:

Carova Beach Volunteer Fire Department
2169 Ocean Pearl Road
Corolla, NC 27927

If to Tenant:

Clearview Tower Company, LLC
26 Yolanda Drive
Edison, NJ 08817
Attn: Legal Dept.

Notice given by certified mail or by reliable overnight courier shall be deemed delivered on the date of receipt (or on the date receipt is refused) as shown on the certification of receipt or on the records or manifest of the U.S. Postal Service or such courier service.

14. **RIGHT OF FIRST REFUSAL.**

(a) If at any time during the Lease Term Landlord receives a bona fide offer from a third party to purchase the Demised Premises and/or the Rights of Way (separately or as part of the sale of the entire Property) (the "Offer"), which Offer Landlord is prepared to accept, Landlord shall promptly transmit to Tenant its written offer (the "First Refusal Notice") to sell the Demised Premises and the Rights of Way to Tenant on the same terms and conditions specified in the Offer (provided that if the sale of the Demised Premises and the Rights of Way is part of a sale of the entire Property, the purchase price for the Demised Premises and the Rights of Way shall be the sum resulting from the product of the purchase price for the Property set forth in the Offer multiplied by a fraction, the numerator of which is the collective square footage of the Demised Premises and the Rights of Way and the denominator of which is the square footage of the Property). Tenant shall have ten (10) business days within which to accept such offer. If Tenant shall accept such offer by written notice (the "Acceptance Notice") to Landlord within said ten day period (such Acceptance Notice shall specify a closing date which is the earlier of thirty (30) days from the date thereof or the closing date specified in the Offer), such offer and acceptance shall constitute a contract between them for the sale by Landlord and the purchase by Tenant of the Demised Premises and shall not thereafter be subject to rejection by either party.

(b) If the Offer is not so accepted by Tenant, Landlord may sell the Demised Premises and the Rights of Way to such bona fide third party purchaser on the terms contained in the Offer. Any such sale and transfer must be consummated within one hundred eighty (180) days following the expiration of the time herein above provided for the acceptance of such offer by Tenant. If the Demised Premises are sold to such third party, the sale shall be subject to this Lease and all of the provisions hereof, except the right of first refusal provided in this Section 14, which shall expire upon such conveyance.

15. **DEFAULT.** Either party hereunder shall be in default ("Default") under this Lease in the event that such party fails to perform any of its material obligations under this Lease and such failure continues for thirty (30) days ("Cure Period") after the other party gives written notice thereof to the defaulting party, provided, however, that in the event that more than thirty (30) days shall be required in order to cure any such Default, the defaulting party shall have an additional thirty (30) days ("Additional Cure Period") to cure such a default hereunder if the defaulting party shall have commenced and is diligently pursuing corrective action within the Cure Period.

16. **SHORT FORM OF LEASE.** At the request of either party, the other party shall duly execute and acknowledge for recording purposes a short form or memorandum of this Lease (in the form attached hereto as **EXHIBIT C**), which shall recite the names of the parties, describe the Demised Premises, specify the Lease Term, and any options to extend the Lease Term or purchase the Demised Premises, and provide that this Lease is made upon the rents, terms, covenants and conditions contained herein.

17. **PARTIES.** This Lease and the terms and conditions contained herein shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

18. **CONDEMNATION.** If there is a condemnation of the Demised Premises (or a portion thereof sufficient to render the Demised Premises unsuitable for Tenant's purposes), including, without limitation, a transfer of the Demised Premises by consensual deed in lieu of condemnation, then this Lease shall terminate upon transfer of title to the condemning authority, without further liability to either party hereunder. Landlord and Tenant shall be entitled to pursue their own separate condemnation awards with respect to any such taking.

19. **MORTGAGEE PROTECTION.** Tenant shall have the right, at any time, and from time to time, during the Term of this Lease to mortgage this Lease, in whole or in part, to any entity or third party, without Landlord's consent. The following provisions shall be effective at any time that Landlord has received notice that Tenant has mortgaged its leasehold interest under this Lease:

(a) After receipt by Tenant of a notice of default under this Lease and the expiration of any applicable period of cure given to Tenant hereunder, Landlord shall deliver an additional notice ("Mortgagee's Notice") to Tenant's leasehold mortgagee ("Leasehold Mortgagee") specifying the default and stating that Tenant's period of cure has expired. Leasehold Mortgagee shall thereupon have the additional period(s) of time to cure any uncured default, as set

forth below, without payment of default charges, fees, late charges or interest that might otherwise be payable by Tenant. Landlord shall not terminate the Lease or exercise its other remedies under the Lease if within thirty (30) days after Leasehold Mortgagee's receipt of the Mortgagee's Notice, Leasehold Mortgagee (A) cures the default, or (B) if the default reasonably requires more than thirty (30) days to cure, commences to cure said default and diligently prosecutes the same to completion. Where the default cannot be cured by payment or expenditure of money or without possession of the Property or otherwise, Leasehold Mortgagee shall have the right to access the Demised Premises and exercise any other Tenant rights under this Lease necessary to effectuate a cure of the default.

(b) Landlord agrees to accept performance by Leasehold Mortgagee of all cures, conditions and covenants as though performed by Tenant, and agrees to permit Leasehold Mortgagee access to the Property to take all such actions as may be necessary or useful to perform any condition or covenants of the Lease or to cure any default of Tenant.

(c) Upon Leasehold Mortgagee's acquisition of the Lease by foreclosure, whether by power of sale or otherwise or by deed or assignment in lieu of foreclosure, or if a receiver be appointed, the Lease shall continue in full force and effect. Leasehold Mortgagee or any other purchaser at a foreclosure sale of the leasehold mortgage (or Leasehold Mortgagee or its nominee if one of them enters into a new lease with Landlord) shall succeed to all the rights of Tenant in any security or other deposits or other impound payments.

(d) If Leasehold Mortgagee commences enforcement of the Leasehold Mortgage, then upon Leasehold Mortgagee's acquisition of the Lease, Leasehold Mortgagee shall cure all prior defaults of Tenant under the Lease that are reasonably capable of being cured by Leasehold Mortgagee within the time set forth in Section 19(a) above, and Landlord shall treat Leasehold Mortgagee as Tenant under the Lease. If Leasehold Mortgagee cures all defaults by Tenant and does not acquire the Lease, or if Leasehold Mortgagee commences enforcement under its leasehold mortgage, and thereafter Tenant cures such defaults (which cure Landlord shall be obligated to accept) and Leasehold Mortgagee then terminates its enforcement remedies, then the Lease shall remain in full force and effect between Landlord and Tenant.

(e) Landlord consents to the grant by Tenant to Leasehold Mortgagee of (and hereby subordinates any such lien it may have to) the lien on and security interest in all assets and personal property of Tenant located on the Demised Premises, including, but not limited to, inventory, goods, machinery and equipment (the "Personal Property") and agrees that the same, even if deemed "fixtures" under applicable law, shall not become the property of Landlord upon Lease termination or expiration. In connection with any foreclosure or similar action relating to the Personal Property, Leasehold Mortgagee (or its representatives) may enter the Demised Premises to implement such action without liability therefor; provided that (a) Rent due hereunder is paid during such occupancy by Leasehold Mortgagee and (b) Leasehold Mortgagee pays for damages caused by Leasehold Mortgagee or its representatives in removing the Personal Property.

(f) Landlord agrees to provide any such Leasehold Mortgagee with an estoppel statement regarding the above facts, such as the lack of a default hereunder, and any other information or document reasonably requested by any such Leasehold Mortgagee, such as a non-disturbance, subordination and attornment agreement, within ten (10) days after Landlord receives a request to do so. Landlord shall be conclusively deemed to have approved any requested estoppel statement if the same is not returned to Tenant within the ten (10) day period.

(g) No modification or termination of the Lease shall be effective without Leasehold Mortgagee's prior written consent. No notice of default by Landlord shall be effective unless a copy thereof is delivered concurrently to Leasehold Mortgagee.

20. MISCELLANEOUS.

(a) This Lease contains the entire agreement between Landlord and Tenant with respect to the subject matter hereof. There are merged herein all prior and collateral representations, promises, and conditions in connection with the subject matter hereof. Any representation, promise, or condition not incorporated herein shall not be binding upon either party. This Lease supersedes and is in lieu of all existing agreements or arrangements between the parties.

(b) The unenforceability of any provision hereof shall not affect the remaining provisions of this Lease, but rather such provision shall be severed and the remainder of this Lease shall remain in full force and effect.

(c) This Lease shall not be modified, extended or terminated (other than as set forth herein) except by an instrument duly signed by Landlord and Tenant.

(d) This Lease may be executed in any number of counterpart copies, each of which shall be deemed an original, but which together shall constitute a single instrument.

(e) This Lease shall be governed by the laws of the State of North Carolina.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in duplicate as of the day and year first above written.

Landlord: **CAROVA BEACH VOLUNTEER FIRE DEPARTMENT, INC.**

By: Melinda S. Farmer

Name: Melinda S. Farmer

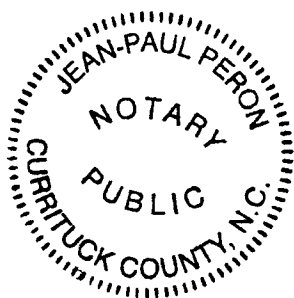
Title: Purchasing Agent

Tax ID/S.S. Number: 452-153818

STATE/Commonwealth of NC
COUNTY OF CURRITUCK

On this 23rd day of June, 2018, before me, the undersigned notary public, personally appeared Melinda S. Farmer proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose in her capacity as the President of Clearview Tower Company, LLC.

(official seal)



Jean Paul Peron

(type or print name)

Notary Public

My commission expires: 5/27/2021

Tenant: **CLEARVIEW TOWER COMPANY II, LLC**

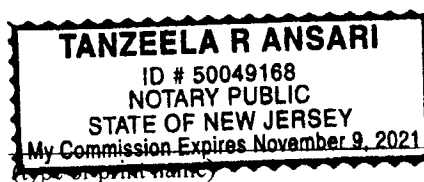
Tenant:

CLEARVIEW TOWER COMPANY II, LLC

By: [Signature] 7/10/18Name: STEVEN MEJIATitle: PRESIDENTSTATE/Commonwealth of NEW JERSEY
COUNTY OF MIDDLESEX

On this 10th day of JULY, 2018, before me, the undersigned notary public, personally appeared STEVEN MEJIA, proved to me through satisfactory evidence of identification, which was ☒ photographic identification with signature issued by a federal or state governmental agency, ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose in her capacity as the President of Clearview Tower Company, LLC.

(official seal)



(type or print name)

My commission expires:

NOV 9, 2021TANZEELA ANSARI
Notary Public

EXHIBIT A**Property**

Currituck County Parcel ID Number 101B00000100000

[Legal Description of the Property to be attached]

Attachment: 4 Ground Lease (redacted) (PB 19-23 Clearview Tower Company II, LLC)

EXHIBIT B**Demised Premises and Rights of Way**

[The attached sketch of the Leased Parcel and the Communications Facility is for reference purposes only and will be replaced at Tenant's option by construction drawings of the Communications Facility and a legal description of the Leased Parcel and the Rights of Way]

Attachment: 4 Ground Lease (redacted) (PB 19-23 Clearview Tower Company II, LLC)

EXHIBIT C**Memorandum of Lease**

[See the Form of Memorandum of Lease Attached hereto]

Attachment: 4 Ground Lease (redacted) (PB 19-23 Clearview Tower Company II, LLC)

Memorandum of Lease

CLERK: Please return this document to:

Clearview Tower Company II, LLC
26 Yolanda Drive
Edison, NJ 08817

This Memorandum of Lease is entered into on this ____ day of _____, 2018, by and between **Carova Beach Volunteer Fire Department, Inc.** with an address at 2169 Ocean Pearl Road, Corolla, NC 27927 (hereinafter referred to as "Landlord"), and **Clearview Tower Company II, LLC**, a Delaware limited liability company with an address at 26 Yolanda Drive, Edison, NJ 08817 (hereinafter referred to as "Tenant").

1. Landlord and Tenant entered into a Ground Lease (the "Agreement") on the ____ day of _____, 2018, for the purpose of installing, operating and maintaining a wireless communications facility and other improvements. All of the terms and provisions governing such lease are set forth in the Agreement.
2. The term of the Agreement is for five (5) years commencing on _____, 2018, ("Commencement Date"), with eleven (11) successive five (5) year options to renew.
3. The property within which the Leased Parcel (as such term is defined in the Agreement), which is the subject of the Agreement, is located is described in **Exhibit 1** annexed hereto (the "Property"). The portion of the Property and the Communications Facility (as such term is hereinafter defined) being leased to Tenant (collectively, the "Demised Premises") is described in **Exhibit 2** annexed hereto.

[This Space left Blank Intentionally;
Signatures Appear on the Next Page]

Attachment: 4 Ground Lease (redacted) (PB 19-23 Clearview Tower Company II, LLC)

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the day and year first above written.

Landlord: CAROVA BEACH VOLUNTEER FIRE DEPARTMENT, INC.

By: _____

Name: _____

Title: _____

STATE OF _____

COUNTY OF _____

ACKNOWLEDGEMENT

STATE/Commonwealth of _____
COUNTY OF _____

On this ____ day of _____, 2018, before me, the undersigned notary public, personally appeared **Steven Mejia**, proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose in her capacity as the President of Clearview Tower Company, LLC.

(official seal)

(type or print name)
My commission expires:

Notary Public

Attachment: 4 Ground Lease (redacted) (PB 19-23 Clearview Tower Company II, LLC)

Tenant: CLEARVIEW TOWER COMPANY II, LLC

By: _____

Name: _____

Title: _____

ACKNOWLEDGEMENT

STATE/Commonwealth of _____
COUNTY OF _____

On this _____ day of _____, 2018, before me, the undersigned notary public, personally appeared **Steven Mejia**, proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose in her capacity as the President of Clearview Tower Company, LLC.

(official seal)

(type or print name)
My commission expires:

Notary Public

Attachment: 4 Ground Lease (redacted) (PB 19-23 Clearview Tower Company II, LLC)

EXHIBIT 1

Property

[Legal Description of the Property to be attached]

Attachment: 4 Ground Lease (redacted) (PB 19-23 Clearview Tower Company II, LLC)

FIRST AMENDMENT OF LEASE AGREEMENT

This First Amendment of Lease Agreement ("First Amendment") is being made this 16th day of JULY, 2019 by and between Carova Beach Volunteer Fire Department, Inc. ("Landlord"), and Clearview Tower Company II, LLC. ("Tenant").

WHEREAS, Landlord entered into a Lease Agreement with Tenant dated July 10, 2018, (the "Agreement") for the lease of a portion of the Landlord's property located on Sandpiper Road, Corolla, Currituck County, North Carolina; and,

WHEREAS, Landlord entered into the Lease Agreement in order to provide for its communications needs but recognizes that will not fully utilize the entire Communications Tower; and,

WHEREAS, Landlord also desires to own the Communications Tower but contract with Tenant to maintain the Communications Tower after construction; and,

WHEREAS, Landlord and Tenant agree that Tenant will construct for and on behalf of Landlord the Communications Tower at a height of one hundred fifty (150'), and upon its substantial completion, it will be owned by Landlord but maintained by Tenant; and,

WHEREAS, a portion of the Communications Tower will be reserved for Landlord's use, and the remainder of the entire Communications Tower shall be leased to Tenant; and,

WHEREAS, Landlord and Tenant desire to amend certain provisions of the Agreement to reflect their agreements.

NOW, THEREFORE, in consideration of the mutual promises herein set forth and other good and valuable consideration, Landlord and Tenant agree:

1. Communications Tower. As used in this First Amendment, "Communications Tower" shall be defined as a portion of the Communications Facility which includes the tower, its associated electrical and grounding systems, the security fence, and any other related improvement used solely for the operation of the tower.

2. Conveyance of Communications Tower.

(a) As used in this section "Final Completion" shall occur when the local jurisdiction in which the Communications Tower is located has inspected the Communications Tower and has issued a final unconditioned certificate of occupancy or equivalent certification with respect to the Communications Tower. Upon Final Completion, Tenant shall provide Landlord with all certificates, permits, licenses or other approvals required by any federal state or local authority to construct the Communications Tower, and all other documents reasonably requested by Landlord evidencing that the Communications Tower is free of all liens and encumbrances and that the Communications Tower complies with all applicable local, state, and federal laws and regulations. Upon Landlord's written acknowledgement of receipt of such documentation, Tenant shall convey title to the Communications Tower to Landlord by bill of sale "AS IS" and without any warranty or representation regarding the suitability of the Communications Tower for any particular purpose of use, and Tenant shall assign to Landlord all warranties provided by the tower manufacturer to the extent they are transferable by an assignment of warranties.

(b) Tenant shall pay all costs associated with the construction of the Communications Tower, including, without limitation: the cost of the Communications Tower; freight to the Property; foundation installation costs; tower erection costs; costs associated with the construction of a fence or other provisions for security; the reasonable cost of drawing telephone and electric services to the Communications Tower; tower grounding costs; the cost of building and other permits; the costs of erosion control and drainage; landscaping costs, if any; the cost of environmental and geotechnical studies; the costs of all design and engineering plans and specifications and surveys; title examination and title commitment costs; zoning costs

including without limitation, filing and application fees; recording costs; and costs incurred regarding FAA and FCC compliance, and any and all other required Federal regulatory filings.

3. Demised Premises. Effective upon execution of this First Amendment, the Demised Premises as described in the Agreement shall also include the Communications Tower. The payments and other obligations provided therein will be made and performed in consideration of Tenant's right to use that portion of the Communications Tower not allocated to Landlord.

4. Commencement Date. The second sentence of Section 2(a) of the Agreement is deleted in its entirety and replaced with:

"The first such payment shall be due on the earlier of the date upon which construction of the Communications Facility (as defined herein) is commenced or December 31, 2019."

5. Right of First Refusal. Landlord and Tenant hereby agree that the Right of First Refusal described in Section 14 of the Agreement shall apply to bona fide offers made to Landlord for all or any Portion of the Demised Premises, including the Communications Tower separately.

6. Tenant shall name Landlord as an additional insured on both its policy of comprehensive general liability insurance described in Section 6 of the Agreement, and its policy of property insurance for the Tower and its related components.

7. Conflict: The parties agree that, except as amended herein, the terms and conditions of the Agreement shall remain in full force and effect; provided, however, that in the event of a conflict between the terms of the Agreement and the terms of this Second Amendment, the terms of this Second Amendment shall control.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in duplicate as of the day and year first above written.

Landlord: Carova Beach Volunteer Fire Department, Inc.

By:  President

Tenant: Clearview Tower Company II, LLC

By: 

Name: STEVEN MEJIA

Title: PRESIDENT

FIRST AMENDMENT OF LEASE AGREEMENT

This First Amendment of Lease Agreement ("First Amendment") is being made this 6TH day of January, ~~2018~~ 2020 by and between Carova Beach Volunteer Fire Department, Inc. ("Landlord"), and **Clearview Tower Company II, LLC**. ("Tenant").

WHEREAS, Landlord entered into a Lease Agreement with Tenant dated July 10, 2018, (the "Agreement") for the lease of a portion of the Landlord's property located on Sandpiper Road, Corolla, Currituck County, North Carolina; and,

WHEREAS, Landlord entered into the Lease Agreement in order to provide for its communications needs but recognizes that will not fully utilize the entire Communications Tower; and,

WHEREAS, Landlord also desires to own the Communications Tower but contract with Tenant to maintain the Communications Tower after construction; and,

WHEREAS, Landlord and Tenant agree that Tenant will construct for and on behalf of Landlord the Communications Tower at a height of one hundred fifty (150'), and upon its substantial completion, it will be owned by Landlord but maintained by Tenant; and,

WHEREAS, a portion of the Communications Tower will be reserved for Landlord's use, and the remainder of the entire Communications Tower shall be leased to Tenant; and,

WHEREAS, Landlord and Tenant desire to amend certain provisions of the Agreement to reflect their agreements.

NOW, THEREFORE, in consideration of the mutual promises herein set forth and other good and valuable consideration, Landlord and Tenant agree:

1. Communications Tower. As used in this First Amendment, "Communications Tower" shall be defined as a portion of the Communications Facility which includes the tower, its associated electrical and grounding systems, the security fence, and any other related improvement used solely for the operation of the tower.

2. Conveyance of Communications Tower.

(a) As used in this section "Final Completion" shall occur when the local jurisdiction in which the Communications Tower is located has inspected the Communications Tower and has issued a final unconditioned certificate of occupancy or equivalent certification with respect to the Communications Tower. Upon Final Completion, Tenant shall provide Landlord with all certificates, permits, licenses or other approvals required by any federal state or local authority to construct the Communications Tower, and all other documents reasonably requested by Landlord evidencing that the Communications Tower is free of all liens and encumbrances and that the Communications Tower complies with all applicable local, state, and federal laws and regulations. Upon Landlord's written acknowledgement of receipt of such documentation, Tenant shall convey title to the Communications Tower to Landlord by bill of sale "AS IS" and without any warranty or representation regarding the suitability of the Communications Tower for any particular purpose of use, and Tenant shall assign to Landlord all warranties provided by the tower manufacturer to the extent they are transferable by an assignment of warranties.

(b) Tenant shall pay all costs associated with the construction of the Communications Tower, including, without limitation: the cost of the Communications Tower; freight to the Property; foundation installation costs; tower erection costs; costs associated with the construction of a fence or other provisions for security; the reasonable cost of drawing telephone and electric services to the Communications Tower; tower grounding costs; the cost of building and other permits; the costs of erosion control and drainage; landscaping costs, if any; the cost of environmental and geotechnical studies; the costs of all design and engineering plans and specifications and surveys; title examination and title commitment costs; zoning costs

including without limitation, filing and application fees; recording costs; and costs incurred regarding FAA and FCC compliance, and any and all other required Federal regulatory filings.

(c) The payments and other obligations provided therein will be made and performed in consideration of Tenant's right to use that portion of the Communications Tower not allocated to Landlord.

3. Demised Premises. Effective upon execution of this First Amendment:

(a) The Demised Premises as described in the Agreement shall also include the Communications Tower.

(b) As stated in the Agreement, the Demised Premises is located on that certain Property owned by Landlord and described as Parcel ID # 101B-000-0010-0000 in the Property Tax Records of Currituck County, North Carolina (the "Landlord's Property"). The Demised Premises as described in the Agreement shall also include the non-exclusive right and option of Tenant (but not as a requirement or obligation) to use any and all easements (the "Property Appurtenant Easements") appurtenant to the Landlord's Property. Tenant may use all of the Property Appurtenant Easements for vehicular and pedestrian access and for the installation and maintenance of underground and overhead utility lines between the Demised Premises and public roads serving the Landlord's Property. Nothing in this First Amendment shall obligate or require Tenant to open, develop, install, improve, maintain or use any of the Property Appurtenant Easements.

(c) The Demised Premises as described in the Agreement shall also include the non-exclusive right and option of Tenant (but not as a requirement or obligation) to open, develop, install, improve, maintain and use the proposed easement road or driveway within the Landlord's Property as shown as depicted on the attached **Exhibit 1** (the "Proposed Interior Road"), as an appurtenance to the Demised Premises, for vehicular and pedestrian access and for the installation and maintenance of underground and overhead utility lines. Nothing in this First Amendment shall obligate or require Tenant to open, develop, install, improve, maintain or use the Proposed Interior Road.

4. Commencement Date. The second sentence of Section 2(a) of the Agreement is deleted in its entirety and replaced with:

"The first such payment shall be due on the earlier of the date upon which construction of the Communications Facility (as defined herein) is commenced or December 31, 2019."

5. Right of First Refusal. Landlord and Tenant hereby agree that the Right of First Refusal described in Section 14 of the Agreement shall apply to bona fide offers made to Landlord for all or any Portion of the Demised Premises, including the Communications Tower separately.

6. Tenant shall name Landlord as an additional insured on both its policy of comprehensive general liability insurance described in Section 6 of the Agreement, and its policy of property insurance for the Tower and its related components.

7. Conflict: The parties agree that, except as amended herein, the terms and conditions of the Agreement shall remain in full force and effect; provided, however, that in the event of a conflict between the terms of the Agreement and the terms of this First Amendment, the terms of this First Amendment shall control.

(signatures begin on the following page)

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in duplicate as of the day and year first above written.

Landlord: Carova Beach Volunteer Fire Department, Inc.

By: 

Tenant: Clearview Tower Company II, LLC

By: 

Name: STEVEN METIA

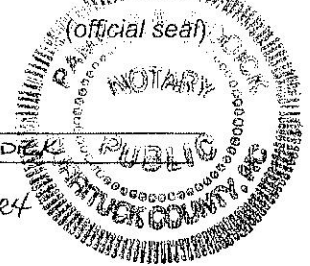
Title: PRESIDENT

ACKNOWLEDGEMENT

STATE OF NORTH CAROLINA
COUNTY OF DARE

On this 6TH day of JANUARY, 2020, before me, the undersigned notary public, personally appeared JONATHAN D. GATES as the PRES/REPRESENTATIVE of the Landlord, proved to me through satisfactory evidence of identification, which was ☒ photographic identification with signature issued by a federal or state governmental agency, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document.

Type or Print Name: PAMELA A. RIDDICK
Notary Public PAMELA A. RIDDICK
My commission expires: MAY 12, 2024



STATE/Commonwealth of NI
COUNTY OF MANASSAS

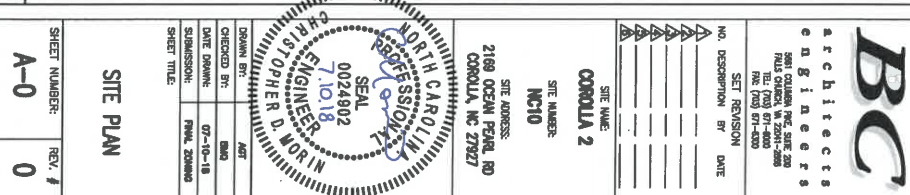
On this 8th day of JUN, 2020, before me, the undersigned notary public, personally appeared SIRVEN MAJIA, proved to me through satisfactory evidence of identification, which was ☒ photographic identification with signature issued by a federal or state governmental agency, ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document in his capacity as the PRESIDENT of Clearview Tower Company II, LLC, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of **Clearview Tower Company II, LLC**.

(official seal)

Type or Print Name: Rishi Engineer
Notary Public
My commission expires:

01/05/2020

RISHI ENGINEER
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires:
12/18/2024
COMM. NO: 50006211





Kirkland Appraisals, LLC

Richard C. Kirkland, Jr., MAI
9408 Northfield Court
Raleigh, North Carolina 27603
Phone (919) 414-8142
rkirkland2@gmail.com
www.kirklandappraisals.com

May 14, 2019

Mr. Tom Gomprecht
Clearview Tower Company I, LLC
26 Yolanda Drive
Edison, NJ 08817

RE: Corolla 2 Cell Tower Site, Corolla, NC

Mr. Gomprecht:

At your request, I have considered the impact of a cell tower proposed to be constructed on 0.13 acres of a 5.40-acre parent tract located off Seagull Lane, Corolla, NC. Specifically, I have been asked to give my professional opinion on whether the proposed cell tower will have any impact on adjoining property value and whether "the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located."

To form an opinion on these issues, I have researched cell towers in Corolla, researched articles through the Appraisal Institute and other studies, and discussed the likely impact with other real estate professionals. I have not been asked to assign any value to any specific property.

This letter is a limited report of a real property appraisal consulting assignment and subject to the limiting conditions attached to this letter. My client is Clearview Tower Company I, LLC represented to me by Tom Gomprecht. The effective date of this consultation is May 14, 2019.

Credentials/Experience

I have been a commercial appraiser for over 20 years and I regularly appraise agricultural properties, agricultural business properties, residential subdivisions, and commercial properties. I also regularly conduct impact analysis for a variety of adjoining and nearby uses such as waste water treatment plants, solid waste facilities, water towers, greenways, open space, water frontage, and solar projects. I have an MAI through the Appraisal Institute. The MAI membership designation is awarded after rigorous education requirements, a final comprehensive exam, specialized experience submittals that are peer reviewed, and must meet standards and ethics requirements. Typically, the time required to obtain an MAI after getting state certification ranges from 5 to 15 years. The MAI designation has long been recognized by courts of law, government agencies, and financial institutions for the additional experience and training it represents over and above state certification requirements.

Methodology

I have utilized a variety of methods to determine potential impact on adjoining property values. The primary method is the Matched Pair or Paired Data Analysis. Paired Data Analysis is outlined in **The Appraisal of Real Estate** Twelfth Edition published by The Appraisal Institute and described on Page 438 and 439 as a method for Quantitative Adjustments. This method is more greatly defined and broken out into multiple sub-methods in the **Real Estate Damages** Third Edition by Randall Bell, PhD, MAI, which is also published by The Appraisal Institute, starting on Page 33.

Paired Sales Analysis considers the sale of a property to a different property with only one difference in order to determine the impact that difference had on a sales price. In this instance, I have considered sales of

properties in proximity to a cell tower to properties not near a cell tower in order to determine if the cell tower had any impact on market transactions

I have also considered previous matched pair studies and hedonic statistical studies as noted below.

Determining what is an External Obsolescence

An external obsolescence is a use of property that, because of its characteristics, might have a negative impact on the value of adjacent or nearby properties because of identifiable impacts. Determining whether a use would be considered an external obsolescence requires a study that isolates that use, eliminates any other causing factors, and then studies the sales of nearby versus distant comparable properties. The presence of one or a combination of key factors does not mean the use will be an external obsolescence, but a combination of these factors tend to be present when market data reflects that a use is an external obsolescence.

External obsolescence is evaluated by appraisers based on several factors. These factors include but are not limited to:

- 1) Traffic. Cell towers are not traffic generators.
- 2) Odor. Cell towers do not produce odor.
- 3) Noise. Cell towers are not significant noise generators.
- 4) Environmental. Cell towers do not produce toxic or hazardous waste or contain hazardous materials or substances. The EPA, the International Agency for Research on Cancer, the National Toxicology Program Cancer Foundation have not classified cell phone towers as cancer-causing and the FCC indicates "There is no reason to believe that such towers could constitute a potential health hazard to nearby residents or students."
- 5) Appearance. Cell towers are not easily screened, but have been readily accepted as a typical view in most areas.

Proposed Use Description

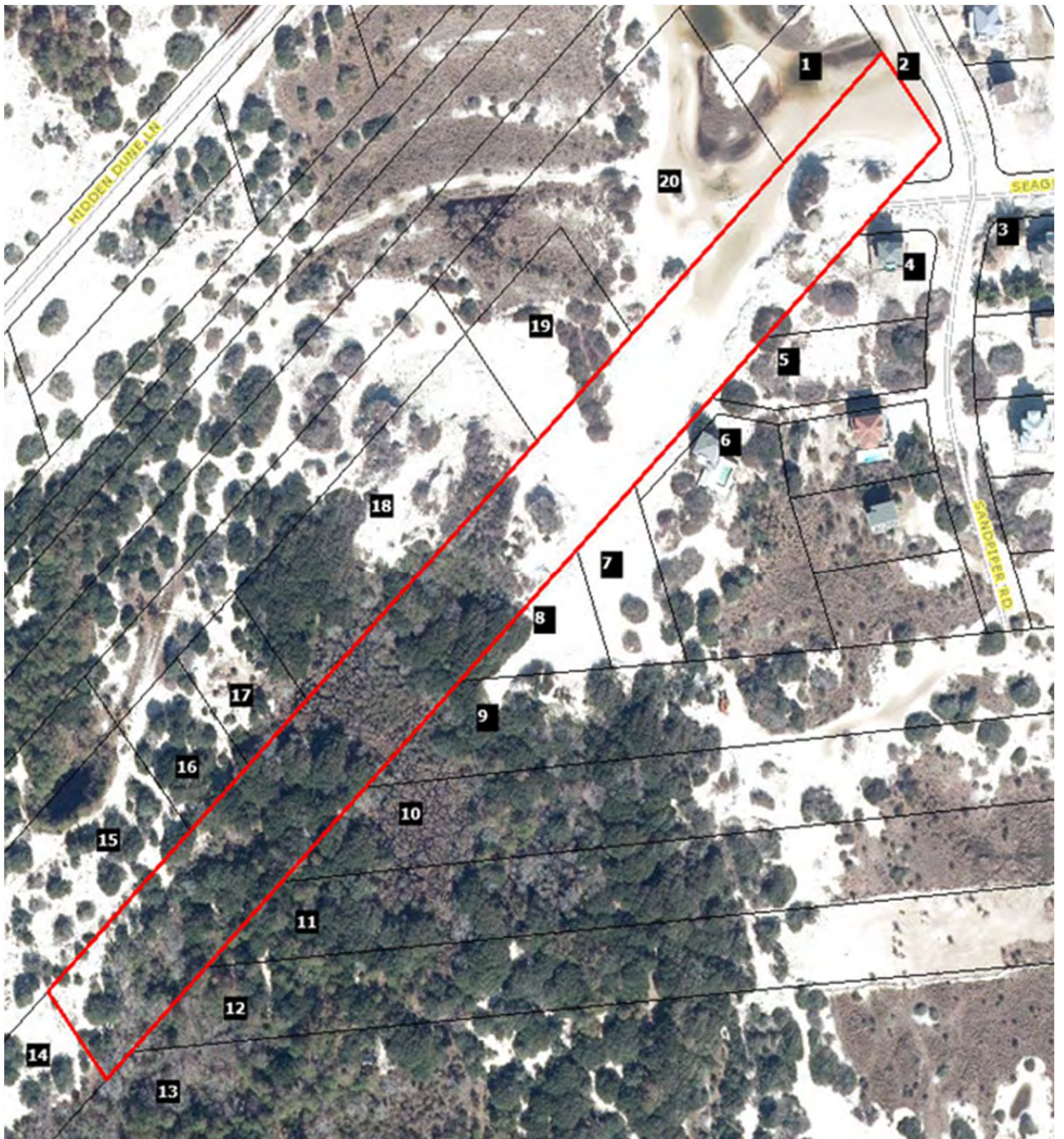
The proposed 150-foot tall cell tower is to be constructed on 0.13 acres of a 5.40-acre parent tract located off Seagull Lane, Corolla, NC. Adjoining land is a mix of agricultural and residential uses. The closest home to the proposed cell tower is 1,068 feet and the average distance is 1,299 feet.

Adjoining Properties

I have considered adjoining uses and included a map to identify each parcel's location. The breakdown of those uses by acreage and number of parcels is summarized below.

Adjoining Use Breakdown

	Acreage	Parcels
Residential	64.12%	95.00%
Agricultural	35.88%	5.00%
Total	100.00%	100.00%



Attachment: 7 Clearview Tower Impact Study (PB 19-23 Clearview Tower Company II, LLC)

Surrounding Uses

#	MAP ID	Owner	GIS Data		Adjoin	Adjoin	Distance (ft)
			Acres	Present Use	Acres	Parcels	Home/Tower
1	101B000007C0000	Lewark	0.58	Residential	0.87%	5.00%	N/A
2	101C000000E0000	Delaney	0.92	Residential	1.37%	5.00%	N/A
3	101C00000250000	McKiernan	0.49	Residential	0.73%	5.00%	1,558
4	101C000000D0000	Mix	0.46	Residential	0.69%	5.00%	1,384
5	101C000000D0000	Jacobs	0.57	Residential	0.85%	5.00%	1,184
6	101C000000A0000	Young	1.36	Residential	2.03%	5.00%	1,068
7	101C000000B0000	Lauber	0.47	Residential	0.70%	5.00%	N/A
8	101C000000C0000	Lauber	0.46	Residential	0.69%	5.00%	N/A
9	10100000040000	Dunton	3.60	Residential	5.38%	5.00%	N/A
10	0101000004A0000	Rodriguez	3.90	Residential	5.83%	5.00%	N/A
11	9929-91-1525	Bruns	5.62	Residential	8.40%	5.00%	N/A
12	9929-91-0483	Parson	5.63	Residential	8.41%	5.00%	N/A
13	9929-81-8193	Grettler	24.02	Agricultural	35.88%	5.00%	N/A
14	9929-70-4795	Wise	5.40	Residential	8.07%	5.00%	N/A
15	9929-70-4807	NE Pass	7.71	Residential	11.52%	5.00%	N/A
16	9929-81-0697	NE Pass	0.46	Residential	0.69%	5.00%	N/A
17	9929-81-1766	DC Prop	0.46	Residential	0.69%	5.00%	N/A
18	9929-81-3968	Goldeneye	1.90	Residential	2.84%	5.00%	N/A
19	9929-82-5283	Goldeneye	0.78	Agricultural	1.17%	5.00%	N/A
20	9929-91-1525	Protection	2.15	Residential	3.21%	5.00%	N/A
Total			66.940		100.00%	100.00%	1,299

Research/Existing Studies

I have considered a number of existing studies in this impact analysis as summarized below.

Valbridge Property Advisors, have conducted formal studies in Phoenix, Dallas, Boston, and Raleigh. In each of these studies they considered home sales within a quarter mile radius of cell towers to homes 0.5 to 1.0 mile away from the cell towers. They found that there was no evidence in any of these markets of a significant impact due to proximity to the cell tower. In many of the areas they found a nominal increase in value for the homes closer to the cell tower. These sales were between 2015 and 2018.

I considered an article published in the May/June 2016 Probate & Property Volume 30, No. 3 by Richard A. Forsten and Wendie C. Stabler. They cite in this article multiple studies that show no impact on property value. They cite a study by Thorn Consultants in 2001 that examined 85 transactions of homes and 26 vacant lots that concluded that "proximity to the cell site did not affect sale prices of homes or residential lots within the Potomac study area."

That article also references a 1998 study in Richmond, Virginia that examined 6 towers and 140 properties and also concluded "there was no consistent market evidence suggesting any negative impact upon residential properties exposed to such facilities in the areas included in the study. This study was completed by Allen G. Dorin, Jr., MAI, SRA and Joseph W. Smith.

A 2004 study of homes in Orange County, Florida found a minimal effect of 2% on value according to Sandy Bond and published in the Appraisal Journal Fall 2007.

A 2013 study from Chatham County, North Carolina concluded that "the proposed tower will not adversely affect property values in the general vicinity of the tower." Also, a 2013 study from Wake County, Holly Springs, North Carolina concluded that for an existing tower "there does not appear to be any significant or consistent change in value from the properties located [closer to or farther from the tower]...concluding that the tower does not affect the value of the properties as distance increases from [the] tower." Both of these studies were completed by David Smith and available as public record from those hearings.

The article also references a 2005 study from New Castle County, Delaware that looked at eight towers and concluded "the market demonstrates no ascertainable diminution of value to surrounding neighborhoods due to the installation or presence of a nearby communications tower."

The article further analyzes a recent tower in Sussex County, Delaware that similarly showed no impact on property values.

Matched Pair – Carova Beach, 2169 Ocean Pearl Road, Corolla, NC

I have looked at a number of sales of lots and homes in proximity to a monopole cell tower in Corolla that is 190 feet tall.

	TAX ID	Grantee	Distance	Acres	Date Sold	Price	YB	GLA	\$/GLA	Notes
A	9022-02-7136	Mundy	677	0.34	7/13/2018	\$80,000				Canal
B	9022-12-1413	Zikes	880	0.33	3/22/2016	\$40,000				Home built post sale
C	9022-12-1252	Dymczynski	690	0.33	10/27/2017	\$45,000				Home built post sale
D	9022-12-3417	King	930	0.33	3/6/2017	\$52,000				
E	9022-12-4379	McGovern	910	0.33	2/18/2016	\$407,500	2012	1536	\$265.30	
F	9022-12-3256	Pellini	710	0.33	8/29/2018	\$388,000	2011	1856	\$209.05	
G	9022-11-4907	Snyder	505	0.31	8/31/2018	\$245,000	1987	1344	\$182.29	
H	9022-11-5662	Carova	255	1.53	10/3/2016	\$211,500				
I	9022-11-6187	Boodram	450	0.33	10/4/2017	\$85,000				
J	9022-00-7861	Musial	765	0.34	12/1/2017	\$350,000	2005	1736	\$201.61	Modular/Canal
K	9022-01-6149	Armour	475	0.37	5/11/2018	\$190,000	1978	1512	\$125.66	Canal
L	9022-01-4244	Baldwin	720	0.43	11/29/2017	\$120,000	1980	864	\$138.89	Canal
M	9022-01-4518	Jethro	695	0.7	3/8/2019	\$400,000	1990	1344	\$297.62	Canal
N	9022-02-3015	Buffington	865	0.34	6/28/2016	\$84,900				Canal/Home built
O	9022-02-4407	Laughmiller	1,150	0.37	7/20/2018	\$155,000	1981	780	\$198.72	Canal

The distance measured above is to the closest point of the dwelling for homes and to the property line for the lots.



Attachment: 7 Clearview Tower Impact Study (PB 19-23 Clearview Tower Company II, LLC)

Lot Sales Comparables

I note that Parcels A and N are both on the Canals and sold for \$80,000 to \$84,900. The lower priced lot sale backed up to Ocean Pearl Road.

Parcel I is across the street from the beachfront property and sold for \$85,000. There are few houses built between this site and the beach and there is an easement to the beach in close proximity.

Parcels B, C, and D sold for \$40,000 to \$52,000 each with a median of \$45,000. The high end of the range was one parcel closer to the beach than the other two lots. Lot C is closer to the cell tower than Lot B and it sold for more than Lot B, which strongly indicates no impact due to the proximity to the cell tower.

Parcel H is the size of 5 of the other lots and sold for a price consistent with that ratio.

I considered the 7/31/17 sale of 2137 Petrel Road for 0.32 acres on a canal for \$72,500. This site is similarly located along the canals as Parcels A and N but located 1,360 feet away from the cell tower. This lot sold for less and shows no impact on property value based on relative distance to the cell tower.

I considered the 9/18/18 sale of 2169 Teal Road for 0.34 acres on a canal for \$65,000. This site is similarly located as Parcels A and N, but located 1,466 feet from the cell tower.

I considered three lots that sold on Sandpiper Road between 3/24/17 and 10/26/17 that sold for \$37,500 each to three different buyers with similar locations as Parcels B, C and D. These lots are almost two miles from the cell tower. Clearly, no impact relative to the cell tower is supported by these lot sales and there is a suggestion of an enhancement due to proximity to the cell tower.

I considered 2008 Sandfiddler Road that sold on 5/18/18 for \$100,000. This is one lot off of the beach and similarly located to Parcel I. This lot is around 2 miles from the cell tower. Currently, none of the lots between this home and the beach have been developed so there is a view of the ocean.

A similar lot located a block to the south at 1950 Sandfiddler Road sold on 9/17/18 for \$110,000. This lot is at the corner of Sandfiddler and Coneflower Lane and has a view of the ocean down Coneflower Lane.

I also considered the 5/23/16 sale of 2202 Sandfiddler Road for \$115,000 for a similarly located 0.33-acre lot at the corner with Bonita Lane. This lot has a view down Bonita to the ocean similar to 1950 Sandfiddler Road.

Home Sales Comparables

I considered the home sales at Parcels E, F and J along with three other homes of similar size and age as shown below. The price per square foot paid for these homes are all consistent with the highest price paid being for Parcel E, which is only 910 feet from the cell tower. Parcels F and J are within the range of the other comparables and there is no discernable trend for homes closer to the cell tower and a lower price per square foot. I consider these matched pairs to support no impact on the nearby homes that are between 710 feet and 910 feet from the cell tower.

I adjusted all of the comparables for changes in time, year built, and other categories to derive a total adjusted price that I then divided by the square footage of the dwelling to derive the indicated price per square foot. I made no adjustments for the square footage. I adjusted all of the comparables to the time and year built of the first comparable.

Nearby Residential Sales After Cell Tower Built									Adjoining Sales Adjusted				
Cell Distance	Address	Date Sold	Sales Price	Built	GBA	\$/GBA	BR/BA	Other	Time	YB	Other	Total	\$/SF
710	2177 Sandpiper	8/29/2018	\$388,000	2011	1,856	\$209.05	4/3.5			\$0		\$388,000	\$209.05
765	2145 Petrel	12/1/2017	\$350,000	2005	1,736	\$201.61	5/4	Pool/Mod	-\$7,000	\$14,700	-\$5,000	\$352,700	\$203.17
910	2180 Sandfiddler	2/18/2016	\$407,500	2012	1,536	\$265.30	3/2.5	Pool	\$16,300	-\$2,853	-25000	\$395,948	\$257.78
2407	433 Brant	8/6/2018	\$375,000	2001	1,640	\$228.66	3/2	Det Gar		\$26,250	-\$10,000	\$391,250	\$238.57
3103	2088 Sandfiddler	1/26/2018	\$255,000	1999	1,640	\$155.49	3/2		\$2,550	\$21,420		\$278,970	\$170.10
7596	2319 Carova	3/21/2018	\$272,500	2004	1,344	\$202.75	3/3		\$2,725	\$13,353		\$288,578	\$214.72
												Median	\$211.88

I also considered Parcels G and K along with additional home sales of similar size and age as shown below. These homes were older than the first set of sales, but of similar size. The sales shown do not support any negative impact due to proximity to the cell tower with the highest price per square foot being located only 505 feet from the cell tower. I did not adjust for number of bathrooms in this analysis, so a comparison with 2151 Shad Road is most appropriate with 2160 Albacore Road which shows no impact on price per square foot between similar uses.

Nearby Residential Sales After Cell Tower Built									Adjoining Sales Adjusted				
Cell Distance	Address	Date Sold	Sales Price	Built	GBA	\$/GBA	BR/BA	Other	Time	YB	Other	Total	\$/SF
475	2151 Shad	5/11/2018	\$190,000	1978	1,512	\$125.66	3/1					\$190,000	\$125.66
505	2171 Sandpiper	8/31/2018	\$245,000	1987	1,350	\$181.48	3/2			-\$15,435		\$229,565	\$170.05
1274	2164 Salmon	7/12/2017	\$275,000	1998	1,372	\$200.44	3/2	2 Gar	\$5,500	-\$38,500	-15000	\$227,000	\$165.45
2100	2160 Albacore	11/27/2017	\$185,000	1971	1,680	\$110.12	2/1		\$3,700	\$9,065		\$197,765	\$117.72
5967	2288 W Swordf	11/21/2018	\$170,000	1994	1,201	\$141.55	3/2		-\$1,700	-\$19,040		\$149,260	\$124.28
6350	2020 Sea Gull	6/18/2018	\$240,000	1981	1,845	\$130.08	3/2			-\$5,040		\$234,960	\$127.35
												Median	\$126.51

I also considered Parcels L and O along with additional home sales of similar size and age as shown below. These homes were older and smaller than the other nearby sales noted in the first two sets of matched pairs. Again, I did not adjust for bathrooms so it is important to compare those with one bathroom to others with one bathroom. Again, this set of comparables shows no correlation between distance to the cell towers and price per square foot.

Nearby Residential Sales After Cell Tower Built									Adjoining Sales Adjusted				
Cell Distance	Address	Date Sold	Sales Price	Built	GBA	\$/GBA	BR/BA	Other	Time	YB	Other	Total	\$/SF
720	2152 Shad	11/29/2017	\$120,000	1980	864	\$138.89	3/1					\$120,000	\$138.89
1150	2181 Pike	7/20/2018	\$155,000	1981	780	\$198.72	3/1		-\$3,100	-\$1,085		\$150,815	\$193.35
5967	2288 W Swordf	11/21/2018	\$170,000	1994	1,201	\$141.55	3/2		-\$3,400	-\$16,660		\$149,940	\$124.85
8476	2335 False Cp	4/27/2018	\$192,000	2000	864	\$222.22	2/1		-\$1,920	-\$26,880		\$163,200	\$188.89
9620	2357 Swan Isl.	10/5/2018	\$174,900	1977	784	\$223.09	2/2		-\$3,498	\$3,673		\$175,075	\$223.31
25878	706 Canal	11/17/2017	\$187,500	1997	1,094	\$171.39	2/1			-\$22,313		\$165,188	\$150.99
												Median	\$169.94

I did not match up Parcel M as the sales data shown places it at a much higher price per square foot than any of the other comparables, which suggests that there is something else going on with that comparable. I therefore did not rely on that transaction in this analysis.

Conclusion

The lot prices show no impact based on proximity to the cell tower at ranges from 255 to 865 feet.

The home prices show no impact based on proximity to the cell tower at ranges from 475 to 1,150 feet.

This matches up with the data found in the research compiled on similar cell tower studies.

I note that anecdotally, I recently completed appraisal work in a high-end horse community in Johnston County called Portofino. That development has a monopole cell tower at the entrance that has had no impact on home prices within this community based on my research as well as based on my questioning of the developer Norwood Thompson.

Based on the data and analysis in this report, it is my professional opinion that the cell tower proposed at the subject property will have no impact on the value of adjoining or abutting property and that the proposed use is in harmony with the area in which it is located.

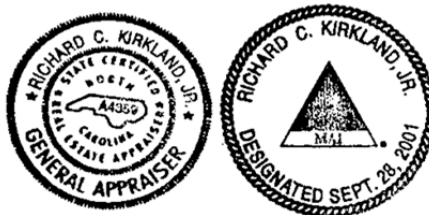
I also note that I was at a hearing for a cell tower in Chatham County where I listened to over 20 different individuals speak during a SUP hearing for a cell tower. Each one expressed a strong interest in having the improved coverage from a cell tower for safety and convenience to improve their daily lives. Cell towers have become an accepted utility and the lack of any impact on market values over and over shows how accepted they have become and how the loss of access to cell coverage is more notable than anything else related to a tower.

If you have any further questions please call me any time.

Sincerely,



Richard C. Kirkland, Jr., MAI
State Certified General Appraiser



Limiting Conditions and Assumptions

Acceptance of and/or use of this report constitutes acceptance of the following limiting conditions and assumptions; these can only be modified by written documents executed by both parties.

- ❖ The basic limitation of this and any appraisal is that the appraisal is an opinion of value, and is, therefore, not a guarantee that the property would sell at exactly the appraised value. The market price may differ from the market value, depending upon the motivation and knowledge of the buyer and/or seller, and may, therefore, be higher or lower than the market value. The market value, as defined herein, is an opinion of the probable price that is obtainable in a market free of abnormal influences.
- ❖ I do not assume any responsibility for the legal description provided or for matters pertaining to legal or title considerations. I assume that the title to the property is good and marketable unless otherwise stated.
- ❖ I am appraising the property as though free and clear of any and all liens or encumbrances unless otherwise stated.
- ❖ I assume that the property is under responsible ownership and competent property management.
- ❖ I believe the information furnished by others is reliable, but I give no warranty for its accuracy.
- ❖ I have made no survey or engineering study of the property and assume no responsibility for such matters. All engineering studies prepared by others are assumed to be correct. The plot plans, surveys, sketches and any other illustrative material in this report are included only to help the reader visualize the property. The illustrative material should not be considered to be scaled accurately for size.
- ❖ I assume that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. I take no responsibility for such conditions or for obtaining the engineering studies that may be required to discover them.
- ❖ I assume that the property is in full compliance with all applicable federal, state, and local laws, including environmental regulations, unless the lack of compliance is stated, described, and considered in this appraisal report.
- ❖ I assume that the property conforms to all applicable zoning and use regulations and restrictions unless nonconformity has been identified, described and considered in this appraisal report.
- ❖ I assume that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
- ❖ I assume that the use of the land and improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in this report.
- ❖ I am not qualified to detect the presence of floodplain or wetlands. Any information presented in this report related to these characteristics is for this analysis only. The presence of floodplain or wetlands may affect the value of the property. If the presence of floodplain or wetlands is suspected the property owner would be advised to seek professional engineering assistance.
- ❖ For this appraisal, I assume that no hazardous substances or conditions are present in or on the property. Such substances or conditions could include but are not limited to asbestos, urea-formaldehyde foam insulation, polychlorinated biphenyls (PCBs), petroleum leakage or underground storage tanks, electromagnetic fields, or agricultural chemicals. I have no knowledge of any such materials or conditions unless otherwise stated. I make no claim of technical knowledge with regard to testing for or identifying such hazardous materials or conditions. The presence of such materials, substances or conditions could affect the value of the property. However, the values estimated in this report are predicated on the assumption that there are no such materials or conditions in, on or in close enough proximity to the property to cause a loss in value. The client is urged to retain an expert in this field, if desired.
- ❖ Unless otherwise stated in this report the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the

Americans with Disabilities Act (effective 1/26/92). The presence of architectural and/or communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.

- ❖ Any allocation of the total value estimated in this report between the land and the improvements applies only under the stated program of utilization. The separate values allocated to the land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
- ❖ Possession of this report, or a copy thereof, does not carry with it the right of publication.
- ❖ I have no obligation, by reason of this appraisal, to give further consultation or testimony or to be in attendance in court with reference to the property in question unless further arrangements have been made regarding compensation to Kirkland Appraisals, LLC.
- ❖ Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of Kirkland Appraisals, LLC, and then only with proper qualifications.
- ❖ Any value estimates provided in this report apply to the entire property, and any proration or division of the total into fractional interests will invalidate the value estimate, unless such proration or division of interests has been set forth in the report.
- ❖ Any income and expenses estimated in this report are for the purposes of this analysis only and should not be considered predictions of future operating results.
- ❖ This report is not intended to include an estimate of any personal property contained in or on the property, unless otherwise state.
- ❖ This report is subject to the Code of Professional Ethics of the Appraisal Institute and complies with the requirements of the State of North Carolina for State Certified General Appraisers. This report is subject to the certification, definitions, and assumptions and limiting conditions set forth herein.
- ❖ The analyses, opinions and conclusions were developed based on, and this report has been prepared in conformance with, our interpretation of the guidelines and recommendations set forth in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA).
- ❖ This is a Real Property Appraisal Consulting Assignment.

Certification

I certify that, to the best of my knowledge and belief:

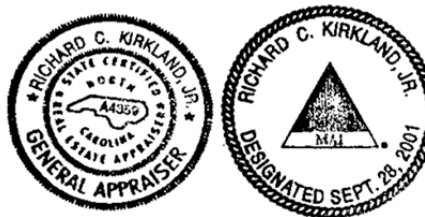
1. The statements of fact contained in this report are true and correct;
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions;
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved;
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment;
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results;
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of the appraisal;
7. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute;
8. The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives;
10. I have not made a personal inspection of the property that is the subject of this report and;
11. No one provided significant real property appraisal assistance to the person signing this certification.
12. As of the date of this report I have completed the requirements of the continuing education program of the Appraisal Institute;
13. I have not completed any appraisal related assignment on this property within the last three years.

Disclosure of the contents of this appraisal report is governed by the bylaws and regulations of the Appraisal Institute and the National Association of Realtors.

Neither all nor any part of the contents of this appraisal report shall be disseminated to the public through advertising media, public relations media, news media, or any other public means of communications without the prior written consent and approval of the undersigned.



Richard C. Kirkland, Jr., MAI
State Certified General Appraiser





Kirkland Appraisals, LLC

Richard C. Kirkland, Jr., MAI
9408 Northfield Court
Raleigh, North Carolina 27603
Mobile (919) 414-8142
rkirkland2@gmail.com
www.kirklandappraisals.com

PROFESSIONAL EXPERIENCE

Kirkland Appraisals, LLC , Raleigh, N.C. Commercial appraiser	2003 – Present
Hester & Company , Raleigh, N.C. Commercial appraiser	1996 – 2003

PROFESSIONAL AFFILIATIONS

MAI (Member, Appraisal Institute) designation #11796	2001
NC State Certified General Appraiser # A4359	1999
VA State Certified General Appraiser # 4001017291	
SC State Certified General Appraiser # 6209	
FL State Certified General Appraiser # RZ3950	
IL State Certified General Appraiser # 553.002633	
OR State Certified General Appraiser # C001204	

EDUCATION

Bachelor of Arts in English , University of North Carolina, Chapel Hill	1993
--	------

CONTINUING EDUCATION

Income Approach Case Studies for Commercial Appraisers	2018
Introduction to Expert Witness Testimony for Appraisers	2018
Appraising Small Apartment Properties	2018
Florida Appraisal Laws and Regulations	2018
Uniform Standards of Professional Appraisal Practice Update	2018
Appraisal of REO and Foreclosure Properties	2017
Appraisal of Self Storage Facilities	2017
Land and Site Valuation	2017
NCDOT Appraisal Principles and Procedures	2017
Uniform Standards of Professional Appraisal Practice Update	2016
Forecasting Revenue	2015
Wind Turbine Effect on Value	2015
Supervisor/Trainee Class	2015
Business Practices and Ethics	2014
Subdivision Valuation	2014
Uniform Standards of Professional Appraisal Practice Update	2014
Introduction to Vineyard and Winery Valuation	2013
Appraising Rural Residential Properties	2012
Uniform Standards of Professional Appraisal Practice Update	2012
Supervisors/Trainees	2011
Rates and Ratios: Making sense of GIMs, OARs, and DCFs	2011
Advanced Internet Search Strategies	2011
Analyzing Distressed Real Estate	2011

Uniform Standards of Professional Appraisal Practice Update	2011
Business Practices and Ethics	2011
Appraisal Curriculum Overview (2 Days – General)	2009
Appraisal Review - General	2009
Uniform Standards of Professional Appraisal Practice Update	2008
Subdivision Valuation: A Comprehensive Guide	2008
Office Building Valuation: A Contemporary Perspective	2008
Valuation of Detrimental Conditions in Real Estate	2007
The Appraisal of Small Subdivisions	2007
Uniform Standards of Professional Appraisal Practice Update	2006
Evaluating Commercial Construction	2005
Conservation Easements	2005
Uniform Standards of Professional Appraisal Practice Update	2004
Condemnation Appraising	2004
Land Valuation Adjustment Procedures	2004
Supporting Capitalization Rates	2004
Uniform Standards of Professional Appraisal Practice, C	2002
Wells and Septic Systems and Wastewater Irrigation Systems	2002
Appraisals 2002	2002
Analyzing Commercial Lease Clauses	2002
Conservation Easements	2000
Preparation for Litigation	2000
Appraisal of Nonconforming Uses	2000
Advanced Applications	2000
Highest and Best Use and Market Analysis	1999
Advanced Sales Comparison and Cost Approaches	1999
Advanced Income Capitalization	1998
Valuation of Detrimental Conditions in Real Estate	1999
Report Writing and Valuation Analysis	1999
Property Tax Values and Appeals	1997
Uniform Standards of Professional Appraisal Practice, A & B	1997
Basic Income Capitalization	1996

FAA 2-C TOWER CERTIFICATION

Site#: NC10
Site Name: CAROVA 2
Date: March, 16 2018

PROPOSED TOWER

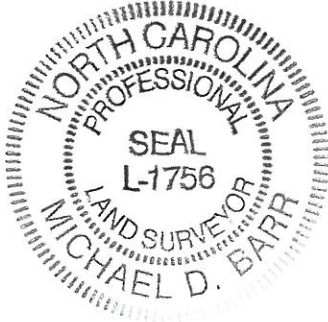
I hereby certify that the following Latitude and Longitude values for the center of the above-referenced tower are accurate to within +/- 20 feet horizontally; and that the following PROPOSED tower site elevation is accurate to within +/- 3 feet vertically.

NAD 83

Latitude: 36° 25' 59.61" N. +/- 20'

Longitude: 075° 50' 43.56" W. +/- 20'

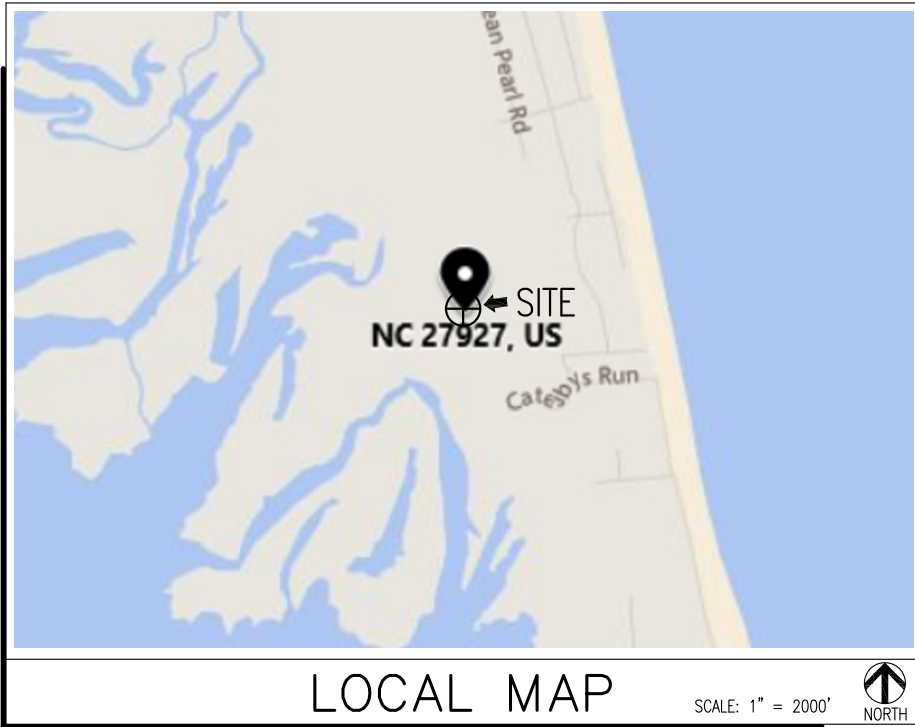
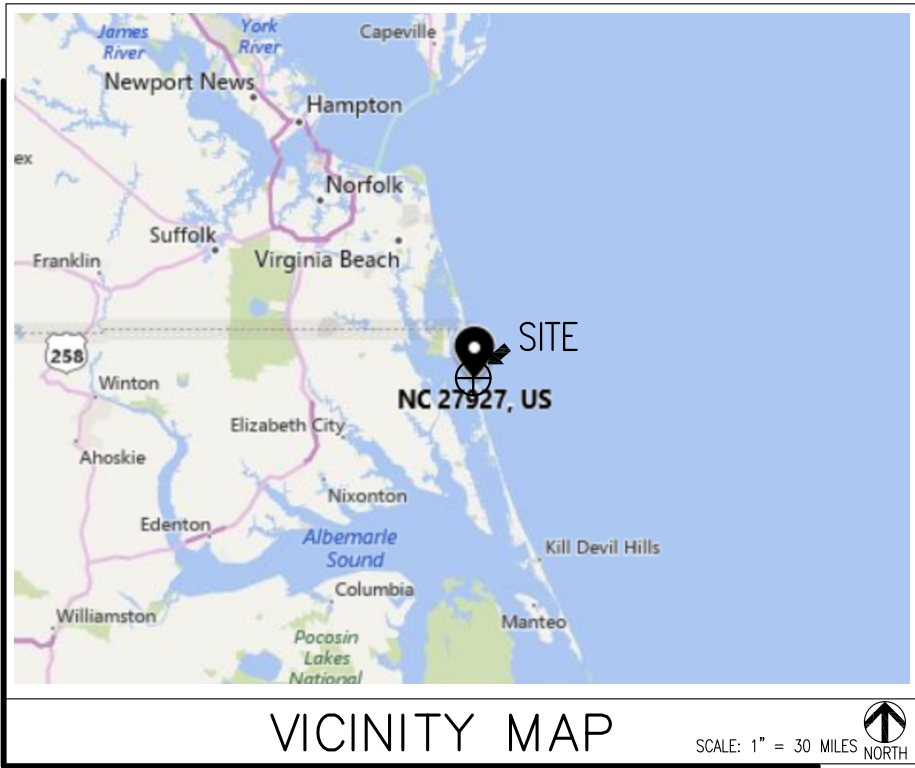
Ground elevation at base of tower: 13.5' NAVD, 1988



Michael D. Barr, PLS, CFS
North Carolina Professional Land Surveyor
License No. L-1756

FOR BC INTERNAL USE ONLY: 11-04-19 MALLA 100849 \10.07.188.8\BC Files\Drawings - 2018\CLEARVIEW Towers\NC10 - Corolla 2\2018 - Rev 10 - 2018-11-04\71.dwg

SITE NAME:
COROLLA 2
SITE NUMBER:
NC10



DIRECTIONS TO SITE:

FROM RAMP FOR I-64 EAST TOWARD CHESAPEAKE/DOWNTOWN NORFOLK/SUFFOLK: AT EXIT 291B, TAKE RAMP RIGHT FOR I-464 S/MARTIN LUTHER KING JR MEMORIAL HWY TOWARD CHESAPEAKE REGIONAL AIRPORT/ELIZABETH CITY/OUTER BANKS/TIDEWATER COMMUNITY COLLEGE 0.5 MI. TAKE RAMP LEFT FOR US-168 SOUTH TOWARD OUTER BANKS • TOLL ROAD 11.7 MI. KEEP LEFT TO STAY ON VA-168 S/CHESAPEAKE EXPY 4.3 MI. ROAD NAME CHANGES TO NC-168 • ENTERING NORTH CAROLINA 18.3 MI. KEEP STRAIGHT ONTO US-158/CARATOKE HWY/NC-168 29.1 MI. TURN LEFT AND THEN BEAR RIGHT ONTO NC-12/OCEAN BLVD 1.6 MI. KEEP LEFT TO STAY ON NC-12/DUCK RD 20.2 MI. ROAD NAME CHANGES TO NORTH BEACH ACCESS RD • UNPAVED ROAD 2.3 MI. KEEP STRAIGHT TOWARD CATESBYS RUN • UNPAVED ROAD 0.7 MI. TURN LEFT ONTO CATESBYS RUN • UNPAVED ROAD 0.3 MI. ARRIVE AT CATESBYS RUN ON THE RIGHT.



PROJECT DESCRIPTION:
PROPOSED 150' MONOPOLE FACILITY



DIG ALERT:
CALL NORTH CAROLINA 811 FOR UNDERGROUND UTILITIES PRIOR TO DIGGING-811 OR (800) 632-4949

EMERGENCY:
CALL 911

APPROVAL			
OWNER'S AGENT APPROVAL	SIGNATURE	PHONE NUMBER	DATE
CONSTRUCTION COORDINATOR	SIGNATURE	PHONE NUMBER	DATE
APPROVAL	SIGNATURE	PHONE NUMBER	DATE

SUBMISSION REVISION			
SET NO.	DESCRIPTION	BY	DATE
3	CLIENT COMMENTS	AGT	05-09-19
4	ACCESS ROUTE	AGT	05-10-19
5	CLIENT COMMENTS	AGT	05-29-19
6	TOWER LT. REMOVED	AGT	06-03-19
7	CLIENT COMMENTS	AGT	10-21-19
8	CLIENT COMMENTS	AGT	10-22-19
9	CLIENT COMMENTS	AGT	10-23-19
10	CLIENT COMMENTS	AGT	11-04-19

ARCHITECTURAL AND ENGINEERING FIRM:

BC ARCHITECTS ENGINEERS, PLC
5661 COLUMBIA PIKE, SUITE 200
FALLS CHURCH, VA 22041-2868

TEL: (703) 671-6000 CONTACT: BRIAN QUINN
FAX: (703) 671-6300 ARCHITECT

SURVEYOR:

BISSELL PROFESSIONAL GROUP
3512 NORTH CROATON HIGHWAY
P.O. BOX 1068
KITTY HAWK, NC 27949

TEL: (252) 261-3266 CONTACT: MICHAEL D. BARR
FAX: (252) 261-1760 PLS NO. L-1756

UTILITIES:

POWER COMPANY:

COMPANY NAME: DOMINION NORTH CAROLINA POWER
CONTACT: CUSTOMER SERVICE
TEL: (866) 366-4357

TELEPHONE COMPANY:

COMPANY NAME: AT&T
CONTACT: CUSTOMER SERVICE
TEL: (800) 331-0500

SITE NAME:

COROLLA 2

SITE NUMBER:

NC10

SITE ADDRESS:

2169 OCEAN PEARL RD
COROLLA, NC 27927

APPLICANT BUILDING INFO:

CLEARVIEW TOWER COMPANY II, LLC
26 YOLANDA DRIVE
EDISON, NJ 08817

ATTN: STEVE MEJIA
TEL: (732) 744-0652
FAX: (410) 461-7963

PROJECT DESCRIPTION:

AN UNMANNED RADIO TELECOMMUNICATIONS FACILITY
CONSISTING OF A PROPOSED 150' MONOPOLE IN A NEW
FENCED COMPOUND

ADA COMPLIANCE:

FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION

PROJECT DATA:

COUNTY: CURRITUCK
JURISDICTION: CURRITUCK COUNTY
PARCEL ID: 101B-000-0010-0000
DEED REFERENCE: DB 1116 PG 765
ZONING: TBD

GEOGRAPHIC COORDINATES:

LATITUDE: N 36° 25' 59.61" (NAD 83)
LONGITUDE: W 75° 50' 43.56" (NAD 83)
GROUND ELEVATION: 13.5' AMSL (NAVD 88)

CODE COMPLIANCE

2015 NC EXISTING BUILDING CODE
NEC 2011

CONSULTING TEAM

PROJECT SUMMARY

SHEET NUMBER: DESCRIPTION:

T-1 TITLE SHEET, VICINITY MAP AND
GENERAL INFORMATION
2 SHEETS SURVEY
A-0 SITE PLAN
A-1 ENLARGED SITE PLAN
A-2 TOWER ELEVATION
A-3 FENCE & GATE DETAILS

SHEET INDEX

ISSUED FOR ZONING



THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF CLEARVIEW TOWER COMPANY AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM CLEARVIEW TOWER COMPANY. TITLE TO THESE PLANS AND/OR SPECIFICATION SHALL REMAIN WITH CLEARVIEW TOWER COMPANY WITHOUT PREJUDICE AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.



5661 COLUMBIA PIKE, SUITE 200
FALLS CHURCH, VA 22041-2868
TEL: (703) 671-6000
FAX: (703) 671-6300

SET REVISION			
NO.	DESCRIPTION	BY	DATE
4	CLIENT COMMENTS	AGT	05-29-19
5	TWR LT. REMOVED	AGT	06-03-19
6	CLIENT COMMENTS	MM	10-21-19
7	CLIENT COMMENTS	MM	10-22-19
8	CLIENT COMMENTS	MM	10-23-19
9	CLIENT COMMENTS	MM	11-04-19

SITE NAME:

COROLLA 2

SITE NUMBER:

NC10

SITE ADDRESS:

2169 OCEAN PEARL RD
COROLLA, NC 27927

DRAWN BY:	AGT
CHECKED BY:	BMQ
DATE DRAWN:	11-04-19
SUBMISSION:	FINAL ZONING

SHEET TITLE:

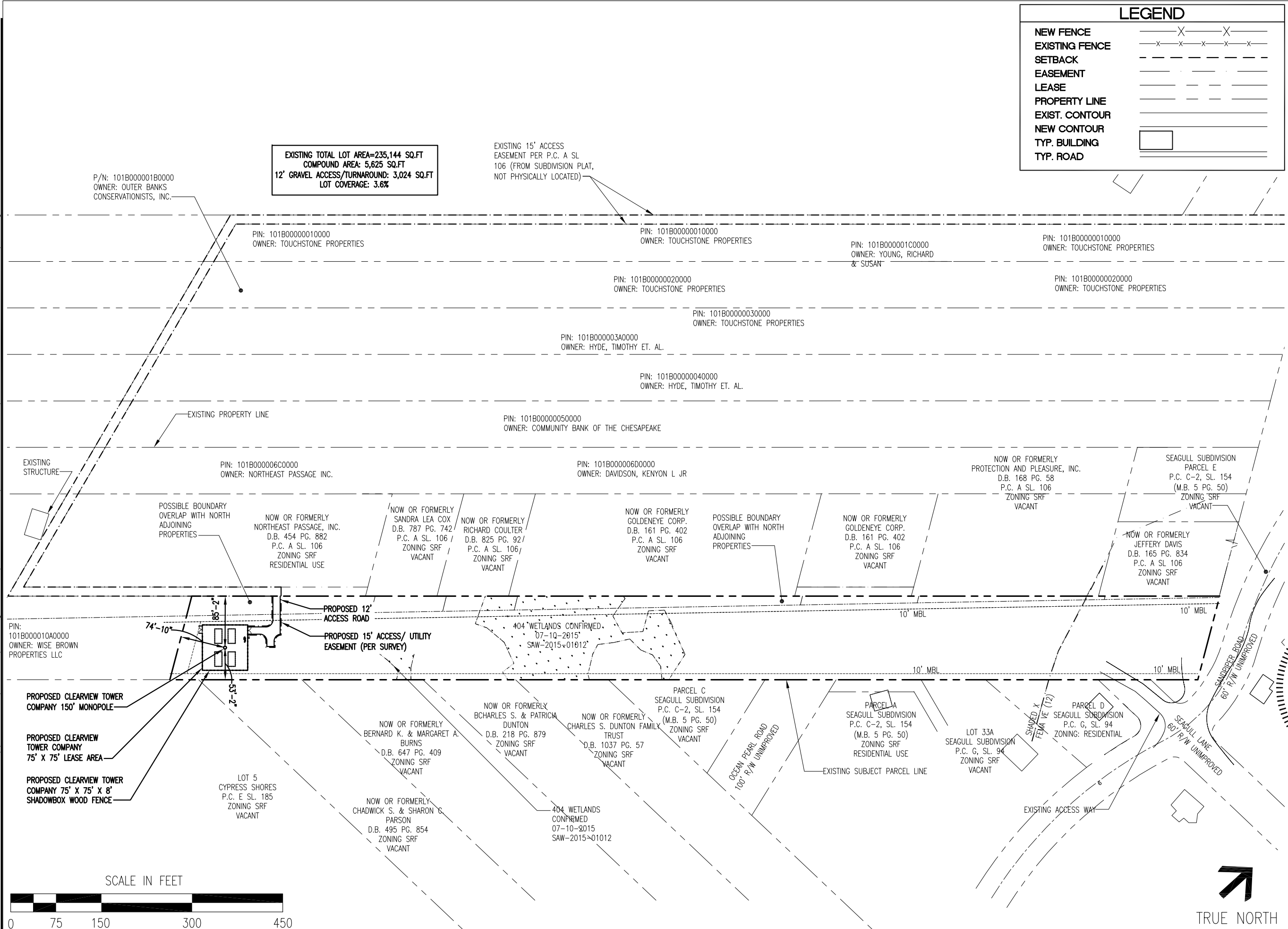
**VICINITY MAP
AND GENERAL
INFORMATION**

SHEET NUMBER: REV. #

T-1 10
Packet Pg. 64

Attachment: 9 Site Plan (PB 19-23 Clearview Tower Company II, LLC)

10-04-19 MALLA 10:09:20 10:27:189.8/BC Files/Drawings - 2018/Clearview Towers/NC10 - Corolla 2/_ZD's - Rev 10 - 2019-11-04/A0.dwg



LEGEND

NEW FENCE

EXISTING FENCE

SETBACK

EASEMENT

LEASE

PROPERTY LINE

EXIST. CONTOUR

NEW CONTOUR

TYP. BUILDING

TYP. ROAD

X

X

X

X

X

X

X

8.A.i

CLEARVIEW

Tower Company

26 YOLANDA DRIVE
EDISON, NJ 08817
PH: (732) 744-0652

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF CLEARVIEW TOWER COMPANY AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM CLEARVIEW TOWER COMPANY. TITLE TO THESE PLANS AND/OR SPECIFICATION SHALL REMAIN WITH CLEARVIEW TOWER COMPANY WITHOUT PREJUDICE AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

BC

architects
engineers

5661 COLUMBIA PIKE, SUITE 200
FALLS CHURCH, VA 22041-2868
TEL: (703) 671-6000
FAX: (703) 671-6300

SET REVISION

NO.	DESCRIPTION	BY	DATE
4	CLIENT COMMENTS	AGT	05-29-15
5	TWR LT. REMOVED	AGT	06-03-15
6	CLIENT COMMENTS	MM	10-21-15
7	CLIENT COMMENTS	MM	10-22-15
8	CLIENT COMMENTS	MM	10-23-15
9	CLIENT COMMENTS	MM	11-04-15

SITE NAME:

COROLLA 2

SITE NUMBER:

NC10

SITE ADDRESS:

2169 OCEAN PEARL RD
COROLLA, NC 27927

NORTH CAROLINA

PROFESSIONAL SEAL

0024902

11.04.19

ENGINEER

CHRISTOPHER D. MORIN

DRAWN BY:

AGT

CHECKED BY:

BMQ

DATE DRAWN:

11-04-19

SUBMISSION:

FINAL ZONING

SHEET TITLE:

SITE PLAN

SHEET NUMBER:

A-0

REV. #

10

Packet Pg. 65

Attachment: 9 Site Plan (PB 19-23 Clearview Tower Company II, LLC)

15' ACCESS EASEMENT PER P.C. A SL 106
(FROM SUBDIVISION PLAT, NOT PHYSICALLY LOCATED)

NOW OR FORMERLY
NORTHEAST PASSAGE, INC.
D.B. 454 PG. 882
P.C. A SL. 106
ZONING SRF
RESIDENTIAL USE

PROPOSED 12'-0" DOUBLE
SWING ACCESS GATE (TYP.)

EXISTING 10' M.B.L.

PROPOSED 12'
ACCESS ROAD
PROPOSED 15' ACCESS
EASEMENT (PER SURVEY)

PROPOSED CLEARVIEW
TOWER COMPANY 15'
ACCESS/UTILITY EASEMENT

FUTURE 12' X 24'
LEASE AREA (TYP. OF 4)

PROPOSED FIBER VAULT

PROPOSED 8' UTILITY RACK W/
6-GANG & 3' X 3' HOFFMAN BOX

PROPOSED CLEARVIEW TOWER
COMPANY 75' X 75' X 8'
SHADOWBOX WOOD FENCE

PROPOSED CLEARVIEW TOWER
COMPANY 150' MONOPOLE

GRUB AND REMOVE ALL TREES AND
VEGETATION WITHIN FENCED AREA

PROVIDE MIRAFI 500X GEOTEXTILE FABRIC
AND #57 STONE WITHIN FENCED AREA

PROPOSED CLEARVIEW TOWER
COMPANY 75' X 75' LEASE AREA

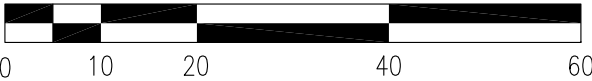
EXISTING SUBJECT
PARCEL LINE

LOT 5
CYPRESS SHORES
P.C. E SL. 185
ZONING SRF
VACANT

EXISTING PROPERTY
LINE

NOW OR FORMERLY
CHADWICK S. & SHARON C. PARSON
D.B. 495 PG. 854
ZONING SRF
VACANT

SCALE IN FEET



ENLARGED SITE PLAN

8.A.i

CLEARVIEW
Tower Company

26 YOLANDA DRIVE
EDISON, NJ 08817
PH: (732) 744-0652

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF CLEARVIEW TOWER COMPANY AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM CLEARVIEW TOWER COMPANY. TITLE TO THESE PLANS AND/OR SPECIFICATION SHALL REMAIN WITH CLEARVIEW TOWER COMPANY WITHOUT PREJUDICE AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

BC

architects
engineers

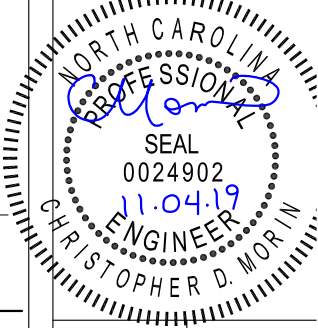
5661 COLUMBIA PIKE, SUITE 200
FALLS CHURCH, VA 22041-2868
TEL: (703) 671-6000
FAX: (703) 671-6300

SET REVISION			
NO.	DESCRIPTION	BY	DATE
4	CLIENT COMMENTS	AGT	05-29-15
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8	CLIENT COMMENTS	MM	10-23-15
9	CLIENT COMMENTS	MM	11-04-15

SITE NAME:
COROLLA 2

SITE NUMBER:
NC10

SITE ADDRESS:
2169 OCEAN PEARL RD
COROLLA, NC 27927



DRAWN BY:	AGT
CHECKED BY:	BMQ
DATE DRAWN:	11-04-19
SUBMISSION:	FINAL ZONING
SHEET TITLE:	

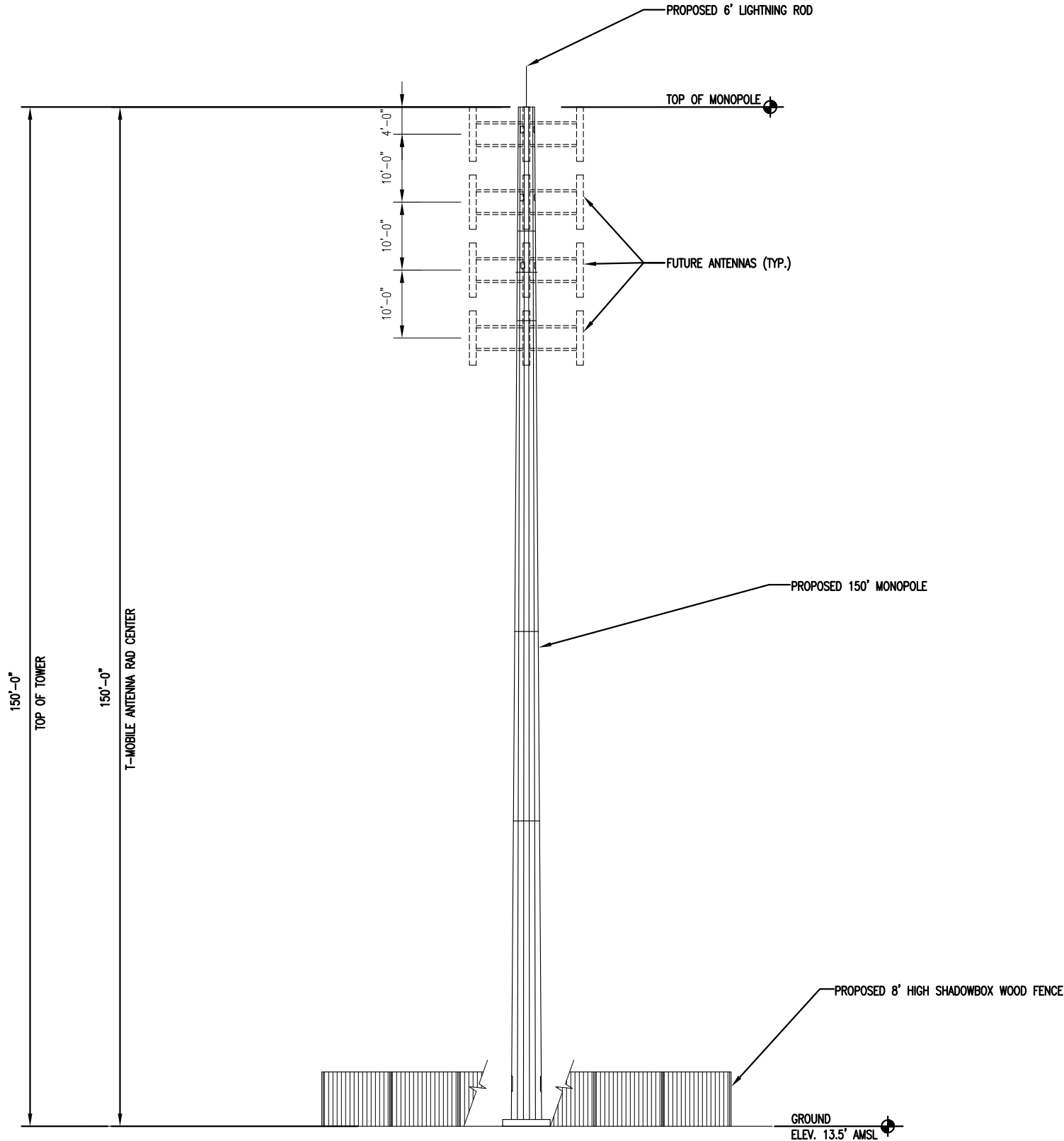
ENLARGED
SITE PLAN

SHEET NUMBER:	REV. #
---------------	--------

FOR BC INTERNAL USE ONLY: 06-03-19 ATECS 1451:00 1/2 Drawings - 2018/Clearview Towers/NC10 - Corolla 2/2019 - Rev 6 - 2019-06-03/22.dwg



1"=20' (11" x 17")
1"=10' (24" x 36")



TOWER ELEVATION

8.A.i

CLEARVIEW

Tower Company

26 YOLANDA DRIVE
EDISON, NJ 08817
PH: (732) 744-0652

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BC

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FALLS CHURCH, VA 22041-2868
TEL: (703) 671-6000
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SET REVISION			
NO.	DESCRIPTION	BY	DATE
4	CLIENT COMMENTS	AGT	05-29-15
5	TWR LT. REMOVED	AGT	06-03-15
6	CLIENT COMMENTS	MM	10-21-15
7	CLIENT COMMENTS	MM	10-22-15
8	CLIENT COMMENTS	MM	10-23-15
9	CLIENT COMMENTS	MM	11-04-15

SITE NAME:
COROLLA 2

SITE NUMBER:
NC10

SITE ADDRESS:
2169 OCEAN PEARL RD
COROLLA, NC 27927

NORTH CAROLINA

PROFESSIONAL

SEAL

0024902

11.04.19

ENGINEER

CHRISTOPHER D. MORIN

DRAWN BY:

AGT

CHECKED BY:

BMQ

DATE DRAWN:

11-04-19

SUBMISSION:

FINAL ZONING

SHEET TITLE:

TOWER ELEVATION

SHEET NUMBER: A-2 REV. # 10

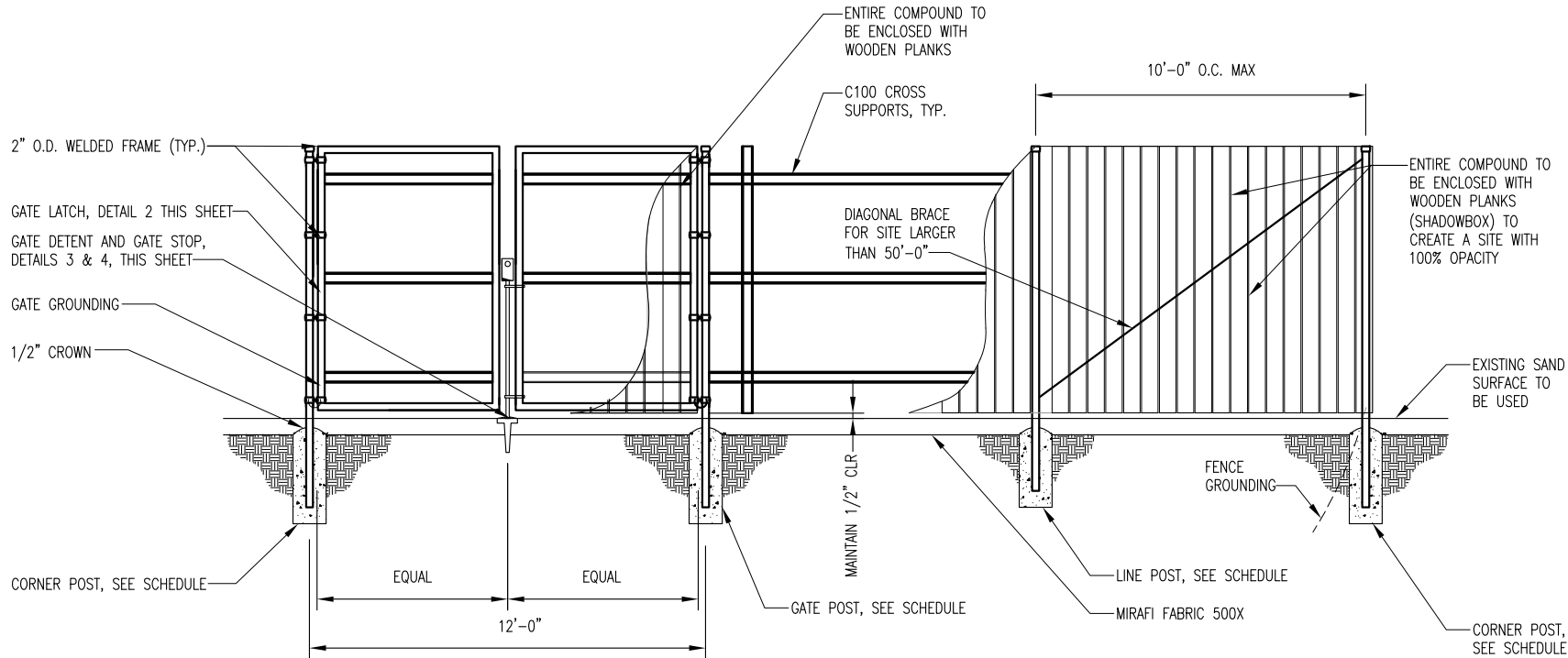
Packet Pg. 67

Attachment: 9 Site Plan (PB 19-23 Clearview Tower Company II, LLC)

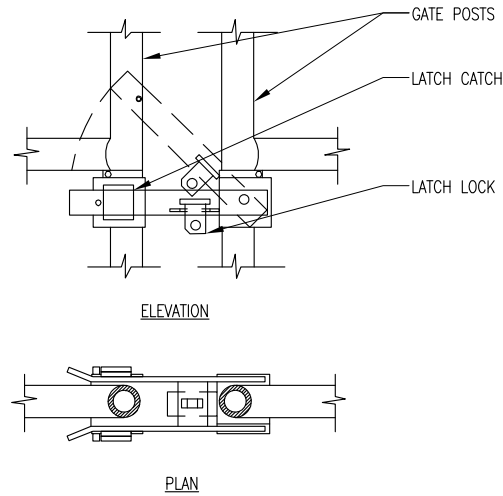
05-29-19 ATECS 14:48:03 Y:/Drawings - 2018/Clearview Towers/NC10 - Corolla 2/_ZD's - Rev 5 - 2019-05-29/A3.dwg

FENCE PARTS LIST		
TYPE	SIZE	AMOUNT
WOODEN PLANK	1" X 6" X 10'	180
CORNER POST	3"Ø	4

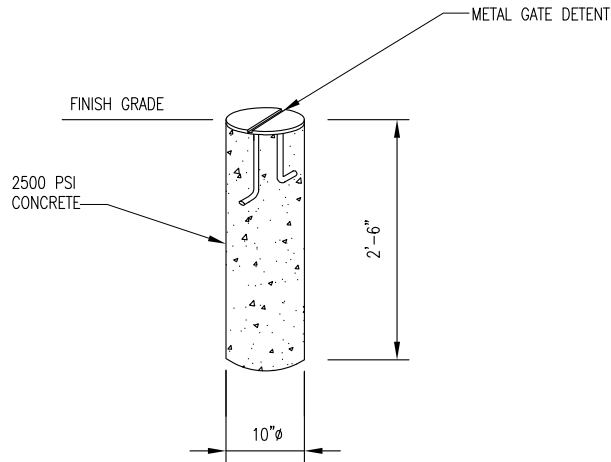
GATE POST	4"Ø	2
TYPE	SIZE	36
WOODEN PLANK	1" X 6" X 10'	8
CORNER POST	3"Ø	9



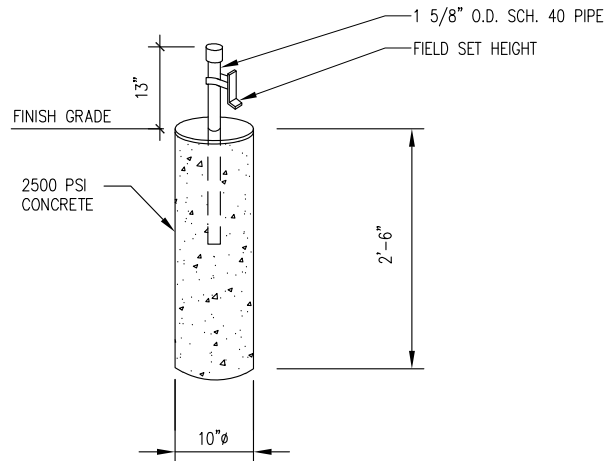
TYPICAL FENCING SIZES		
8' HIGH FENCE	SIZE	POST FOOTING
LINE POST	2"Ø	9"Ø X 48" DEEP
CORNER POST	3"Ø	12"Ø X 60" DEEP
GATE POST	4"Ø	12"Ø X 60" DEEP



N.T.S. GATE LATCH DETAIL 2



N.T.S. GATE DETENT DETAIL 3



N.T.S. GATE STOP/KEEPER DETAIL 4

N.T.S. FENCING DETAIL 1

8.A.i



CLEARVIEW
Tower Company
26 YOLANDA DRIVE
EDISON, NJ 08817
PH: (732) 744-0652

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF CLEARVIEW TOWER COMPANY AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM CLEARVIEW TOWER COMPANY. TITLE TO THESE PLANS AND/OR SPECIFICATION SHALL REMAIN WITH CLEARVIEW TOWER COMPANY WITHOUT PREJUDICE AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

BC
architects
engineers

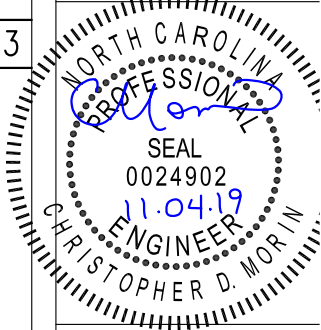
5661 COLUMBIA PIKE, SUITE 200
FALLS CHURCH, VA 22041-2868
TEL: (703) 671-6000
FAX: (703) 671-6300

SET REVISION			
NO.	DESCRIPTION	BY	DATE
4	CLIENT COMMENTS	AGT	05-29-19
5	TWR LT. REMOVED	AGT	06-03-19
6	CLIENT COMMENTS	MM	10-21-19
7	CLIENT COMMENTS	MM	10-22-19
8	CLIENT COMMENTS	MM	10-23-19
9	CLIENT COMMENTS	MM	11-04-19

SITE NAME:
COROLLA 2

SITE NUMBER:
NC10

SITE ADDRESS:
2169 OCEAN PEARL RD
COROLLA, NC 27927



DRAWN BY:	AGT
CHECKED BY:	BMQ
DATE DRAWN:	11-04-19
SUBMISSION:	FINAL ZONING

SHEET TITLE:
**FENCE
& GATE
DETAILS**

SHEET NUMBER:	REV. #
A 3	10
Packet Pg. 68	

Attachment: 9 Site Plan (PB 19-23 Clearview Tower Company II, LLC)


Currituck County
Department of Planning and Community Development

153 Courthouse Road, Suite 110

Currituck, North Carolina 27929

252-232-3055

FAX 252-232-3026

MEMORANDUM

To: Benjamin M. Gallop, Attorney
Clearview Tower Company, II, LLC

From: Jennie Turner, Planner II

Date: October 10, 2019

Re: PB19-23 Carova Beach VFD Tower – Major Site Plan/Use Permit

The following comments were received at the October 9, 2019 TRC meeting. TRC comments are valid for six months from the date of the TRC meeting.

In order to be scheduled for the November 18, 2019 Board of Commissioners meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on October 21, 2019.

Planning, Jennie Turner 252-232-6031TR

Reviewed

1. Please clarify the northern property boundary issue.
2. Are there any heritage trees on site?
3. Provide lot coverage.
4. If lighting is proposed a lighting plan will be required.
5. Clearly show proposed access and proposed parking and turn around areas in accordance with UDO Section 5.6.7.

Currituck County Building Inspections, Bill Newns 252-232-6023

Due to site conditions in our 4x4 area in Carova Beach I am ok with the 15' access to the cell tower site based on the hazard and limited occupancy of the site that will be manned by qualified personnel only when maintaining the site. During the construction the contractor should make arrangements for equipment that may not be able to maneuver to the site without damage to adjacent property owners and this needs to be accounted for by them as would any other site during construction. After a conversation a few months ago the tower company had acknowledged that they would need to make some kind of improvements to the surface and easement to bring equipment into this site. One main condition for this site is to maintain vegetation growth around the site to limit chance of fire. During construction the VFD should be made aware when personnel are on site as they may want to station equipment in case of an emergency safeguard during construction.

Currituck County Engineering, Eric Weatherly 252-232-6035

Approval with corrections

- * Please explain applicable exemptions in section 4.2.3.H.I.c
- * Provide design and location information for the access road
- * Determine if lighting is required by FAA

Attachment: 10 TRC Comments - October 2019 (PB 19-23 Clearview Tower Company II, LLC)

Currituck County Wastewater, Glenn Vance, 252-232-6062

No Comment

No Sewer impacts

Southern Outer Banks Water, Benjie Carawan & Jim Williams 252-453-2620

No comments received

Albemarle Regional Health Services, Joe Hobbs 252-232-6603

Reviewed

*NOTE: HOPEFULLY LOCATION OF TOWER ON PROPERTY WILL NOT NEGATIVELY EFFECT SEPTIC SYSTEM AND PRIVATE WELL APPROVAL NEEDED TO SERVE A PROPOSED FIRE STATION ON THIS PROPERTY IN THE FUTURE . A PROPOSED FOOTPRINT OF THE FUTURE FIRE STATION WAS NOT DESIGNATED/DISCLOSED ON THE SITE PLAN/SURVEY ISSUED FOR REVIEW. THE PROPERTY WILL NEED TO BE EVALUATED IN THE NEAR FUTURE BY THE CURRITUCK COUNTY HEALTH DEPT.(252-232-6603) FOR SEPTIC SYSTEM AND PRIVATE WELL APPROVAL.

Currituck County Water, Yama Jones 252-232-6061

No comments received

Currituck County GIS, Harry Lee 252-232-2034

Reviewed

The address for the proposed tower will be 1552-A Ocean Pearl Rd.

NC DEQ- Division of Coastal Management, Charlan Owens 252-264-3901

No Comment

Currituck County Parks & Recreation, Jason Weeks, 252-232-3007

No Comment

The following items are necessary for resubmittal:

- 2 - Full size copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.

HORNTHAL, RILEY, ELLIS & MALAND, L.L.P.

ATTORNEYS AT LAW

2502 S. CROATAN HIGHWAY

NAGS HEAD, NORTH CAROLINA 27959

TELEPHONE (252) 441-0871

TELEFAX (252) 441-8822

INTERNET: www.hrem.com

BRYAN M. DOUGLAS
M. H. HOOD ELLIS
BENJAMIN M. GALLOP
ROBERT B. HOBBS, JR.*
L. PHILLIP HORNTHAL, III
ANDREW W. HOWLE
JOHN D. LEIDY
W. BROCK MITCHELL
WILLIAM P. NORRELL
DONALD C. PRENTISS

*BOARD CERTIFIED SPECIALIST IN
REAL PROPERTY LAW

RETIRED

L. P. HORNTHAL, JR.
MARK M. MALAND
CHARLES W. OGLETREE
J. FRED RILEY
THOMAS L. WHITE, JR.

OTHER OFFICE

ELIZABETH CITY, NC

December 20, 2019

VIA HAND DELIVERY

Currituck County
Planning and Community Development
ATTN: Laurie LoCicero
153 Courthouse Road, Suite 110
Currituck, NC 27929

Re: Carova VFD Communications Tower Post-TRC Revisions/Comments
HREM File No.: D4035-2

Dear Ms. LoCicero:

I hope this letter finds you doing well. I am writing on behalf of my client, Clearview Tower Company II, LLC ("Clearview"), to provide comments and revisions in relation to the October 10, 2019 TRC comments made on my client's major site plan application and use permit application (the "Applications") for the above referenced project. Please treat this cover letter, its narrative and attachments as a part of the Applications and materials already submitted. Also, pursuant to the TRC Comments provided, please find enclosed a DVD with all revised documents and plans, two (2) full size copies of revised project plans, and one (1) 8.5"x11" copy of the revised plans.

TRC RESPONSE NARRATIVE**1. Response to Planning Comments**

- Property Boundary: The combination of title examination and on the ground survey work on the VFD Property shows that there is a question about the location of the northern property line of the VFD Property in the vicinity of the tower compound. The tower compound has been located such that it meets the UDO setbacks associated with the possible property line that is most restrictive.

Attachment: 11 TRC Response (PB 19-23 Clearview Tower Company II, LLC)

- Heritage Trees: There appear to be 2-3 heritage trees which will be effected by the development according to the Heritage Tree Survey included with this revision packet. The Applicant intends to comply with the UDO requirements to mitigate the removal of the heritage trees affected.
- Lot Coverage: A notation regarding lot coverage is provided on page 2 of the revised plans.
- Exterior Lighting: The Applicant does not intend to have any exterior lighting in the compound. If that changes, Applicant will use full cut-off lighting per the UDO.
- Driveway Access/Turnaround Area: The revised plans clearly show the proposed driveway access on the VFD Property and associated parking and turnaround areas on the driveway.

2. Response to Building Inspection Comments

- Access to Property: The applicant intends to incur no damage to adjacent properties during construction and intends to use the easement rights associated with the parcel arising from the subdivision plat found in the Currituck County Public Registry at Plat Cabinet A, Slide 106 for the John Lewark Subdivision of which the VFD Property is a portion. Applicant does not intend to make any improvements to the easement access.
- No Improved Access Driveway: While there was a previous plan to access the tower from the eastern portion of the VFD Property which would have necessitated some improvement to a lengthy driveway that is no longer the Applicant's intention and it is no longer a part of the Applications. No improvement is expected or necessary for the shorter driveway being applied for in the Applications as revised.
- Vegetation Maintenance: The Applicant intends to perform maintenance of the site as needed to prevent the unsafe and unnecessary growth of vegetation in and around the tower compound.
- VFD Information: The Applicant can make the Carova VFD aware of when personnel are onsite for emergency preparedness purposes.

3. Response to Engineering Comments

- UDO Sec. 4.2.3.H.1.c: UDO Sec. 4.2.3.H.1.c(v) provides an exemption from standards for telecommunications towers under UDO Sec. 4.2.3.H.1 when an communications tower is owned by a volunteer fire department and used in whole or in part for public safety or emergency communications purposes. Under the agreement between the Applicant and the VFD, the VFD will own the tower upon completion of construction, and Clearview will lease, maintain and manage the tower pursuant to the lease for a period of years thereafter. A portion of the tower will be

reserved for the VFD's use and installation of emergency and fire department related communications equipment. The VFD's emergency and fire department related communications equipment will be installed before other equipment. Clearview will be able to sublease or otherwise allow for telecommunications providers to install and operate cellular phone and data equipment on the remainder of the tower and within the enclosed ground lease area. These other providers will also provide much needed 911 service in the area. At one point, there was an issue with the use of this exemption because the tower would have needed to be an accessory to another primary use, but recent ordinance amendments (March 4, 2019) have made it so a tower can be a primary use via conditional use permit in the SFR zone.

- Access Road Design/Location: See responses above under Item 2, and revised plans showing access easement which extends from public roadway at the Northeast corner of the John Lewark Subdivision to the Northwest portion of the VFD Property in the vicinity of the tower compound per the subdivision plat found in the Currituck County Public Registry at Plat Cabinet A, Slide 106 for the John Lewark Subdivision of which the VFD Property is a portion.
- FAA Lighting: FAA lighting is not required for towers under 200 feet in height. The Applicant would prefer not to light the tower as it is not required, can irritate neighbors and increases costs and maintenance. However, if the County would like the tower to be lit, the Applicant will provide lighting similar to what is located on the current tower on the VFD fire house property in Carova as noted in the original Application narrative.

4. Response to Wastewater Comments

No response needed.

5. Response to Southern Outer Banks Water Comments

No response needed.

6. Response to ARHS Comments

There will be no wastewater needs for the tower. Given the size of the parcel and expectation that the VFD will build its facility on the eastern portion of the property, there is little risk of negative effects of this development on future septic or well water needs.

7. Response to County Water Comments

No response needed.

8. Response to GIS Comments

No response needed.

9. Response to DEQ-DCM Comments

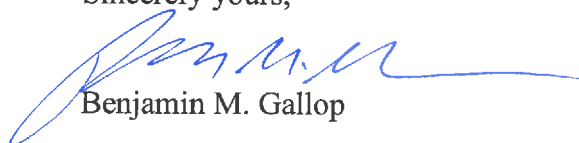
No response needed.

10. Response to Parks & Recreation Comments

No response needed.

It has been a pleasure working with you and your staff on this project. Thank you for taking the time to answer my questions and to consider this application. Please let me know if I can provide any additional information or answer any questions you may have. I look forward to hearing from you.

Sincerely yours,



Benjamin M. Gallop

BMG/

cc: Client

HORNTHAL, RILEY, ELLIS & MALAND, L.L.P.

ATTORNEYS AT LAW

2502 S. CROATAN HIGHWAY

NAGS HEAD, NORTH CAROLINA 27959

TELEPHONE (252) 441-0871

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 CHARLES W. OGLETREE
 J. FRED RILEY
 THOMAS L. WHITE, JR.

OTHER OFFICE

ELIZABETH CITY, NC

January 9, 2020

VIA EMAIL ONLY TO: Jennie.Turner@CurrituckCountyNC.gov

Currituck County

ATTN: Jennie Turner

Planning and Community Development

ATTN: Laurie LoCicero

153 Courthouse Road, Suite 110

Currituck, NC 27929

Re: Carova VFD Communications Tower Post-TRC Addendum
 HREM File No.: D4035-2

Dear Ms. Turner:

I hope this letter finds you doing well. I am writing on behalf of my client, Clearview Tower Company II, LLC ("Clearview"), to provide comments and revisions in relation to the your call earlier this week regarding on my client's major site plan application and use permit application (the "Applications") for the above referenced project. Please treat this cover letter, its narrative and attachments as a part of the Applications and materials already submitted. I have attempted to address each of your concerns below:

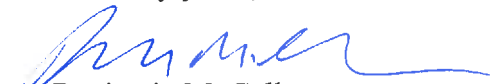
1. Camouflaging of Tower: At the pre-application meeting, we discussed the potential for need to address painting or camouflaging the proposed tower in some way. It was deemed at that time not to be a requirement of the UDO for this project, but expected that it may arise at the time of the consideration of the use permit by the Board of Commissioners that we should be prepared to address. Since it was not a requirement, we planned to address it at the meeting if it arose, and that is why it was not a part of our initial application. Ultimately, Clearview has been and remains prepared to paint the proposed tower in a camouflage scheme if the Board of Commissioners desires. That being said, their experience in this area is that due to the location of the tower it would most likely be seen against the backdrop of the sky and the galvanized gray of an unpainted tower would be sufficient camouflage for that background. If paint will be required, a blue grey paint scheme would be the correct scheme, but would not likely

provide much additional camouflage while providing an additional cost.

2. Lighting/FAA Analysis: In May of 2018, my client obtained documentation from the FAA that the tower even if it was 195' rather than the 150' proposed would not need to have lighting. I have attached that documentation as well as the engineering analysis provided by Clearview's aviation engineer to support it. As you will note, the FAA clearance expired in November of 2019. We have reapplied to renew the clearance, but we do not expect a different result. We would have provided this information earlier, but we had been under the impression that everyone agreed that FAA lighting was not required on this tower and that Clearview would be willing to light the tower in a similar fashion to the lighting on the current tower at the Carova VFD property if the Board of Commissioners desired. Clearview remains willing to light the tower if needed by the FAA or desired by the Commissioners.
3. Legal Access for Inspections: Clearview will provide legal access to the site for inspections. There are multiple legal access points to the property. Also, as noted, in the attached lease amendment, Clearview has clarified with the Carova VFD that it can use the associated 15' Leward Subdivision access easement for ingress and egress as well as the area of a potential road through the property if ever needed to access the site from the eastern end of the property. (NOTE: No road is being proposed to be built with this application. The easement provided in the lease is in addition to a general right of ingress and egress and is meant to clarify that if Clearview ever desired to build a road through the property it could do so.)
4. Heritage Tree Mitigation Plan: Clearview has engaged an engineering firm to prepare a Heritage Tree Mitigation Plan, and will provide that when it is finalized.
5. Exterior Lighting Plan: As noted in previous narratives, there is no exterior lighting expected on the site at this time. If that changes, Clearview will prepare and provide an exterior lighting plan.

It has been a pleasure working with you on this project. Thank you for taking the time to answer my questions and to consider this application. Please let me know if I can provide any additional information or answer any questions you may have. I look forward to hearing from you.

Sincerely yours,



Benjamin M. Gallop

BMG/
cc: Client

Ken Patterson

Airspace Consulting, Inc.

www.airspace-ken.com

Site ID: Corolla 2 - NC10

January 31, 2018

To Whom It May Concern:

On January 31, 2018, I personally conducted an evaluation of a proposed telecommunications site for Clearview Tower Company. The study was to determine if the proposed structure would create any adverse effect on navigable airspace. The site is located near Corolla, North Carolina at 36° 25' 59.61" North and 75° 50' 43.56" West (NAD 83). The site elevation is 13' above mean sea level (AMSL). The proposed structure height is 150' above ground level (AGL) or 163' AMSL. Part 77 of the Federal Air Regulations and Part 17 of the FCC Rules and Regulations were used as the primary reference for this evaluation.

The closest public use or DOD landing surface is Runway 22 at Currituck County Airport. The distance to the runway is 8.30 nautical miles on a true bearing of 077.49° from the runway.

The proposed 150' AGL (163' AMSL) structure would not exceed any FAR Part 77 or FCC Part 17 notice requirement and, therefore, notice to the FAA is not required for this structure. If filed, the 150' AGL structure should be approved by the FAA.

Normally, structures that do not require notice to the FAA do not require marking and/or lighting. Private use landing facilities and AM broadcast stations are not a factor for this study.

For additional information or questions about this study, contact my office anytime.

Sincerely,



Ken Patterson

KP15662

141 Massengale Road, Brooks, GA 30205
(770) 461-0563 kpac0@bellsouth.net



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2018-ASO-6167-OE

8.A.n

Issued Date: 05/03/2018

Steven Mejia
Clearview Tower Company II, LLC
26 YOLANDA DRIVE
Edison, NJ 08817

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Monopole Corolla 2
Location:	Corolla, NC
Latitude:	36-25-59.60N NAD 83
Longitude:	75-50-43.60W
Heights:	13 feet site elevation (SE) 195 feet above ground level (AGL) 208 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 1.

This determination expires on 11/03/2019 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, height, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 222-5933, or andrew.hollie@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2018-ASO-6167-OE.

Signature Control No: 360531902-364261781

(DNE)

Andrew Hollie
Specialist

Attachment(s)
Case Description
Frequency Data
Map(s)

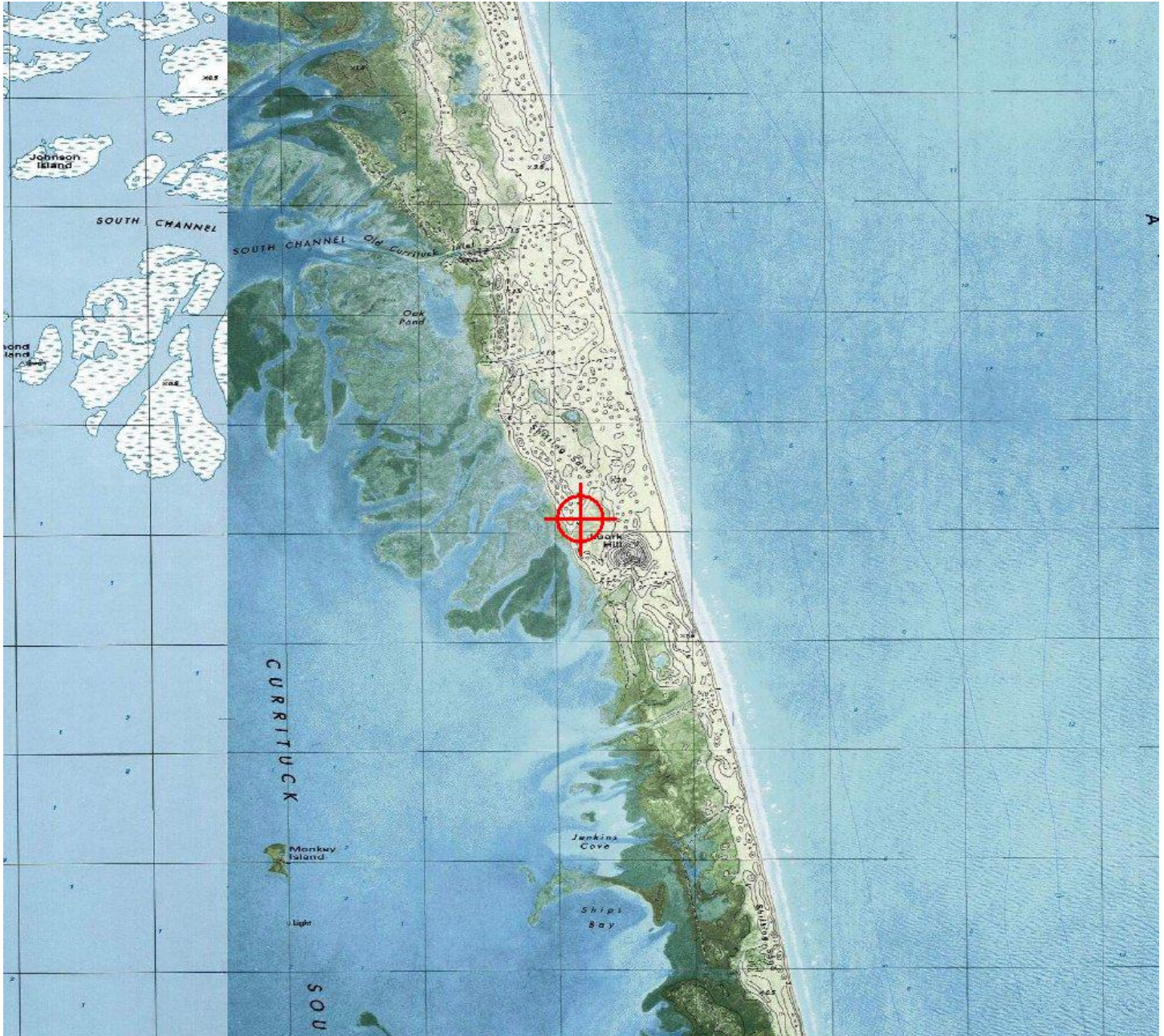
cc: FCC

Attachment: 14 NC10 FAA (PB 19-23 Clearview Tower Company II, LLC)

New 195' monopole with top mounted antennas

Attachment: 14 NC10 FAA (PB 19-23 Clearview Tower Company II, LLC)

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W



Attachment: 14 NC10 FAA (PB 19-23 Clearview Tower Company II, LLC)



Attachment: 14 NC10 FAA (PB 19-23 Clearview Tower Company II, LLC)



Federal Aviation
Administration

The system will be going offline at 7pm ET on Thursday, January 9, 2020 for upgrades. We apologize for any inconvenience.

<< OE/AAA

Notice of Proposed Construction or Alteration - Off Airport

[Add New Multiple Cases Off Airport - Desk Reference Guide V_2018.2.1](#)

[Add a New Case \(Off Airport\) for Wind Turbines - Met Towers \(with WT Farm\) - WT-Barge Crane - Desk Reference Guide V_2018.2.1](#)

Project Name: CLEAR-000560713-20

Sponsor: Clearview Tower Company, LLC

Details for Case : Monopole Corolla 2

[Show Project Summary](#)

Case Status																																																																																																																																																																																					
ASN:	2020-ASO-466-OE																																																																																																																																																																																				
Status:	Accepted																																																																																																																																																																																				
Public Comments:	None																																																																																																																																																																																				
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Attachment: 15 NC10 Notice of Proposed Construction or Alteration - Refile (PB 19-23 Clearview Tower Company II, LLC)

Attachment: 15 NC10 Notice of Proposed Construction or Alteration - Refile (PB 19-23 Clearview Tower Company II, LLC)

VFD COMMUNICATIONS TOWER PROJECT COMMUNITY MEETING SUMMARY

July 16, 2019

The attached agenda was distributed.

The people noted on the attached list of attendees attended the meeting.

NOTES OF PRESENTATION AND COMMENTS RECEIVED AT MEETING

Steve Mejia explains what the tower is, where it will go and what it will look like in detail.

Stacey Jacobs, a resident of Swan Beach, asks exactly where the tower will be and mentions that her land is unstable and if the ground near her residence is dug into her house will fall.

Mr. Mejia tells Ms. Jacobs and the others that the tower is not near any residence including hers and describes how the tower is placed into the ground.

Ms. Jacobs mentions that she does not want the light that will be placed on top of the tower explaining that this is a beautiful area with wildlife and having to see a light disrupts the scenery.

Jay Laughmiller, VFD Chief, tells Ms. Jacobs and the rest of the group that the light is there for safety and explains that the light is facing down towards the tower and that it does not shine outwards.

Ben Gallop, Attorney, also explains that the light is something they can talk about mentioning that the light is something the county asked for.

Ms. Jacobs asks if the light on the tower could be turned on and off, on only when there is a helicopter landing.

Mr. Laughmiller and Jay Bate explain together that they could look into the possibility of having the light on a timer or only on when a helicopter is landing.

Others join the meeting; Mr. Gallop along with Mr. Laughmiller explain to those just coming into the meeting what they have missed and show them on maps where the tower will be located in reference to each person's own property.

Mr. Gallop starts explaining the process of the application and submitting any questions they may have after the meeting.

Jennie Turner, Currituck County Planner & Zoning, explains where those questions can be submitted.

A couple of others enter the meeting; Mr. Gallop and Mr. Laughmiller along with Mr. Mejia talk to those residents explaining what they have missed so far, explaining where the tower will be located in reference to their own properties.

Angi Gregory, resident, mentions that Canada has tree top towers that don't have lights, possibly asking if we could do that instead of having the light and the pole itself.

Mr. Gallop explains the reasoning for the light.

Mrs. Gregory questions why we have helicopters landing in the first place that she does not know where they go.

Ms. Jacob explains why there are helicopters landing, for the safety of others, and explains where they go.

Mr. Bate helps to explain the reasoning for the helicopters and where they go.

Mrs. Gregory asks why there is going to be a tower placed there if they have the helicopter pad..

Jennifer Early, being a first responder/911 operator explains that it is a radio tower that when calls come out most times she cannot reach the fire station to let them know about the call that she has to drive closer to the station to talk to them.

Mr. Gallop talks more about the application and the process that goes along with that. He talks about the next meeting and what will be done in and before that meeting.

Mrs. Gregory and another resident question if the tower can be moved to a nonresidential area that there are too many houses around the tower location.

Mrs. Gregory and Mrs. Jacobs mention that there are many different the tower can be placed, that it will be going in someone's backyard.

Mr. Mejia talks more about the location of the tower and explains that it is not in a residential area and it will not be in any of the residents backyard.

Mrs. Jacobs says that there are many other areas that the tower can be placed and still she does not see the need for the tower.

Mr. Laughmiller explains that the area/property the tower will be going on is property owned by the VFD and cannot be simply moved to another area that the VFD does not own. He also explains again that the tower is there for the safety of Ms. Jacobs and the others. He shows everyone the personal

radios that are placed in the trucks and carried by members of the VFD. He tells the group that the radios can only reach so far and that in order for the VFD to reach each other, 911 operators and medics that they have to have another radio tower built.

Martha Chediser asks how tall the tower will be in reference to the radiotower at the VFD.

Mr. Mejia describes how the tower will look and that the tower will be roughly 40 feet shorter than the tower that is at the VFD.

Mrs. Gregory says that there will just be more and more towers built if this one is allowed.

Ken Gregory, resident, says that there are not enough calls that come out for a tower to be put in Swan Beach..He asks Mr. Laughmiller how many calls come out in and around Swan Beach and what the calls consist of.

Mr. Laughmiller describes the different calls that come out, drowning, missing swimmers, heat strokes, allergic reactions, seizures, fishing injuries, shark bites, lightning strikes, house fires, brush fires, etc. That there are more than enough calls coming from Swan Beach that justify having a radio tower built. Again it is for the safety of those in that area.

Mrs. Gregory asks what types of radios does the VFD use and if they can simply get more radios and if the radios they have now reach.

Mr. Laughmiller explains that they have some digital radios and no the radios do not reach to and from Swan Beach/ the fire station that having more radios does nothing when there is no tower in Swan Beach.

Ann Rice, resident, asks if the cell service will be increased in the area.

Mr. Mejia and Mr. Gallop both explain that it is primally a radio tower but yes different cell carriers will attach to the tower and people in and around Swan Beach will have better cell service.

Mr. Gallop explains that it will add to the public safety, gives reasons to build the tower and why it will be built.

Mrs. Gregory asks that if they fire department uses only digital radios if that would help and what coverage does the tower have that is at the VFD.

Mr. Laughmiller explains that the coverage is not a given amount of space it depends on tree coverage, that having all digital radios will not help the coverage right now that having more digital radios will only help once the tower is built. Also that a substation being built will help with the range since the radios

work farther when in and around one of their apparatuses but the range in the apparatus only goes but so far past the station and the original tower.

Mr. Gregory asks why build a substation?

Mr. Bate explains that having a substation in the Swan Beach area would allow calls to be answered faster, that they would have a team able to be there during the day and not just at the VFD single station and it would be safer for the residents and those on the beach in that area.

Mrs. Gregory asked if they have a repeater on their current trucks and asks if that does not help the coverage.

Mr. Bate explains the process the signal goes through between the 911 operator and the VFD. He says that they have their on frequency they talk on back and forth to each other about the calls that the dispatch and other stations cannot hear.

Ms. Jacobs and Mrs. Gregory asked about the real estate value going down on their property because of the view that will be disturbed once the tower is put up. They both want to know if it will affect the appraisal on her home.

Mr. Gallop explained that an appraiser had performed a study showing that values would not be negatively affected.

Mrs. Gregory asks about the radio waves and if there is an ordinance on the radiation.

Mrs. Turner explains that this is a zoning permit for the tower to be built that it has nothing to do with the radio waves or radiation.

Ms. Jacobs asks if the tower can be put on property closer to the Wildlife refugee property.

Mr. Gallop explains that it cannot because the VFD does not own property closer to the refuge that they are building the tower on this specific property because it is owned by the VFD.

Mrs. Jacobs is concerned that the tower will attract lightning and if the pole is struck it will travel down into the water table and electrocute the residences house.

Mrs. Gregory adds that the water table on her property is very high and is also concerned with this possible lighting incident.

Mr. Mejia explains the structure base of the tower and that it works like a car being grounded and does not allow the electricity to travel out further.

Ben Gallop concludes the meeting and thanks everyone for their input and questions.

COMMUNITY MEETING ON USE PERMIT FOR COMMUNICATIONS TOWER

July 16, 2019
Carova Beach VFD Building
2:00p.m.

- I. **Welcome and Introduction** – Steve Mejia, Clearview Tower
- II. **Presentation**
 - A. Explanation of Development Proposal and Application – Steve Mejia, Clearview Tower
 - B. Application Review Process Overview – Ben Gallop, Attorney
- III. **Questions and Concerns and Discussion/Proposals**
- IV. **Conclusion/Adjourn**

***PLEASE MAKE SURE TO SIGN IN AND TO
PRINT YOUR NAME CLEARLY ON THE SIGN IN SHEET***

Please note that Currituck County Planning Staff Members are present to discuss applicable UDO provisions, but they are not here as facilitators or to become involved in discussions about the development proposal

SIGN IN SHEET

COMMUNITY MEETING ON USE PERMIT FOR COMMUNICATIONS TOWER

July 16, 2019
Carova Beach VFD Building
2:00p.m.

SIGNATURE	PRINTED NAME	ADDRESS/EMAIL
	Jay Laughmiller	chief7carova@gmail.com
	J Gates	2308 ocean sands RD Jan@KDHNC.co
	Donnie Tadlock	2406 Ocean Pearl COROLLA N.C. 27927 Earl@managetoal.com
	Earl Wheeler	2317 Ocean Sands RD 27927 smejia@clearviewtower.net
	Steve Mejia	
	McKemie Gray	magray@hrcm.com
	Ben Gallop	Stacey M Jacobs@gmail.com
	Stacey Jacobs	1556 Sandpiper Rd
	JENNIFER EARLY	1626 OCEAN PEARL RD JENN@SWANBEACH.US
Jennie Turner		Currituck county jennie.turner@CurrituckCounty.nc.us
Martha Chedister	Martha Chedister	chedistermf@yahoo.com
	Ann C. Rice	aerice888@gmail.com
Ken Gregory	Ken Gregory	
Angi Gregory	Angi GREGORY	aanjoli@aol.com

Attachment: 16 Community Meeting Summary (PB 19-23 Clearview Tower Company II, LLC)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2709)

Agenda Item Title

PB 18-23 The Fost Tract, Phases 1, 2, 3, 4, 5:

Brief Description of Agenda Item:

Request for a preliminary plat/use permit for a 301 lot Planned Development on 228.83 acres located off Caratoke Highway, Tax Map 15, Parcel 86, Moyock Township.

Board Action Requested

Action

Person Submitting Agenda Item

Cheri Elliott, Assistant

Presenter of Agenda Item

Tammy Glave



STAFF REPORT
PB 18-23 FOST TRACT, PRELIMINARY
PLAT/USE PERMIT, PHASES 1-5
BOARD OF COMMISSIONERS
JANUARY 21, 2020

APPLICATION SUMMARY

Property Owner: Sandra Davis Fost and Iris Ann O'Connor 121 Soundshore Dr Currituck NC 27929	Applicant: Allied Properties LLC 417 Caratoke Hwy Unit D Moyock NC 27958
Case Number: PB 18-23	Application Type: Preliminary Plat/Use Permit
Parcel Identification Number: 0015-000-0086-0000	Existing Use: Cultivated Farmland
Land Use Plan Classification: Full Service	Parcel Size (Acres): 141.4 (Phases 1-5) 228.83 (Total)
Moyock Small Area Plan Classification: Limited Service	Zoning: PD-R
Number of Units: 301	Overall Project Density (units/acre): 2.24
Required Open Space (Acres): 42.42	Provided Open Space (Acres): 54.76

SURROUNDING PARCELS

	Land Use	Zoning
North	Single-family dwellings, retail	AG, GB, SFM
South	Single-family dwellings, cultivated farm land	AG, SFM
East	Single-family dwellings, cultivated farmland	GB, SFM
West	Single-family dwellings, cultivated farmland	AG

STAFF ANALYSIS

On November 4, 2019, the Board of Commissioners approved an amended Planned Development – Residential (PD-R) zoning for this property. The plan included 126 multi-family units and 353 single-family units for a total of 479 units. The developer is requesting approved of Phases 1-5 which includes 87 multi-family units and 214 single-family units for a total of 310 units.

The Board of Education originally districted this development to the Moyock School District and on December 11, 2019 the Board of Education revised its statement about the school district and determined that this development is entirely within the Shawboro school district. The Superintendent also advised that Shawboro Elementary School has capacity for the 119 elementary students this development is projected to generate. (See attached email from Mark Stefanik, Superintendent) It should be noted that Shawboro Elementary School is at 89% of the 2021-2022 actual capacity and Phases 1-5 of this development are expected to generate 75 elementary school students. Shawboro

Elementary, the middle schools, and high schools are near or over 100% committed capacity. (See Adequate Public Facilities – Schools Table below):

ADEQUATE PUBLIC FACILITIES – SCHOOLS¹				
School	2019-2020 Actual Capacity²	2021-2022 Actual Capacity³	Committed Capacity³	Proposed Capacity Changes
				Number of Students
Shawboro Elementary	86%	89%	99%	75
Moyock Middle Currituck Middle		81%	95%	24
Currituck High JP Knapp Early College		85%	105%	42

¹Does not include minor subdivisions, exempt subdivisions, and subdivisions approved prior to the adoption of the adequate public facilities ordinance (October 1994)

²Capacity percentages are based on 2019-2020 classroom standards and October 2019 ADM

³Capacity percentages are based on the 2021-2022 classroom standards and October 2019 ADM

The applicant is proposing a phasing schedule that the board may want to review, adjust as necessary, and adopt as part of the project approval:

Phase Numbers	Number of Dwelling Units	Projected Recording Date
1	71	October 2020
2	65	April 2021
3	55	October 2021
4	73	April 2022
5	37	October 2022

INFRASTRUCTURE	
Water	Public
Sewer	Private Centralized System (on-site)
Transportation	Pedestrian: A series of sidewalks and pedestrian trails; The developer must install an 8' multi-use path along the Caratoke Highway property line as required by the Connect Currituck Plan.
	Connectivity Score: Minimum = 1.6 Proposed = 1.67 <ul style="list-style-type: none"> • One Connection to Caratoke Highway • One Connection to Moyock Farms • Four connections to Flora Farm
Stormwater/Drainage	See attached map for required stormwater/drainage improvements (PB 18-23 Fost PD-R Rezoning Stormwater Conditions dated 7/2019 prepared by engineering staff)
Design Standards	Multi-family design standards apply to the townhomes.
Lighting	Street lights are proposed and must be full cut-off fixtures
Landscaping	Farmland buffers, WWTP/utility buffers, street trees, major arterial screening, and site landscaping are required

Compatibility	The BOC determined that this development was compatible with the Land Use Plan, Moyock Small Area Plan, and the surrounding neighborhoods at its May 6, 2019 meeting.
Recreation and Park Area Dedication	The applicant will be paying approximately \$27,021 as a fee-in-lieu of recreation and park area dedication for these phases.
Riparian Buffers	There are no wetlands in these phases.

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

TRC recommends the request be tabled and not placed back on an agenda until all of the below deficiencies are adequately addressed. It should be noted that there were over 50 TRC comments and all except the following have been adequately addressed:

1. The application does not comply with all applicable review standards, including:

Planning

- a. The Planning Director was not properly notified of the community meeting for this project. Section 2.3.3.D of the UDO states that "The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the Planning Director.." NCGS clarifies that a mailed notice is "first class mail."
- b. It appears that the applicant may have been using an outdated mailing list for community meeting notices or other errors were made:
 - a. Notices not sent to:
 - i. Eastern NC Natural Gas Company, PIN 0022000063Z0000
 - ii. Quality Homes of Currituck LLC, PIN 0022000088N0000
 - b. Incorrect addresses were used for the following:
 - i. Donald & Lisa Lawhead – mailed to 12 Longhorn Drive; actually 122 Longhorn Drive.
 - ii. Paul Molnar – mailed to 1027 Eagles Brook Drive, Locust Grove, GA 30248; actually 4401 Hunts Landing Rd, Apt 302, Hebron OH 43025
 - iii. Samantha Pennington – mailed to 1131 SE Wallace Terrace, Port St. Lucie, Florida 34983; actually 1131 Caratoke Highway, Moyock NC 27958
- c. The application package indicates that the project "is eligible for county sewer." It is not. That statement must be removed since the project is not eligible for county sewer nor was a county sewer connection approved in the February 18, 2019 order or the November 4, 2019 amended order. (Both orders are attached.)
- d. The application also references "connecting to other private sewer systems." The master plan was approved with an on-site WWTP. Please remove the reference to another private system or amend the master. See attachment C, page 7 of your application. The reference was removed from the Amended PD-R zoning/Master Plan, so it must be removed from this plan (See Attached November 4, 2019 Amended Order, Section 4, Item G for the revised language.)
- e. The typical minimum lot width approved for TND and conventional single-family lots is 35'. The plan indicates that several lots are not meeting the minimum lot width (Lots 28, 29, 122, 123, 114, 113, 75, 73, and 191 –potentially more). A few of these lots are cul-de-sac lots and may be meeting the minimum lot width at the front setback. If so, call out the lot width at the setback for each of these lots. It would actually make the

review a lot more efficient if you will call out all of the individual lot widths on the lots themselves, but this is not required. Please correct or amend the master plan. The developer indicated that “The Currituck County Planning Department has asked us not to show setback lines on plats in the past” – that reference may be to final plats where at one point final plats did not contain setbacks because they are subject change. Please at minimum call out lot widths for the listed lots.

- f. Corner lots shall provide access from street with less traffic. Show 5’ non-access easement along street property lines with most traffic for the individual corner lots. (UDO Section 5.6.7 and 10.3.3) Please double check the non-access easements, particularly lots 53 and 38 where an arrow is shown and labeled “5’ non-access easement,” but it is pointing to sight triangles.
- g. Identify all crosswalks and how the crossings will be delineated. (UDO Section 5.6.10) Please re-evaluate sidewalks(s) at Roberta Loop. How will pedestrians from the homes accessed by Roberta Loop safely traverse Lynne Lane/Fost Boulevard to access the Cluster Mailbox Unit?
- h. Section 5.6.10 requires a sidewalk to be constructed where it will connect to existing or planned sidewalks. The Currituck Transportation Plan (CTP) indicates a future multi-use path running along Caratoke Highway this parcel. A multi-use path is typically 10 feet wide. However, since our ordinance only requires 8 feet for pedestrian paths, an 8 foot wide path will suffice. Please indicate the sidewalk on the plan. The revised plan eliminates the 8’ pedestrian path crossing along Fost Boulevard located between Caratoke Highway and Lydia Street. The CTP requires an 8’ pedestrian path in this location. If you place the pedestrian path in the open space, closer to Lydia Street, call out pedestrian easement since it shall be available to all users, not just those within the development. The goal of the CTP is to establish a multi-use path running parallel along the length of Caratoke Highway. The perpendicular path shown on the revised plan is acceptable; however, the parallel path to Caratoke Highway must also be shown and constructed.

Public Utilities.

- a. There is a concern for accessing sewer lines/cleanouts in a person’s back yard. Any utility line in a back yard is not good. Sewer should be in the front yard. If the county is ever requested to take over the sewer system in this development, the sewer lines must be moved from the back of lots to the front of lots before that could happen.

Water Department

- a. While allowed, the 2” line at Emily Circle does not appear sufficient. A larger line, at least 4”, may be needed for adequate pressure.
2. The applicant has demonstrated that the proposed use will meet the use permit review standards of the UDO.
3. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include all items in Number 1 above.

USE PERMIT REVIEW STANDARDS

A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the below requirements. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary staff findings

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

Transportation, portable water, wastewater and stormwater management will be addressed in accordance with the following paragraphs:

1. Transportation: The main subdivision entrance will be connected directly to NC 168 (Croatan Highway). Deceleration and acceleration lanes will be provided in accordance with NCDOT Standards and will be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast (Auction Site) and to the west. Roadways will be laid out generally as shown on the Master Plan and will be in accordance with the approved right-of-way and pavement width characteristics, using the NCDOT complete streets planning manual as a guide.
Appropriate access has been made for emergency service vehicles in accordance with applicable standards including the N.C. Fire Code.
2. Potable Water: Water will be supplied by Currituck County via an existing 12" main located on Caratoke Highway, which will be tapped and looped through the site. Fire protection will be provided in accordance with UDO Standards and the applicable ISO standards. The water system will be modeled to demonstrate adequate flow and pressure for fighting fires while meeting the maximum day domestic demand.
3. Wastewater: Land has been set aside for the construction of a centralized wastewater treatment and disposal facility that will be constructed in accordance with NCDEQ Standards and approved by NCDEQ. A wastewater collection system will be constructed by the Developer and managed by a wastewater utility. The utility will be regulated by the North Carolina Utilities Commission and will apply for a Certificate of Public Necessity and Convenience
4. Stormwater Management: A major drainage way known as Rowland Creek Canal runs through the development property. Due to the importance of this drainage feature not only to the development but to other properties located both upstream and downstream of this property, the Developer has committed to cleaning and laying back the slopes and stabilizing the portion of Rowland Creek that runs from Eagle Creek to the railroad next to NC 168. The Developer has also committed to improving the common property line ditch along Ranchland and the Auction property, and to excavate a new ditch that would be available to Ranchland along the common property line from the Auction site to south of the power easement. Subject to obtaining right of entry to other properties, the Developer will also improve the sections of Rowland Creek downstream of the Fost property that require maintenance.

On-site stormwater will be managed by constructing a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater to existing outlets.

In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard of the difference between runoff from the 10-year developed condition and runoff from a 2- year wooded condition site, stormwater will be modeled for the 100-year storm without adversely impacting neighboring properties. Implementation of this plan should improve drainage for neighboring properties compared to existing conditions.

Stormwater will be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes, and open vegetated swales.

The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Preliminary Applicant Findings:

Land use to the west is agricultural, with one dwelling unit located approximately 435 feet from the nearest property line and approximately 565 feet from the nearest structure. Land use to the north, across the railroad and *Croatan* Highway is commercial, land to the east is farmland and residential lots, and land to the south is residential lots. Perimeter compatibility is being addressed as follows:

1. To the west: A 50 foot farm buffer is being provided, followed by a 60 foot roadway corridor, so the nearest dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer is also being provided along that property line.
2. To the north (*Croatan* Highway): A berm is being provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development will be minimized by setbacks, berms and landscaping.
3. To the east: A 50 foot vegetative farm buffer is being provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland subdivision. Even though the dwelling types are believed to be compatible, a minimum 50 foot buffer is being provided between the developments.
4. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line.
5. Limited commercial development proposed to be located interior to the development and will front along the landscaped entrance boulevard.
6. Lot size ratios and density ratios are comparable to other developments that have been approved in the immediate area and in other parts of Moyock.

The applicant is not aware of any adverse impacts on land value in the surrounding area. The applicant anticipates that its proposed stormwater improvements may benefit the property values of the nearby Ranchland community. The Development is anticipated to increase the values of nearby properties by improving existing drainage problems.

The site is adjacent to non-agricultural activities including the Ranchland neighborhood to the south and southeast, and commercial and residential uses to the east. The site is also in close proximity to the Eagle Creek neighborhood. The proposed use is compatible with these adjacent uses and furthers the County's goal of concentrating new residential development in the vicinity of existing residential development. Nearby communities include existing planned communities of 588 lots to the west, a 275 lot subdivision to the east and 426 lots under development to the north of Caratoke Highway, all in the vicinity of the Fost tract. The development is appropriate for the location as it continues existing development patterns in this part of Moyock. Lot area ratios and density ratios are consistent with other developments that have been approved recently nearby and in other parts of Moyock.

The use will be in conformity with the Land Use Plan or other officially adopted plans.

Preliminary Staff Findings:

1. At its May 6, 2019 meeting, the BOC determined that this development was compatible with the Land Use Plan, Moyock Small Area Plan, and the surrounding neighborhoods because:
 - a. The proposed conditions for the property will improve drainage problems on the property and with nearby Ranchland subdivisions if improvements can be made to drainage system on off-site properties, and;
 - b. The PDR is compatible with existing Moyock Township subdivisions.

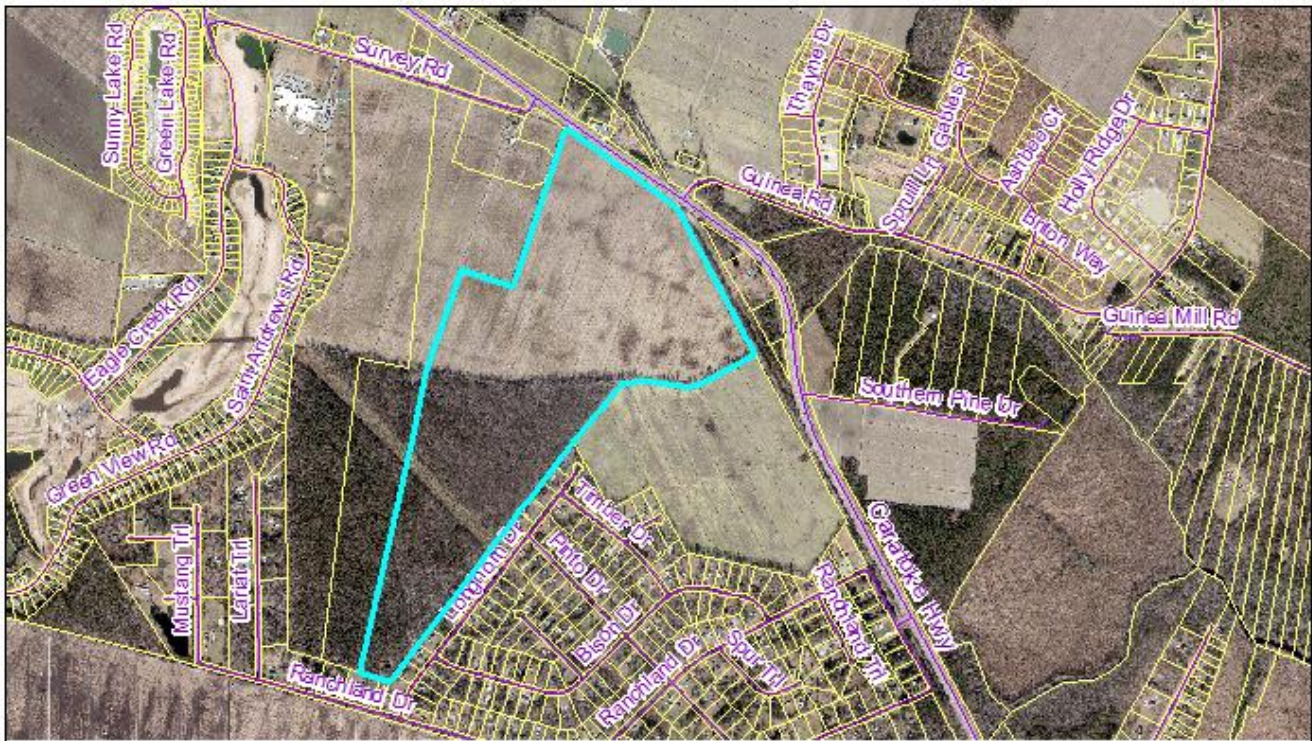
The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Preliminary Staff Findings:

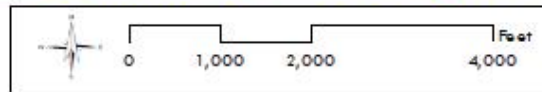
1. On December 11, 2019 the Board of Education revised its statement about the school district and determined that this development is entirely within the Shawboro school district. The Superintendent also advised that Shawboro Elementary School has capacity for the 119 elementary students this development is projected to generate.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm

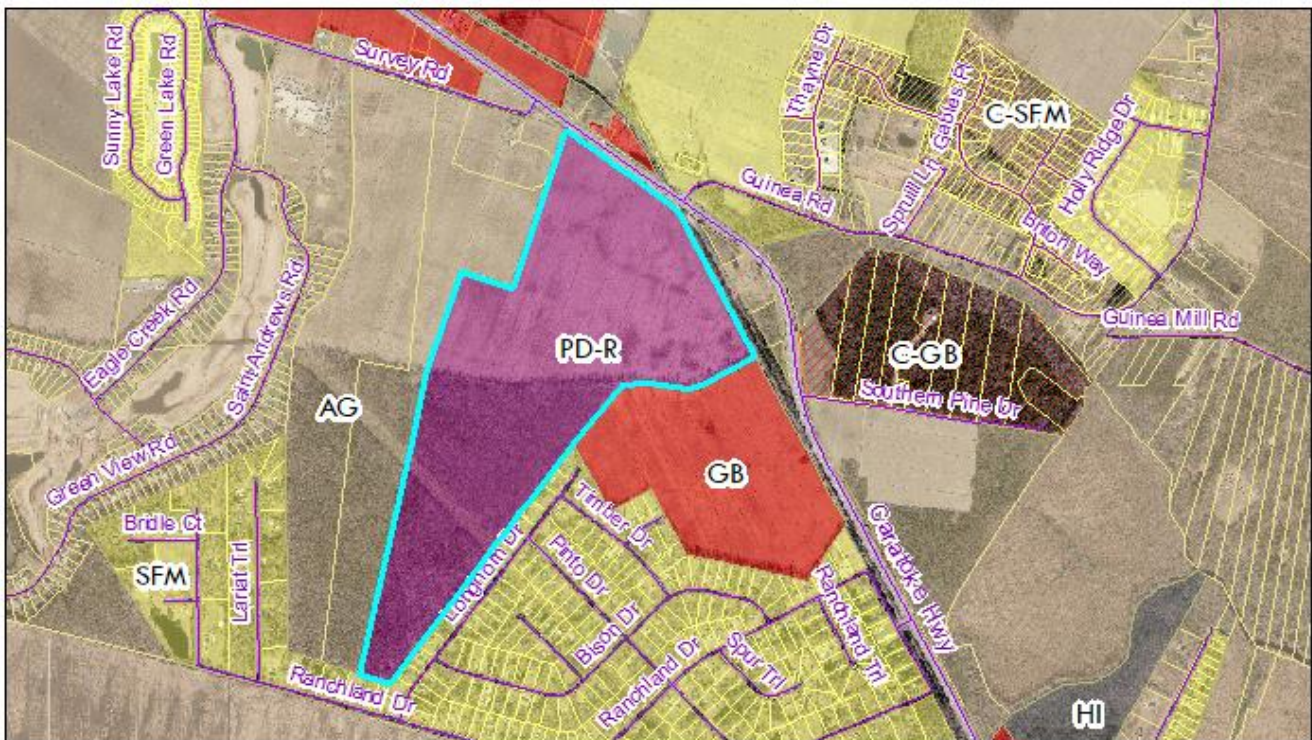
Attachment: 1 Fost PPUP P1-5 Staff Report 1-21-20 (PB 18-23 The Fost Tract, Phases 1-5)



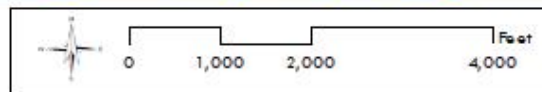
PB 18-23 Fost, Phases 1-5
Preliminary Plat/Use Permit
2016 Aerial Photography



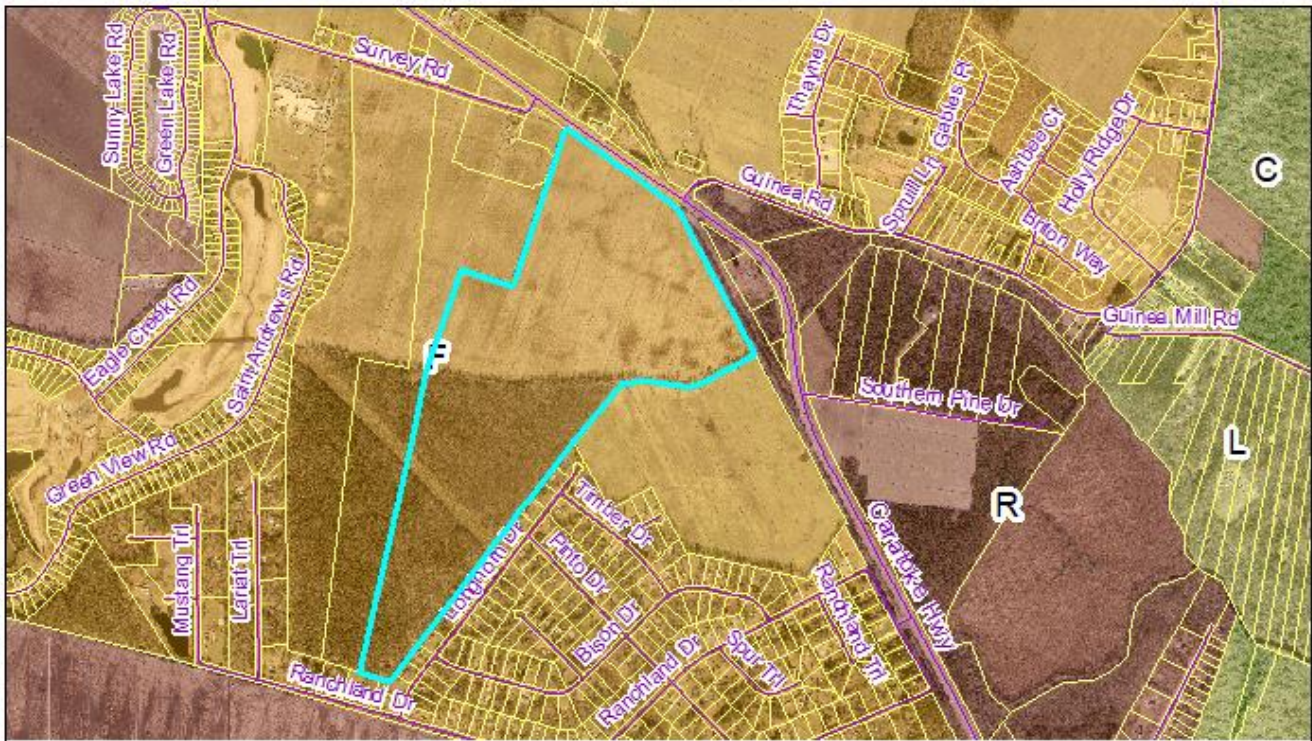
Currituck County
Planning and
Community Development



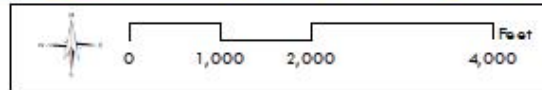
PB 18-23 Fost, Phases 1-5
Preliminary Plat/Use Permit
Zoning



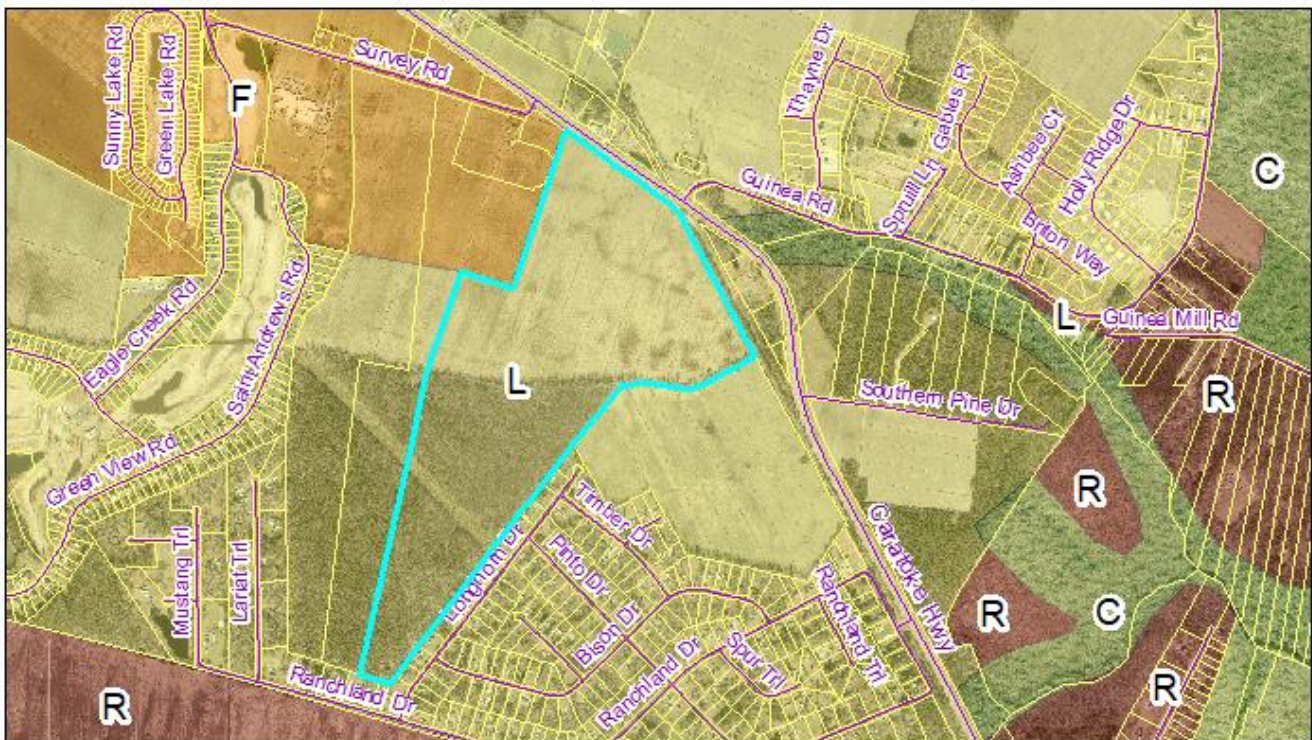
Currituck County
Planning and
Community Development



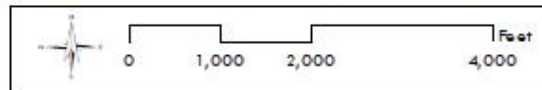
PB 18-23 Fost, Phases 1-5
Preliminary Plat/Use Permit
LUP Classification



Currituck County
Planning and
Community Development



PB 18-23 Fost, Phases 1-5
Preliminary Plat/Use Permit
Moyock SAP Classification



Currituck County
Planning and
Community Development

Approved Development Standards and Setbacks

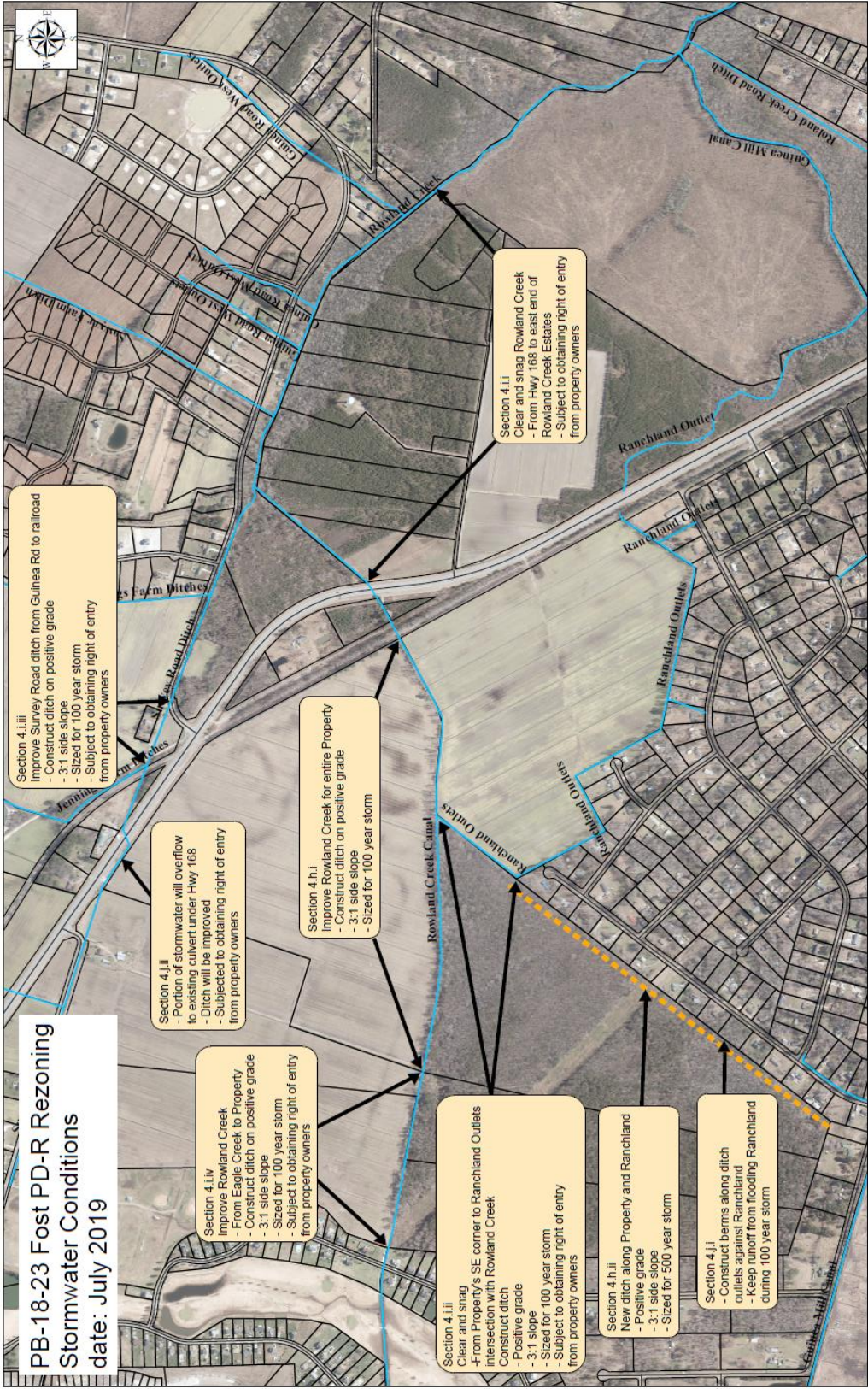
SCHEDULE A			
DEVELOPMENT STANDARDS & SETBACKS			
STYLE:	TND T.H.	TND SFLOT	CONV. SFLOT
Min Lot Size:	1,800 SF	6,900 SF	9,500 SF
Typ. Lot Size:	1,800 – 3,000 SF	7,000 – 9,000 SF	10,000 – 15,000 SF
Min. Lot Width:	20'	35'	35'
Typ. Lot Width:	20' – 25'	50' – 60'	62'
Front Setback:	15'	20'	20'
Side Setback:	0	10'	10'
Rear Setback:	20'	20'	25'
Corner Side Setback:	15'	15'	15'
Maximum Setback:	25'	75'	140'
Maximum Height:	35'	35'	35'
Maximum Bldg. Size:	16,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	60%	45%

Attachment: 1 Fost PPUP P1-5 Staff Report 1-21-20 (PB 18-23 The Fost Tract, Phases 1-5)

SCHEDULE B

PHASING SCHEDULE

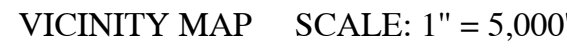
<u>PHASE</u>	<u>TNDT.H.</u>	<u>TND.S.F.</u>	<u>CONV.S.F.</u>	<u>TOTAL</u>	<u>OTHER IMPROVEMENTS</u>
1	25	12	34	71	Rowland Creek Drainage Improvements
2	19	9	16	44	Main Lake
3	16	14	-	37	Village Green
4	27	7	25	66	Clubhouse
5	-	17	39	46	Swimming Pool
6	-	-	20	37	Multi-Use Path
7	39	-	31	70	Up to 22,000 SF Neighborhood Commercial
8	-	-	70	70	
9	-	-	32	32	
10	-	-	24	24	
Utility					
TOTALS	126	59	312	497	



Prepared by Currituck County Engineering Staff

BISSELL
PROFESSIONAL GROUP

Bissell Professional Group
Firm License # C-956
3512 North Croatan Highway
O. Box 1068
Kinston, North Carolina 27949
(252) 261-3266
FAX (252) 261-7670



I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF CURRICK COUNTY, THAT I HEREBY FREELY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREA SHOWN ON THIS PLAN AS STREETS, UTILITIES, PARKS, WAYS, RECREATION, OPEN SPACE, AND EASEMENTS, ETC. THAT I HAVE OFFICIALLY INDICATED AS PRIVATE, THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY OR HOME OWNERS' ASSOCIATION. ALL PROPERTY SHOWN ON THIS PLAN AS DEDICATED FOR A PUBLIC USE SHALL BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE AUTHORIZED BY LAW WHEN SUCH USE IS APPROVED BY THE APPROPRIATE PUBLIC AUTHORITY IN THE PUBLIC INTEREST.

_____ PERSONALLY
APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGED THE DUE EXECUTION OF
THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

I HEREBY CERTIFY THAT THE PRIVATE STREETS SHOWN ON THIS PLAN ARE INTENDED FOR PRIVATE USE AND WILL REMAIN UNDER THE CONTROL, MAINTENANCE AND RESPONSIBILITY OF THE DEVELOPER AND/OR A HOMEOWNER'S ASSOCIATION AND ACKNOWLEDGE THAT SOME PUBLIC SERVICES MAY NOT BE PROVIDED DUE TO THE PRIVATE NATURE OF THE ROAD(S).

DATE _____ OWNER _____

1. MICHAEL D. BARR CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED AND DESCRIPTION RECORDED IN BOOKS REFERENCED); THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 10,000 AND VERTICAL ACCURACY IS ± 0.05 ; THAT THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE 2-CENTIMETER ACCURACY CLASSIFICATION (95% CONFIDENCE) USING REAL TIME KINEMATIC AND TRADITIONAL TRAVERSE, THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. THAT THIS PLAT MEETS THE REQUIREMENT OF G.S. 47-30 SECTION F-11-C-1 AND FURTHER THAT IT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600)."

DAY OF DECEMBER, A.D., 2019.

A circular professional seal for Michael D. Barr, a North Carolina Professional Land Surveyor. The seal features a double-lined circular border. Between the lines, the text "NORTH CAROLINA" is at the top, "PROFESSIONAL" is on the right, "LAND SURVEYOR" is on the left, and "MICHAEL D BARR" is at the bottom. In the center of the seal, the word "SEAL" is positioned above the license number "L-1756".

- PROJECT NAME: THE FOSTRICK TRACT
2. PROJECT ANTICIPATED: ALLIED PROPERTIES, LLC

OWNERS: SANDRA DAVIS FOST & IRIS ANN O'CONNOR
121 SOUNDSHORE DR.
CURRITUCK, NC 27929
3. PROPERTY DATA:
ADDRESS: CARATOKE HIGHWAY, MOYOCK, NC 27958
PIN: 0015-000-0086-0000
RECORD DOCUMENT(S): D.B.13, PG. E/12
ACREAGE: 228.83 ACRES
PROPERTY ZONING: PD-R (PLANNED DEVELOPMENT - RESIDENTIAL)
4. F.I.R.M. DATA:
ZONE X PER F.I.R.M. MAP NOS. 3721803100 K, 3721803000 K, 3721804000 K ALL HAVING AN EFFECTIVE DATE DECEMBER 21, 2018. USE OF LAND WITHIN A FLOODWAY OR FLOOD PLAIN IS SUBSTANTIALLY RESTRICTED BY CHAPTER 7 OF THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE.
5. THIS PROPERTY CONTAINS ACOE "404" JURISDICTIONAL WETLANDS AS SHOWN AND CONFIRMED BY USACE ACTION ID# SAW 2018-00838, DATED APRIL 30, 2018, AND MAY REQUIRE U.S. CORP. OF ENGINEERS APPROVAL PRIOR TO DEVELOPMENT OF THE PROPERTY.
6. A 10' EASEMENT FOR UTILITIES AND DRAINAGE ALONG REAR AND SIDE PROPERTY LINES AND A 15' EASEMENT FOR UTILITIES AND DRAINAGE ALONG FRONT PROPERTY LINE IS HEREBY ESTABLISHED. PEDESTRIAN ACCESS AND STREET TREE EASEMENTS ARE HEREBY PROVIDED PER TYPICAL LOT DETAIL ON SHEET 20.

A 25' DRAINAGE EASEMENT SHALL BE ESTABLISHED ALONG ALL MAJOR DRAINAGE WAYS SERVING MORE THAN 5 ACRES, A BLANKET DRAINAGE, UTILITY, AND PEDESTRIAN ACCESS EASEMENT IS HEREBY ESTABLISHED ACROSS ALL OPEN SPACE AREAS. A 50' DRAINAGE EASEMENT IS HEREBY ESTABLISHED ALONG ROWLAND CREEK CANAL (SEE SHEET 7 FOR DETAIL).
7. EXISTING CONDITION INFORMATION BASED ON A COMBINATION OF THE FOLLOWING:
 - 2012 AERIAL IMAGERY OBTAINED FROM NCONEAM.COM
 - FIELD TOPOGRAPHIC SURVEY DATA BY BISSELL PROFESSIONAL GROUP.
 - ELEVATIONS ARE REFERENCED TO NAVD 1988 VERTICAL DATUM.
10. SECTION 7.6.5 OF THE CURRITUCK U.D.O. SUBSTANTIALLY RESTRICTS DEVELOPMENT WITHIN A 30' RIPARIAN BUFFER.
11. ALL UTILITIES ARE TO BE UNDERGROUND.
12. NEAREST HYDRANT (MCH15) FLOW TESTED AT 1,146 GPM. DESIGN FIRE FLOW IS 1,000 GPM FOR SINGLE FAMILY RESIDENCES BASED ON STRUCTURES HAVING LESS THAN 4,800 SQ. FT. AND NOT OVER 2-STORIES HIGH. NFF FOR MULTI-FAMILY STRUCTURES IS BASED ON ISO STANDARDS.
13. THERE IS A 50' FARM BUFFER IN ALL AREAS ADJOINING ACTIVE FARM LANDS.
14. THIS SUBDIVISION CONTAINS RIGHTS-OF-WAY THAT ARE PLATTED WITH THE INTENT OF BEING EXTENDED AND CONTINUED TO AND FROM ADJOINING PROPERTIES. ACCESS WITHIN THE RIGHTS-OF-WAY FOR STREETS AND UTILITIES SHALL NOT BE RESTRICTED.

SEE SHEET 19

LOT AREAS: VARY FROM 1,800 TO 20,660 SQUARE FEET.

REQUIRED UPLAND RECREATION/PARKLAND DEDICATION ACREAGE = 7.676 AC. (301 LOTS * 0.0255AC./LOT)
CURRENT PROPERTY ACCESSED VALUE (LAND ONLY) = \$793,300 OR \$3,520.30/AC. (\$793,300/225.35 AC.)
FFF-IN-11UF IS \$27,021.82 (7.676 AC. * \$3,520.30/AC.)

SEE SHEET 5 FOR PROPOSED RECREATION AND PARK LAND DEDICATION.

STREET CONNECTIVITY INDEX = 40 LINKS/24 NODES = 1.67

TRACT SUMMARY:

TOTAL AREA OF TRACT: 228.83 AC. (PER DEED)


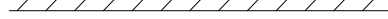




















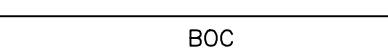


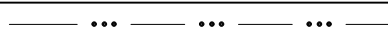



AREA NOT BEING DEVELOPED AT THIS TIME:	87.43 AC.
TOTAL SUBDIVISION DEVELOPMENT AREA:	141.40 AC.

DEVELOPMENT AREA SUMMARY:	
WASTE WATER DISPOSAL AREA:	8.01 AC.
PROPOSED LOT AREA:	58.89 AC.
PUBLIC PROPOSED R/W AREA:	22.28 AC.
PRIVATE PROPOSED R/W AREA:	2.88 AC.
REQUIRED OPEN SPACE TOTAL=30% (0.3*141.40):	42.39 AC.
OPEN SPACE PROVIDED:	49.34 AC. (34.9%)

OF PROPOSED LOTS: 301 (2.12 LOTS/ACRE)

PROPOSED RIGHT-OF-WAY WIDTHS (FT.): SEE SHEETS 21 & 22
 PROPOSED PAVED ROADWAY WIDTH: SEE SHEETS 21 & 22
 LINEAR FEET OF ONSITE ROADWAY: 20,484 L.F.±

SURVEY LEGEND	
-----	RIGHT-OF-WAY
-----	PROPERTY BOUNDARY
-----	ADJOINING PROPERTY LINE
-----	EASEMENT LINE
-----	CENTERLINE OF ROADWAY
●	SET IRON ROD
○	EXISTING IRON ROD
○	EXISTING IRON PIPE
□	EXISTING CONCRETE MONUMENT
N/F	NOW OR FORMERLY
TWP.	TOWNSHIP
P.C.	PLAT CABINET
SL.	SLIDE
D.B.	DEED BOOK
M.B.	MAP BOOK
PG.	PAGE
SQ.FT. or S.F.	SQUARE FEET
M.B.L.	MAXIMUM BUILDING LINE
AC. or AC.	ACRES
P/O	PART OF
TYP.	TYPICAL
N.T.S.	NOT TO SCALE
O.S.	OPEN SPACE
R/W	RIGHT-OF-WAY

LEGEND	
	EXISTING DITCH CENTERLINE
	EXISTING DITCH TOP OF BANK
	PROPOSED SWALE W/ FLOW ARROW
	PROPOSED SWALE HIGH POINT
	FEMA BOUNDARY LINE
	EXISTING 404 BOUNDARY
	EXISTING GRADE CONTOUR
	30' UNDISTURBED BUFFER (COUNTY)
	50' WETLANDS BUFFER (COUNTY)
	EXISTING CULTIVET
	EXISTING UTILITY POLE
	EXISTING OVERHEAD TRANSMISSION LINES
	EXISTING WATER LINE
	PROPOSED WATER LINE (SIZE AS NOTED)
	PROPOSED FIRE HYDRANT ASSEMBLY
	PROPOSED WATER SERVICE
	PROPOSED BLOW-OFF ASSEMBLY
	PROPOSED VALVE
	PROPOSED REDUCER
	PROPOSED SIDEWALK
	PROPOSED FORCE MAIN SANITARY SEWER (SIZE AS NOTED)
	PROPOSED GRAVITY SANITARY SEWER (SIZE AS NOTED)
	PROPOSED SANITARY SEWER MANHOLE
	BACK OF CURB
	EDGE OF PAVEMENT
	PROPOSED CATCH BASIN
	PROPOSED STREET LIGHT
	PROPOSED STORM SEWER PIPE
	PROPOSED EDGE OF WATER

NO MORE THAN 30% OF ANY LOT SHALL BE COVERED BY IMPERVIOUS STRUCTURES AND MATERIALS, INCLUDING ASPHALT, GRAVEL, CONCRETE, BRICK STONE, SLATE, OR SIMILAR MATERIAL, NOT INCLUDING WOOD DECKING OR THE WATER SURFACE OF ANY ADJACENT BODY OF WATER. THE COVENANT IS INTENDED TO COMPLY WITH THE STORMWATER PERMIT NUMBER _____ ISSUED BY THE STATE OF NORTH CAROLINA. THE COVENANT MAY NOT BE CHANGED OR DELETED WITHOUT THE CONSENT OF THE STATE. FILLING IN OR PIPING OF ANY VEGETATIVE CONVEYANCES (DITCHES, SWALES, ETC.) ASSOCIATED WITH THIS DEVELOPMENT, EXCEPT FOR AVERAGE DRIVEWAY CROSSINGS, IS STRICTLY PROHIBITED BY ANY PERMIT. THE COVENANT SHALL ALSO BE PROVIDED IN THE JURISDICTION COUNTY UNIFIED DEVELOPMENT ORDINANCE MAY BE DIFFERENT THAN THE NC STATE STORMWATER PERMIT. THE MOST RESTRICTIVE LOT COVERAGE SHALL APPLY.

STATE OF NORTH CAROLINA
COUNTY OF CURRITUCK

I, _____, REVIEW OFFICER OF CURRITUCK COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ REVIEW OFFICER _____

I HEREBY CERTIFY THAT THE PUBLIC STREETS SHOWN ON THIS PLAT ARE INTENDED FOR DEDICATION AND HAVE BEEN DESIGNED OR COMPLETED IN ACCORDANCE WITH AT LEAST THE MINIMUM SPECIFICATIONS AND STANDARDS OF THE NC DEPARTMENT OF TRANSPORTATION FOR ACCEPTANCE OF SUBDIVISION STREETS ON THE NC HIGHWAY SYSTEM FOR MAINTENANCE.

DATE _____ DISTRICT ENGINEER _____

I HEREBY CERTIFY THAT THE SUBDIVISION SHOWN ON THIS PLAT IS IN ALL RESPECTS IN COMPLIANCE WITH THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE AND, THEREFORE, THIS PLAT HAS BEEN APPROVED BY THE CURRITUCK COUNTY TECHNICAL REVIEW COMMITTEE AND SIGNED BY THE ADMINISTRATOR, SUBJECT TO ITS BEING RECORDED IN THE CURRITUCK COUNTY REGISTRY WITHIN 90 DAYS OF THE DATE BELOW.

DATE _____ ADMINISTRATOR _____

STATE OF NORTH CAROLINA
COUNTY OF CURRITUCK

I, _____, REVIEW OFFICER OF CURRITUCK COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

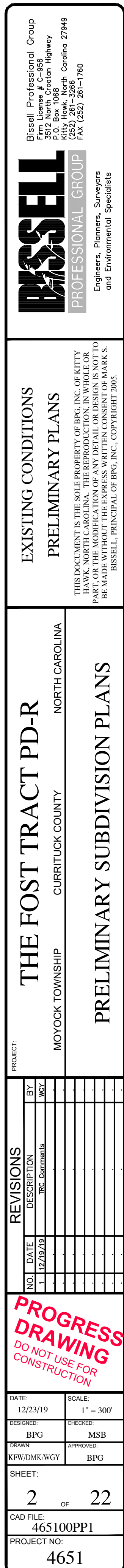
DATE _____ REVIEW OFFICER _____

I HEREBY CERTIFY THAT ALL IMPROVEMENTS REQUIRED BY THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE HAVE BEEN INSTALLED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PREPARED BY BISSELL PROFESSIONAL GROUP, AND SAID IMPROVEMENTS COMPLY WITH CURRITUCK COUNTY SPECIFICATIONS.

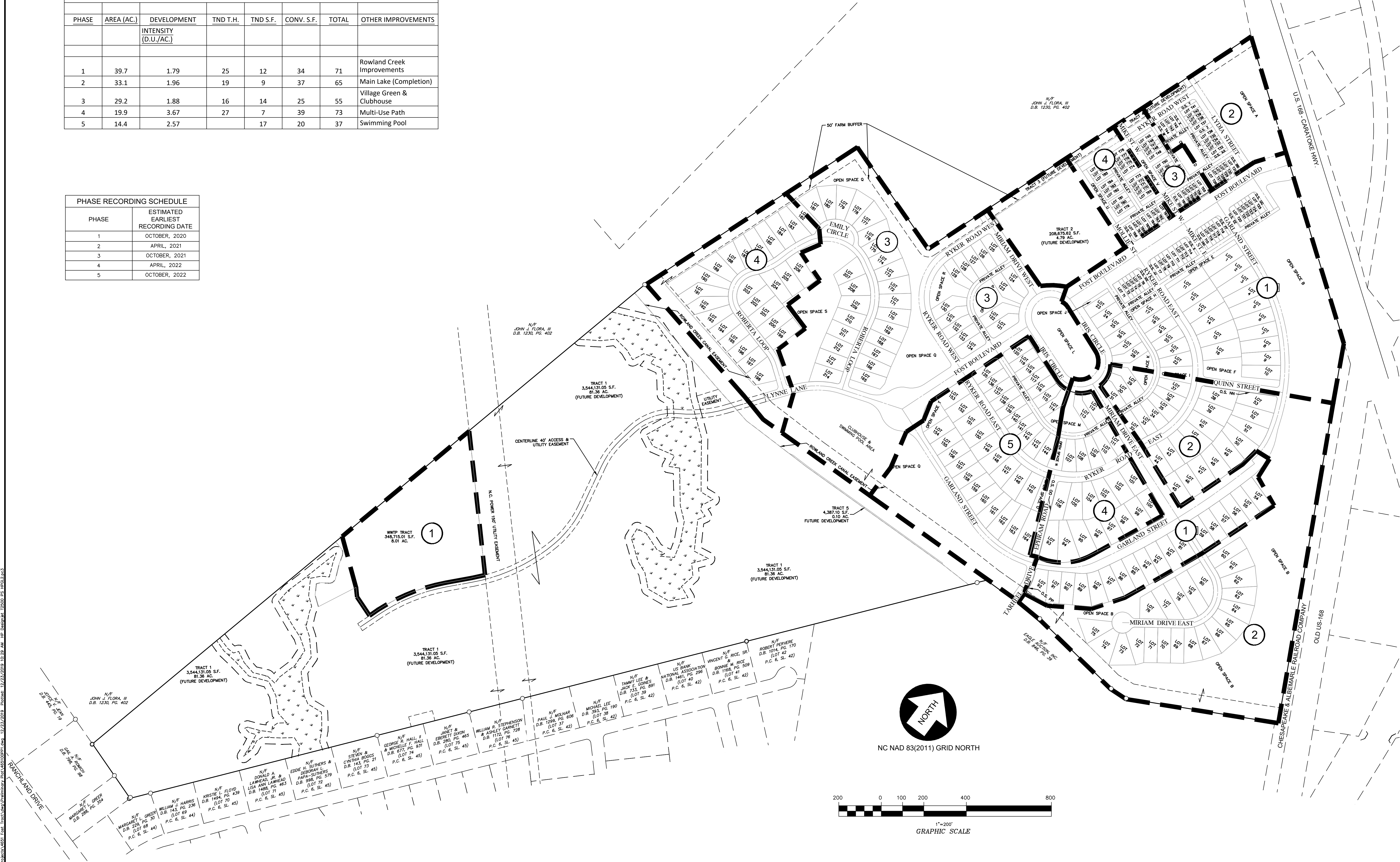
DATE _____ REGISTERED LAND SURVEYOR/ENGINEER _____

REGISTRATION NUMBER

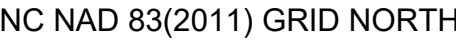
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PHASE RECORDING SCHEDULE	
PHASE	ESTIMATED EARLIEST RECORDING DATE
1	OCTOBER, 2020
2	APRIL, 2021
3	OCTOBER, 2021
4	APRIL, 2022
5	OCTOBER, 2022



THE FOST TRACT PD-R		NORTH CAROLINA	
PROJECT:		MORYOCK TOWNSHIP CURRITUCK COUNTY	
<p style="text-align: center;">PRELIMINARY SUBDIVISION PLANS</p>			
<p style="font-size: small;">THIS DOCUMENT IS THE SOLE PROPERTY OF BPG, INC. OF KUTTY HAWK, NORTH CAROLINA. THE REPRODUCTION IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN CONSENT OF MARK S. BISSELL, PRINCIPAL OF BPG, INC., COPYRIGHT 2005.</p>			
<p style="text-align: right;">Engineers, Planners, Surveyors and Environmental Specialists</p>			
<p style="text-align: right;">BISSELL PROFESSIONAL GROUP</p>			
<p style="font-size: x-small;">Bissell Professional Group Firm License # C-566 120 E. Main Street P.O. Box 1608 Wilmington, North Carolina 27402 (252) 381-3266 Fax: (252) 261-1760</p>			



BOAT AND RV STORAGE AREA
(48 TOTAL 20'X40' SPACES)
CONSTRUCTION MAY PHASE WITH
PLATTING OF LOTS AS REQUIRED
TO BE LANDSCAPED PER
CURRITUCK COUNTY UDO 5.2.5.

WASTEWATER TREATMENT
& DISPOSAL AREA
(FINAL DESIGN WITH
CONSTRUCTION DRAWINGS)

N.C. POWER 150' UTILITY EASEMENT

ACCESS ROAD

DRAINAGE EASEMENT TO
ALLOW FOR THE CONNECTION OF
THE DRAINAGE DITCH COMING FROM
RANCHLAND SUBDIVISION

ENTIRE PROPERTY LINE, EITHER THE EXISTING DITCH IS
TO OR A NEW DITCH IS TO BE INSTALLED

SEE TYPICAL ROADWAY
SECTIONS ON DETAIL SHEETS

FUTURE CONNECTION ROAD
TO BE CONSTRUCTED AT
PLAT PHASE 3 OR SOONER

8' MULTI-USE PATH W/2'
COMPACTED GRAVEL SHOULDERS

FUTURE CONNECTION ROAD
TO BE CONSTRUCTED AT
PLAT PHASE 2 OR SOONER

U.S. 168 - CARATOKE HMM

HIGHWAY TO BE LANDSCAPED
PER CURRITUCK COUNTY
UDO 5.2.8.

HARDSCAPING OVERVIEW

PRELIMINARY PLANS

THE FOST TRACT PD-R
MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA
PRELIMINARY SUBDIVISION PLANS

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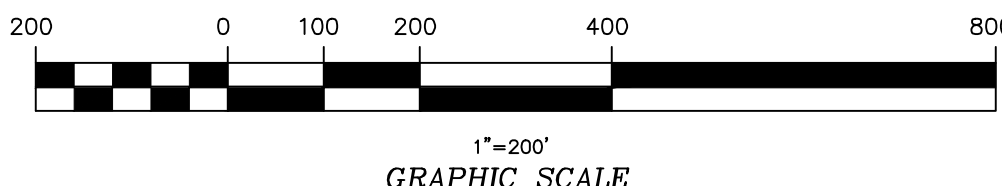
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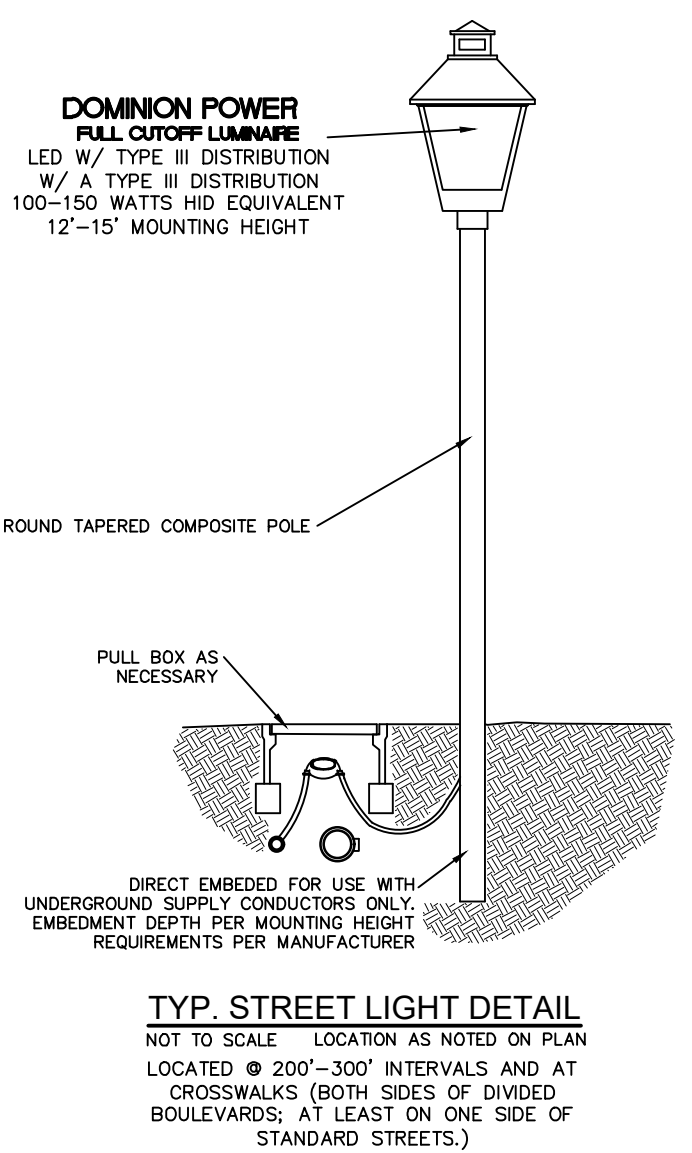
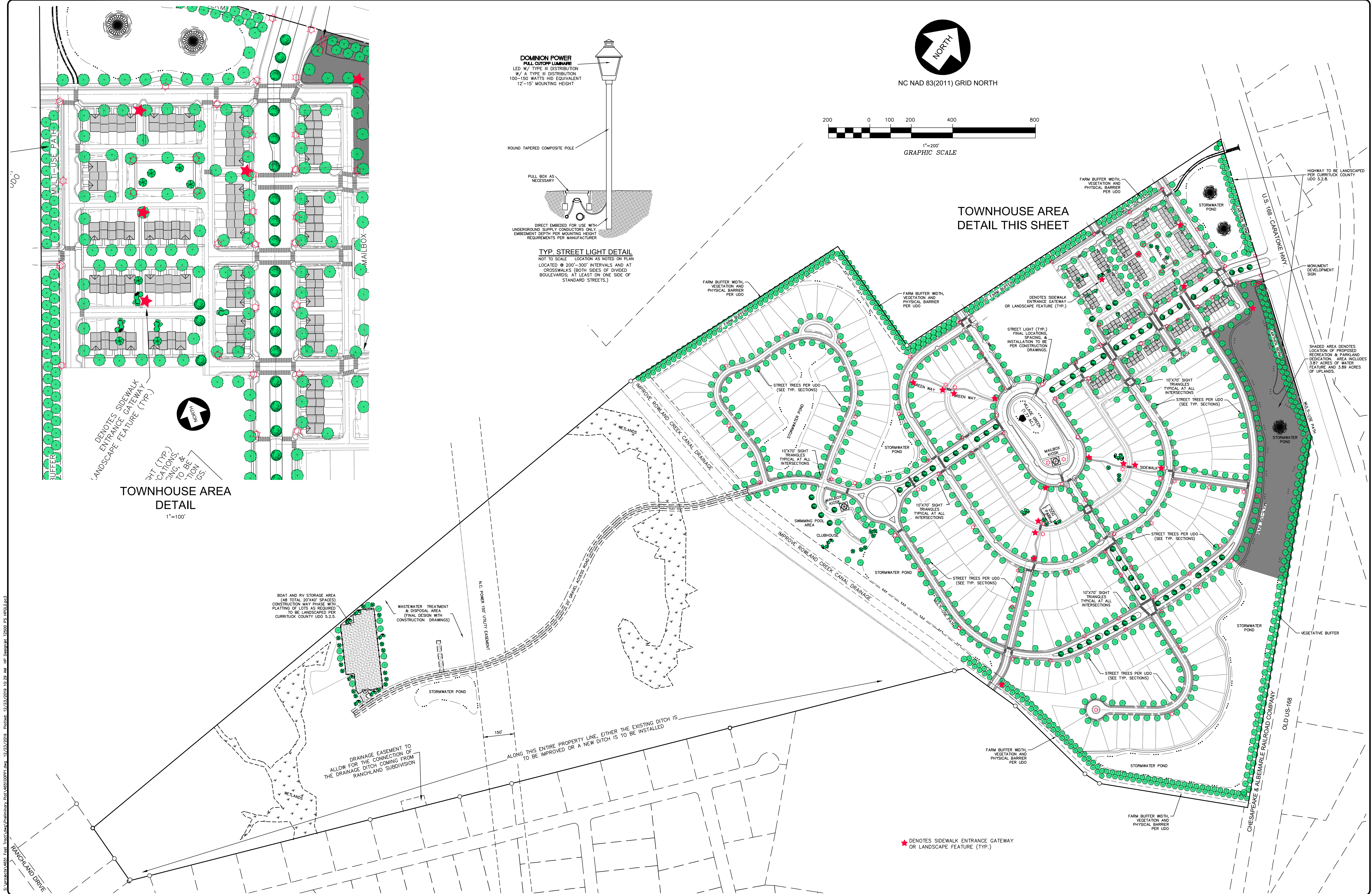
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DRAWN: KFW/DMK/WGY	APPROVED: BPG

5 OF 22

CAD FILE:
465100PP1

PROJECT NO:
4651





TOWNHOUSE AREA DETAIL
1"=100'

TOWNHOUSE AREA DETAIL THIS SHEET

BISSELL
PROFESSIONAL GROUP

Bissell Professional Group
Firm License # C-565
P.O. Box 1008
10000 Highway 2749
Cary, NC 27513
Tel: (919) 261-1760
Fax: (919) 261-1760

**LANDSCAPING, LIGHTING,
BUFFERING AND SIGNAGE PLAN**

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THE FOST TRACT PD-R
CURRITUCK COUNTY
MOYOCK TOWNSHIP

PRELIMINARY SUBDIVISION PLANS

NO.	DATE	DESCRIPTION	BY	CHKD.
1	12/23/19	100% Final	MSB	

PROGRESS DRAWING
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DRAWN:	KFW/DMK/WGY	APPROVED:	BPG

SHEET: **6** OF **22**

CAD FILE: 465100PP1
PROJECT NO: 4651

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OPEN SPACE TABULATION	
OPEN SPACE	ACREAGE
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B	19.08
C	BLANK
D	0.42
E	0.21
F	0.53
G	BLANK
H	0.11
I	0.23
J	0.06
K	0.35
L	1.64
M	0.45
N	0.19
O	0.15
P	0.40
Q	17.79
R	0.44
S	2.70
T	0.26
U	0.25
V	0.51
W	0.02
X	0.02
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DD	0.04
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JJ	0.03
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LL	0.02
MM	0.02
NN	0.02
OO	0.02
PP	0.004
TOTAL	49.34

WWTP TRACT LINE & CURVE TABLES		
LINE	LENGTH	BEARING
L36	35.99	S17° 50' 45"W
L37	105.01	S71° 49' 03"E
L38	46.00	S44° 25' 47"E
L39	199.18	N24° 42' 48"E
L40	57.23	S53° 20' 44"E
L41	53.56	S31° 45' 03"E
L42	24.99	S41° 10' 13"W
L43	33.85	S56° 58' 32"W
L44	70.90	S23° 57' 03"E
L45	44.13	S17° 37' 59"E
L46	42.83	S77° 47' 32"E

CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C672	62.65	808.00	62.64	S39° 20' 11"W	4°26'34"
C674	357.57	864.00	355.02	S29° 42' 06"W	23°42'43"
C676	42.37	30.00	38.94	N16° 30' 44"E	80°55'35"
C677	31.50	30.00	30.07	N47° 42' 45"W	60°09'33"

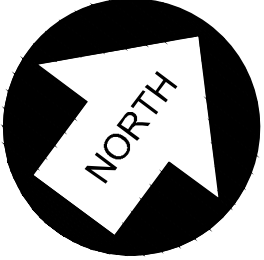
ROWLAND CREEK CANAL EASEMENT LINE TABLE		
LINE	LENGTH	BEARING
LE1	40.75	N37° 39' 31"E
LE2	160.96	N89° 57' 30"E
LE3	781.14	N87° 34' 45"E
LE4	356.29	N89° 25' 10"E
LE5	198.20	S79° 49' 24"E
LE6	600.01	S79° 04' 38"E
LE7	585.79	S79° 04' 38"E
LE8	215.65	S79° 49' 24"E
LE9	308.72	N89° 25' 10"E
LE10	781.80	N87° 34' 45"E
LE11	233.27	N89° 57' 30"E
LE12	70.27	N87° 29' 30"E
LE13	66.78	N86° 13' 06"E
LE14	158.78	N89° 38' 35"E
LE15	229.73	S84° 22' 35"E
LE16	223.94	S83° 23' 20"E
LE17	83.53	N82° 26' 11"E
LE18	95.62	N62° 53' 58"E
LE19	605.72	N60° 56' 46"E
LE20	61.23	N12° 12' 28"E
LE21	85.62	N18° 54' 44"E
LE22	72.25	N28° 18' 39"W

CENTERLINE OF ACCESS & UTILITY EASEMENT LINE & CURVE TABLES		
LINE	LENGTH	BEARING
LE29	187.30	S35° 26' 34"W
LE30	74.34	S8° 33' 05"W
LE31	213.69	S12° 58' 36"E
LE32	126.11	S41° 33' 27"W
LE33	103.18	S17° 50' 45"W
LE34	37.81	S22° 00' 38"W
LE35	103.29	N77° 43' 03"W

CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
CE682	230.27	600.00	228.86	N46° 26' 15"E	21°59'22"
CE683	238.88	280.00	231.70	S32° 59' 30"W	48°52'51"
CE684	150.29	400.00	149.41	S2° 12' 45"E	21°31'41"
CE685	218.29	500.00	216.56	N0° 28' 11"W	25°00'50"
CE686	426.61	828.00	421.91	N26° 47' 51"E	29°31'13"
CE687	349.29	844.00	346.80	S29° 42' 06"W	23°42'43"
CE688	222.91	640.00	221.78	N27° 49' 25"E	19°57'20"
CE689	554.90	966.50	547.31	S21° 21' 13"W	32°53'44"
CE690	119.41	400.00	118.97	N13° 27' 29"E	17°06'17"
CE691	175.13	125.00	161.15	N62° 08' 47"E	80°16'19"

UTILITY EASEMENT LINE & CURVE TABLES		
LINE	LENGTH	BEARING
LE23	160.59	S35° 26' 34"W
LE25	65.59	N53° 16' 57"W
LE26	106.92	N34° 41' 17"E
LE27	26.72	S35° 26' 34"W
LE28	87.73	S79° 49' 24"E

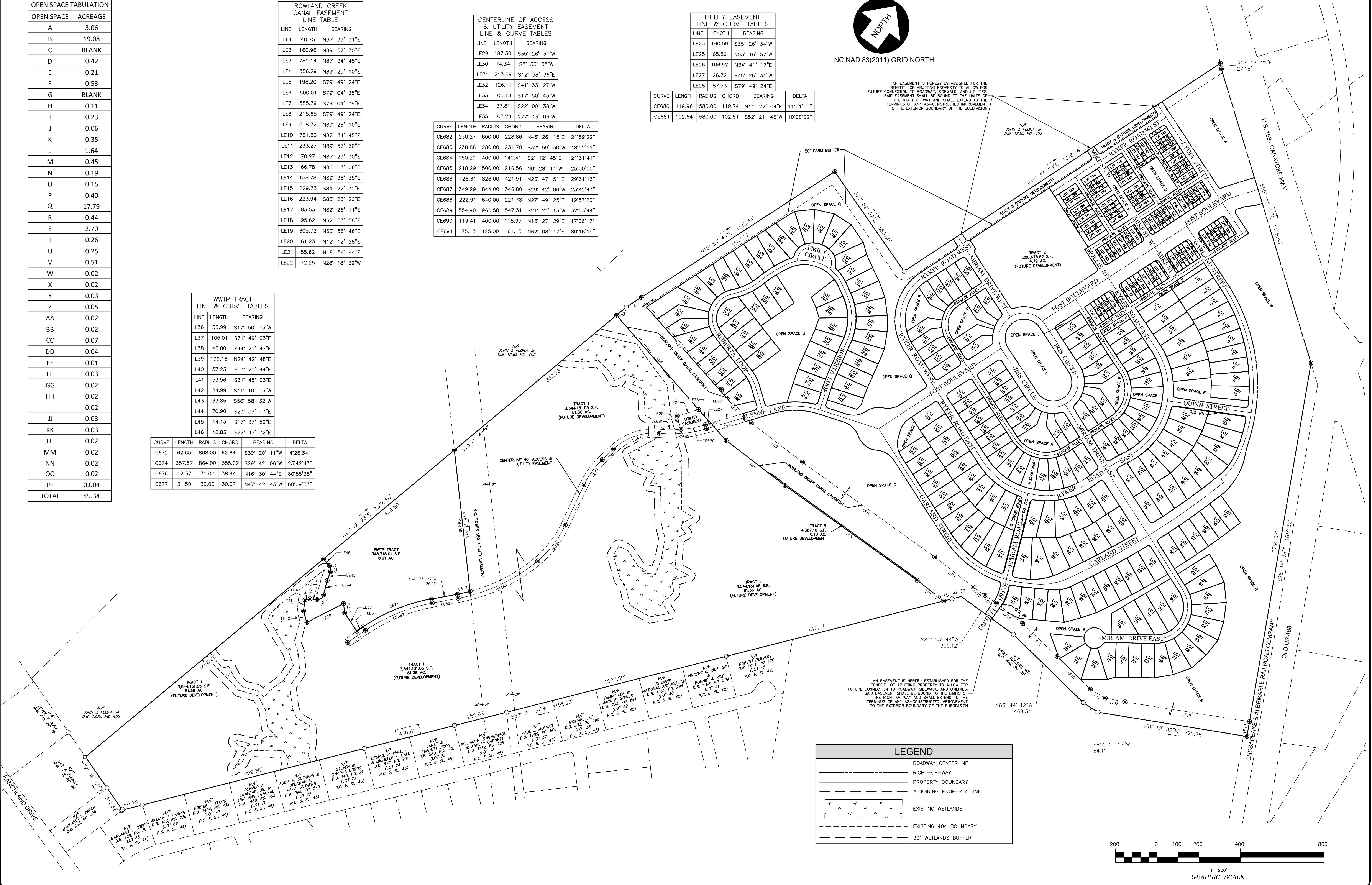
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
CE680	119.96	580.00	119.74	N41° 22' 04"E	11°51'00"
CE681	102.64	580.00	102.51	S52° 21' 45"W	10°08'22"



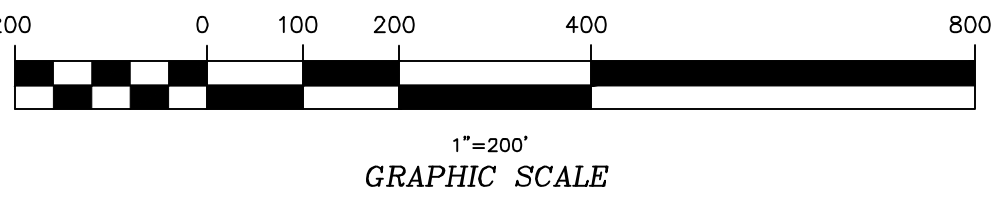
NC NAD 83(2011) GRID NORTH

AN EASEMENT IS HEREBY ESTABLISHED FOR THE BENEFIT OF ADJUTING PROPERTY TO ALLOW FOR FUTURE CONNECTION TO ROADWAY, SIDEWALK, AND UTILITIES. SAID EASEMENT SHALL BE BOUND TO THE LIMITS OF THE RIGHT OF WAY AND SHALL EXTEND TO THE TERMINUS OF ANY AS-CONSTRUCTED IMPROVEMENT TO THE EXTERIOR BOUNDARY OF THE SUBDIVISION.

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LEGEND	
	ROADWAY CENTERLINE
	RIGHT-OF-WAY
	PROPERTY BOUNDARY
	ADJOINING PROPERTY LINE
	EXISTING WETLANDS
	EXISTING 404 BOUNDARY
	30' WETLANDS BUFFER



BISSELL
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THE FOST TRACT PD-R
SUBDIVISION PRELIMINARY
PLAT OVERVIEW
NORTH CAROLINA
CURRITUCK COUNTY
MOYOCK TOWNSHIP
PRELIMINARY SUBDIVISION PLANS

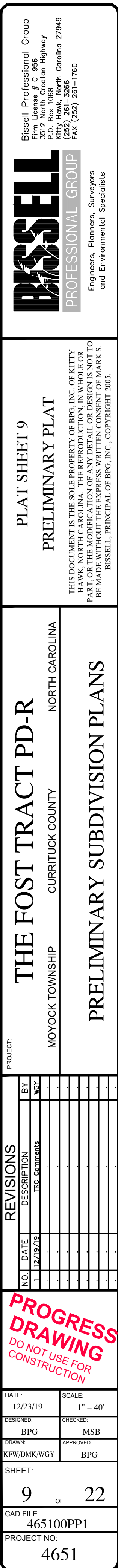
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SHEET: 7 OF 22
CAD FILE: 465100PP1
PROJECT NO: 4651

REVISIONS
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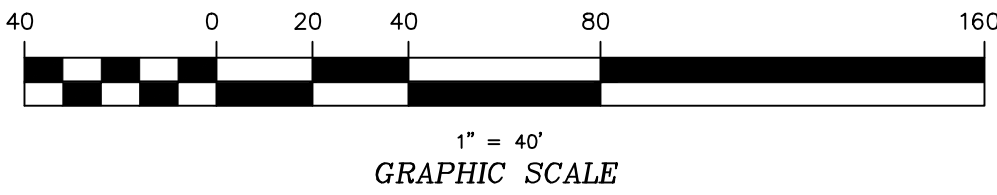
Attachment: 2 12-23-19_Fost Prelim Plans (PB 18-23 The Fost Tract, Phases 1-5)

Scale: 1"=200'

Packet Pg. 112



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NC NAD 83(2011) GRID NORTH

1" = 40'
GRAPHIC SCALE

N/E
JOHN J. FLORA, III
D.B. 1236, PG. 402

AN EASEMENT IS HEREBY ESTABLISHED FOR THE BENEFIT OF ADJUTING PROPERTY TO ALLOW FOR FUTURE CONNECTION TO ROADWAY, SIDEWALK, AND UTILITIES. SAID EASEMENT SHALL BE BOUND TO THE LIMITS OF THE RIGHT OF WAY AND SHALL EXTEND TO THE TERMINUS OF ANY AS-CONSTRUCTED IMPROVEMENT TO THE EXTERIOR BOUNDARY OF THE SUBDIVISION

SEE SHEET 8

SEE SHEET 13

TRACT 1
(FUTURE DEVELOPMENT)
4,798.52 S.F.
0.11 AC

TRACT 2
208,675.62 S.F.
(FUTURE DEVELOPMENT)
TRACT 2 HAS A BLANKET UTILITY EASEMENT(S) FOR ANY UTILITY PLACED HEREIN. SAID EASEMENT(S) IS TO BE LIMITED TO 10' ON BOTH SIDES OF THE AS-BUILT CENTERLINE OF SAID UTILITY

SEE SHEET 11

THE FOST TRACT PD-R
NORTH CAROLINA
MOYOCK TOWNSHIP
CURRITUCK COUNTY

PLAT SHEET 10
PRELIMINARY PLAT

PRELIMINARY SUBDIVISION PLANS

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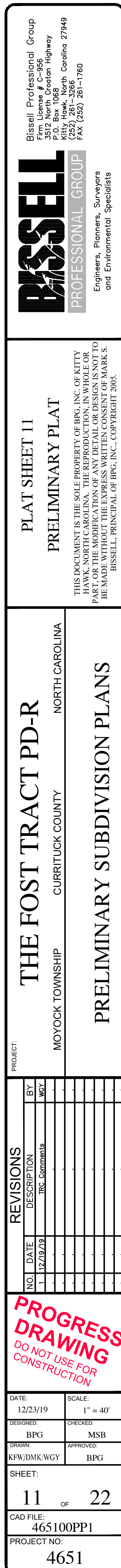
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PROFESSIONAL GROUP
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and Environmental Specialists

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Firm License # C-666
P.O. Box 108
1000 Highway 101
Cary, NC 27513
Tel: (919) 252-1760
Fax: (919) 252-1760

REVISIONS		NO.	DATE	DESCRIPTION	BY
		1	12/23/2019	Initial Comments	MOY

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CONSTRUCTION

DATE: 12/23/19 SCALE: 1" = 40'
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SHEET: 10 OF 22
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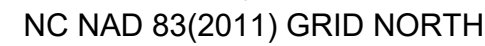
PROJECT:	THE FOST TRACT PD-R		PLAT SHEET 12
MOYOCK TOWNSHIP	CURRITUCK COUNTY	NORTH CAROLINA	PRELIMINARY PLAT
PRELIMINARY SUBDIVISION PLANS			THIS DOCUMENT IS THE SOLE PROPERTY OF THE ENGINEER. IT IS TO BE USED ONLY FOR THE MODIFICATION OF ANY DETAIL OR DESIGN IS NOT TO BE REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF J.E. BIRSELL, PRINCIPAL OF INC. COPYRIGHT 2005.

PLAT SHEET 12

PRELIMINARY PLAT

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Attachment: 2 12-23-19 Fost Prelim Plans (PB 18-23 The Fost Tract, Phases 1-5)



N/F
JOHN J. FLORA, III
D.B. 1230, PG. 402

N/F
JOHN J. FLORA, III
D.B. 1230, PG. 402

SEE SHEET 16

THE FOST TRACT PD-R

LOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

PRELIMINARY SUBDIVISION PLANS

PLAT SHEET 13
PRELIMINARY PLAT

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BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

Bissell Professional Group
Florida Professional Surveyor's
License # C-356
3512 North Croatian Highway
P.O. Box 1068
Kitty Hawk, North Carolina 27949
TEL (252) 261-1760
FAX (252) 261-1760

REVISIONS	
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PROGRESS DRAWING

DO NOT USE FOR
CONSTRUCTION

DATE: 12/23/19

DESIGNED: BPG

WPM/DMK/WDY

SCALE: 1" = 200'

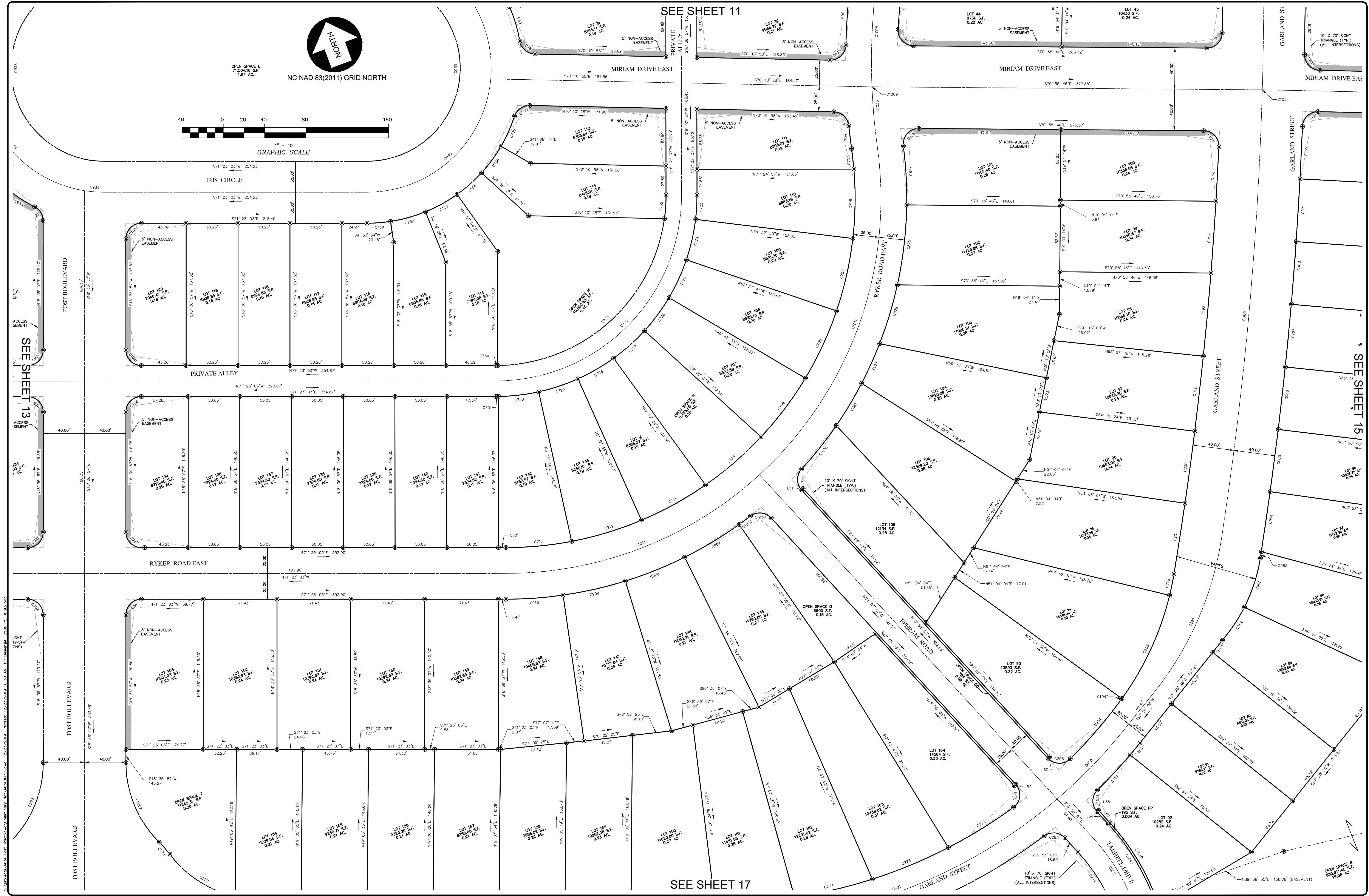
ORDERED: MSB

APPROVED:

SHEET: 13 OF 22

CAD FILE: 465100PP1

PROJECT NO: 4651



BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

PLAT SHEET 17
PRELIMINARY PLAT

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THE FOST TRACT PD-R
NORTH CAROLINA
CURRITUCK COUNTY
MOYOCK TOWNSHIP

PRELIMINARY SUBDIVISION PLANS

PROJECT NO. 465100PP1
SHEET 14 OF 22
PROJECT NO. 4651

DATE: 12/23/19
DESIGNED: BPG
DRAWN: KFW/DWK/WGY
SHEET: 14 OF 22

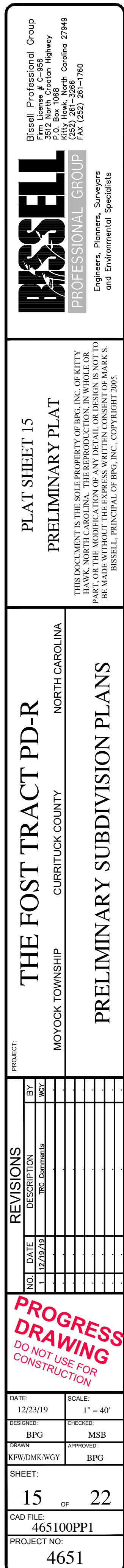
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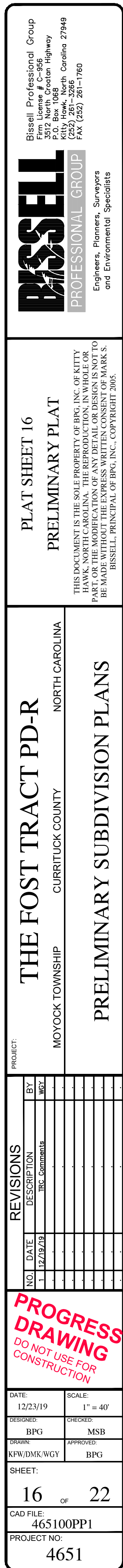
CAD FILE: 465100PP1
PROJECT NO: 4651

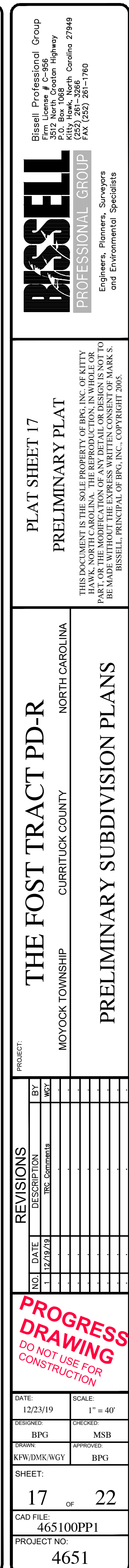
PROGRESS DRAWING
DO NOT USE FOR CONSTRUCTION

REVISIONS

NO.	DATE	DESCRIPTION	BY	CHKD.
1	12/23/19	Initial		
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CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1	11.52	50.00	11.50	S28° 05' 45"W	13°12'15"
C2	22.81	15.00	20.67	N65° 03' 17"E	87°07'19"
C3	27.77	15.00	23.97	S18° 20' 36"E	106°04'56"
C8	4.97	15.00	4.94	N9° 07' 53"E	18°58'07"
C9	23.56	15.00	21.21	S63° 36' 57"W	90°00'00"
C11	18.60	15.00	17.43	N35° 52' 07"W	71°01'53"
C12	23.56	15.00	21.21	S63° 36' 57"W	90°00'00"
C13	23.56	15.00	21.21	S26° 23' 03"E	90°00'00"
C14	23.56	15.00	21.21	S63° 36' 57"W	90°00'00"
C15	23.56	15.00	21.21	N26° 23' 03"W	90°00'00"
C44	42.71	851.01	42.70	N33° 02' 30"W	2°52'31"
C45	24.01	15.00	21.53	N14° 15' 10"E	91°42'49"
C52	23.56	15.00	21.21	S26° 23' 03"E	90°00'00"
C53	829.54	891.01	799.90	N45° 56' 28"W	53°20'35"
C55	24.37	15.00	21.78	N73° 20' 51"W	93°05'08"
C56	45.14	280.00	45.09	S23° 53' 14"E	91°4'09"
C59	66.81	851.01	66.79	N24° 33' 21"W	4°29'53"
C60	77.27	851.01	77.24	N19° 42' 20"W	5°12'08"
C61	30.10	451.25	30.09	N14° 48' 54"W	3°49'17"
C62	57.98	280.00	57.88	N6° 58' 20"W	11°51'51"
C63	69.06	280.00	68.89	N6° 01' 34"E	14°07'57"
C64	23.59	3485.99	23.59	N13° 17' 10"E	0°23'16"
C65	78.82	3485.99	78.82	N14° 07' 40"E	11°7'44"
C66	86.08	3485.99	86.08	N15° 28' 59"E	1°24'54"
C67	74.05	3485.99	74.04	N16° 47' 56"E	1°13'01"
C68	67.52	3485.99	67.52	N17° 57' 44"E	1°06'35"
C71	52.61	3486.00	52.61	N18° 56' 58"E	0°51'53"
C72	23.48	15.00	21.16	N64° 13' 39"E	89°41'10"
C85	23.56	15.00	21.21	S63° 36' 57"W	90°00'00"
C86	37.06	338.17	37.04	S68° 14' 41"E	6°16'46"
C87	72.60	338.17	72.46	N58° 57' 16"W	12°18'04"
C88	72.61	338.17	72.47	N46° 39' 10"W	12°18'09"
C90	71.05	338.17	70.92	N20° 04' 42"W	12°02'16"
C91	71.04	338.17	70.91	N8° 02' 29"W	12°02'11"
C92	71.07	338.17	70.94	N3° 59' 51"E	12°02'28"
C93	65.04	338.17	64.94	N15° 31' 42"E	11°01'13"
C94	32.57	338.17	32.56	N23° 47' 52"E	5°31'07"
C95	20.91	620.00	20.91	N25° 35' 27"E	1°55'58"
C96	49.48	620.00	49.47	N22° 20' 17"E	4°34'21"
C98	20.64	15.00	19.05	S30° 45' 36"E	78°50'43"
C99	35.08	150.28	35.00	S1° 58' 31"W	13°22'29"
C100	35.08	150.28	35.00	S11° 23' 58"E	13°22'29"
C101	32.06	150.28	32.00	S24° 11' 56"E	12°13'26"
C102	14.48	150.28	14.47	N33° 04' 14"W	5°31'10"
C103	32.06	150.28	32.00	S41° 56' 32"E	12°13'26"
C104	35.08	150.28	35.00	S54° 44' 29"E	13°22'29"
C105	26.11	150.28	26.08	S66° 24' 24"E	9°57'20"
C106	23.56	15.00	21.21	S26° 23' 03"E	90°00'00"
C107	35.86	155.00	35.78	N11° 59' 14"E	13°15'26"
C108	27.77	185.00	27.75	S14° 18' 53"W	8°36'07"
C109	38.86	185.00	38.79	S3° 59' 43"W	12°02'12"
C110	38.86	185.00	38.79	S8° 02' 28"E	12°02'12"
C111	38.87	185.00	38.80	S20° 04' 42"E	12°02'16"
C112	39.72	185.00	39.64	S46° 39' 06"E	12°18'05"
C113	39.72	185.00	39.65	S58° 57' 13"E	12°18'09"
C114	20.28	185.00	20.26	N68° 14' 41"W	6°16'46"
C120	23.56	15.00	21.21	N63° 36' 57"E	90°00'00"
C122	15.01	15.00	14.39	N47° 17' 23"E	57°20'53"
C123	112.36	150.28	109.76	S54° 32' 41"W	42°50'17"
C128	23.56	15.00	21.21	S63° 36' 57"W	90°00'00"
C129	20.03	15.00	18.57	N33° 08' 08"W	76°29'51"
C130	22.99	150.28	22.96	N0° 44' 00"E	8°45'49"
C131	33.05	150.28	32.99	S9° 56' 58"E	12°36'06"
C132	15.10	150.28	15.10	S19° 07' 47"E	5°45'32"
C133	32.06	150.28	32.00	N28° 07' 16"W	12°13'26"
C137	16.20	220.00	16.20	S69° 16' 29"E	4°13'08"
C138	55.25	220.00	55.10	N59° 58' 17"W	14°23'17"
C139	229.96	220.00	219.63	S22° 49' 56"E	58°53'23"
C140	52.30	230.66	52.19	S13° 45' 32"W	12°59'33"
C152	27.17	140.00	27.13	N65° 49' 25"W	11°07'17"
C153	40.71	140.00	40.56	N51° 56' 00"W	16°39'33"
C154	36.32	140.00	36.22	S36° 10' 18"E	14°51'50"
C155	33.75	140.00	33.66	N4° 53' 37"W	13°48'38"
C156	34.36	140.00	34.27	N9° 02' 32"E	14°03'41"
C157	6.21	140.00	6.21	N17° 20' 40"E	2°32'34"
C164	31.66	150.28	31.60	N67° 06' 47"E	12°04'18"
C175	71.21	338.00	71.08	N67° 44' 04"E	12°04'18"
C196	52.72	3486.00	52.72	N21° 37' 53"E	0°52'00"
C198	80.86	3485.99	80.86	N23° 52' 30"E	11°9'44"
C199	73.26	3485.99	73.26	N25° 08' 29"E	11°21'15"

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C200	70.26	3485.99	70.26	N26° 19' 15"E	1°09'17"
C201	69.43	3485.99	69.42	N27° 28' 08"E	1°08'28"
C202	21.12	285.00	21.12	N30° 09' 45"E	4°14'48"
C203	110.76	285.00	110.07	N43° 25' 10"E	22°16'02"
C204	76.20	480.00	76.12	N59° 14' 59"E	9°05'44"
C205	24.16	15.00	21.63	S70° 03' 36"E	92°17'07"
C225	6.30	220.00	6.30	S75° 26' 27"W	1°38'28"
C226	96.02	250.00	95.43	N27° 28' 19"W	22°00'21"
C228	37.75	175.00	37.68	S64° 00' 11"E	12°21'34"
C229	49.48	175.00	49.31	N49° 43' 27"W	16°11'54"
C230	48.05	175.00	47.90	S33° 45' 30"E	15°43'59"
C231	48.05	175.00	47.90	N18° 01' 31"W	15°43'59"
C232	48.05	175.00	47.90	S2° 17' 32"E	15°43'59"
C233	48.05	175.00	47.90	N13° 26' 27"E	15°43'59"
C234	48.05	175.00	47.90	S29° 10' 26"W	15°43'59"
C235	48.05	175.00	47.90	N44° 54' 25"E	15°43'59"
C236	0.81	175.00	0.81	S52° 54' 23"W	0°15'56"
C237	23.18	25.00	22.36	S26° 28' 27"W	53°07'48"
C238	30.18	50.00	29.73	S17° 12' 12"W	34°35'19"
C239	30.74	50.00	30.26	S52° 06' 42"W	35°13'42"
C243	23.18	25.00	22.36	N79° 36' 15"E	53°07'48"
C248	67.72	135.00	67.01	N38° 40' 09"E	28°44'25"
C249	66.83	135.00	66.15	N10° 07' 05"E	28°21'42"
C250	155.79	135.00	147.29	N37° 07' 22"W	66°07'12"
C262	32.95	160.00	32.89	S51° 26' 30"W	11°47'53"
C263	14.75	520.00	14.75	S58° 09' 11"W	1°37'30"
C264	46.57	520.00	46.55	S61° 31' 52"W	5°07'52"
C271	25.23	15.00	22.36	N24° 15' 34"E	96°21'13"
C272	74.26	480.00	74.19	N76° 52' 07"E	8°51'53"
C273	79.72	480.00	79.63	N86° 03' 33"E	9°30'59"
C274	77.33	480.00	77.24	S84° 34' 03"E	9°13'49"
C275	76.10	480.00	76.02	S75° 24' 37"E	9°05'03"
C276	22.25	108.00	22.21	S64° 57' 59"E	11°48'12"
C277	99.25	108.00	95.79	S44° 32' 29"E	52°39'12"
C278	15.51	103.00	15.50	N22° 1' 44"W	8°37'42"
C294	65.97	180.00	65.61	N13° 25' 02"W	21°00'02"
C295	22.12	15.00	20.17	N66° 09' 27"W	84°28'50"
C296	340.61	520.00	334.55	S89° 37' 59"E	37°31'47"
C297	99.25	108.00	95.79	S82° 48' 19"W	52°39'12"
C298	118.72	103.00	112.26	N89° 29' 55"E	66°02'24"
C299	99.25	108.00	95.79	N83° 48' 30"W	52°39'12"
C302	84.24	103.00	81.92	S40° 38' 35"W	46°51'46"
C303	99.25	108.00	95.79	N43° 32' 18"E	52°39'12"
C304	228.30	380.00	224.88	S52° 39' 14"W	34°25'21"
C305	54.04	180.00	53.84	N63° 09' 30"W	17°12'08"
C308	23.56	15.00	21.21	S65° 08' 06"E	90°00'00"
C309	65.86	600.00	65.83	S16° 59' 24"E	61°7'23"
C310	15.69	290.00	15.68	N15° 23' 42"W	3°05'57"
C311	55.20	290.00	55.11	S22° 23' 49"E	10°54'19"
C312	59.56	290.00	59.46	N33° 44' 02"W	11°46'05"
C313	58.23	290.00	58.13	S45° 22' 12"E	11°30'16"
C314	54.41	290.00	54.33	S56° 29' 51"E	10°45'02"
C315	11.47	220.00	11.47	N63° 22' 02"W	2°59'18"
C316	62.55	220.00	62.34	N47° 42' 45"W	16°17'21"
C317	8.42	220.00	8.42	S82° 14' 49"E	2°11'35"
C318	19.37	20.00	18.62	S55° 36' 03"E	55°29'07"
C319	49.00	80.00	48.23	S45° 24' 12"E	35°05'25"
C320	18.30	80.00	18.26	S69° 30' 10"E	13°06'30"
C321	21.91	120.00	21.88	S81° 17' 12"E	10°27'34"
C322	41.59	120.00	41.38	N83° 33' 21"E	19°51'21"
C323	41.59	120.00	41.38	S63° 41' 59"W	19°51'21"
C324	40.20	120.00	40.02	N44° 10' 26"E	19°11'45"
C325	0.67	80.00	0.67	N34° 20' 13"E	0°28'41"
C326	35.08	80.00	34.80	S21° 32' 05"W	25°07'36"
C328	42.91	80.00	42.40	N6° 23' 46"W	30°44'06"
C329	19.90	20.00	19.09	N6° 44' 04"E	56°59'45"
C330	4.31	220.00	4.31	N34° 40' 17"E	1°07'20"
C331	27.00	220.00	26.98	N30° 35' 40"E	7°01'52"
C332	58.42	615.00	58.40	N24° 21' 28"E	5°26'33"
C333	58.09	624.99	58.07	S18° 55' 50"W	5°19'30"
C334	34.93	615.00	34.92	N14° 35' 52"E	3°15'15"
C335	34.28	300.00	34.26	N16° 14' 40"E	6°32'51"
C336	69.44	300.00	69.29	S26° 08' 58"W	13°15'45"
C337	40.55	300.00	40.52	N36° 39' 09"E	7°44'39"
C338	31.58	140.00	31.51	N34° 03' 46"E	12°55'26"
C339	46.45	140.00	46.24	S18° 05' 42"W	19°00'42"
C340	46.45	140.00	46.24	N0° 55' 00"W	19°00'42"
C341	10.08	140.00	10.08	N74° 11' 56"W	4°07'29"
C342	43.82	140.00	43.64	N63° 10' 10"W	17°56'05"
C343	38.98	140.00	38.86	S46° 13' 31"E	15°57'12"

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C344	32.32	140.00	32.25	S31° 38' 05"E	13°13'41"
C345	35.67	140.00	35.57	N17° 43' 18"W	14°35'52"
C346	14.14	180.00	14.14	S74° 00' 37"E	4°30'07"
C348	68.06	620.00	68.03	S16° 59' 24"E	61°7'23"
C349	226.32	270.00	219.76	N37° 51' 33"W	48°01'39"
C350	99.36	200.00	98.34	N76° 06' 17"W	28°27'49"
C351	164.67	200.00	160.06	S66° 04' 33"W	47°10'32"
C352	53.79	200.00	53.63	S34° 47' 51"E	15°24'33"
C353	71.28	60.00	67.16	N42° 01' 30"W	68°03'51"
C354	121.07	100.00	113.81	S69° 15' 34"W	59°22'01"
C355	80.59	60.00	74.67	S3° 54' 13"E	76°53'32"
C356	146.51	595.00	146.14	S20° 01' 30"W	14°06'29"
C357	153.89	320.00	152.41	N26° 44' 52"E	27°33'31"
C358	244.60	120.00	240.04	S17° 52' 06"E	116°47'09"
C359	75.76	200.00	75.31	N65° 24' 34"W	21°42'14"
C360	4.80	400.00	4.80	S69° 31' 16"W	0°41'16"
C361	235.51	400.00	232.12	S52° 18' 36"W	334°04'05"
C362	131.97	420.00	131.43	N55° 36' 49"E	18°00'12"
C363	22.25	14.00	20.22	N22° 14' 25"E	8°02'53"
C371	102.29	25.00	101.39	N50° 10' 26"W	26°30'37"
C373	11.45	250.00	11.45	N15° 09' 26"W	2°37'25"
C376	40.06	640.00	40.05	N15° 38' 16"W	3°35'10"
C377	30.26	640.00	30.20	N18° 46' 59"W	2°42'13"
C378	42.06	180.00	41.96	N68° 34' 00"W	13°23'16"
C379	81.87	420.00	81.75	S41° 01' 38"W	11°10'09"
C380	23.56	15.00	21.21	N80° 26° 34"W	9°00'00"
C386	77.04	120.00	76.64	N64° 35' 20"W	20°03'47"
C390	18.37	100.00	18.34	S70° 59' 59"E	10°31'23"
C391	185.46	100.00	160.00	S12° 36' 24"E	106°15'46"
C392	24.17	340.00	24.16	S38° 29' 18"W	4°04'21"
C393	73.30	340.00	73.16	S30° 16' 32"W	12°21'11"
C398	66.04	340.00	65.93	S18° 32' 06"W	11°10'42"
C431	2.83	575.00	2.83	S13° 06' 43"E	0°16'56"
C432	70.40	575.00	70.36	S16° 45' 38"W	7°00'54"
C433	68.35	575.00	68.31	S23° 40' 24"W	6°48'40"
C434	243.98	180.00	225.73	S65° 54' 33"W	77°39'37"
C435	23.56	15.00	21.21	N9° 33' 26"W	9°00'00"
C436	120.92	50.00	93.53	S36° 53' 20"W	138°33'38"
C437	31.58	50.00	31.06	N50° 29' 07"W	36°11'18"
C477	36.39	50.00	35.59	S89° 25' 37"E	41°41'41"
C492	5.63	851.00	5.63	N16° 54' 55"W	0°22'44"
C494	24.12	15.00	21.60	N24° 52' 04"W	9°02'73"
C495	23.52	15.00	21.21	N65° 02' 36"E	89°14'22"
C578	190.13	871.00	189.75	N22° 58' 54"W	12°30'24"
C579	31.43	471.25	31.43	N8° 48' 54"W	3°49'17"
C580	136.12	300.00	134.95	N0° 05' 38"E	25°59'48"
C582	333.35	155.00	272.72	N8° 34' 18"E	123°13'18"
C620	92.75	500.00	92.62	N62° 39' 17"W	10°37'42"
C621	359.21	500.00	351.54	N88° 33' 02"E	41°09'46"
C622	73.31	200.00	72.90	N13° 25' 02"W	21°00'02"
C672	62.65	808.00	62.64	S39° 20' 11"W	4°26'34"
C674	357.57	864.00	355.02	S29° 42' 06"W	23°42'43"
C676	42.37	30.00	38.94	N16° 30' 34"E	80°55'35"
C677	31.50	30.00	30.07	N47° 42' 45"E	60°09'33"
C697	267.04	170.00	240.22	N26° 23' 03"W	90°00'00"
C700	19.14	15.00	17.87	S73° 15' 49"W	73°06'26"
C703	21.74	15.00	19.88	N28° 39' 59"W	83°10'57"
C704	23.79	620.00	23.79	N11° 45' 02"E	2°11'55"
C705	18.43	338.00	18.42	N12° 12' 47"E	3°07'24"
C706	67.28	338.00	67.17	N19° 28' 39"E	11°24'20"
C707	72.02	338.00	71.88	N31° 17' 04"E	12°13'30"
C708	72.01	338.00	71.88	N43° 29' 32"E	12°12'27"
C709	71.40	338.00	71.26	N55° 38' 50"E	12°06'09"
C710	282.97	180.00	254.72	N63° 34' 47"E	90°04'20"
C711	70.95	338.00	70.82	N79° 47' 01"E	12°01'37"
C712	70.62	338.00	70.49	S88° 13' 03"E	11°58'15"
C713	63.99	338.00	63.90	S76° 48' 29"E	10°50'52"
C723	23.82	195.00	23.80	S22° 02' 32"W	6°59'51"
C724	40.31	195.00	40.24	S31° 27' 47"E	11°50'38"
C725	40.31	195.00	40.24	S43° 18' 23"W	15°50'36"
C726	40.01	195.00	39.94	S55° 06' 23"W	11°45'23"
C727	40.01	195.00	39.94	N66° 51' 44"E	11°45'19"
C728	40.00	195.00	39.93	S78° 37' 00"W	11°45'14"
C729	40.00	195.00	39.93	N89° 37' 49"W	11°45'09"
C730	39.39	195.00	39.33	N77° 57' 59"W	11°34'30"
C731	2.70	195.00	2.70	N71° 46' 54"W	0°47'41"
C732	23.05	165.00	23.03	N22° 32' 43"E	8°00'14"
C733	234.30	165.00	215.11	N67° 13' 39"E	81°21'38"
C734	2.04	165.00	2.04	S71° 44' 18"E	0°42'28"
C735	31.85	150.00	31.79	S42° 46' 54"W	12°08'37"

DEVELOPMENT STANDARDS & SETBACKS			
	STYLE		
	TND T.H.	TND S.F. LOT	CONV. S.F. LOT
MIN. LOT SIZE	1,800 SF	6,900 SF	9,500 SF
TYPICAL LOT SIZE	1,800 – 3,000 SF	7,000 – 9,000 SF	10,000 – 15,000 SF
MIN. LOT WIDTH	20'	35'	35'
TYPICAL LOT WIDTH	20'-25'	50'-60'	62'
FRONT SETBACK	15'	20'	20'
SIDE SETBACK	0	10'	10'
REAR SETBACK	20'	20'	25'
CORNER SIDE SETBACK	15'	15'	15'
MAXIMUM SETBACK	25'	75'	140'
MAXIMUM HEIGHT	35'	35'	35'
MAXIMUM BUILDING SIZE	16,000 SF	N/A	N/A
MAXIMUM LOT COVERAGE	100%	60%	45%

a. THE PHASING PLAN ATTACHED TO THIS ORDINANCE AND INCORPORATED HEREIN BY REFERENCE AS SCHEDULE B (ATTACHED) SHALL BE ADHERED TO EXCEPT THAT THE DEVELOPER MAY DETERMINE THE SEQUENCE IN WHICH PHASES ARE DEVELOPED. THE DEVELOPER SHALL PROVIDE AN ANNUAL REPORT UPDATING THE PHASING PLAN FOR THE DEVELOPMENT.

b. NOTWITHSTANDING THE FOREGOING, THE FIRST PHASE OF DEVELOPMENT SHALL NOT EXCEED SEVENTY-ONE (71) RESIDENTIAL UNITS.

c. DEVELOPMENT ON THE PROPERTY SHALL BE CONNECTED TO A NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY ("NCEQ") PERMITTED AND APPROVED CENTRAL WASTEWATER TREATMENT AND DISPOSAL SYSTEM AND TO THE CURRITUCK COUNTY WATER SYSTEM. FIRE PROTECTION SHALL BE PROVIDED IN ACCORDANCE WITH THE UDO STANDARDS AND THE N.C. FIRE CODE.

d. THE DENSITY/INTENSITY STANDARDS, DIMENSIONAL STANDARDS AND DEVELOPMENT STANDARDS FOR DEVELOPMENT OF THE PROPERTY SHALL BE IN ACCORDANCE WITH THE MASTER PLAN AND SCHEDULE A (ATTACHED). SUBJECT TO THE DEGREE OF FLEXIBILITY PROVIDED IN THESE CONDITIONS.

e. COMMUNITY FORM DESIGN OR DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO THE STREETScape PERSPECTIVES, EXAMPLE MODEL HOME DRAWINGS, MIXED USE, AND CLUBHOUSE PERSPECTIVE DRAWINGS ILLUSTRATED ON THE MASTER PLAN AND AS PROVIDED AND ILLUSTRATED IN APPENDIX TO THE MASTER PLAN SUPPLEMENTAL DOCUMENT. VARIATIONS MAY BE PROVIDED AND SHALL BE PERMITTED IN COLORS, MATERIALS, AND ARCHITECTURAL DETAILING THAT ARE COMPATIBLE WITH THE DESIGN CONCEPT.

f. TRANSPORTATION: THE MAIN SUBDIVISION ENTRANCE WILL BE CONNECTED DIRECTLY TO N.C. HIGHWAY168. DECELERATION AND ACCELERATION LANES SHALL BE PROVIDED ALONG THE PROPERTY FRONTAGE IN ACCORDANCE WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, ("NCDOT"). STANDARDS AND SHALL BE APPROVED BY NCDOT PRIOR TO CONSTRUCTION. CONNECTIVITY WILL BE PROVIDED TO THE EXISTING FARMLAND TO THE SOUTHEAST, IDENTIFIED WITH PARCEL IDENTIFICATION NUMBER ("PIN") 002300000070000. ROADWAYS SHALL BE LAID OUT GENERALLY AS SHOWN ON THE MASTER PLAN AND SCHEDULE C.

g. POTABLE WATER: WATER SHALL BE SUPPLIED BY CURRITUCK COUNTY VIA THE EXISTING WATER MAIN LINED ALONG N.C. HIGHWAY 168 WHICH WILL BE TAPPED AND LOOPED THROUGH THE SITE. FIRE PROTECTIONS SHALL BE PROVIDED IN ACCORDANCE WITH UDO STANDARD AND THE APPLICABLE INSURANCE SERVICE OFFICE STANDARDS. INDIVIDUAL LOTS AND DWELLINGS SHALL BE METERED. THE DEVELOPER SHALL MODEL THE COUNTY'S WATER SYSTEM TO DEMONSTRATE ADEQUATE WATER FLOW AND PRESSURE FOR FIGHTING FIRES WHILE MEETING THE MAXIMUM DAY DOMESTIC DEMAND.

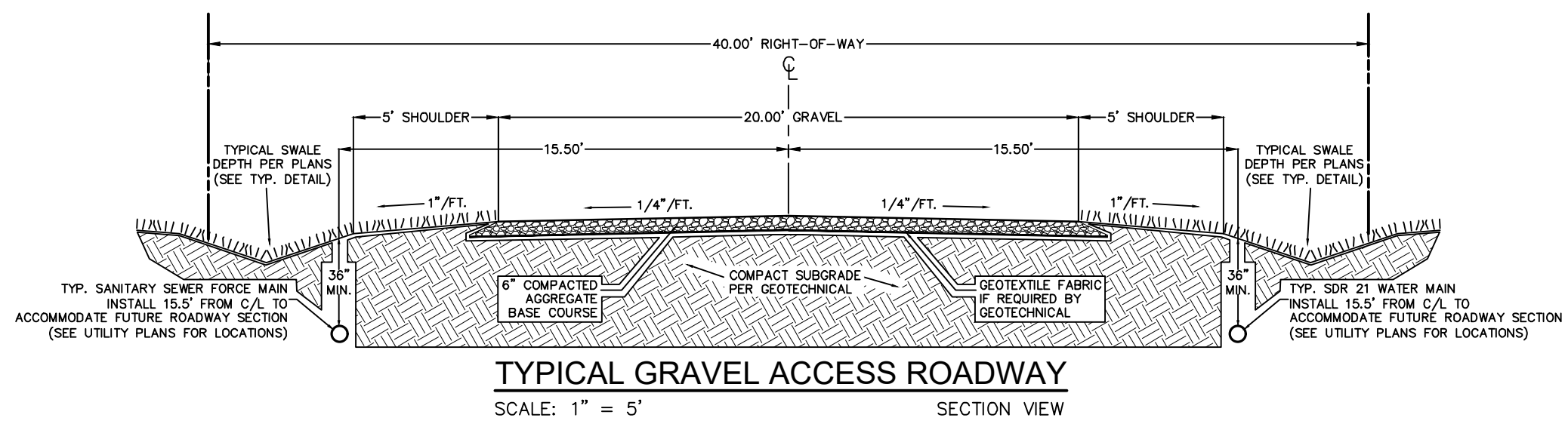
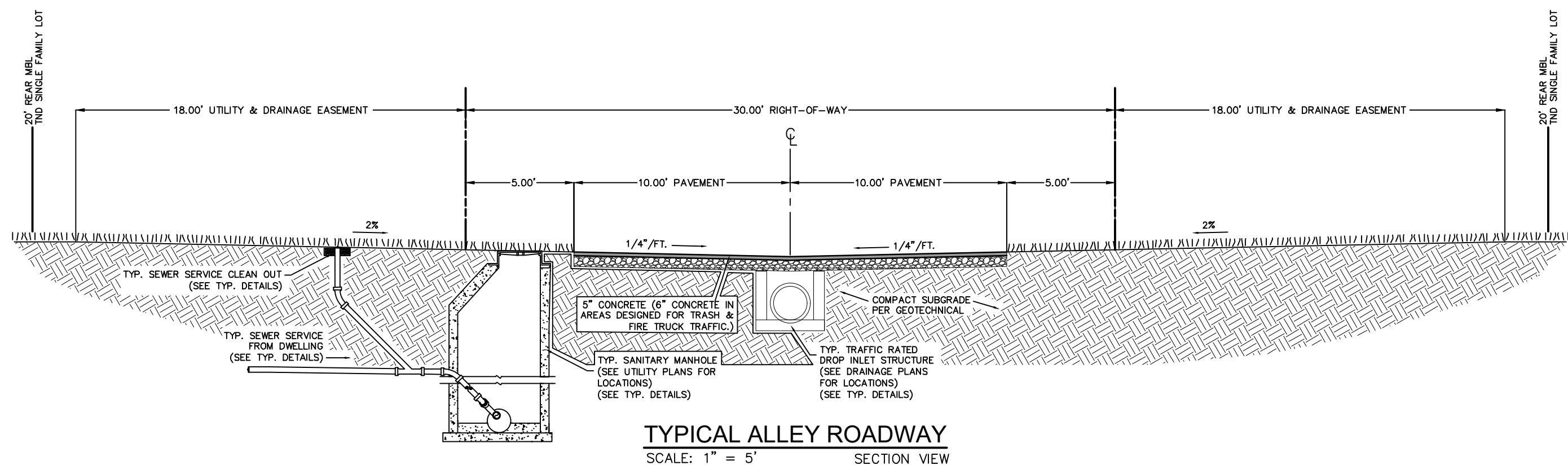
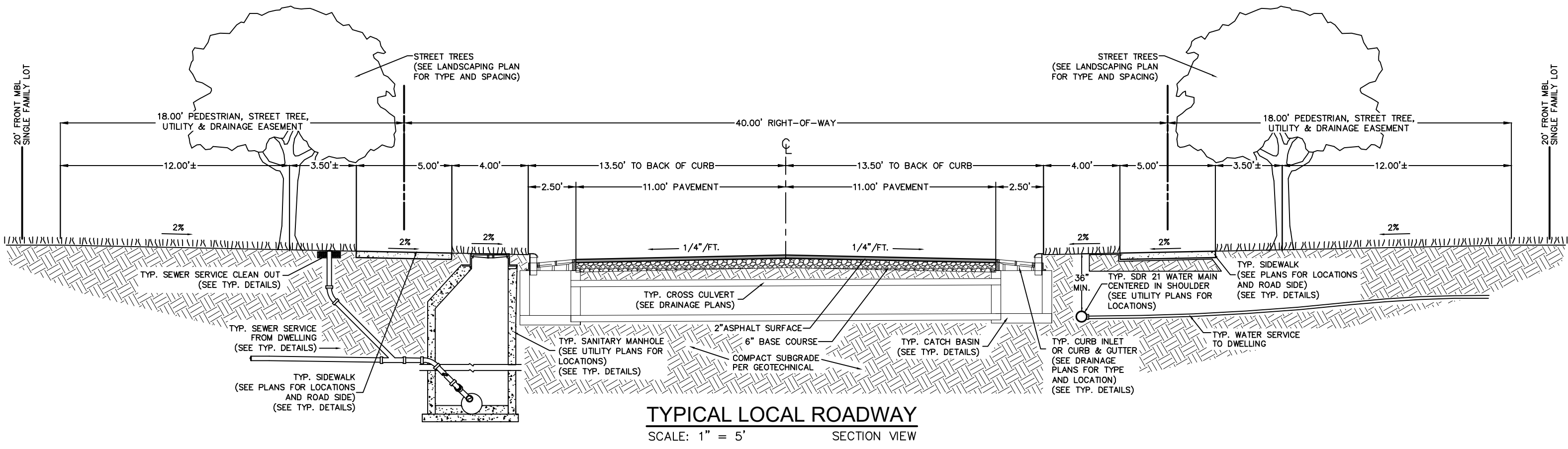
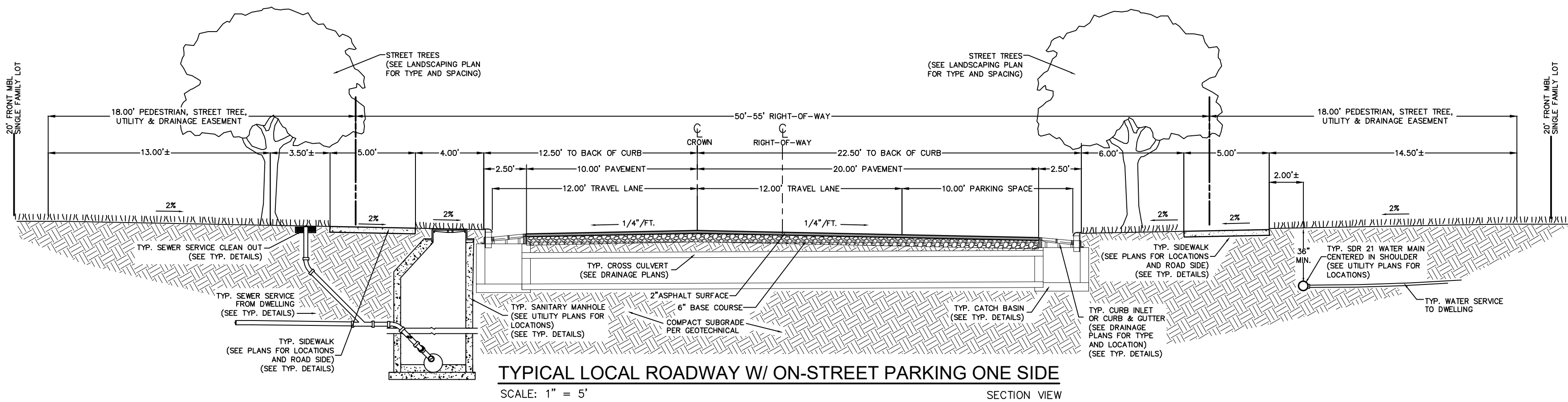
h. WASTEWATER: LAND HAS BEEN SET ASIDE FOR THE CONSTRUCTION OF A CENTRALIZED WASTEWATER TREATMENT AND DISPOSAL FACILITY THAT WILL BE CONSTRUCTED IN ACCORDANCE WITH UDO STANDARDS AND APPROVED BY NCEQ. A WASTEWATER COLLECTION SYSTEM WILL BE CONSTRUCTED BY THE DEVELOPER AND MANAGED BY A WASTEWATER UTILITY. THE UTILITY WILL BE REGULATED BY THE NORTH CAROLINA UTILITIES COMMISSION AND WILL APPLY FOR A CERTIFICATE OF PUBLIC NECESSITY AND CONVENIENCE.

- i. ON-SITE STORMWATER: THE FOLLOWING IMPROVEMENTS TO STORMWATER DRAINAGE ("IMPROVEMENTS") ON THE PROPERTY SHALL BE COMPLETED BY THE DEVELOPER PRIOR TO RECORDING THE FINAL PLAT FOR THE FIRST PHASE OF DEVELOPMENT ON THE PROPERTY:
- i. IMPROVE ROWLAND CREEK FOR THE ENTIRE LENGTH ON THE PROPERTY BY CONSTRUCTION OF A DITCH ON A POSITIVE GRADE WITH 3:1 SIDE SLOPES AND SIZED FOR A 100 YEAR STORM EVENT FROM THE DRAINAGE BASIN IN WHICH THE PROPERTY IS LOCATED.
- ii. INSTALL A NEW DITCH ALONG THE ENTIRE LENGTH OF THE PROPERTY'S EASTERN COMMON BOUNDARY LINE WITH RANCHLAND SUBDIVISION ON A POSITIVE GRADE WITH 3:1 SIDE SLOPES AND SIZED FOR A 500 YEAR STORM EVENT FROM THE DRAINAGE BASIN IN WHICH THE PROPERTY AND A PORTION OF RANCHLAND SUBDIVISION ARE LOCATED.
- iii. THE IMPROVEMENTS SET FORTH IN THIS SECTION SHALL BE MAINTAINED BY THE DEVELOPER, OR A MANAGEMENT ASSOCIATION CREATED BY THE DEVELOPER.
- i. OFF-SITE STORMWATER: SUBJECT TO OBTAINING RIGHT OF ENTRY FROM OFF-SITE PROPERTY OWNERS, I.E. IF CONSENT OF THOSE PROPERTY OWNERS IS OBTAINED, THE FOLLOWING IMPROVEMENTS TO STORM WATER DRAINAGE SYSTEMS OUTSIDE THE BOUNDARIES OF THE PROPERTY SHALL BE COMPLETED BY THE DEVELOPER PRIOR TO RECORDING THE FINAL PLAT FOR THE FIRST PHASE OF THE DEVELOPMENT.
- i. CLEAR AND SNAG ROWLAND CREEK FROM N. C. HIGHWAY 168 TO THE EAST END OF ROWLAND CREEK ESTATES SUBDIVISION (ADJACENT TO PIN 0022000088M0000)
- ii. CLEAR AND SNAG THE RANCHLAND OUTLETS DITCH FROM THE PROPERTY'S SOUTHEAST CORNER ADJACENT TO RANCHLAND SUBDIVISION (ADJACENT TO PIN 023B000004201F2) TO THE RANCHLAND OUTLETS' INTERSECTION WITH ROWLAND CREEK, AND CONSTRUCT A DITCH ON A POSITIVE GRADE WITH 3:1 SIDE SLOPES AND SIZED FOR A 100 STORM EVENT FROM THE DRAINAGE BASIN IN WHICH THE PROPERTY AND RANCHLAND SUBDIVISION ARE LOCATED.
- iii. IMPROVE THE SURVEY ROAD DITCH FROM GUINEA ROAD TO THE RAILROAD (ON PIN 0022000063Y0000) AND CONSTRUCT THE DITCH ON A POSITIVE GRADE WITH 3:1 SIDE SLOPES AND SIZED FOR A 100 YEAR STORM EVENT FROM THE DRAINAGE BASIN IN WHICH THE PROPERTY IS LOCATED.
- iv. IMPROVE ROWLAND CREEK FROM THE EASTERN BOUNDARY OF EAGLE CREEK (ADJACENT TO PIN 015A00000980000) TO THE WESTERN BOUNDARY OF THE PROPERTY BY CONSTRUCTING A DITCH ON A POSITIVE GRADE WITH 3:1 SIDE SLOPES SIZED FOR A 100 YEAR STORM EVENT
- v. DEVELOPER OR A MANAGEMENT ASSOCIATION SHALL CONTRIBUTE \$5,000 ANNUALLY TO THE COST OF MAINTENANCE FOR THE OFF-SITE IMPROVEMENTS SET FORTH IN THIS SECTION. SUCH CONTRIBUTION SHALL BE DEPOSITED WITHIN AN ASSOCIATION CREATED FOR THE PURPOSE OF MAINTAINING OFF-SITE IMPROVEMENTS. THE FIRST CONTRIBUTION SHALL BE MADE WITHIN 1 YEAR OF THE RECORDING OF THE FIRST PHASE OF DEVELOPMENT, AND SUBSEQUENT CONTRIBUTIONS MADE ANNUALLY FOR THE NEXT 10 YEARS.
- vi. SHOULD DEVELOPER BE UNABLE TO OBTAIN RIGHT OF ENTRY FROM ANY LANDOWNER PRIOR TO THE RECORDING OF PHASE 2, THEN DEVELOPER'S ONLY OBLIGATION UNDER THIS SECTION (I), OFF-SITE STORMWATER, SHALL BE TO PROVIDE FEE IN LIEU IN THE AMOUNT OF 15% OF THE COST OF THE OFF-SITE IMPROVEMENTS, SUCH THAT THE COUNTY MAY COMPLETE THESE IMPROVEMENTS AND WHEN RIGHT OF ENTRY IS OBTAINED.
- j. OVERALL STORMWATER CONDITIONS:
- i. THE DEVELOPER SHALL CONSTRUCT BERMS ALONG DITCH OUTLETS AGAINST RANCHLAND TO KEEP PROPOSED DEVELOPMENT'S RUNOFF FROM FLOODING RANCHLAND DURING A 100 YEAR STORM.
- ii. ON-SITE STORMWATER WILL BE MANAGED BY CONSTRUCTION A SERIES OF STORMWATER MANAGEMENT PONDS THAT WILL BE INTERCONNECTED AND WILL RETAIN AND SLOW-RELEASE STORMWATER PRIMARILY TO ROWLAND CREEK BOTH DIRECTLY AND INDIRECTLY. A PORTION OF THE STORMWATER WILL ALSO OVERFLOW TO AN EXISTING CULVERT THAT RUNS DIRECTLY UNDER N.C. HIGHWAY 168 NEAR THE NORTHWEST CORNER OF THE PROPERTY. THE DITCH THAT DRAINS THAT OUTLET WILL ALSO BE IMPROVED AS NECESSARY SUBJECT TO OBTAINING RIGHT OF ACCESS REFERENCED ABOVE. IN ADDITION TO MODELING AND RETAINING STORMWATER TO THE UDO AND STORMWATER MANUAL STANDARD FOR THE DIFFERENCE BETWEEN RUNOFF FROM THE 10-YEAR DEVELOPED CONDITION AND RUNOFF FROM A 2-YEAR WOODED CONDITION SITE, STORMWATER SHALL BE MODELED FOR THE 10-YEAR FLOOD EVENT AND PROPERTY LINE BERMS CONSTRUCTED AS NECESSARY TO MANAGE THE 100-YEAR STORM WITHOUT ADVERSELY IMPACTING NEIGHBORING PROPERTIES. STORMWATER SHALL BE CONVEYED TO ON-SITE RETENTION PONDS THROUGH A COMBINATION OF CURBS WITH INLETS, STORMWATER PIPES AND OPEN, VEGETATED SWALES.

- i. PERIMETER COMPATIBILITY SHALL BE ADDRESSED AS FOLLOWS:
TO THE WEST: AS LONG AS THIS PROPERTY REMAINS ZONED AS IS, A 50 FOOT FARM BUFFER SHALL BE PROVIDED, FOLLOWED BY A 60 FOOT ROADWAY CORRIDOR, 50 THE NEAREST EXISTING DWELLING UNIT WILL BE AT LEAST 565 FEET FROM THE EXISTING RESIDENCE ON THAT FARM. A VEGETATIVE BUFFER SHALL BE PROVIDED ALONG THAT PROPERTY LINE. IF THIS PROPERTY IS REZONED, THE BUFFER REQUIREMENTS IN THIS CONDITION SHALL NOT APPLY.
- ii. TO THE NORTH (CARATOKE HIGHWAY): A BERM SHALL BE PROVIDED ALONG THE HIGHWAY ALONG WITH LAKES FLANKING THE MAIN ENTRANCE ROAD. THE NEAREST DWELLING UNIT WILL BE SET BACK AT LEAST 200 FEET FROM THE HIGHWAY RIGHT-OF-WAY AT THE CLOSEST POINT. THE VISUAL IMPACT OF THE DEVELOPMENT SHALL BE MINIMIZED BY VEGETATION, BUCKS, BERMS, AND LANDSCAPING.
- iii. TO THE EAST: A 50 FOOT VEGETATIVE FARM BUFFER SHALL BE PROVIDED ALONG THE EXISTING FARMLAND; TRADITIONAL SINGLE FAMILY DWELLING LOTS ARE BEING PROPOSED IN THE AREAS THAT BACK UP TO EXISTING DWELLING UNITS IN THE ADJACENT RANCHLAND SUBDIVISION. A MINIMUM 50 FOOT BUFFER SHALL BE PROVIDED BETWEEN THE DEVELOPMENTS.
- iv. TO THE SOUTH: COMPATIBLE RESIDENTIAL DEVELOPMENT IS BEING PROPOSED AND A MINIMUM 90 FOOT OPEN SPACE BUFFER IS SHOWN TO THE PROPERTY AND THE SOUTHERN BUFFER MAY INCLUDE A POND.
- v. LIMITED COMMERCIAL DEVELOPMENT IS LOCATED INTERIOR TO THE DEVELOPMENT AND SHALL FRONT ALONG THE LANDSCAPED ENTRANCE BOULEVARD.
- i. ENVIRONMENTAL PROTECTION AND MONITORING: WETLANDS SUBJECT TO THE JURISDICTION OF THE US ARMY CORPS OF ENGINEERS HAVE BEEN DELINEATED AND CONFIRMED BY THE CORPS OF ENGINEERS. WETLAND BUFFERS HAVE BEEN SHOWN ON THE MASTER PLAN AND THE DEVELOPMENT PLAN HONORS THOSE BUFFERS. THE ASSOCIATION DOCUMENTS (DECLARATION) WILL INCLUDE PROVISIONS THAT PROHIBIT THE FILLING OF WETLANDS AND PROHIBIT THE CLEARING OF AREAS OTHER THAN INCIDENTAL TREE CUTTING AND VEGETATION REMOVAL, EXCEPT FOR MINOR IMPACTS ASSOCIATED WITH STORMWATER MANAGEMENT FACILITIES. THE ASSOCIATION, EITHER ITSELF OR VIA A MANAGEMENT ENTITY, WILL ASSUME RESPONSIBILITY FOR ONGOING OPERATION AND MAINTENANCE OF ALL STORMWATER MANAGEMENT FACILITIES IN ACCORDANCE WITH THE CURRITUCK COUNTY UDO REQUIREMENTS AND ALL NDEQ PERMIT REQUIREMENTS. THE ASSOCIATION DUES WILL BE STRUCTURED IN A WAY THAT FUNDS ARE PROVIDED FOR THE UPKEEP OF THESE FACILITIES, AS WELL AS PERIODIC IMPROVEMENTS TO ROWLAND CREEK BOTH THROUGH THE DEVELOPMENT, AS WELL AS A CONTRIBUTION TO OFF-SITE MAINTENANCE. WIND TIDES WILL BE CONSIDERED IN THE DESIGN OF SITE GRADING, WITH STRUCTURES LOCATED ABOVE THE ELEVATION OF THE HISTORIC WIND TIDAL INFLUENCE FROM ROWLAND CREEK.

**PROGRESS
DRAWING**
DO NOT USE FOR
CONSTRUCTION

DATE: 12/23/19	SCALE: N/A
DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW/DMK/WGY	APPROVED: BPG
SHEET: 19 OF 22	
CAD FILE: 465100PP1	
PROJECT NO: 4651	



BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

Bissell Professional Group
Firm License # C-356
P.O. Box 1068
Kitty Hawk, North Carolina 27949
Tel: (252) 281-1780
Fax: (252) 281-1780

DETAILS
PRELIMINARY PLANS

THIS DOCUMENT IS THE SOLE PROPERTY OF BRG, INC. OF KUTTY HAWK, NORTH CAROLINA. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART, OR THE MODIFICATION OF ANY DETAIL OR DESIGN IS NOT TO BE MADE WITHOUT THE EXPRESS WRITTEN CONSENT OF BRG, INC. OF KUTTY HAWK, NORTH CAROLINA. BISSSELL, PRINCIPAL OF BRG, INC. OF KUTTY HAWK, NORTH CAROLINA.

THE FOST TRACT PD-R
CURRITUCK COUNTY
MOYOCK TOWNSHIP
NORTH CAROLINA

PRELIMINARY SUBDIVISION PLANS

REVISIONS		BY	DATE
NO.	DATE	DESCRIPTION	
1	12/23/19	REV. COMMENTS	

**PROGRESS
DRAWING**
DO NOT USE FOR
CONSTRUCTION

DATE:	12/23/19	SCALE:	N.T.S.
DESIGNED:	BRG	CHECKED:	MSB
DRAWN:	BRG	APPROVED:	BRG
SHEET:	21	OF	22
CAD FILE:	465100PP1	PROJECT NO:	4651



DATE: 12/23/19	SCALE: N.T.S.
DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW/DMK/WGY	APPROVED: BPG
SHEET: 22 OF 22	
CAD FILE: 465100PP1	
PROJECT NO: 4651	

PROJECT:	THE FOST TRACT PD-R	NORTH CAROLINA
	MOYOCK TOWNSHIP CURRITUCK COUNTY	
PRELIMINARY SUBDIVISION PLANS		1"



**PB 18-23 FOST PD-R REZONING
BOARD OF COMMISSIONERS
FEBRUARY 18, 2019**

Amendment to the Official Zoning Map

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina:

Section 1: The Official Zoning Map for Currituck County is hereby amended by conditionally rezoning 228.83 acres located in Moyock Township located on the west side of Caratoke Highway and north of Ranchland Subdivision with Parcel Identification Number 0015-000-0086- 0000, (the "Property") from Agriculture (AG) to Planned Development – Residential (PD-R).

Section 2: The zoning map amendment for the Property is appropriate because:

- a. the conditional rezoning is consistent with the 2006 Land Use Plan and the Moyock Small Area Plan;
- b. the conditional rezoning is consistent with all review standards provided under Unified Development Ordinance (UDO) Section 2.4.3.C;
- c. the proposed conditions for the conditional rezoning of the Property will improve drainage problems on the Property and within nearby Ranchland and Eagle Creek Subdivisions if improvements can be made to drainage system on off-site properties; and
- d. the conditional rezoning is compatible with existing Moyock Township subdivisions

Section 3: The zoning map amendment for the Property is reasonable and in the public interest because of the need for higher density growth in areas of Moyock outside of Currituck Station regardless of the availability of public and centralized sewer treatment and disposal..

Section 4: The zoning map amendment for the Property is approved with the following conditions:

- a. The Phasing Plan attached to this ordinance and incorporated herein by reference as Schedule B (attached) shall be adhered to except that the Developer may determine the sequence in which phases are developed. The Developer shall provide an annual report updating the

Phasing Plan for the development. Notwithstanding the forgoing, the first phase of development shall not exceed seventy (70) residential units.

- b. Development on the Property shall be connected to a North Carolina Department of Environmental Quality ("NCDEQ") permitted and approved central wastewater treatment and disposal system, and to the Currituck County water system. Fire protection shall be provided in accordance with the UDO Standards and the N.C. Fire Code.
- c. The density/intensity standards, dimensional standards and development standards for development of the Property shall be in accordance with the Master Plan and Schedule A (attached) subject to the degree of flexibility provided in these conditions.
- d. Community form and design for development of the Property shall conform to the streetscape perspectives, example model home drawings, mixed use, and clubhouse perspective drawings illustrated on the Master Plan and as provided and illustrated in Appendix to the Master Plan Supplemental document. Variations may be provided and shall be permitted in colors, materials, and architectural detailing that are compatible with the design concept.
- e. Transportation: The main subdivision entrance will be connected directly to N.C. Highway 168. Deceleration and acceleration lanes shall be provided along the Property frontage in accordance with North Carolina Department of Transportation, ("NCDOT"), standards and shall be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast, identified with Parcel Identification Number ("PIN") 002300000070000. Roadways shall be laid out generally as shown on the Master Plan and Schedule C.
- f. Potable Water: Water shall be supplied by Currituck County via an existing 12" main located on N.C. Highway 168 which will be tapped and looped through the site. Fire Protections shall be provided in accordance with UDO standard and the applicable Insurance Service Office standards. Individual lots and dwellings shall be metered. The Developer shall model the county's water system to demonstrate adequate water flow and pressure for fighting fires while meeting the maximum day domestic demand.
- g. Wasterwater: Land has been set aside for the construction of a centralized wastewater treatment and disposal facility that will be constructed in accordance with NCDEQ Standards and approved by NCDEQ. A wastewater collection system will be constructed by the Developer and managed by a wastewater utility. The utility will be regulated by the North Carolina Utilities Commission and will apply for a Certificate of Public Necessity and Convenience. If an off-site wastewater service becomes available, the development may connect to the off- site wastewater service.
- h. On-Site Stormwater: The following improvements to stormwater drainage ("Improvements") on the Property shall be completed by the Developer prior to recording the final plat for the first phase of development on the Property:
 - i. Improve Rowland Creek for the entire length on the Property by

- construction of a ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
- ii. Install a new ditch along the entire length of the Property's eastern common boundary line with Ranchland Subdivision on a positive grade with 3:1 side slopes and sized for a 500 year storm event from the drainage basin in which the Property and a portion of Ranchland Subdivision are located.
 - iii. The Improvements set forth in this section shall be maintained by the Developer, or a management association created by the Developer.
- i. Off-Site Stormwater: Subject to obtaining right of entry from off-site property owners, i.e. if consent of those property owners is obtained, the following improvements to storm water drainage systems outside the boundaries of the Property shall be completed by the Developer prior to recording the final plat for the first phase of the development:
- i. Clear and snag Rowland Creek from N. C. Highway 168 to the east end of Rowland Creek Estates Subdivision (adjacent to PIN 0022000088M0000)
 - ii. Clear and snag the Ranchland Outlets ditch from the Property's southeast corner adjacent to Ranchland Subdivision (adjacent to PIN 023B000004201F2) to the Ranchland Outlets' intersection with Rowland Creek, and construct a ditch on a positive grade with 3:1 side slopes and sized for a 100 storm event from the drainage basin in which the Property and Ranchland Subdivision are located.
 - iii. Improve the Survey Road ditch from Guinea Road to the railroad (on PIN 0022000063Y0000) and construct the ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
 - iv. Improve Rowland Creek from the eastern boundary of Eagle Creek (adjacent to PIN 015A00000980000) to the western boundary of the Property by constructing a ditch on a positive grade with 3:1 side slopes sized for a 100 year storm event
 - v. Developer or a management association shall contribute \$5,000 annually to the cost of maintenance for the off-site improvements set forth in this section. Such funds shall be deposited within an association created for the purpose of maintaining off-site improvements. The first contribution shall be made within 1 year of the recording of the first phase of development, and subsequent contributions made annually for the next 10 years.
 - vi. Should Developer be unable to obtain right of entry from any landowner within 4 months from the date this ordinance is adopted, such time not being tolled in the event of an appeal, injunction or other stay of the zoning case, then Developer's only obligation under this Section (i), Off-Site Stormwater, shall

be to provide fee in lieu in the amount of 115% of the cost of the Off-Site Improvements, such that the County may complete these Improvements if and when right of entry is obtained.

j. Overall stormwater conditions:

- i. The Developer shall construct berms along ditch outlets against Ranchland to keep proposed development's runoff from flooding Ranchland during a 100 year storm.
- ii. On-site stormwater will be managed by construction a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater primarily to Rowland Creek both directly and indirectly. A portion of the stormwater will also overflow to an existing culvert that runs directly under N.C. Highway 168 near the northwest corner of the property, The ditch that drains that outlet will also be improved as necessary subject to obtaining right of access referenced above.

In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard for the difference between runoff from the 10-year developed condition and runoff from a 2-year wooded condition site, stormwater shall be modeled for the 100-year storm even and property line berms constructed as necessary to manage the 100-year storm without adversely impacting neighboring properties.

Stormwater shall be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes and open, vegetated swales.

- k. Rear loaded cottage lots, if market conditions warrant, may be converted to conventional frontloaded single family dwelling lots at the rate of up to 50% in each phase that includes cottage lots. No more than 22,000 square feet of neighborhood commercial development may be constructed on the ground floor of the townhouse section along the entrance boulevard where indicated on the Master Plan drawings, if market conditions support this style of development. If not, these areas may be converted to residential use (without increasing the approved density).
- l. Perimeter compatibility shall be addressed as follows:
 - i. To the west: As long as this property remains zoned as is, a 50 foot farm buffer shall be provided, followed by a 60 foot roadway corridor, so the nearest existing dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer shall be provided along that property line. If this property is rezoned, the buffer requirements in this condition shall not apply.
 - ii. To the north (Caratoke Highway): A berm shall be provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development shall be minimized by setbacks,

- berms and landscaping.
 - iii. To the east: A 50 foot vegetative farm buffer shall be provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland subdivision. A minimum 50 foot buffer shall be provided between the developments.
 - iv. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line. The southern buffer may include a pond.
 - v. Limited commercial development is located interior to the Development and shall front along the landscaped entrance boulevard.
- m. Environmental Protection and Monitoring: Wetlands subject to the jurisdiction of the US Army Corps of Engineers have been delineated and confirmed by the Corps of Engineers. Wetland buffers have been shown on the Master Plan and the Development plan honors those buffers. The Association documents (Declaration) will include provisions that prohibit the filling of wetlands and prohibit the clearing of the buffer areas other than incidental tree cutting and vegetation removal.

The Association, either itself or via a management entity, will assume responsibility for ongoing operation and maintenance of all stormwater management facilities in accordance with the Currituck County UDO requirements and all NCDEQ permit requirements. The Association dues will be structured in a way that funds are provided for the upkeep of these facilities, as well as periodic improvements to Rowland Creek both through the development, as well as a contribution to off-site maintenance.


Wind tides will be considered in the design of site grading, with structures located above the elevation of the historic wind tidal influence from Rowland Creek.

Section 5: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Section 6: This zoning map amendment shall be in effect from and after the 6th day of May 2019.

IN WITNESS WHEREOF, the County has caused this zoning map amendment to be approved in its name.

ATTEST:


Clerk to the Board


Date

(NOT VALID UNTIL FULLY EXECUTED)


Chairman

Board of Commissioners

(SEAL)



Attachment: 3 PB 18-23 Fost PD-R Ordinance BOC 2-18-19 (PB 18-23 The Fost Tract, Phases 1-5)

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

<u>STYLE:</u>	<u>2-SIDED T.H.</u>	<u>TND T.H.</u>	<u>TNDS FLOT</u>	<u>CONV. SFLOT</u>
Min Lot Size:	800 SF	1,800 SF	8,000 SF	10,000 SF
Typ. Lot Size:	800 SF	1,800 – 3,000 SF	8,000 – 10,000 SF	10,000 – 17,600 SF
Min. Lot Width:	22'	20'	50'	60'
Typ. Lot Width:	22' – 24'	20' – 25'	50' – 60'	65' – 100'
Front Setback:	N/A	20'	20'	20'
Side Setback:	0	0	10'	10'
Rear Setback:	N/A	20'	20'	25'
Corner Side Setback:	15'	15'	15'	15'
Maximum Setback:	N/A	25'	25'	35'
Maximum Height:	35'	35'	35'	35'
Maximum Bldg. Size:	4,800 SF	6,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	100%	40%	35%

SCHEDULE B

PHASING SCHEDULE

<u>PHASE</u>	<u>AREA (Ac.)</u>	<u>DEVELOPMENT INTENSITY (D.U./Ac)</u>	<u>2-SIDED T.H.</u>	<u>TND T.H.</u>	<u>TND S.F.</u>	<u>CONV. S.F.</u>	<u>TOTAL</u>	<u>OTHER IMPROVEMENTS</u>
1	22.8	3.07	32	11	23	4	70	Rowland Creek Drainage Improvements
2	26.5	1.70	-	-	18	27	45	Main Lake
3	13.8	2.54	-	14	21	-	35	Village Green & Clubhouse
4	16.8	3.51	-	26	10	23	59	Up to 22,000 SF Neighborhood Commercial
5	11.2	2.96	-	-	20	13	33	Swimming Pool
6	20.1	3.33	40	-	-	27	67	Multi-Use Path
7	17.8	4.10	-	40	-	33	73	
8	35.9	1.67	-	-	29	31	60	
9	24.4	1.52	-	-	-	37	37	
10	25.8	1.32	-	-	-	34	34	
Utility	<u>13.7</u>	<u>0</u>						
TOTALS	228.8	2.24	72	91	121	229	513	

SCHEDULE C
ROADWAY
STANDARDS

<u>TYPE</u>	<u>R/W WIDTH</u>	<u>PAV'T. WIDTH</u> <u>(B-B)</u>
Boulevard w/on-street parking & bike lane	100' – 130'	35' each way
Local Road w/parking both sides	60'	43'
Local Road w/parking one side	50' – 55'	35
Local Road w/no parking	40'	27'
Alley	20' – 30'	20'



**PB 18-23 FOST PD-R REZONING
AMENDMENT 1
BOARD OF COMMISSIONERS
NOVEMBER 4, 2019**

Amendment to the Official Zoning Map

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina:

Section 1: The Official Zoning Map for Currituck County is hereby amended by conditionally rezoning 228.83 acres located in Moyock Township located on the west side of Caratoke Highway and north of Ranchland Subdivision with Parcel Identification Number 0015-000-0086- 0000, (the "Property") from Agriculture (AG) to Planned Development – Residential (PD-R).

Section 2: The zoning map amendment for the Property is appropriate because:

- a. the conditional rezoning is consistent with the 2006 Land Use Plan and the Moyock Small Area Plan;
- b. the conditional rezoning is consistent with all review standards provided under Unified Development Ordinance (UDO) Section 2.4.3.C;
- c. the proposed conditions for the conditional rezoning of the Property will improve drainage problems on the Property and within nearby Ranchland and Eagle Creek Subdivisions if improvements can be made to drainage system on off-site properties; and
- d. the conditional rezoning is compatible with existing Moyock Township subdivisions

Section 3: The zoning map amendment for the Property is reasonable and in the public interest because of the need for higher density growth in areas of Moyock outside of Currituck Station regardless of the availability of public and centralized sewer treatment and disposal.

Section 4: The zoning map amendment for the Property is approved with the following conditions:

- a. The Phasing Plan attached to this ordinance and incorporated herein by reference as Schedule B (attached) shall be adhered to except that the Developer may determine the sequence in which phases are developed. The Developer shall provide an annual report updating the

Phasing Plan for the development. Notwithstanding the forgoing, the first phase of development shall not exceed seventy-one (71) residential units.

- b. Development on the Property shall be connected to a North Carolina Department of Environmental Quality ("NCDEQ") permitted and approved central wastewater treatment and disposal system, and to the Currituck County water system. Fire protection shall be provided in accordance with the UDO Standards and the N.C. Fire Code.
- c. The density/intensity standards, dimensional standards and development standards for development of the Property shall be in accordance with the Master Plan and Schedule A (attached), subject to the degree of flexibility provided in these conditions.
- d. Community form and design for development of the Property shall conform to the streetscape perspectives, example model home drawings, mixed use, and clubhouse perspective drawings illustrated on the Master Plan and as provided and illustrated in Appendix to the Master Plan Supplemental document. Variations may be provided and shall be permitted in colors, materials, and architectural detailing that are compatible with the design concept.
- e. Transportation: The main subdivision entrance will be connected directly to N.C. Highway 168. Deceleration and acceleration lanes shall be provided along the Property frontage in accordance with North Carolina Department of Transportation, ("NCDOT"), standards and shall be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast, identified with Parcel Identification Number ("PIN") 002300000070000. Roadways shall be laid out generally as shown on the Master Plan and Schedule C.
- f. Potable Water: Water shall be supplied by Currituck County via an existing 12" main located on N.C. Highway 168 which will be tapped and looped through the site. Fire Protections shall be provided in accordance with UDO standard and the applicable Insurance Service Office standards. Individual lots and dwellings shall be metered. The Developer shall model the county's water system to demonstrate adequate water flow and pressure for fighting fires while meeting the maximum day domestic demand.
- g. Wastewater: Land has been set aside for the construction of a centralized wastewater treatment and disposal facility that will be constructed in accordance with NCDEQ Standards and approved by NCDEQ. A wastewater collection system will be constructed by the Developer and managed by a wastewater utility. The utility will be regulated by the North Carolina Utilities Commission and will apply for a Certificate of Public Necessity and Convenience.
- h. On-Site Stormwater: The following improvements to stormwater drainage ("Improvements") on the Property shall be completed by the Developer prior to recording the final plat for the first phase of development on the Property:
 - i. Improve Rowland Creek for the entire length on the Property by construction of a ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin

in which the Property is located.

- ii. Install a new ditch along the entire length of the Property's eastern common boundary line with Ranchland Subdivision on a positive grade with 3:1 side slopes and sized for a 500 year storm event from the drainage basin in which the Property and a portion of Ranchland Subdivision are located.
- iii. The Improvements set forth in this section shall be maintained by the Developer, or a management association created by the Developer.
- i. Off-Site Stormwater: Subject to obtaining right of entry from off-site property owners, i.e. if consent of those property owners is obtained, the following improvements to storm water drainage systems outside the boundaries of the Property shall be completed by the Developer prior to recording the final plat for the first phase of the development:
 - i. Clear and snag Rowland Creek from N. C. Highway 168 to the east end of Rowland Creek Estates Subdivision (adjacent to PIN 0022000088M0000)
 - ii. Clear and snag the Ranchland Outlets ditch from the Property's southeast corner adjacent to Ranchland Subdivision (adjacent to PIN 023B000004201F2) to the Ranchland Outlets' intersection with Rowland Creek, and construct a ditch on a positive grade with 3:1 side slopes and sized for a 100 storm event from the drainage basin in which the Property and Ranchland Subdivision are located.
 - iii. Improve the Survey Road ditch from Guinea Road to the railroad (on PIN 0022000063Y0000) and construct the ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
 - iv. Improve Rowland Creek from the eastern boundary of Eagle Creek (adjacent to PIN 015A00000980000) to the western boundary of the Property by constructing a ditch on a positive grade with 3:1 side slopes sized for a 100 year storm event
 - v. Developer or a management association shall contribute \$5,000 annually to the cost of maintenance for the off-site improvements set forth in this section. Such funds shall be deposited within an association created for the purpose of maintaining off-site improvements. The first contribution shall be made within 1 year of the recording of the first phase of development, and subsequent contributions made annually for the next 10 years.
 - vi. Should Developer be unable to obtain right of entry from any landowner prior to recording Phase 2, then Developer's only obligation under this Section (i), Off-Site Stormwater, shall be to provide fee in lieu in the amount of 115% of the cost of the Off-Site Improvements, such that the County may complete these Improvements if and when right of entry is obtained.

j. Overall stormwater conditions:

- i. The Developer shall construct berms along ditch outlets against Ranchland to keep proposed development's runoff from flooding Ranchland during a 100 year storm.
- ii. On-site stormwater will be managed by construction a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater primarily to Rowland Creek both directly and indirectly. A portion of the stormwater will also overflow to an existing culvert that runs directly under N.C. Highway 168 near the northwest corner of the property, The ditch that drains that outlet will also be improved as necessary subject to obtaining right of access referenced above.

In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard for the difference between runoff from the 10-year developed condition and runoff from a 2-year wooded condition site, stormwater shall be modeled for the 100-year storm event and property line berms constructed as necessary to manage the 100-year storm without adversely impacting neighboring properties.

Stormwater shall be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes and open, vegetated swales.

k. Perimeter compatibility shall be addressed as follows:

- i. To the west: As long as this property remains zoned as is, a 50 foot farm buffer shall be provided, followed by a 60 foot roadway corridor, so the nearest existing dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer shall be provided along that property line. If this property is rezoned, the buffer requirements in this condition shall not apply.
- ii. To the north (Caratoke Highway): A berm shall be provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development shall be minimized by setbacks, berms and landscaping.
- iii. To the east: A 50 foot vegetative farm buffer shall be provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland subdivision. A minimum 50 foot buffer shall be provided between the developments.
- iv. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line. The southern buffer may include a pond.
- v. Limited commercial development is located interior to the Development and shall front along the landscaped entrance boulevard.

- I. Environmental Protection and Monitoring: Wetlands subject to the jurisdiction of the US Army Corps of Engineers have been delineated and confirmed by the Corps of Engineers. Wetland buffers have been shown on the Master Plan and the Development plan honors those buffers. The Association documents (Declaration) will include provisions that prohibit the filling of wetlands and prohibit the clearing of the buffer areas other than incidental tree cutting and vegetation removal, except for minor impacts associated with stormwater management facilities.

The Association, either itself or via a management entity, will assume responsibility for ongoing operation and maintenance of all stormwater management facilities in accordance with the Currituck County UDO requirements and all NCDEQ permit requirements. The Association dues will be structured in a way that funds are provided for the upkeep of these facilities, as well as periodic improvements to Rowland Creek both through the development, as well as a contribution to off-site maintenance.

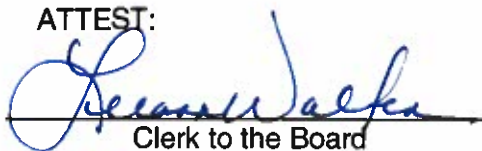
Wind tides will be considered in the design of site grading, with structures located above the elevation of the historic wind tidal influence from Rowland Creek.

Section 5: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Section 6: This zoning map amendment shall be in effect from and after the 4th day of November 2019.

IN WITNESS WHEREOF, the County has caused this zoning map amendment to be approved in its name.

ATTEST:


Clerk to the Board

11.20.19
Date


Chairman

Board of Commissioners



(NOT VALID UNTIL FULLY EXECUTED)

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

<u>STYLE:</u>	<u>TND.T.H.</u>	<u>TNDSFLOT</u>	<u>CONV.SFLOT</u>
Min Lot Size:	1,800 SF	6,900 SF	9,500 SF
Typ. Lot Size:	1,800 – 3,000 SF	7,000-9,000 SF	10,000 – 15,000 SF
Min. Lot Width:	20'	35'	35'
Typ. Lot Width:	20' – 25'	50' – 60'	62'
Front Setback:	15'	20'	20'
Side Setback:	0	10'	10'
Rear Setback:	20'	20'	25'
Corner Side Setback:	15'	15'	15'
Maximum Setback:	25'	75'	140'
Maximum Height:	35'	35'	35'
Maximum Bldg. Size:	16,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	60%	45%

SCHEDULE B

PHASING SCHEDULE

<u>PHASE</u>	<u>AREA (Ac.)</u>	<u>DEVELOPMENT INTENSITY (D.U./Ac)</u>	<u>TND.T.H.</u>	<u>TND.S.F.</u>	<u>CONV.S.F.</u>	<u>TOTAL</u>	<u>OTHER IMPROVEMENTS</u>
1	39.7	1.79	25	12	34	71	Rowland Creek Drainage Improvements
2	33.1	1.96	19	9	37	65	Main Lake (completion)
3	29.2	1.88	16	14	25	55	Village Green & Clubhouse
4	19.9	3.67	27	7	39	73	Multi-Use Path
5	14.4	2.57	-	17	20	37	Swimming Pool
6	39.7	1.99	21	-	58	79	Up to 22,000 SF Neighborhood Commercial
7	23.8	2.56	18	-	43	61	
8	17	1.12	-		19	19	
9	12	1.58	-	-	19	19	
Utility	<u>13.7</u>	<u>0</u>					
TOTALS	228.8	2.09	126	59	294	479	

SCHEDULE C
ROADWAY
STANDARDS

<u>TYPE</u>	<u>R/W WIDTH</u>	<u>PAV'T. WIDTH</u> <u>(B-B)</u>
Boulevard w/on-street parking & bike lane	100' – 130'	35' each way
Local Road w/parking both sides	60'	43'
Local Road w/parking one side	50' – 55'	35
Local Road w/no parking	40'	27'
Alley	20' – 30'	20'
Boulevard w/out bike lane	80'	16' each way



Currituck County

Department of Planning and Community Development
 153 Courthouse Road, Suite 110
 Currituck, North Carolina 27929
 252-232-3055
 FAX 252-232-3026

MEMORANDUM

To: Mark Bissell, Bissell Professional Group
 Justin Old, Allied Properties LLC

From: Tammy D. Glave, CZO, Senior Planner

Date: December 12, 2019

Re: PB 18-23 Fost Tract – Phases 1-5, Preliminary Plat/Use Permit

The following comments have been received for Fost Tract, preliminary plat/use permit, phases 1-5. In order to be placed on the January 21, 2020 Board of Commissioners' agenda, all outstanding **TRC comments must be received before noon on December 23, 2019.** With the approaching closure of county offices and in effort to accommodate your requested January 21, 2020 Board of Commissioner's meeting public hearing; we will need the resubmittal by noon instead of 3:00 pm on the resubmittal date. TRC comments are valid for six months.

Planning (Tammy Glave, 252-232-6025)

Reviewed with comment/Resubmit:

1. The Planning Director was not properly notified of the community meeting for this project. Section 2.3.3.D of the UDO states that "The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the Planning Director.." NCGS clarifies that a mailed notice is "first class mail."
2. It appears that the applicant may have been using an outdated mailing list for community meeting notices or other errors were made:
 - a. Notices not sent to:
 - i. Eastern NC Natural Gas Company, PIN 0022000063Z0000
 - ii. Quality Homes of Currituck LLC, PIN 0022000088N0000
 - b. Incorrect addresses were used for the following:
 - i. Donald & Lisa Lawhead – mailed to 12 Longhorn Drive; actually 122 Longhorn Drive.
 - ii. Paul Molnar – mailed to 1027 Eagles Brook Drive, Locust Grove, GA 30248; actually 4401 Hunts Landing Rd, Apt 302, Hebron OH 43025
 - iii. Samantha Pennington – mailed to 1131 SE Wallace Terrace, Port St. Lucie, Florida 34983; actually 1131 Caratoke Highway, Moyock NC 27958
3. On December 11, 2019 the Board of Education revised its statement about the school district and determined that this development is entirely within the Shawboro school district. The Superintendent also advised that Shawboro Elementary School has capacity for the 119 elementary students this development is projected to generate. (See Attachment)

Attachment: 5 PB 18-23 FOST PP UP TRC Comments 12-12-19 (PB 18-23 The Fost Tract, Phases 1-5)

4. The application package indicates that the project “is eligible for county sewer.” It is not. That statement must be removed.
5. The on-site WWTP has to be constructed and operating in compliance before construction begins on any residential or commercial units.
6. The application also references “connecting to other private sewer systems.” The master plan was approved with an on-site WWTP. Please remove the reference to another private system or amend the master. See attachment C, page 7 of your application.
7. The minimum lot size approved with the PD-R zoning is 1,800 sf. The plans indicate the minimum lot size to be 1,685 sf. Please correct or amend the master plan.
8. The typical maximum lot size approved with the PD-R zoning is 15,000 sf. The plans indicate the maximum lot size to be 20,660 sf. Will you be withdrawing this preliminary plat/use permit request and submitting an amended PD-R zoning request or redrawing the lots on this plat to meet your maximum 15,000 sf lot size?
9. The typical minimum lot width approved for TND and conventional single-family lots is 35’. The plan indicates that several lots are not meeting the minimum lot width (Lots 28, 29, 122, 123, 114, 113, 75, 73, and 191 –potentially more). A few of these lots are cul-de-sac lots and may be meeting the minimum lot width at the front setback. If so, call out the lot width at the setback for each of these lots. It would actually make the review a lot more efficient if you will call out all of the individual lot widths on the lots themselves, but this is not required. Please correct or amend the master plan.
10. The approved PD-R zoning master plan included a clubhouse and swimming pool. While the word “clubhouse” appears on some sheets in the plan set, a swimming pool is not shown on any of the sheets. Sheet 3 “Phasing Overview” indicates on the phasing schedule that a clubhouse will be built in phase 3 and a swimming pool will be built in phase 5, neither the clubhouse or the pool are shown on that plan. If you wish to remove the swimming pool from the plan, please amend the master plan.
11. Clearly identify which rights-of-way are intended to be public and which rights-of-way are intended to be private. (Both certificates on plan set sheet 1)
12. Corner lots shall provide access from street with less traffic. Show 5’ non-access easement along street property lines with most traffic for the individual corner lots. (UDO Section 5.6.7 and 10.3.3)
13. Note 6 on page 1 of the plan set states that a street tree (planting) easement and pedestrian easement is shown on the lot details on page 20 of the plan. Neither a planting or pedestrian easement is on the “typical conventional single family exhibit.”
14. List the timing for each phase in the schedule. It should be noted that the BOC has ultimate control over the time of the phasing schedule.
15. Call out the easement for future connection for the street stub/sidewalks if not installing to the property line. (UDO Section 5.6.5.B and 5.6.10)
16. Call out 5’ non access easements on corner lots on the street with the most traffic. (UDO Section 10.3.3)
17. Call out sight triangles at all intersections. (UDO 10.3.4)
18. Multi-family development shall meet the Multi-family Design Standards. (UDO Section 5.7).
19. Label the sidewalk on the left side of the “Typical Local Roadway w/ On-Street Parking One Side”, “Typical Local Roadway”, and Typical Divided Boulevard” details.
20. Is the accessway that parallels Open Space E and H a private alley? It does not appear to be labeled.
21. Identify all crosswalks and how the crossings will be delineated. (UDO Section 5.6.10)
22. Alleys with a pavement width exceeding 14 feet shall: (a) include a curb cut, driveway apron, and sidewalk crossing at the intersection with a street and be configured to

appear as a driveway; or (b) Be screened by primary or accessory structures or trees located to minimize views down the alley corridor from adjacent streets. How is this standard being met? (UDO Section 6.2.1 Alleys)

23. Section 5.6.10 requires a sidewalk to be constructed where it will connect to existing or planned sidewalks. The Currituck Transportation Plan (CTP) indicates a future multi-use path running along Caratoke Highway this parcel. A multi-use path is typically 10 feet wide. However, since our ordinance only requires 8 feet for pedestrian paths, an 8 foot wide path will suffice. Please indicate the sidewalk on the plan.
24. List setbacks as approved with the PD-R zoning district master plan. (Administrative Manual)
25. Make sure all of your line segments are identified. For example, lot 2 on plan sheet 9. 38.48' of street frontage is called out, but the rest of the line segment is not.
26. There is a symbol for street lights in the legend on sheet 1. I cannot locate that symbol on the utility plan sheet. If street lights are being installed, please indicate location. All street lights must be full cut-off fixtures.
27. At final plat, add the Farmland Buffer note (if still relevant), revise the Public Dedication of Recreation and Park Area statements to match the Administrative Manual, remove one of the Review Officer statements, and add the As-Built certification.

Currituck County Chief Building Inspector (Bill Newns, 252-232-6023)

Reviewed with comments:

1. Who will be responsible for maintaining a 13' 6" vertical clearance for street trees as they mature?
2. Provide hydrant spacing radii. Minimum spacing does not appear to be met for all lots. For example, look at Ryker Road West and the distance from each hydrant to those lots.

Currituck County Building and Fire Inspections (Ron Schaecher, 252-232-6024)

Reviewed with comments:

1. See Attachments

Currituck County GIS (Harry Lee, 252-232-4039)

Reviewed with comment:

1. Can not use Ryker St and Ryker Rd as street names (can only use one and a different name for the other)
2. Can not use Miriam Dr and Miriam Ct as street names (can only use one and a different name for the other)
3. Can the developer or representative meet with GIS to discuss street names and addressing?

Currituck County Parks and Recreation (Jason Weeks, 252-232-3007)

Reviewed without comment.

Currituck County Soil and Stormwater (Dylan Lloyd, 252-232-3360)/ County Engineer (Eric Weatherly, 252-232-6035).

Reviewed with comment:

1. Please show and label storm water line drop inlets, swale flow arrows, and outlet protection devices leading from storm water ponds into Rowland Creek.
2. Indicate size of culvert pipe to be used under roadway crossing at Rowland Creek.

3. Attachment C of your application regarding drainage states "Where adjacent landowners are unwilling to allow the applicant to remove off-site obstructions, the applicant is willing to provide a additional stormwater storage on site to minimize flooding." An exhibit you submitted shows 900'+/- of uncommitted improvements. How/where is that uncommitted improvement area being stored on site?
4. Downstream cleanout of Rowland Ditch should take priority over additional on-site water storage or expansion of planned retention ponds.
5. Provide access permission documentation for offside drainage improvements, including the referenced drainage tie in adjacent to Longhorn Drive.
6. Sidewalks are not allowed in a drainage easement.
7. Trees are not allowed in the Rowland Creek Canal 50' easement since they can cause access problems for future stormwater maintenance.
8. Indicate size of culvert pipe to be used under roadway crossing at Rowland Creek.
9. Provide conformation that lateral ditch bordering Ranchland is cleaned out and berm is constructed.

Currituck County Utilities Director (Will Rumsey, 252-232-2769)

Reviewed with comment:

1. Is there a concern for accessing sewer lines/cleanouts in a person's back yard?
2. Any utility line in a back yard is not good. Water lines shall be moved to front yards and sewer should be in the front yard.
3. If the county is requested to take over the sewer system in this development, the sewer lines must be moved from the back of lots to the front of lots before that could happen.
4. There are some waterlines crossing open space. An access easement is required for necessary maintenance of these lines. An alternative would be to place waterlines within a road right-of-way.
5. Water lines that run under the street must be in conduit so if we have to repair, we can just pull it out of the conduit so we don't have to tear up the road to make a repair.

Currituck County Water Department - Superintendent (Yama Jones, 252-232-2769)

Reviewed without comment.

Currituck County Water Department – Distribution Supervisor (Dave Spence, 252-232-2769)

Reviewed with comment:

1. It appears that waterlines are in the back yard of some of the multi-family units. Waterlines must be installed in the front yard.
2. It appears that 23+/- service lines are running beneath Fost Blvd, medians, etc. Is there not a more efficient way to lay out these lines?
3. Service lines running under a road must be in conduit.
4. The 2" line at Emily Circle does not appear sufficient. A larger line may be need for adequate pressure.

Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)

Reviewed with comment:

1. Each of these proposed developments will require a large wastewater treatment system that must be reviewed, approved and permitted by the NC Division of Water Quality (Washington Regional Office, 252-946-9215)

NC Department of Transportation – Currituck (Reggie Saunders, 252-453-2721)

Reviewed with comment:

1. There have been two rear-end collisions in the last month between private automobiles and tanker trucks at this railroad intersection, several more accidents over the past few years. I am concerned about the possibility of a school bus full of kids leaving the development, turning south, and stopping at the railroad tracks and the potential for accidents. You may find it safer to relocate the entrance of the subdivision.
2. A Traffic Impact Analysis is required to address safety concerns at the intersection with Caratoke Highway, surrounding intersections, railroad crossing, speed recommendation, etc.
3. It does not appear that school buses can make the turn at some of the curves/intersections within the development. Please provide turning radii at all of these points to make sure a school bus can maneuver thought out all roads in the subdivision.

NC Division of Coastal Management (Charlan Owens, 252-264-3901)

Reviewed with comment:

1. Concerning stormwater management on Rowland Creek, areas downstream, north and east of the railroad track, are within the Public Trust Area of Environmental Concern (AEC) and have a 30 foot shoreline AEC. Please contact Robert Corbett, DCM Field Representative, before beginning work in and along the creek. He can be reached at 252-264-3901.

US Post Office (Local)

Please contact the post office regarding method of mail delivery.

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans
- 1 – 8.5 x 11” reduced copy
- 1- PDF digital copy of all revised or new documents and plans.

From: [Ben Stikeleather](#)
To: [Laurie LoCicero](#); [Tammy Glave](#)
Subject: FW: Today's Meeting
Date: Thursday, December 12, 2019 7:49:20 AM

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Mark Stefanik <mstefanik@currituck.k12.nc.us>
Date: 12/11/19 1:35 PM (GMT-05:00)
To: Ben Stikeleather <Ben.Stikeleather@CurrituckCountyNC.gov>
Cc: Karen Etheridge <ketheridge@currituck.k12.nc.us>
Subject: Re: Today's Meeting

Ben,

I am writing this email to provide additional information regarding Item 3 below (...BOE is requesting that the county table all hearings regarding those properties.). At this time, the Board of Education would like to rescind that request and provide the following information regarding the Moyock Elementary School/Shawboro Elementary School boundary line. Based on the information available to the Board of Education and the Currituck County School District, the current boundary line splits both the Fost and the Flora properties. According to our maps, the vast majority of the Fost property lies within the Shawboro Elementary School boundary line, while the majority of the Flora property lies within the Moyock Elementary School boundary line. Therefore, based on the current school boundary line, the Fost property is considered part of the Shawboro Elementary School attendance area, and the Flora property is considered part of the Moyock Elementary School attendance area.

If further information is needed, please feel free to contact me. Thank you!

Mark

On Mon, Dec 9, 2019 at 3:40 PM Ben Stikeleather
 <Ben.Stikeleather@currituckcountync.gov> wrote:

Mark,

Thank you again for inviting Chairman White and myself to your meeting today. I wanted to summarize what I heard from your Board.

Attachment: 5 PB 18-23 FOST PP UP TRC Comments 12-12-19 (PB 18-23 The Fost Tract, Phases 1-5)



TRC Comments

- Needed Fire Flow for construction is determined by the ISO method.
- No new construction can occur that creates a Needed Fire Flow greater than the available fire flow on site.
- A fire hydrant must be within 400' of all exterior portions of the structure. 600' if the structure has NFPA 13 sprinkler system installed.
- Fire hydrants must be placed so they are not used to stretch hose across Carotake Highway and Shortcut Rd. to service site.
- Fences/barriers must not impede the fire hydrant access to site.
- Gates/entrances to sites must be 20' clear width.
- The fire apparatus must be able to come within 150' of all exterior portions of the structures. 200' if the structure has NFPA 13 sprinkler system installed.
- Fire apparatus must not have to back up on an access road greater than 150' without a turnaround as indicated in appendix D of the NC Fire Code. The backing of 150' should be measured in a straight line.
- Fire apparatus access must be at least 20' wide 13' 6" in height. Maximum slope shall not exceed 10%.
- All portions of the fire apparatus access must be capable of 75,000lbs under all weather conditions.
- By general statute parking is not allowed within 15' of a fire hydrant. (FDC)
- FDC connection must be a minimum of 25' away from structure and within 50' of fire hydrant.
- FDC's must have signage in 4" letters (red sign with white letters)
- FDC's 4" minimum Stortz connection.
- Knox Box provided on buildings (Coordinate with local VFD)
- Locations where there is no county water available, an onsite water source may be used designed to the criteria presented in NFPA 1142.

Subdivisions

- Fire hydrants must be within 500' of all road frontages.
- Cul de sacs must be 96' in width curb to curb at the center of the cul de sac.
- Dwellings greater than 4800 sq. ft. and/or greater than 2 stories will be calculated using the ISO commercial method.
- Dwellings 4800 sq. ft. and no greater than 2 stories may use set-backs as indicated in the ISO method to determine Needed Fire Flow.
- 10 acre subdivisions are required to meet the NC Fire Code for water supply and fire apparatus access.

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

Fire Comments

1. Needed fire flow for construction is determined by the ISO method
2. No new construction can occur that creates a Needed Fire Flow greater than the available fire flow on site.
3. Fences/barriers must not impede the fire hydrant access to site.
4. Gates/entrances to sites must be 20' clear width.
5. Fire apparatus must not have to back up on an access road greater than 150' without a turnaround as indicated in appendix D of the NC Fire Code. The 150' should be measured in a straight line.
6. Fire apparatus access must be at least 20' wide and 13'6" high. Maximum slope shall not exceed 10%.
7. All portions of fire access road must support 75000lbs under all conditions.
8. By general statute, parking is not allowed within 15' of a fire hydrant.

Subdivisions

1. Fire hydrants must be within 500' of all road frontages.
2. Cul-de-sacs must be 96' in width curb to curb in the center of the cul-de-sac.
3. Fire flow for dwellings greater than 4800sf and/or greater than 2 stories will be calculated using the ISO commercial method.
4. Dwellings 4800sf and no greater than 2 stories may use set-backs as indicated in the ISO method to determine Needed Fire Flow.

Conceptual Stormwater Management Narrative The Fost Tract PD-R

Moyock, NC

October 24, 2019

General

The Fost Tract PD-R is a planned residential development to be located on a 225.55 acre parcel located to the southwest of the Albemarle & Chesapeake Railroad crossing of NC 168. The development will consist of 214 single family lots, 87 townhome lots, and associated open space and infrastructure.

Summary of Existing Conditions

The subject property is bisected through the middle by Rowland Creek Canal, dividing it roughly in half with the northern half consisting entirely of farm fields which have been maintained in row crops and the southern half being wooded. Per the NRCS Soils Report, the soils in this area consist primarily of sandy loam and loam. These soil conditions do not lend themselves to the installation of stormwater infiltration systems. The existing farm field is relatively flat (existing surface elevations generally range from 4.5' to 6.5') and is drained via a network of intersecting farm ditches across the site. The wooded portion of the site generally drains to an existing ditch located along the property line shared with the Ranchland Subdivision.

Whereas the Rowland Creek Canal is the dominant drainage outfall for the property, the farm ditches within the northern farm fields interconnect with the Survey Road Ditch outfall, providing some interaction between the outfalls. Similarly, the off-site farm fields located between the Fost Property and the Ranchland Subdivision are drained by a series of ditches that interconnect the Rowland Creek Canal with an unnamed outfall under NC 168 at the northeast corner of the Ranchland Subdivision, providing some interaction between outfalls. To ensure no negative impacts, all three outfalls will be modeled.

Summary of Proposed Conditions

As noted above, the in-situ soils do not readily support the installation of infiltration based stormwater management systems. Therefore, in order to meet Currituck County's Stormwater Management Ordinance requirements, a series of large interconnected ponds are proposed. These ponds will be sized in accordance with Currituck County Stormwater Ordinance requirements to mitigate peak flows / mitigate increases in downstream water surface elevations associated with the proposed development. The ponds will discharge via multiple control structures to the Rowland Creek Canal, Survey Road Ditch, and Ranchland Outlets Ditch. The Rowland Creek Canal and the Ranchland Outlets Ditch will also be improved to provide consistent positive slope and improved capacity.

In order to establish drainage within the subdivision, the developed area will generally be filled 1' to 2' above existing grade. This will provide adequate relief to allow surface drainage into a proposed storm sewer system which will deliver runoff to the stormwater management ponds.

P.O. Box 3901

Deel Engineering, PLLC
Kill Devil Hills, NC 27948

(252)202-3803

Attachment: 6 Stormwater Report (PB 18-23 The Fost Tract, Phases 1-5)

Depending on their location, surface drainage from some lots will flow to a rear swale as well. Where needed, shallow lot-line swales will be installed to convey runoff to roadside swales. Lots are generally anticipated to be 1.50'-2.0' above existing grade, roads are anticipated to be at 0.5' to 1.5' above grade, unimproved open space will be at grade, and stormwater improvements will be below grade. The permanent pool within the ponds on the northern half of the development is expected to be established at / normalize at an elevation of 2.5'. The permanent pool within the ponds on the southern half of the development is expected to be established at / normalize at an elevation of 4.5'.

Engineering Design

Once the Preliminary plat is approved, the Engineer will build a drainage model of the proposed development and incorporate it into a model of the entire drainage basin draining to the three outfalls. The drainage model will demonstrate the interactions of the proposed system with the existing farm ditch systems and will provide the basis for the sizing of the ponds, sizing and layout of conveyances, and establishment of final grades throughout the subdivision. This model / design will then be presented to Currituck County for review as is customary in the Construction Plans phase of the subdivision approval process.

U.S. ARMY CORPS OF ENGINEERS WILMINGTON DISTRICT

Action Id. SAW-2018-00838 County: Currituck U.S.G.S. Quad: Lambs Corner NE

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner/Applicant: **Sandra D. Fost**
Address: **121 Soundshore Drive**
Currituck, North Carolina 27929
Telephone Number: **252-232-3005**

Size (acres) 228.8 acres
Nearest Waterway Roland Creek
USGS HUC 03010205

Nearest Town Snowden
River Basin Albemarle-Chowan
Coordinates Latitude: 36.491912 N
Longitude: -76.150370 W

Location description: Property is an approximate 228.8-acre tract located off US Highway 168 and Survey Road, adjacent to Roland Creek and the Northwest River, near Snowden, in Currituck County, North Carolina. The project area consists of an approximate 102-acre wooded area immediately adjacent to the existing agricultural fields on the property. Currituck County PARID: 001500000860000. TAXID: 130052. NC PIN 8031-80-3559.

Indicate Which of the Following Apply:

A. Preliminary Determination

- AMR* ☒ There are waters, including wetlands, on the above described property that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). The waters, including wetlands, have been delineated, and the delineation has been verified by the Corps to be sufficiently accurate and reliable. Therefore this preliminary jurisdiction determination may be used in the permit evaluation process, including determining compensatory mitigation. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction.
- ☐ There are wetlands on the above described property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). However, since the waters, including wetlands, have not been properly delineated, this preliminary jurisdiction determination may not be used in the permit evaluation process. Without a verified wetland delineation, this preliminary determination is merely an effective presumption of CWA/RHA jurisdiction over all of the waters, including wetlands, at the project area, which is not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the waters of the U.S. on your property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

B. Approved Determination

- ☐ There are Navigable Waters of the United States within the above described property subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are waters of the U.S., including wetlands, on the above described property subject to the permit requirements of Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- ☐ We recommend you have the waters of the U.S. on your property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

SAW-2018-00838 Fost Farm

The waters of the U.S., including wetlands, on your project area have been delineated and the delineation has been verified by the Corps. If you wish to have the delineation surveyed, the Corps can review and verify the survey upon completion. Once verified, this survey will provide an accurate depiction of all areas subject to CWA and/or RHA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

The waters of the U.S., including wetlands, have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on Date. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

RWT The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Elizabeth City, NC at 252-264-3901 to determine their requirements.

Placement of dredged or fill material within waters of the US, including wetlands, without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). Placement of dredged or fill material, construction or placement of structures, or work within navigable waters of the United States without a Department of the Army permit may constitute a violation of Sections 9 and/or 10 of the Rivers and Harbors Act (33 USC § 401 and/or 403). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **Raleigh W. Bland, PWS at (910) 251-4564 or Raleigh.w.bland@usace.army.mil**.

C. Basis For Determination: The delineated wetlands on this site meets the wetland criteria as described in the 1987 Corps Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain Regional Supplement to the 1987 Wetland Delineation Manual. The wetlands are a part of a broad continuum of wetlands connected to Roland Creek and the Northwest River.

D. Remarks: Department of the Army authorization is required to work within any jurisdictional waters and or wetlands on the property.

E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers
South Atlantic Division
Attn: Jason Steele, Review Officer
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by March 30, 2017.

SAW-2018-00838 Fost Farm

****It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.****

Corps Regulatory Official:

Rubén W. Bland, P.W.S.

Date: April 30, 2018

Expiration Date: N/A for PJD

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Copy Furnished: CESA/RG-W/Bland

Attachment: 7 USACE JD-2 (PB 18-23 The Fost Tract, Phases 1-5)

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Fost Farm	File Number: SAW 2018-00838	Date: April 30, 2018
Attached is:		See Section below
<input type="checkbox"/> INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
<input type="checkbox"/> PROFFERED PERMIT (Standard Permit or Letter of permission)		B
<input type="checkbox"/> PERMIT DENIAL		C
<input type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION		D
<input checked="" type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

Attachment: 7 USACE JD-2 (PB 18-23 The Fost Tract, Phases 1-5)

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

**District Engineer, Wilmington Regulatory Division,
Attn: Raleigh W. Bland, PWS
2407 West 5th Street
Washington, North Carolina 27889
910-252-4558**

If you only have questions regarding the appeal process you may also contact:

**Mr. Jason Steele, Administrative Appeal Review Officer
CESAD-PDO
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-5137**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
----------------------------------	-------	-------------------

For appeals on Initial Proffered Permits send this form to:

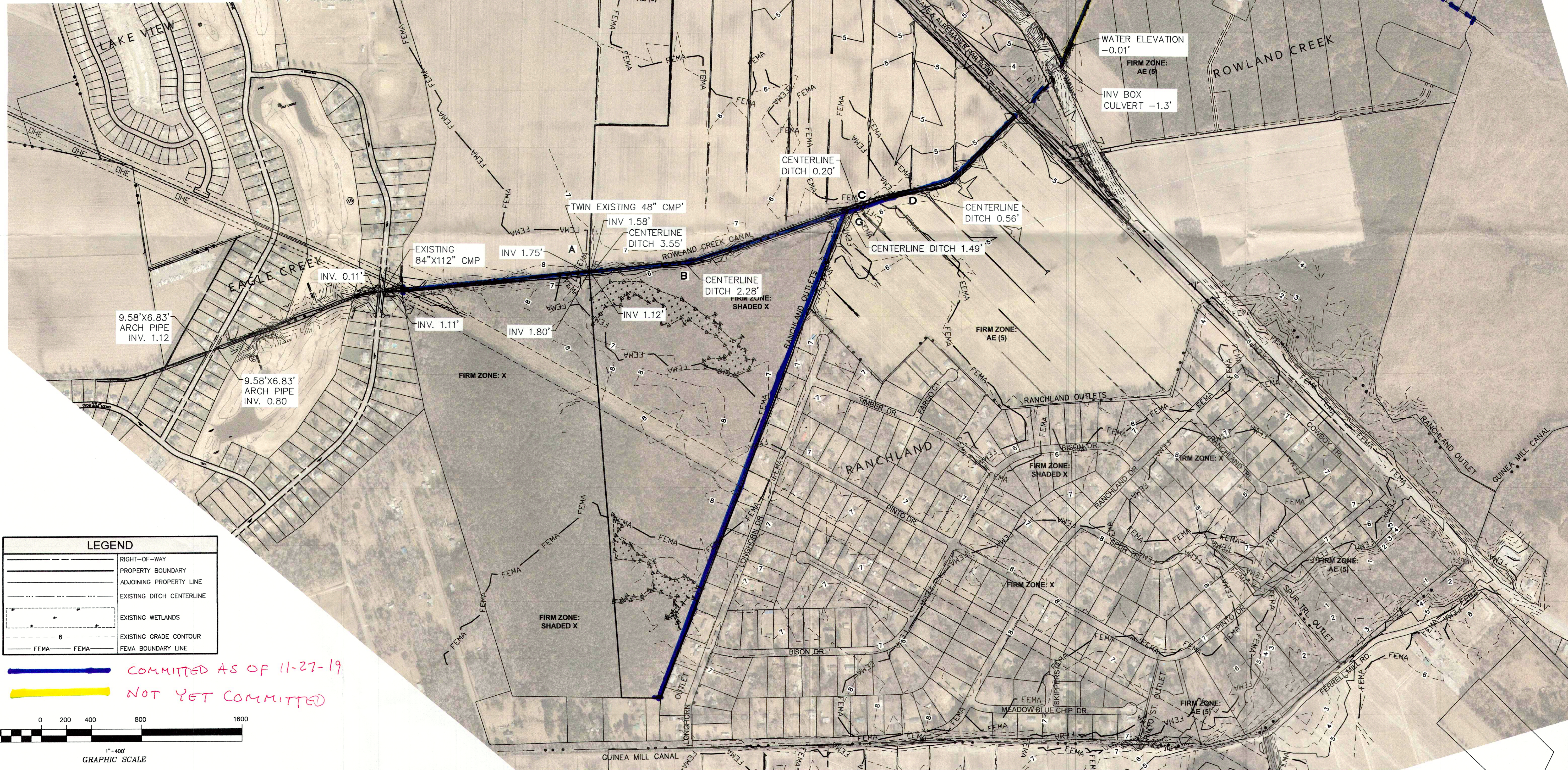
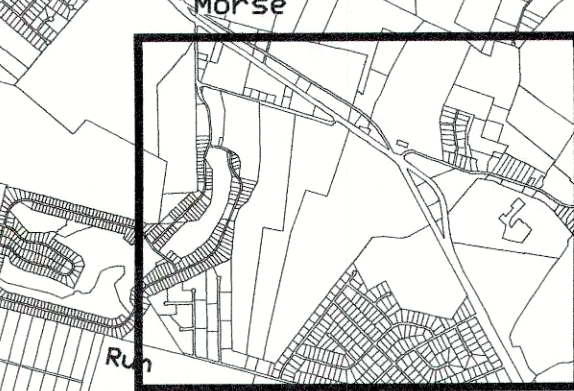
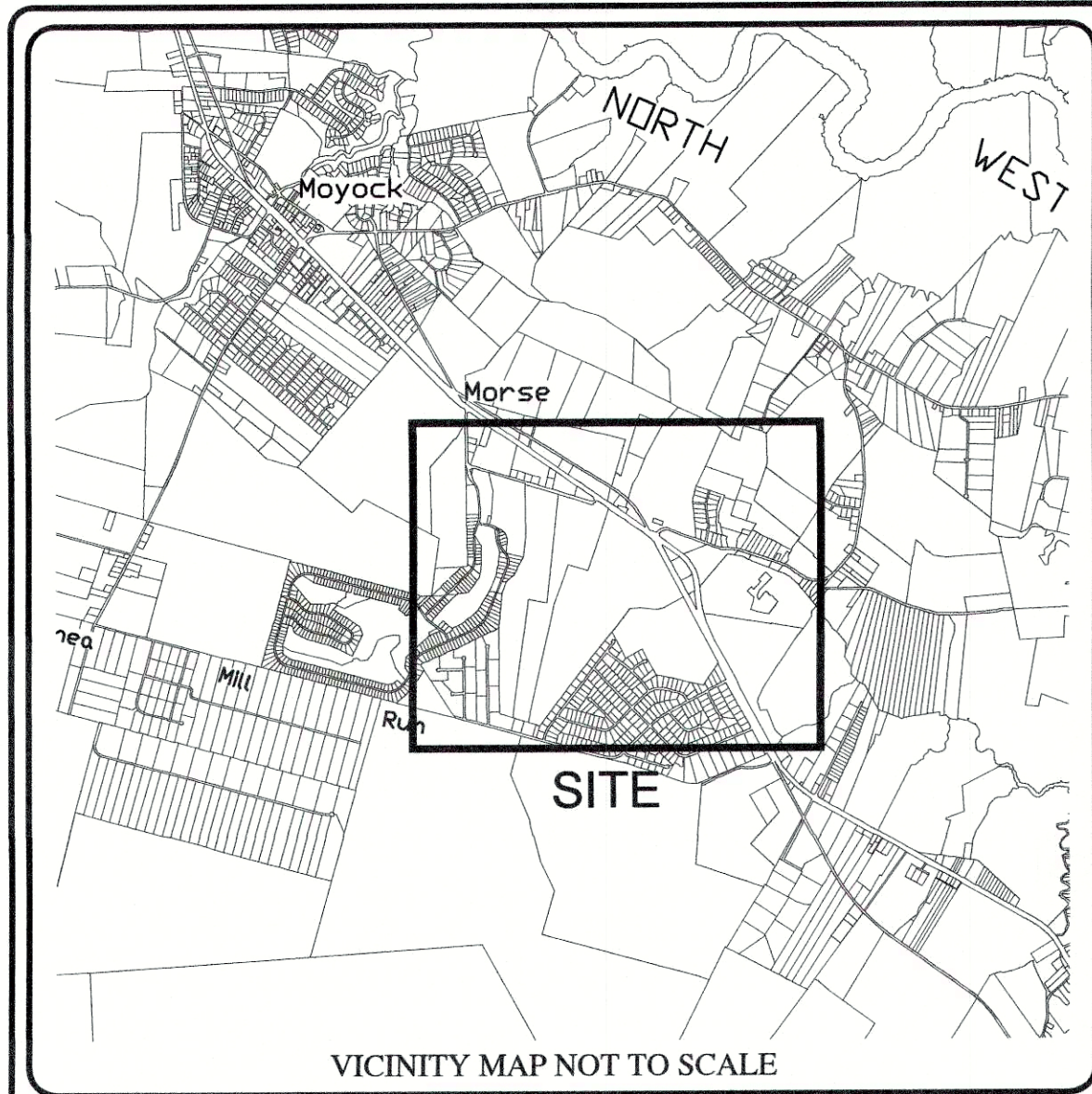
**District Engineer, Wilmington Regulatory Division, Raleigh W. Bland, PWS, 2407 West 5th Street
Washington, North Carolina 27889**

For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

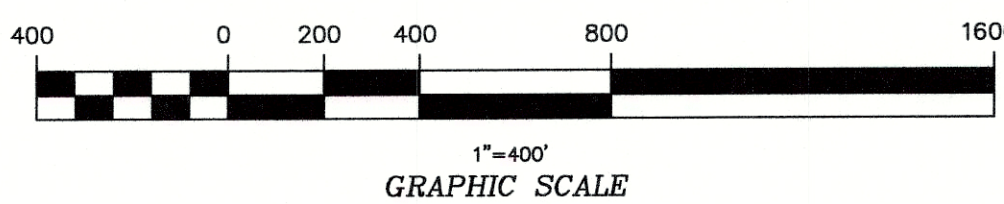
**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele,
Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801
Phone: (404) 562-5137**

SUMMARY OF DITCH IMPROVEMENTS AND FEE-IN-LIEU**11/27/19****Improvements Committed:**

Ditch Improvements:	6,500 feet +/-
Committed:	<u>6,500 feet +/-</u>
Remaining:	0 feet
Clear & Snag:	4,400 feet +/-
Committed:	3,500 feet +/-
Remaining:	900 feet +/-



LEGEND	
	RIGHT-OF-WAY
	PROPERTY BOUNDARY
	ADJOINING PROPERTY LINE
	EXISTING DITCH CENTERLINE
	EXISTING WETLANDS
	EXISTING GRADE CONTOUR
	FEMA BOUNDARY LINE



BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

Rowland Creek Drainage Analysis

PROJECT: ROWLAND CREEK DRAINAGE ANALYSIS
BY: [blank]
NO. [blank]
DATE [blank]
DESCRIPTION [blank]

DATE: 10-16-18
DESIGNED: MSB
DRAWN: MDB
SHEET: 1 OF 2
CAD FILE: 465100DRN1
PROJECT NO: 4651

SCALE: 1"=400'
CHECKED: MSB
APPROVED: BPG

DATE: 10-16-18
DESIGNED: MSB
DRAWN: MDB
SHEET: 1 OF 2
CAD FILE: 465100DRN1
PROJECT NO: 4651

Rowland Creek Drainage Analysis

PROJECT: ROWLAND CREEK DRAINAGE ANALYSIS
BY: [blank]
NO. [blank]
DATE [blank]
DESCRIPTION [blank]

DATE: 10-16-18
DESIGNED: MSB
DRAWN: MDB
SHEET: 1 OF 2
CAD FILE: 465100DRN1
PROJECT NO: 4651

SCALE: 1"=400'
CHECKED: MSB
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SHEET: 1 OF 2
CAD FILE: 465100DRN1
PROJECT NO: 4651

Rowland Creek Drainage Analysis

PROJECT: ROWLAND CREEK DRAINAGE ANALYSIS
BY: [blank]
NO. [blank]
DATE [blank]
DESCRIPTION [blank]

DATE: 10-16-18
DESIGNED: MSB
DRAWN: MDB
SHEET: 1 OF 2
CAD FILE: 465100DRN1
PROJECT NO: 4651

SCALE: 1"=400'
CHECKED: MSB
APPROVED: BPG

DATE: 10-16-18
DESIGNED: MSB
DRAWN: MDB
SHEET: 1 OF 2
CAD FILE: 465100DRN1
PROJECT NO: 4651



December 23, 2019

Ms. Tammy Glave, CZO, Senior Planner
Currituck County Planning and Community Development
153 Courthouse Road, Suite 110
Currituck, NC 27929

RE: PB 18-23 Fost Tract-Phases 1-5, Preliminary Plat/Use Permit
TRC Response

Planning (Tammy Glave)

1. In the past, the Planning Director's copy has generally been emailed. The Planning Director's copy will be sent via US Mail going forward. A copy of one of the stamped envelopes that was cancelled by the US Postal service is included showing that the 10-day notice requirement was exceeded.
2. Addresses for the community meeting invitations were obtained from the county GIS. None of the notices were returned, so we assume that they were delivered by the postal service. I cannot confirm whether the gas company received one on this mailing but can confirm that they received at least three (3) previous notifications and have not responded. Quality Homes is a related party and received a notification.
3. Thank you for the update regarding the elementary school capacity availability.
4. The statement about sewer eligibility was included in both the approved PD-R document and the Amended PD-R document, so we are reluctant to remove it from the approved document at this stage.
5. It is acknowledged that a wastewater system needs to be operational prior to recording a subdivision plat.
6. As in number 4 above, the statement about the applicant being "open to connecting to other private sewer systems" was included in the approved PD-R and the Amended PD-R, so we are reluctant to remove it at this stage.
7. The plan has been updated to increase the minimum townhome lot size to 1,800 sf.
8. The UDO does not require the designation of a maximum lot size, nor was one proposed or approved. The term "typical" as used in the table has the same meaning as "representative." As stated at the hearing for the amended PD-R, there are lots larger than 15,000 sf but the 10,000-15,000 Sq ft range was indicated as being representative.
9. The minimum lot width described of 35' is not "typical" but "actual." All of the lots are greater or equal to the 35' minimum. Lot widths are measured at the front yard set-back per the UDO.

The Currituck County planning department has asked us not to show setback lines on plats in the past, but that is where the lot width is measured.

10. The clubhouse and swimming pool are indicated in the phasing schedule on sheet 3, which matches the approved PD-R phasing schedule. We have added the word "swimming pool" to the note on sheets 4, 5 and 6 to indicate the approximate area where a swimming pool will be located.
11. All private roadways are labeled as such, and all other roads are public. A note has been added to the plat indicating that roadways that are not designated private will be public.
12. Non-access easement lines have been added to the plat for corner lots.
13. The planting and pedestrian easements have been added to the conventional lot detail to match the ones shown on the typical townhome and typical TND single family lot details.
14. The anticipated schedule for recording each of the five phases has been added to sheet 3.
15. The easement for future connection for the streets stub/sidewalks has been noted on the plat.
16. The 5' non-access easements have been added.
17. Site triangles were added to the intersection where they were missing.
18. It appears that the multi-family design standards are being met with this proposal. We have provided a larger scale in-set to make it easier to see the detail of the multi-family development.
19. The sidewalk shown on the left side of the typical roadway sections has been added as requested.
20. The alleyway in question is a private alley and a note has been added to that effect.
21. Crosswalks are shown on sheet 6. A striping detail has been added to show how that striping will appear.
22. It appears that condition A has been met with a curb-cut, driveway apron and sidewalk crossing at each intersection, and by using concrete for the alley which will make it appear similar to a driveway. Also, street signs are not being used at the alleyways so that they do not appear to be public streets.
23. A multi-use path has been added along Caratoke Highway, which then loops into the project and back out at the recommendation of the traffic consultant. A portion of the multi-use path will also be used as an emergency vehicle egress as recommended by the traffic consultant.
24. The setback schedule that was approved as part of the PD-R terms and conditions is included on sheet 19.
25. The missing line segment label has been added to the plat.
26. Streetlights are shown on sheet 6 along with a detail of a full cut off luminaire. They are now shown in color to make them more visible.
27. The plat will be updated at the final plat stage as requested.

Currituck County Chief Building Inspector (Bill Newns)

1. The homeowners association will be responsible for maintaining the street tree clearance. This language can be specifically included in the Declaration.
2. There is a hydrant on the north side of Miriam Drive West at Ryker that was masked with the future development in this area which is now shown on this plan. It appears that with this unmasking all of the lots meet the distance requirements to proposed hydrants.

Currituck County GIS (Harry Lee)

- 1.-3. Street names have been revised in consultation with staff.

Currituck County Soil and Stormwater (Dylan Lloyd)/County Engineer (Eric Weatherly)

1. Drop inlets and outlet protection devices are shown in the legend and flow arrows are provided to show flow directions.
2. We are reluctant to show culvert pipe sizes on the preliminary plat, as they are subject to change as a result of the final stormwater modeling and construction drawing completion.
3. All but two property owners have now committed to the ditch improvements and no additional storage should be required. The County Commissioners provided additional time for agreements to be reached with the two remaining downstream property owners, which are clearing and snagging agreements only, which we expect to be forthcoming.
4. It is agreed that downstream improvements take precedence over additional retention ponds.
5. A note has been added to the plat regarding the permission for the Longhorn Dr. property owner to connect a ditch to the proposed Fost ditch along the common property line with Ranchland. Documentation of access permission for ditch improvements is included with this submittal.
6. After further discussion with staff, it appears that the sidewalk can remain within the Rowland Creek drainage easement as shown.
7. Farm buffer trees are shown near the outside edge of the 50' drainage easement adjacent to Rowland Creek Canal where they should not cause access problems for future stormwater maintenance. Alternatively, since the adjacent farm has now been approved for development, the farm buffer could potentially be eliminated altogether with concurrence from staff.
8. As discussed in #2 above, we are reluctant to show culvert pipe sizes at the preliminary plat stage, as they are still subject to change.
9. It is agreed that confirmation will be provided at the final plat stage per the approved zoning condition.

Currituck Utilities Director (Will Rumsey)

1. Sewers will be located in easements where they run across rear lot lines. We do not have a concern, as this is a standard practice in many areas.
2. No waterlines are located in back yards. Sewer lines that are located in back yards avoid other utilities and provide an efficient method for collecting wastewater.
3. We have been advised that Currituck County has no interest in providing wastewater service to this development, so this should not be a concern.
4. Access easements are being provided for any waterlines that cross open space areas.
5. All waterlines will be installed in accordance with Currituck County's standard specifications.

Currituck County Water Department Distribution Supervisor (Dave Spence)

1. All waterlines are installed on the front side of the multi-family units. In further discussion with the reviewer, it appears that the plan is acceptable.

2. We agree that there is a more efficient way to provide water service to these units and have modified the plan to run a 2" waterline behind the sidewalk on the east side of Fost Blvd. to serve these units.
3. Any service line running under a road will be in conduit.
4. The 2" line at Emily Circle is serving only 7 lots. According to the NC Public Water Supply section rules, a looped 2" line can provide service for up to 40 lots, so we are convinced that this line size will more than sufficient.

Albemarle Regional Health Services (Joe Hobbs)

1. A state-approved wastewater treatment system will be provided to serve this development.

NC Dept. of Transportation – Currituck (Reggie Saunders)

1&2. A traffic engineering firm was engaged to evaluate this plan and to make recommendations. The entrance design has been modified based on VHB's recommendations (attached) as follows:

- Continued the entrance median of Fost Blvd. through the intersection with Lydia St. to eliminate the left turn for inbound traffic at this location
- Extended the egress right turn lane of Fost Blvd. to the intersection with Lydia St. to increase storage for outbound traffic
- Added a short left turn lane on southbound Fost Blvd. at the intersection with Garland St.
- Added a multi-use path along the western side of the western stormwater pond that can serve as an emergency egress in the event the entrance becomes blocked
- Removed the portion of the multi-use path along 168 that is being substituted with the path above that connects to a path along Lydia St, to a path along east side of Fost Blvd. and back to a path along 168, which also eliminates the need for the Fost Blvd. crosswalk previously proposed at NC 168.

3. The intersection turning radii have been reviewed and will accommodate school bus turning movements at all locations where buses will need to maneuver.

With these modifications, it appears that traffic safety issues have been properly addressed.

NC Division of Coastal Management (Charlan Owens)

1. Mr. Corbett will be contacted prior to beginning work in or along the creek as requested.

US Post Office (Local)

1. The CBU plan was reviewed and commented on at the PD-R stage; the layout appears to be acceptable to the postal service.

We are resubmitting 3 full size copies of revised plans, one 8.5 x 11 reduction and a pdf digital copy of all revised or new documents and plans.

We look forward to the reviewing this plan with the County Commissioners at their regular meeting on January 21, 2020.

Please let me know if you need any additional information in order to move the plan forward to that agenda.

Sincerely yours,
BISSELL PROFESSIONAL GROUP



Mark S. Bissell

cc: Mr. Justin Old



To: Mark S. Bissell, PE
Bissell Professional Group

Date: December 20, 2019

Memorandum

Project #: 39135.00

From: Lyle Overcash, PE

Re: Transportation Comments for the Fost Tract Site Plan
Moyock, NC

VHB Engineering NC, P.C. was retained by Bissell Professional Group to provide traffic engineering services for the proposed Fost Tract development. At buildout the proposed site is expected to construct 479 residential units and up to 22,000 square feet of retail space. VHB Engineering NC, P.C. received a preliminary site plan, dated December 18, 2019, and reviewed it for the purposes of providing transportation related comments for Bissell Professional Group to incorporate.

The most recent five years (11/1/2014 – 10/31/2019) of crash data was obtained from the NCDOT's Traffic Engineering Accident Analysis System (TEAAS) for NC 168 (Caratoke Highway) from 500 feet south of Guinea Road to 500 feet north of the signalized intersection with Survey Road. In total, 37 crashes took place along this section of NC 168 (Caratoke Highway) during the five-year study period. No fatal or suspected serious injury crashes occurred. A set of railroad tracks are approximately 700 feet southeast of the proposed Fost Tract Driveway, and during the survey period two crashes have taken place within the vicinity of the railroad tracks. One crash involved a westbound passenger vehicle rear ending a truck as it stopped for the railroad crossing, and the other crash involved a westbound passenger vehicle striking the railroad crossing gate when it was activated.

One school is nearby, Moyock Middle School, but no crashes involving school buses took place during the five-year period.

Figure 1 shows a visual representation of the crash data obtained from TEAAS. Overall, the crashes were fairly spread out throughout the study area, but the largest cluster of crashes occurred around the signalized intersection with Survey Road. The most predominant crash type observed was rear end crashes (16) followed by fixed object crashes (9), left-turn crashes (4), and sideswipe crashes (4). More crashes took place during the daylight hours around noon, and the number of crashes observed was higher during the summer months than other times of the year.

VHB Engineering NC, P.C. (C-3705)
940 Main Campus Drive, Suite 500
Raleigh, NC 27606
P 919.829.0328



Memorandum

Ref: 39135.00
December 20, 2019
Page 2

Figure 1: NC 168 (Caratoke Highway) Crashes Observed (11/1/2014 - 10/31/2019)



The proposed Fast Tract development will be accessed via one full movement connection along NC 168 (Caratoke Highway). The driveway is expected to include one ingress lane and two egress lanes. A continuous exiting left-turn lane and a pocket right-turn lane will be provided. Additionally, a new eastbound right-turn lane along NC 168 (Caratoke Highway) with at least 150 feet of storage will be constructed. However, after reviewing the site plan, VHB Engineering recommended transportation related improvements that have now been incorporated into the site plan (attached):

- Extend the proposed right-turn lane along Fast Boulevard back to Lydia Street to provide approximately 250 feet of full storage.
- Extend the proposed median along Fast Boulevard through the intersection with Lydia Street so that only right-turn movements can be made at the intersection. Potential queueing from the intersection with NC 168 (Caratoke Highway) may spillback past the intersection with Lydia Street.

VHB Engineering NC, P.C. (C-3705)
940 Main Campus Drive, Suite 500
Raleigh NC 27606
P 919.829.0328



Ref: 39135.00
December 20, 2019
Page 3

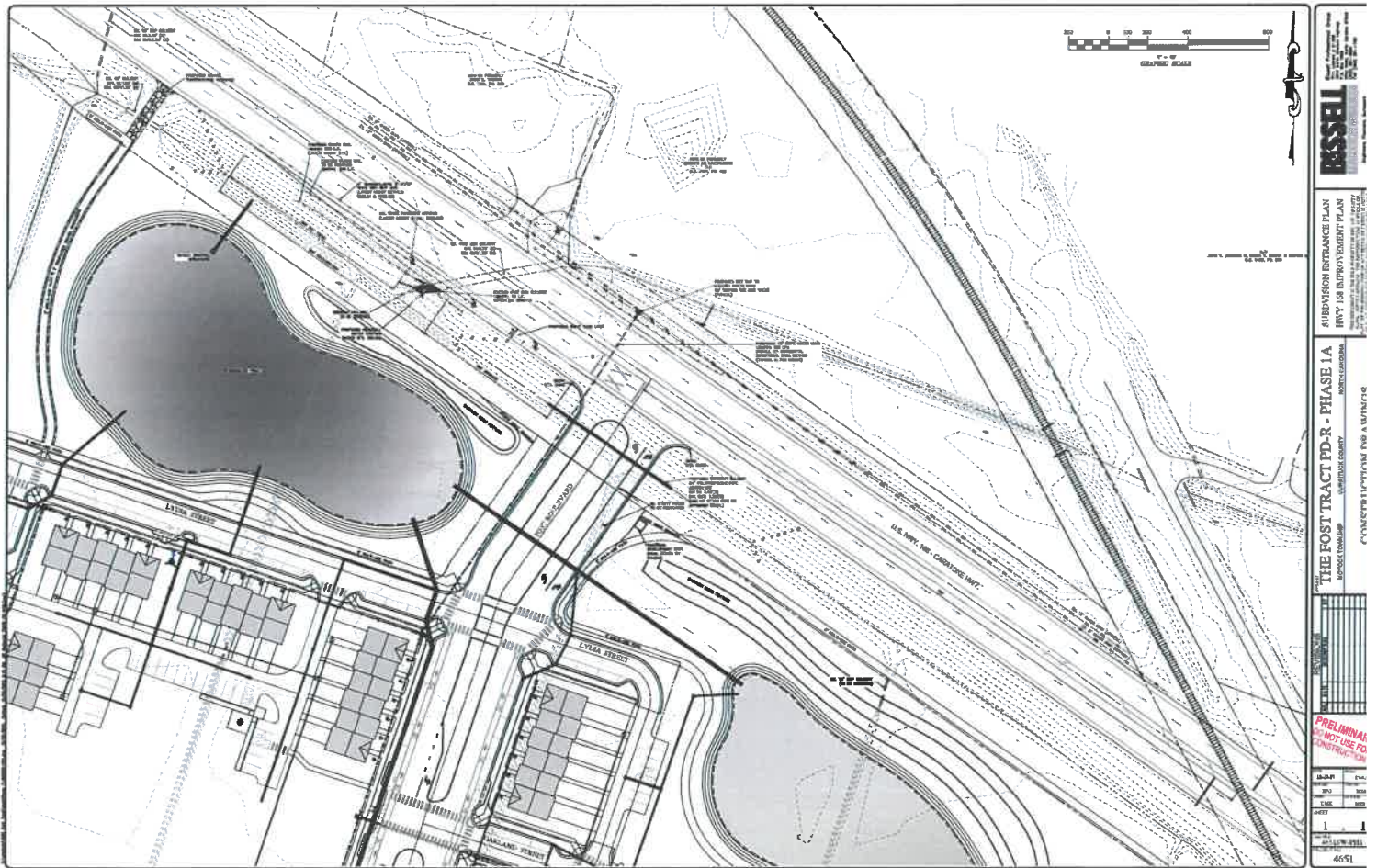
Memorandum

- Provide an exclusive left-turn lane from southbound Fost Boulevard to Garland Street. It is anticipated that Garland Street would be a primary route around the center of the development and serves a large portion of residential units. A left-turn lane would help prevent traffic from blocking Fost Boulevard while waiting to turn.
- Eliminate the midblock multi-use path crossing along Fost Boulevard located between NC 168 (Caratoke Highway) and Lydia Street. Consider either placing it closer to the intersection of NC 168 (Caratoke Highway) or Lydia Street.

These additional site improvements will help improve access into and out of the site, as well as providing operational benefits for traffic along the proposed Fost Boulevard.

Attachment: 10 VHB Traffic Comments (PB 18-23 The Fost Tract, Phases 1-5)

VHB Engineering NC, P.C. (C-3705)
940 Main Campus Drive, Suite 500
Raleigh NC 27606
P 919.829.0328



Attachment: 10 VHB Traffic Comments (PB 18-23 The Fost Tract, Phases 1-5)

From: [Otts, David B](#)
To: [Tammy Glave](#)
Cc: [Laurie LoCicero](#); [Midgett, Randy](#); [Donna Voliva](#); [Spear, Caitlin A](#)
Subject: Re: [External] RE: Fost - Resubmittal
Date: Tuesday, January 14, 2020 8:15:51 AM

Good morning Ms. Glave. As per our conversation yesterday afternoon, I wanted to take a minute to validate Mark Bissell's comments included in your email below.

On the afternoon of December 18, Division Construction Engineer - Randy Midgett, Assistant Resident Engineer - Caitlin Spear, and I met with Mark Bissell of Bissell Professional Group, Justin Old of Quality Homes of Currituck, and Sean Robey of Eastern Carolina Construction regarding the driveway to the Fost Tract off of NC-168. As you know, this area has the potential to become quite congested with Moyock Middle School, Eagle Creek, and Lake View likely using the southern leg of Survey Road when heading South. For this reason, the entrance to the Fost Tract will need to be offset as far as possible from Survey Road to prevent conflicts between turning movements. Furthermore, with 301 lots proposed in Phases 1 through 5 of the Fost Tract, and parcel remnants designated for "future development", the potential for North bound traffic entering the subdivision to queue across the railroad must be evaluated. As such, it was determined that the main entrance location shown in the preliminary plans was the best compromise. To further alleviate concerns, Mr. Bissell and Mr. Old were told that a traffic impact analysis (TIA) would be required prior to development of the adjacent Flora Farm Tract. This TIA would include both subdivisions as the two are proposed to be interconnected.

Please let me know if you have any additional questions or concerns.

Sent from my iPad

On Jan 8, 2020, at 5:00 PM, Tammy Glave
 <Tammy.Glave@currituckcountync.gov> wrote:

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report.spam@nc.gov

Attached, please find the VHB traffic comment memo that was attached to the previous email. Thanks.

From: Laurie LoCicero
Sent: Wednesday, January 8, 2020 4:38 PM
To: dbotts@ncdot.gov; rlsaunders@ncdot.gov; rmidgett@ncdot.gov; sbaker@ncdot.gov
Cc: Donna Voliva; Tammy Glave; Ben Stikeleather; jjennings@ncdot.gov
Subject: RE: Fost - Resubmittal

Good afternoon David,
 I appreciate your input on the wide driveway text amendment for Windswept Pines.

We are working on the staff report for the Preliminary Plat for the Fost project in

st

Attachment: 11 David Otts Email 1-14-2020 (PB 18-23 The Fost Tract, Phases 1-5)

Currituck County. This item will go before the Board of Commissioners on January 21 and we need to provide technical information to the elected officials for them to make an informed decision.

Can you provide information regarding this project and particularly address comments Tammy noted in her email below by the end of the day on Friday January 10th?
If not, can an NCDOT staff person be available to comment during the public hearing on January 21st?

Thanks,
Laurie

Laurie B. LoCicero, AICP
Planning Director
Planning & Community Development
County of Currituck
Phone: 252-232-6028
Fax: 252-232-3026
www.currituckgovernment.com

From: Tammy Glave
Sent: Monday, December 23, 2019 12:33 PM
To: dbotts@ncdot.gov; rlsaunders@ncdot.gov; rmidgett@ncdot.gov
Cc: Laurie LoCicero; Donna Voliva
Subject: Fost - Resubmittal
Importance: High

This is a follow-up from my previous e-mail. Mark Bissell said NCDOT was not requiring a Traffic Impact Analysis. Please confirm this for our records. Mr. Bissell also said that all of the comments made by Reggie Saunders during the TRC meeting and the comments made in your meeting with the developer last week have been addressed. Please see the attached and verify that for the record as well.

Thank you for your help.

Tammy D. Glave, CZO
Senior Planner
County of Currituck
Planning & Community Development
Phone: 252-232-6025
Fax: 252-232-3026
Email: tammy.glave@currituckcountync.gov
Website: www.currituckgovernment.com

<10 VHB Traffic Comments.pdf>

From: [Ben Stikeleather](#)
To: [Laurie LoCicero](#); [Tammy Glave](#)
Subject: FW: Today's Meeting
Date: Thursday, December 12, 2019 7:49:20 AM

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Mark Stefanik <mstefanik@currituck.k12.nc.us>
Date: 12/11/19 1:35 PM (GMT-05:00)
To: Ben Stikeleather <Ben.Stikeleather@CurrituckCountyNC.gov>
Cc: Karen Etheridge <ketheridge@currituck.k12.nc.us>
Subject: Re: Today's Meeting

Ben,

I am writing this email to provide additional information regarding Item 3 below (...BOE is requesting that the county table all hearings regarding those properties.). At this time, the Board of Education would like to rescind that request and provide the following information regarding the Moyock Elementary School/Shawboro Elementary School boundary line. Based on the information available to the Board of Education and the Currituck County School District, the current boundary line splits both the Fost and the Flora properties. According to our maps, the vast majority of the Fost property lies within the Shawboro Elementary School boundary line, while the majority of the Flora property lies within the Moyock Elementary School boundary line. Therefore, based on the current school boundary line, the Fost property is considered part of the Shawboro Elementary School attendance area, and the Flora property is considered part of the Moyock Elementary School attendance area.

If further information is needed, please feel free to contact me. Thank you!

Mark

On Mon, Dec 9, 2019 at 3:40 PM Ben Stikeleather
 <Ben.Stikeleather@currituckcountync.gov> wrote:

Mark,

Thank you again for inviting Chairman White and myself to your meeting today. I wanted to summarize what I heard from your Board.

Attachment: 12 Email from Stefanik and School Capacity Timeline 12-13-19 (PB 18-23 The Fost Tract, Phases 1-5)

There is not a desire to perform a feasibility study.

The negotiation for the purchase of the school property now rests with the BOE. County staff will supply background information and support.

The district line confusion of the Flora and Fost properties will be decided sometime in February. Until that time the BOE is requesting that the county table all hearings regarding those properties.

Please let me know if that is an accurate summary.

Thanks,
Ben Stikeleather
County Manager
Currituck County

Sent from my Verizon, Samsung Galaxy smartphone

--

Mark J. Stefanik
Superintendent
Currituck County School District
252-232-2223

**PB 18-23 Fost Tract, Preliminary Plat/Use Permit
Phases 1-5
SCHOOL CAPACITY SUMMARY
12/13/2019**

- The county had verbal conformation from Superintendent Stefanik that Fost was in the Moyock School District up to and including at a November 22, 2019 pre-application meeting for Flora development where Superintendent Stefanik told TRC and the applicant that Fost and Flora developments were in the Moyock School District. Superintendent Stefanik confirmed that there was not adequate school capacity for either development in the Moyock School District.
- December 9, 2019: At a BOE work session, the direction given to the county included this statement: "The district line confusion of the Flora and Fost properties will be decided sometime in February. Until that time the BOE is requesting that the county table all hearings regarding those properties." (See Attached Email)
- December 11, 2019: Superintendent Stefanik emailed County Manager Stikeleather with the following comment "At this time, the Board of Education would like to rescind the request and provide the following information regarding the Moyock Elementary School/Shawboro Elementary School boundary line. Based on the information available to the Board of Education and the Currituck County School District, the current boundary line splits both the Fost and the Flora properties. According to our maps, the vast majority of the Fost property lies within the Shawboro Elementary School boundary line, while the majority of the Flora property lies within the Moyock Elementary school boundary line. Therefore, based on the current school boundary line, the Fost property is considered part of the Shawboro Elementary School attendance area, and the Flora property is considered part of the Moyock Elementary School attendance area." (See Attached Email)
- December 11, 2019: At the TRC meeting Superintendent Stefanik confirmed that Shawboro Elementary had the capacity to serve the 119 elementary students expected to be generated from the Fost development.

It should be noted that Currituck County government employees, including but not limited to Planning Staff, have zero influence on school district boundary lines, school capacity numbers, or actual school capacity numbers. The Board of Education provides this data to Currituck County for use when reviewing new development requests.



October 11, 2019

Re: Community Meeting for Fost Planned Development, Moyock, NC

Dear Property Owner:

Many of you joined us for one of the three community meetings we held over the past year or so to discuss the initial plans for a beautiful, upscale community with an innovative design that Allied Properties is proposing to develop on the Fost Tract. We introduced ourselves and dialogued with you, the community residents, about our vision for the unique property.

During the process we received many comments from neighbors and took those comments into consideration in the final design and approval of the community. The community was approved by Currituck County earlier this year. We are now moving forward with an application for Preliminary Plat approval for the first phases of development. Please note this meeting will be held at the Currituck NC Cooperative Extension Center located at 120 Community Way, Barco, NC 27917; this one will be on Wednesday, October 23, 2019 at 5:30pm.

Please mark the date and time in your calendar and join us. We look forward to this opportunity to further discuss how we can make this community one that we are all proud to be involved with, and hope to see you there.

Sincerely yours,
BISSELL PROFESSIONAL GROUP

Mark S. Bissell, P.E. (agent for the developer)

cc: Currituck County Planning and Community Development
Allied Properties

The Fost Tract

Community Meeting for Preliminary Plat – Phase 1

Wednesday, October 23, 2019

Scheduled Time/Place: 5:30pm, Agricultural Extension Office, Currituck, NC

Meeting Began: 5:30pm, waited for late arrivals until 6:00pm and then continued discussion in parking lot until 6:30pm (No community members arrived).

Attendees:

Community Residents – Not present

Justin Old, Developer

Jennie Turner, Currituck County

Mark Bissell, Bissell Professional Group

Donna Bissell, Bissell Professional Group

Comments from the Community	How Addressed
No Comments	



Major Subdivision Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information
APPLICANT:

Name: Allied Properties, LLC
 Address: 417 Caratoke Hwy., Unit D
Moyock, NC 27958
 Telephone: (252) 435-2718
 E-Mail Address: jold@qhoc.com

PROPERTY OWNER:

Name: Sandra Davis Fost & Iris Ann O'Conner
 Address: 121 Soundshore Drive
Currituck, NC 27929
 Telephone: (252) 202-9267
 E-Mail Address: sfost27@icloud.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

Request

Physical Street Address: Caratoke Highway
 Parcel Identification Number(s): 0015-000-0086-0000
 Subdivision Name: The Fost Tract
 Number of Lots or Units: 301 Phase: 1-5

TYPE OF SUBMITTAL

- ☐ Conservation and Development Plan
☐ Amended Sketch Plan/Use Permit
☒ Preliminary Plat (or amended)
 ☐ Type I OR ☒ Type II
☐ Construction Drawings (or amended)
☐ Final Plat (or amended)

TYPE OF SUBDIVISION

- ☐ Traditional Development
☐ Conservation Subdivision
☐ Planned Unit Development
☒ Planned Development

I hereby authorize county officials to enter my property for purposes of determining compliance with all applicable standards. All information submitted and required as part of this process shall become public record.

Sandra Fost
 Property Owner(s)/Applicant*

10/11/19

 Date

***NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.**

Community Meeting, if applicable

Date Meeting Held: _____ Meeting Location: _____

Use Permit Review Standards, if applicable

PUD Amended Sketch Plan/Use Permit, Type II Preliminary Plat

Purpose of Use Permit and Project Narrative (please provide on additional paper if needed): _____

Please refer to Attachment 1

The applicant shall provide a response to the each one of the following issues. The Board of Commissioners must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Commissioners to issue the use permit.

- A. The use will not endanger the public health or safety.

Please refer to Attachment "A"

- B. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Please refer to Attachment "B"

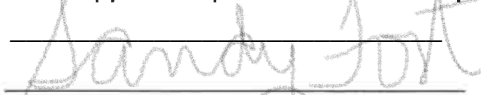
- C. The use will be in conformity with the Land Use Plan or other officially adopted plan.

Please refer to Attachment "C"

- D. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Please refer to Attachment "D"

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.



Property Owner(s)/Applicant*

10/11/19

Date

***NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.**

Major Subdivision Application
Page 6 of 12

Revised 8/29/2018

Attachment: 14 Application with Attachments (PB 18-23 The Fost Tract, Phases 1-5)



Major Subdivision Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information
APPLICANT:

Name: Allied Properties, LLC
 Address: 417 Caratoke Hwy., Unit D
Moyock, NC 27958
 Telephone: (252) 435-2718
 E-Mail Address: jold@qhoc.com

PROPERTY OWNER:

Name: Sandra Davis Fost & Iris Ann O'Conner
 Address: 121 Soundshore Drive
Currituck, NC 27929
 Telephone: (252) 202-9267
 E-Mail Address: sfost27@icloud.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

Request

Physical Street Address: Caratoke Highway
 Parcel Identification Number(s): 0015-000-0086-0000
 Subdivision Name: The Fost Tract
 Number of Lots or Units: 301 Phase: 1-5

TYPE OF SUBMITTAL

- ☐ Conservation and Development Plan
☐ Amended Sketch Plan/Use Permit
☒ Preliminary Plat (or amended)
 ☐ Type I OR ☒ Type II
☐ Construction Drawings (or amended)
☐ Final Plat (or amended)

TYPE OF SUBDIVISION

- ☐ Traditional Development
☐ Conservation Subdivision
☐ Planned Unit Development
☒ Planned Development

I hereby authorize county officials to enter my property for purposes of determining compliance with all applicable standards. All information submitted and required as part of this process shall become public record.

Property Owner(s)/Applicant*

10/11/19

Date

***NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.**

Community Meeting, if applicable

Date Meeting Held: _____ Meeting Location: _____

Use Permit Review Standards, if applicable

PUD Amended Sketch Plan/Use Permit, Type II Preliminary Plat

Purpose of Use Permit and Project Narrative (please provide on additional paper if needed): _____

Please refer to Attachment 1

The applicant shall provide a response to the each one of the following issues. The Board of Commissioners must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Commissioners to issue the use permit.

A. The use will not endanger the public health or safety.

Please refer to Attachment "A"

B. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Please refer to Attachment "B"

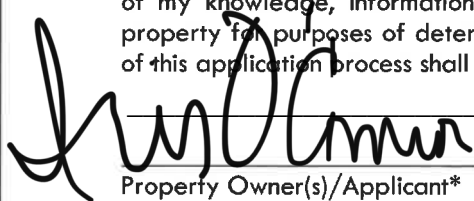
C. The use will be in conformity with the Land Use Plan or other officially adopted plan.

Please refer to Attachment "C"

D. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Please refer to Attachment "D"

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.



Property Owner(s)/Applicant*_____
10/11/19_____
Date

***NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.**

Major Subdivision Application
Page 6 of 12

Revised 8/29/2018

Attachment: 14 Application with Attachments (PB 18-23 The Fost Tract, Phases 1-5)

ATTACHMENT 1

Purpose of the Use Permit and Project Narrative

The goal is to build a community that has a creative design, providing a mix of different residential uses in close proximity to one another, while at the same time providing an efficient use of open space that promotes an active lifestyle and strong sense of community. Limited, small scale commercial uses may also be constructed primarily to serve the needs of the residents in this development.

The ways in which these goals and objectives will be achieved is shown graphically on the approved Master Plan, and is further described in the following paragraphs:

- Several different housing types are proposed, including traditional rear load traditional neighborhood development style townhomes, TND style homes with rear loaded driveways and garages, and more conventional frontloaded single family development lots.
- The Community will be pedestrian friendly, with open spaces and greenways strategically located throughout the community, and with a combination of sidewalks, multi-use paths/cart paths, a village green and a clubhouse with large outdoor recreation areas.
- The mixing of housing styles will also provide a mix of lot sizes, densities and streetscapes.
- The development is sensitive to existing wetlands, which have been delineated and confirmed by the Corps of Engineers; buffers have been shown and are being honored, existing drainage ways are being maintained and improved. Lower areas that are more flood prone are being set aside as open space, some of which will be used for the construction of lakes and ponds for the management of stormwater.

ATTACHMENT "A"

The use will not endanger the public health or safety.

Transportation, portable water, wastewater and stormwater management will be addressed in accordance with the following paragraphs:

1. Transportation: The main subdivision entrance will be connected directly to NC 168 (Croatan Highway). Deceleration and acceleration lanes will be provided in accordance with NCDOT Standards and will be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast (Auction Site) and to the west.

Roadways will be laid out generally as shown on the Master Plan and will be in accordance with the approved right-of-way and pavement width characteristics, using the NCDOT complete streets planning manual as a guide.

Appropriate access has been made for emergency service vehicles in accordance with applicable standards including the N.C. Fire Code.

2. Potable Water: Water will be supplied by Currituck County via an existing 12" main located on Caratoke Highway, which will be tapped and looped through the site. Fire protection will be provided in accordance with UDO Standards and the applicable ISO standards. The water system will be modeled to demonstrate adequate flow and pressure for fighting fires while meeting the maximum day domestic demand.
3. Wastewater: Land has been set aside for the construction of a centralized wastewater treatment and disposal facility that will be constructed in accordance with NCDEQ Standards and approved by NCDEQ. A wastewater collection system will be constructed by the Developer and managed by a wastewater utility. The utility will be regulated by the North Carolina Utilities Commission and will apply for a Certificate of Public Necessity and Convenience
4. Stormwater Management: A major drainage way known as Rowland Creek Canal runs through the development property. Due to the importance of this drainage feature not only to the development but to other properties located both upstream and downstream of this property, the Developer has committed to cleaning and laying back the slopes and stabilizing the portion of Rowland Creek that runs from Eagle Creek to the railroad next to NC 168. The Developer has also committed to improving the common property line ditch along Ranchland and the Auction property, and to excavate a new ditch that would be available to Ranchland along the common property line from the Auction site to south of the power easement. Subject to obtaining right of entry to other properties, the Developer will also improve the sections of Rowland Creek downstream of the Fost property that require maintenance.

On-site stormwater will be managed by constructing a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater to existing outlets. In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard of the difference between runoff from the 10-year developed condition and runoff from a 2-year wooded condition site, stormwater will be modeled for the 100-year storm without adversely impacting neighboring properties. Implementation of this plan should improve drainage for neighboring properties compared to existing conditions.

Stormwater will be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes, and open vegetated swales.

ATTACHMENT "B"

The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Land use to the west is agricultural, with one dwelling unit located approximately 435 feet from the nearest property line and approximately 565 feet from the nearest structure. Land use to the north, across the railroad and Croatan Highway is commercial, land to the east is farmland and residential lots, and land to the south is residential lots. Perimeter compatibility is being addressed as follows:

- a. To the west: A 50 foot farm buffer is being provided, followed by a 60 foot roadway corridor, so the nearest dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer is also being provided along that property line.
- b. To the north (Croatan Highway): A berm is being provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development will be minimized by setbacks, berms and landscaping.
- c. To the east: A 50 foot vegetative farm buffer is being provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas tat back up to existing dwelling units in the adjacent Ranchland subdivision. Even though the dwelling types are believed to be compatible, a minimum 50 foot buffer is being provided between the developments.
- d. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line.
- e. Limited commercial development proposed to be located interior to the development and will front along the landscaped entrance boulevard.

Lot size ratios and density ratios are comparable to other developments that have been approved in the immediate area and in other parts of Moyock.

The applicant is not aware of any adverse impacts on land value in the surrounding area. The applicant anticipates that its proposed stormwater improvements may benefit the property values of the nearby Ranchland community. The Development is anticipated to **increase** the values of nearby properties by improving existing drainage problems.

The site is adjacent to non-agricultural activities including the Ranchland neighborhood to the south and southeast, and commercial and residential uses to the east. The site is also in close proximity to the Eagle Creek neighborhood. The proposed use is compatible with these adjacent uses and furthers the County's goal of concentrating new residential development in the vicinity of existing residential development. Nearby communities include existing planned communities of 588 lots to the west, a 275

lot subdivision to the east and 426 lots under development to the north of Caratoke Highway, all in the vicinity of the Fost tract. The development is appropriate for the location as it continues existing development patterns in this part of Moyock. Lot area ratios and density ratios are consistent with other developments that have been approved recently nearby and in other parts of Moyock.

ATTACHMENT "C"

The use is consistent with the goals, objectives, and policies of the Land Use Plan or other applicable county-adopted plans:

A. The use is consistent with the following policies of the Currituck County Land Use Plan ("LUP"): The project is consistent with the Land Use Plan policies addressing density, recreational and open space, transportation infrastructure, and utilities:

i. Density: The project is located within the Full Service Area of the Land Use Plan, and proposes a density of 2.25 units per acre. The proposed use will include residential development in village like-clusters and will include open spaces surrounding the clusters, helping to prevent traditional suburban sprawl. The applicant is proposing centralized sewer, and the Full Service Area designation recognizes higher density (above 2 units per acre) is appropriate here. The proposed use will not interfere with nearby resource production activities. This is consistent with the County's density designations because development is occurring along Caratoke Highway, a major transportation corridor, and is an infill site between two existing residential subdivisions but with its own access to Hwy 168. This is consistent with the following Land Use Plan policies:

POLICY AG6: *For areas experiencing intense development pressure, new residential development may be allowed to locate in COMPACT, VILLAGE-LIKE CLUSTERS, PREFERABLY NEAR EXISTING, NON-AGRICULTURAL ACTIVITIES AND SERVICES, or in other locations that will not interfere with resource production activities. Overall density shall remain very low, with permanent open space, dedicated during the development review process, surrounding such clusters of homes. LUP, p. 9-7.*

POLICY HN1: *Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre.... LUP, p. 9-7.*

POLICY HN3: *Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl...COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map. LUP, p. 9-7.*

ii. Utilities:

Stormwater: The applicant is aware of stormwater drainage issues in the surrounding properties and is conducting a stormwater study to investigate causes in Rowland Creek, upstream and

downstream from the property. That study has shown significant restrictions to flow on both on- and off-site properties, which the applicant is willing to remove and restore with the off-site landowners' consent. The applicant is also placing significant drainage facilities on site to collect and control its own water. Where adjacent landowners are unwilling to allow the applicant to remove off-site obstructions, the applicant is willing to provide a additional stormwater storage on site to minimize flooding. The applicant plans to model the 100-year storm event and to manage stormwater runoff from that event. These commitments will provide a public benefit to the County by improving existing drainage problems with private funds, and providing a responsible mechanism for the site and surrounding areas to drain.

Wastewater: The project is within the Full Service Area of the Land Use Plan and is eligible for County water and sewer. However, the applicant is offering to treat wastewater onsite through a private sewer system that will be regulated by the NC Utilities Commission. It is also open to connecting to other private sewer systems, which would give those systems new funds for upgrades, repair, and maintenance. Thus, the development will have a positive impact on sewer facilities and will not strain the County's infrastructure, consistent with the Full Service Area designation which anticipates additional density on this site.

This is consistent with the following Land Use Plan policies:

POLICY WS7: *Currituck County allows for the appropriate use of PACKAGE SEWAGE TREATMENT PLANTS as a means of achieving more efficient land use, while properly disposing of waste. Such systems shall have a permanent organizational ownership to guarantee their proper management, including operation, maintenance and replacement needs. Depending on their location in the county, such systems may be required to have a design that allows for assimilation into a centralized system at a future date.* LUP, p. 9-13.

POLICY WQ3: *Currituck County supports policies, plans and actions that help protect the water quality of the county's estuarine system by preventing SOIL EROSION AND SEDIMENTATION, and by controlling the quantity and quality of STORMWATER RUNOFF entering the estuary.* LUP, p. 9-17.

POLICY WQ4: *RUNOFF AND DRAINAGE from development, forestry and agricultural activities shall be of a quality and quantity as near to natural conditions as possible. Post-development runoff shall not exceed pre-development volumes.* LUP, p. 9-17.

iii. Recreational and Open Space: The project will provide for sidewalks, greenways, and walking trails to encourage mobility by pedestrians and bicyclists. It also preserves a significant amount of open space and natural features throughout to promote recreation and preserve natural areas. This is consistent with the following Land Use Plan policies:

POLICY TR9: *BIKEWAY FACILITIES shall be encouraged as energy-efficient, healthful, and environmentally sound alternatives to the automobile. The inclusion of bikeways, sidewalks, trails, and other alternatives to the automobile shall be encouraged in both public and private developments.* LUP, p. 9-11.

POLICY PR4: *The County shall seek to identify, plan for and develop a system of OPEN SPACE GREENWAYS, HIKING and BIKING TRAILS as opportunities may allow. The use of (1) natural corridors such as streams and floodplains, and (2) man-made corridors such as utility and transportation rights-of-way and easements, shall be emphasized. LUP, p. 9-14.*

POLICY PR6: *All new residential development shall provide for ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS including, as may be appropriate, funding in proportion to the demand created by the development. The amount of open space and improvements may be determined according to the number of dwelling units in the development and/or by a percentage of the total acreage in the development. Fees in lieu of land dedication shall be based on the inflation adjusted assessed value of the development or subdivision for property tax purposes. LUP, p. 9-14.*

iv. Transportation infrastructure: As set forth in the master plan, the project will provide for paved public roadways and drainage infrastructure, and will include convenient circulation within the proposed neighborhood. The project will seek to preserve existing buffering along NC 168 where feasible. The project will have direct access to and frontage on NC 168, and will not include access to higher intensity development through an area of lower intensity development. This is consistent with the following Land Use Plan policies:

POLICY TR12: *New residential developments shall provide for the installation of PAVED PUBLIC ROADWAY AND DRAINAGE INFRASTRUCTURE at the time of development. This policy is intended to prevent the creation of substandard developments that must later correct for infrastructure problems that could have been avoided, had they been installed properly from the beginning.... LUP, p. 9-11.*

POLICY CA1: *The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation. LUP, p. 9-19.*

POLICY TR11: *ACCESS TO HIGHER INTENSITY DEVELOPMENT shall generally not be permitted through an area of lower intensity development. For example, access to a multi-family development, a major park facility or other large traffic generator shall not be permitted through a local street serving a single-family residential neighborhood. LUP, p. 9-11.*

POLICY TR8: *Local streets shall be designed and built to allow for convenient CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS and to encourage mobility by pedestrians and bicyclists. Care shall be taken to encourage local street "connectivity" without creating opportunities for cut-through traffic from outside the connected areas. LUP, p. 9-11.*

B. The proposed use is consistent with the following provisions of the Moyock Area Policy Emphasis of the Land Use Plan:

Moyock Area Policy Emphasis: *The policy emphasis of this plan is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond.*

Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. However in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.

Clustered housing developments, with open space required by ordinance, will need to be encouraged. If sewage treatment collection systems are built, whether publicly or privately, all such systems should be designed so as to allow them to be tied together into a single system at some point in the future. LUP, p. 11-4.

The proposed use will include clustered housing accompanied by open spaces. The applicant is proposing onsite privately developed sewer to avoid strain on County infrastructure. The site is eligible for County sewer and central sewer is existing in the area. Because the wastewater system will be a central sewer system, and the 2.25 units/acre is below the 3-4 units per acre allowed where central sewer is available, the proposed use is consistent with the Moyock Area Policy Emphasis.

C. The proposed use is consistent with the Future Land Use Map.

The Currituck County Future Land Use Map designates the site as a Full Service area. In Full Service areas, residential density can be increased to 3-4 units per acre depending on the available services. A greater diversity in housing types is also appropriate in Full Service Areas. The proposed use will have 2.25 units per acre, which is within the contemplated development densities from Section 3.7.3 of the UDO for PD-R districts (up to three units per acre). The proposed use will also include a diversity in housing types, including townhomes, cottage style single-family lots and traditional single family lots.

D. The proposed use is consistent with the following policies and action items of the Moyock Area Small Area Plan ("SAP"):

The proposed use will include open spaces, sidewalks, greenways, and walking trails to for recreational purposes, and a clubhouse for community gathering. The plan will provide for connections to Ranchland, as appropriate. The applicant is studying the existing stormwater drainage issues and will ensure that the project improves these issues.

POLICY TR 2: *Ensure that development is designed with an interconnected, multi-modal transportation network between neighborhoods, activity centers, and other destinations to improve mobility and emergency access. Development of an interconnected road network east and west of Highway 16 that allows north-south movement for local residential traffic is strongly encouraged.* SAP, p. 16.

POLICY IS 1: *The costs of infrastructure, facilities, and services related to new growth and development should be borne primarily by those creating the demand. SAP, p. 17.*

POLICY IS 4: *Ensure that stormwater runoff, soil erosion, and sedimentation is properly managed to reduce nuisance flooding and pollution of sensitive environmental areas. SAP, p. 17.*

POLICY IS 5: *Encourage retrofitting of NCDOT drainage infrastructure to manage nuisance flooding. SAP, p. 18.*

ACTION IS 5A: *Coordinate with NCDOT to develop a plan of action for addressing ... Ranchland subdivision street flooding.... SAP, p. 18.*

POLICY R-1: *Expand and develop recreational opportunities for all ages and users including access to the water and natural environment, walking trails, multi-purpose fields, multi-purpose community building, and other non-traditional types of recreational opportunities that are consistent with the Currituck County Parks and Recreation Master Plan. SUP, p. 21.*

ATTACHMENT "D"

The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities.

The site has adequate access to NC 168 and will be adequately served by schools (it is our understanding that the site is in the Shawboro school district and that school capacity is currently available), police, fire, and emergency services. The applicant has completed a stormwater study and improvements plan to ensure that stormwater management will be enhanced not only for the development but also for the surrounding community. Sewer service will be provided on site and will not burden the county's wastewater system.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2708)

Agenda Item Title

PB 19-29 Currituck County:

Brief Description of Agenda Item:

Request for a use permit to expand the Moyock Regional Wastewater Treatment Plant located at 501 Winslow Road, Moyock Township.

Board Action Requested

Action

Person Submitting Agenda Item

Cheri Elliott, Assistant

Presenter of Agenda Item

Donna Voliva



STAFF REPORT
PB 19-29 CURRITUCK COUNTY
USE PERMIT
BOARD OF COMMISSIONERS
JANUARY 21, 2020

APPLICATION SUMMARY

Property Owner: Currituck County 153 Courthouse Road Currituck, NC 27929	Applicant: Currituck County 153 Courthouse Road Currituck, NC 27929
Case Number: PB 19-29	Application Type: Use Permit
Parcel Identification Numbers: 0009-000-069B-0000	Existing Use: Major Utility - Wastewater Treatment Plant (Public)
Land Use Plan Classification: Rural Moyock Small Area Plan: Full Service/ Conservation	Parcel Size (Acres): 68.03 acres
Request: Major Utility – wastewater treatment expansion	Zoning: AG (Agriculture)

SURROUNDING PARCELS

	Land Use	Zoning
North	Farmland	AG
South	Moyock Run/Woodlands	AG
East	Farmland/Mining	AG
West	Farmland/Mining	AG

STAFF ANALYSIS

The applicant is requesting a use permit for the expansion of an existing public wastewater treatment plant (major utility). The proposed construction consists of a 200,000 gpd expansion of an existing 99,000 gpd wastewater treatment plant. The purpose of the expansion is to provide build-out capacity of the current service area, and provide additional capacity for the proposed Currituck Station development and commercial area along Caratoke Highway. The expansion will be located on a 68 acre tract that the county purchased in 2010. The site is located 0.9 mile off Caratoke Highway. The tract was purchased in a remote area and large enough to allow expansion. It is estimated the site can be expanded to approximately 800,000 to 1,000,000 gpd. The proposed expansion will use improved technology to treat the high strength wastewater created by commercial users. The improved treatment process includes membrane bioreactor (MBR) filtration integrated with biological pre-treatment designed to treat the current high strength sewage.

INFRASTRUCTURE	
Water	Public
Sewer	Public
Transportation	Pedestrian: n/a The site is accessed by an existing right of way and easement.
Stormwater/Drainage	Existing perimeter ditches and groundwater lowering
Design Standards	N/A
Lighting	Full cut-off
Landscaping	Vehicular use area and farmland buffer
Parking	Proposed gravel
Compatibility	Institutional Use
Riparian Buffers	A 30' riparian buffer will be provided along the 404 wetlands, excluding man made ditches.

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

The Technical Review Committee recommends **adoption** of the use permit subject to the following conditions of approval:

1. The application complies with all applicable review standards of the UDO provided the following outstanding items are addressed at site plan review:
 - a. Site plan approval is required by TRC prior to land disturbing activities and construction of the facility.
 - b. The maximum driveway width measured at the property line shall not exceed 36 feet.
 - c. An exterior lighting plan shall be provided that complies with the UDO or provide a security plan requesting deviation for emergency repair lighting in accordance with Section 5.4.9. of the UDO.
 - d. The Dominion Energy encroachment agreement must be provided prior to site plan approval.
 - e. NCDEQ permit approval for the wastewater treatment facilities must be provided prior to site plan approval.
2. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - a. Site plan approval is required by TRC prior to land disturbing activities and construction of the facility.

USE PERMIT REVIEW STANDARDS

A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the below requirements. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary findings.

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

1. The proposed wastewater treatment expansion will include advanced treatment equipment designed to treat high strength wastewater and perform nutrient removal. Nutrients targeted by this advanced treatment system include Nitrogen and Phosphorus which are common components of fertilizers. The plant expansion will work to improve the environment before these constituents can be introduced into the local ecosystem.
2. The plant expansion will include a new screen plant to process all of the flow tributary to the facilities in Moyock. The screen plant will work to mitigate the introduction of wastewater components that are proven to inhibit the wastewater treatment process. The plant expansion also includes a biological treatment unit and a membrane bioreactor that will work to remove pathogens from the treated effluent stream and by doing so will work to protect the groundwater resource and public health. The facility will be surrounded by chain link fence and access by the public will be prohibited. The facility itself will be located in a remote corner of the parcel and will be shrouded by both naturally occurring and planted landscaping plants.
3. The proposed plant expansion will include a improvements to the existing gravel access road that will enhance access to the vicinity and public safety.
4. The proposed expansion will include the extension of potable water supply and fire suppression water which will work to offer further protections to the public.
5. The electric infrastructure will be extended as well to serve this plant.

The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Preliminary Applicant Findings:

1. The existing public wastewater treatment plant was constructed in 2012.
2. The 2013 UDO requires a use permit for a major utility including but not limited to regional or community-wide wastewater treatment facilities.
3. The property contains 68.03 acres and adjoins farmland to the north, the Moyock Run to the south, farmland and mining to the east, and farmland and mining to the west.
4. The US Army Corps of Engineers identified 3.2 acres of the site as wetlands that are subject to Section 404 of the Clean Water Act. A 30 foot riparian buffer will be provided adjacent to the 404 wetlands, excluding the man-made ditches and ponds.
5. The proposed use is approximately one mile west of Caratoke Highway.
6. The existing use of the property includes a public wastewater treatment facility (major utility) that is permitted, designed, and constructed to treat 99,000 gpd of wastewater.
7. The expansion of the existing wastewater treatment facility will treat 200,000 gpd of wastewater. It is estimated the use can be expanded to approximately 800,000 to 1,000,000 gpd.
8. Currently, the closest residences or businesses are over 3,000 feet from the site.
9. There is no data showing impacts to properties over 1,000' from wastewater facilities.
10. Wastewater plants that are properly screened and operated are not shown to have negative impacts to adjoining or abutting lands.
11. Vegetative screening is proposed to meet the UDO standards.

The use will be in conformity with the Land Use Plan or other officially adopted plans.

Preliminary Staff Findings:

1. The following 2006 Land Use Policy statements apply to the proposed request:
 - a. Policy AG3: County ACTIONS CONCERNING INFRASTRUCTURE (e.g. schools, parks, and utilities) and regulations shall serve to direct new development first to targeted growth areas near existing settlements identified as Full Service Areas on the Future Land Use

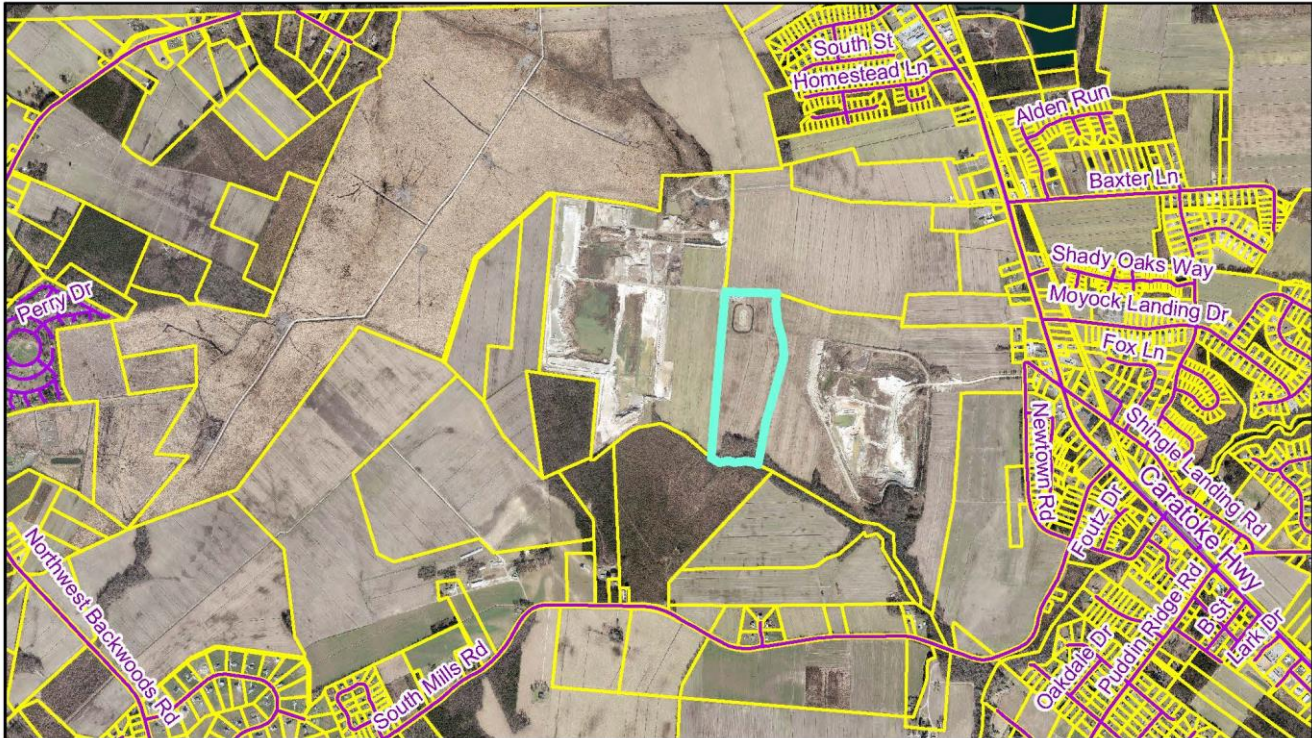
- Map, rather than leapfrogging to locations in the midst of farmland and green space identified as Rural and Conservation areas on the Future Land Use Map.
- b. Policy WS3: Currituck County endorses UTILITIES EXTENSION POLICIES that focus water and sewer services (1) within existing developed areas and in nearby targeted growth areas identified as Full Service and Limited Service areas, (2) where development densities would make the provision of all public services more efficient, (3) where the land is particularly well suited for development and (4) away from environmentally sensitive areas, such as areas with extensive wetlands or the northern beaches of the Outer Banks
 - c. Policy PP3: The costs of infrastructure, facilities and services (e.g. schools, parks, water supply, etc. related to the DEMAND CREATED BY NEW GROWTH AND DEVELOPMENT shall be borne, in equitable proportion by those creating the additional demand. So as to lessen the burden on the general property tax payer, this approach may include a land transfer tax, impact fees on new development, upzoning fees, and user fees for new facilities.
 - d. Policy ED2: CAPITAL EXPENDITURES for the purpose of economic development shall be targeted toward areas that are most suited for development. Targeted areas should include raw land as well as the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure. Targeted areas primarily include those located within the Full Service Areas identified on the Future Land Use Map and to the lesser extend those include in the Limited Service Area.
 - e. Policy CW1: Currituck County may elect to amend or incorporate adopted small area plans into the Land Use Plan as needed. This includes consideration of citizen initiated amendments or county led planning efforts that recognize changing demographic, economic, or environmental conditions.
2. The Moyock Small Area Plan policies apply to the proposed request:
 - a. The MSAP supplements the LUP to more specifically address the needs and issues of the study area and establishes a new focus for growth and development.
 - b. The Moyock Small Area Plan, adopted in 2014, identified this area as an employment activity area.
 - c. Policy IS 3: Recognize that water and sewer services have significant influence on growth and require that consideration be given to the placement of proposed utilities in perspective to desired growth patterns.
 3. The proposed request is consistent with the Moyock Mega Site Master Plan and Figure ES-1.
 4. The proposed request is consistent with the 2016 Feasibility Study that served as the guide for potential land use demands for the regional area known as the Moyock Mega Site (Currituck Station).

The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

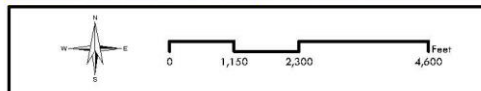
Preliminary Staff Findings:

1. The use provides additional wastewater facilities for the next phase of land use demands for Currituck Station.
2. The use will not increase or exceed the county's ability to provide services to schools, fire and rescue, and law enforcement.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm

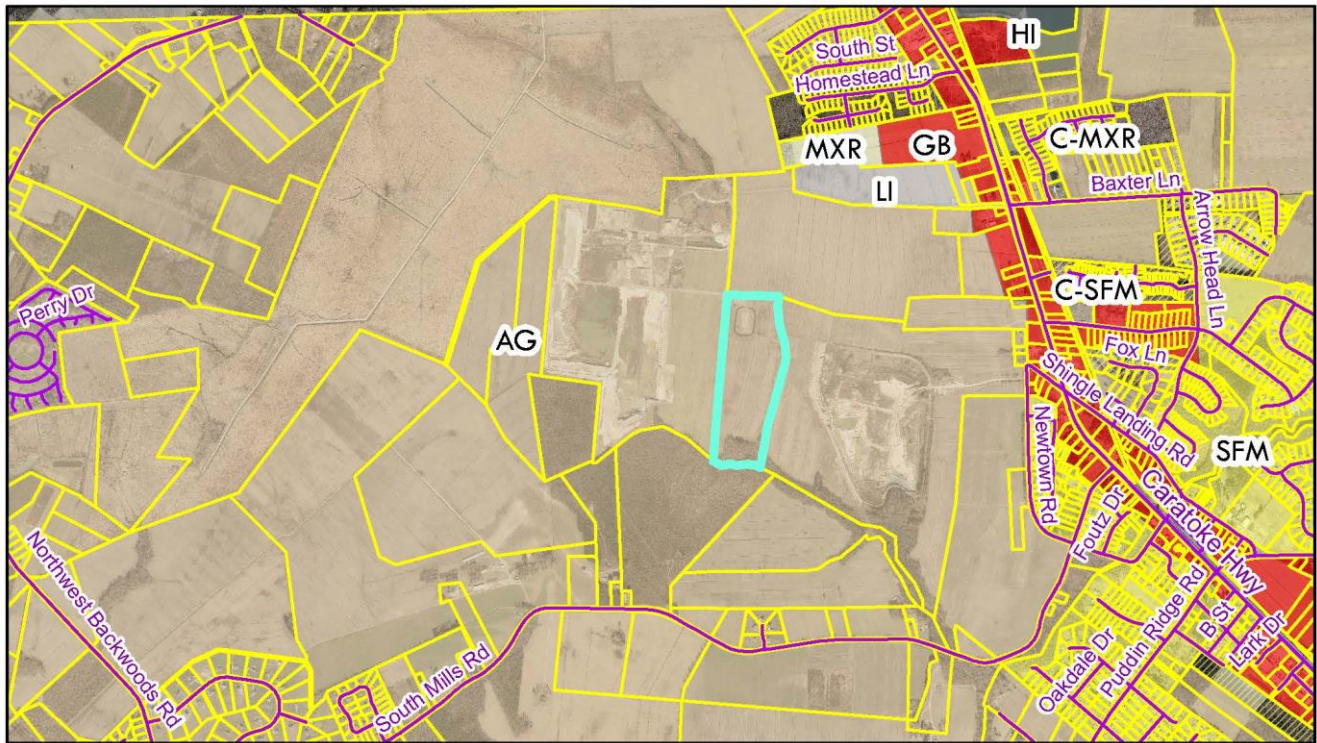


PB 19-29
Currituck County
Aerial Map

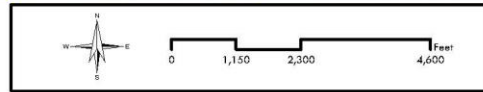


Currituck County
Planning and Community
Development

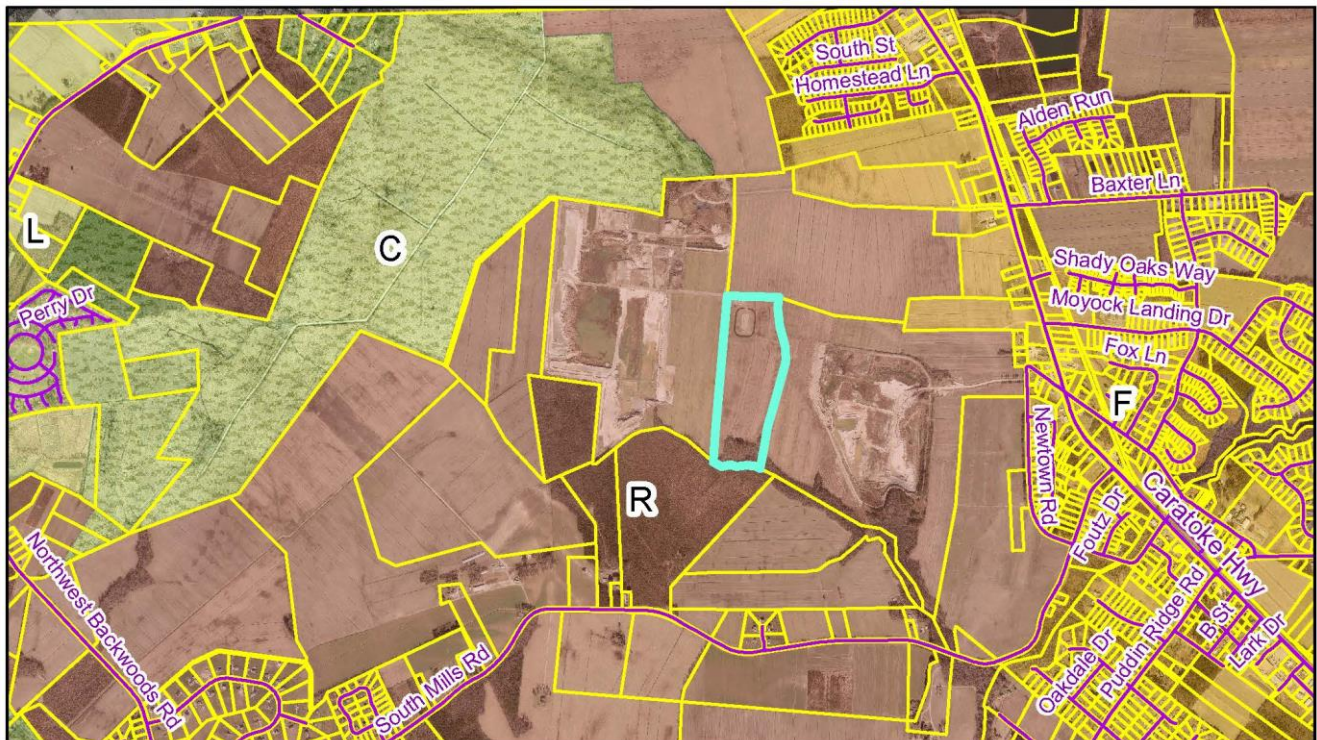
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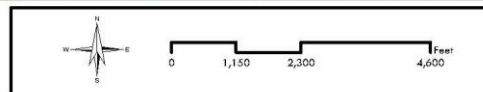
PB 19-29
Currituck County
Zoning Map



Currituck County
Planning and Community
Development

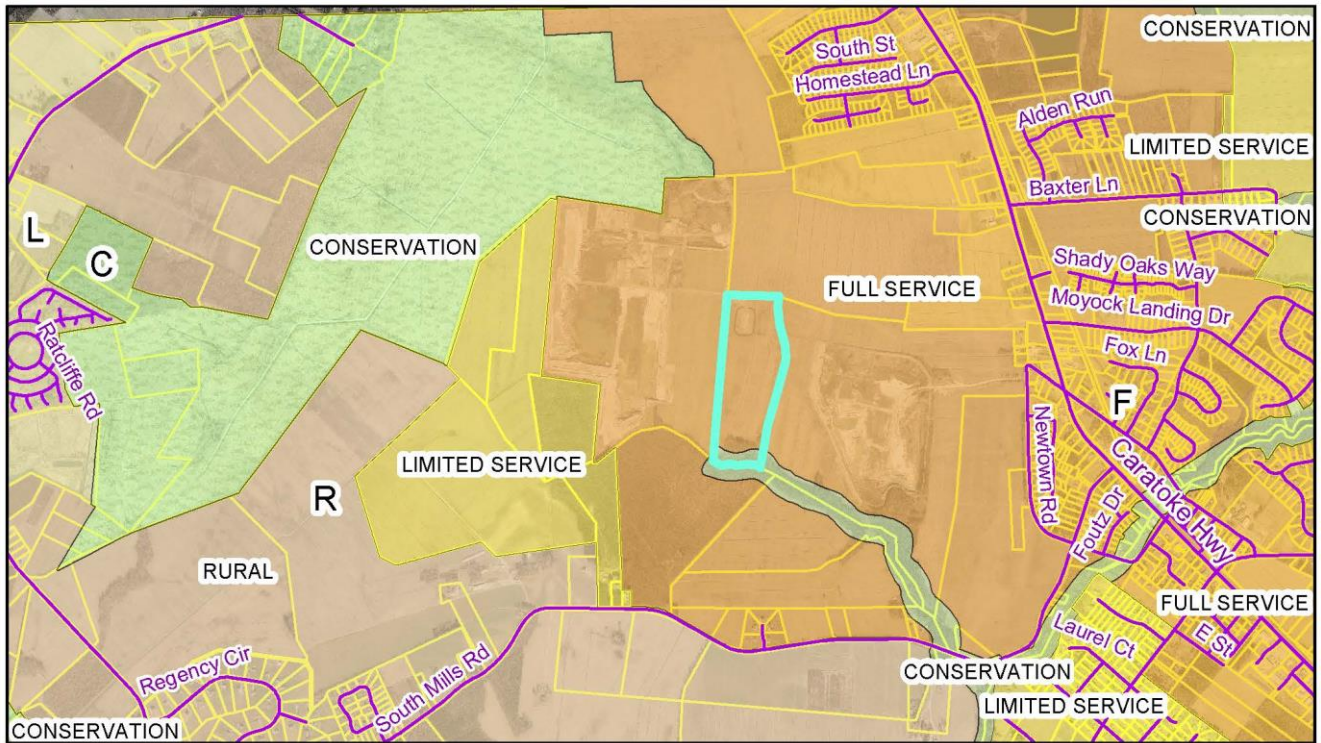


PB 19-29
Currituck County
2006 Land Use Plan

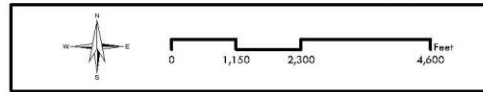


Currituck County
Planning and Community
Development

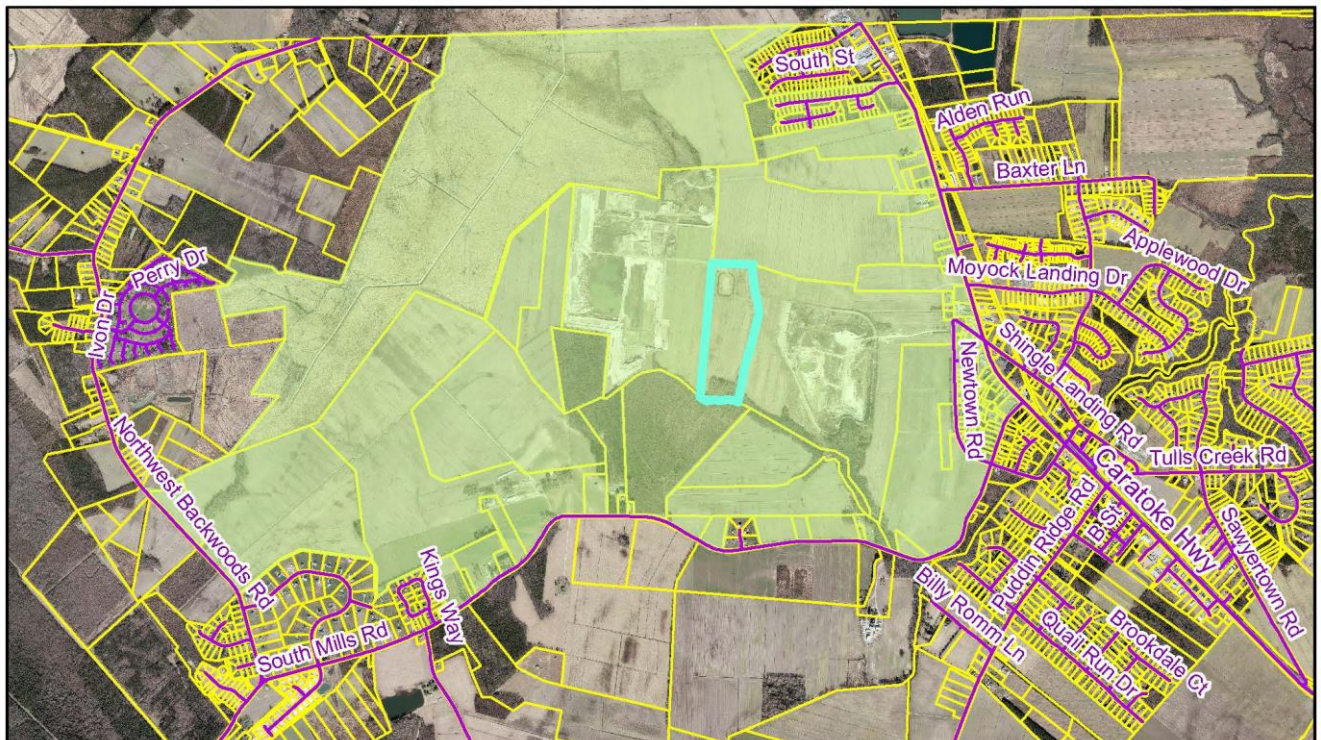
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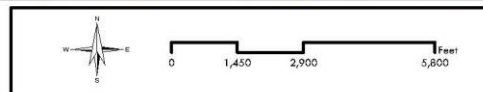
PB 19-29
Currituck County
Moyock Small Area Plan



Currituck County
Planning and Community
Development



PB 19-29
Currituck County
Currituck Station Boundary



Currituck County
Planning and Community
Development



MOYOCK REGIONAL WASTEWATER TREATMENT 200,000 GPD EXPANSION PLANT

OVERALL SITE PLAN

SEE SHEET C4 FOR
TRUCK TURNING
TEMPLATE

RESIDUAL PARCEL
SUBDIVISION TRACT 2
P.C. L. SL. 140
P.O. L. SL. 184
PARCEL 0009 000 0069 0000
NOW OR FORMERLY,
MOLLIE C. WINSLOW
P.O. BOX 215
MOYOCK, NC 27958
D.B. 81 PG. E/44

MOYOCK FARM ASSOCIATES
P.C. D. SL. 82
PARCEL 0009 000 050A 0000
NOW OR FORMERLY,
MOYOCK FARM ASSOCIATES, INC.
P.O. BOX 7100
VIRGINIA BEACH, VA 23457
D.B. 288 PG. 324

THRASHER MINE
PARCEL 0009 000 023A 0000
NOW OR FORMERLY,
MOYOCK PROPERTIES LLC
1600 LUDOW ROAD
CHESTER, VA 23020
D.B. 483 PG. 419

EXISTING 99,000 GPD
IFFAS TREATMENT PLANT

EXISTING WWTP
DISPOSAL

DISPOSAL BASIN #2

REPAIR BASIN

DISPOSAL BASIN #1

SEE SHEET C4 FOR
TRUCK TURNING
TEMPLATE

PROPOSED WASTEWATER
TREATMENT 200,000 GPD
EXPANSION PLANT

SHEET C2

GROUND
WATER
STILLING
BASIN

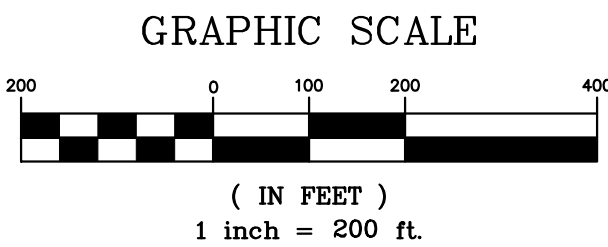
PARCEL 0009 000 049A 0000
NOW OR FORMERLY,
JAMES MARTIN JARVIS
P.O. BOX 609
MOYOCK, NC 27958
D.B. 1159 PG. 188
DB 245, PG 317 & DB 86, PG 483
PLAT PREPARED BY RUSSELL SNOWDEN FOR J.M. JARVIS, DATED JANUARY 27 &
FEBRUARY 3, 1937 (UNRECORDED)
(SEE ALSO PLAT IN DB 278, PG 542)
BOUNDARY LINE AGREEMENT PLAT PREPARED
BY QUILBE & ASSOCIATES, P.C., DATED AUGUST 08, 2010

TAX MAP 9, PARCEL 48
DB 636, PG 316
DB 400 PG 036

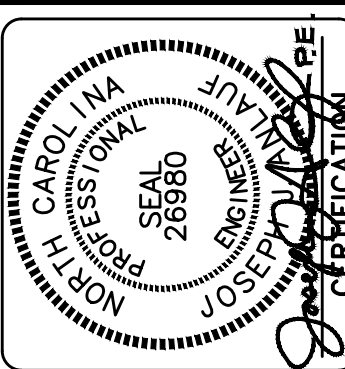
BOUNDARY LINE AGREEMENT PLAT PREPARED BY QUILBE &
ASSOCIATES, P.C., DATED AUGUST 08, 2010

DRAWING FILE: P1801-EXPANSION
PLOT SCALE: 1"=200'

NOTE: THE DATA GIVEN ON THESE PLANS IS BELIEVED
TO BE ACCURATE, BUT THE ACCURACY IS NOT
GUARANTEED. THE CONTRACTOR IS RESPONSIBLE
FOR VERIFYING ALL LEVELS, LOCATIONS, TYPES,
AND DIMENSIONS OF THE EXISTING UTILITIES
PRIOR TO CONSTRUCTION. IF A DISCREPANCY
IS FOUND, WORK SHALL CEASE AND THE ENGINEER
NOTIFIED. WORK MAY CONTINUE UPON ENGINEERS
NOTICE TO PROCEED.



- NOTES:**
- PROJECT TITLE: MOYOCK REGIONAL WASTEWATER TREATMENT 200,000 GPD EXPANSION PLANT
 - SUBJECT PROPERTY: TRACT 1 OF THE MOLLIE C. WINSLOW EXEMPT SUBDIVISION, MOYOCK TOWNSHIP, CURRITUCK COUNTY, NORTH CAROLINA
 - STREET ADDRESS: 471 WINSLOW ROAD, MOYOCK, NC 27958
 - CURRENT OWNER: CURRITUCK COUNTY, 153 COURTHOUSE ROAD, CURRITUCK, NC 27929
 - PROPERTY REFERENCE: PLAT CABINET L, SLIDE 140, DEED BOOK 1146 PAGE 223
 - PID: 0009 000 0698 0000 (GLOBAL PIN 8120-12-7402)
 - SUBJECT PROPERTY ACCESS: TRACT 1 IS ACCESSED OFF OF HIGHWAY 168 (CARATOKE HIGHWAY) BY WAY OF WINSLOW ROAD (60' R/W) AND A VARIABLE WIDTH (45' MIN.) ACCESS EASEMENT AS RECORDED IN PLAT CABINET L, SLIDE 140.
 - PROPERTY ACCESS OWNERSHIP: MOLLIE C. WINSLOW, BOX 215, MOYOCK, NC 27958
 - SUBJECT PROPERTY ZONING/USE: A (AGRICULTURAL)/FARM FIELD
 - ADJACENT PROPERTY ZONING/USE:
NORTH - A (AGRICULTURAL)/FARM FIELD
EAST - A (AGRICULTURAL)/THRASHER MINE AND FARM FIELD
SOUTH - A (AGRICULTURAL)/MOYOCK RUN
WEST - A (AGRICULTURAL)/FARM FIELD
 - SITE AREA: TRACT 1 - 2,963,387 SQ. FT., 68.030 ACRES
ACCESS EASEMENT - 321,026 SQ. FT., 7.370 ACRES
WINSLOW ROAD R/W - 15,480 SQ. FT., 0.355 ACRES
TOTAL PROJECT AREA = 3,299,893 SQ. FT., 75.755 ACRES
 - FEMA DATA: PROPERTY IS LOCATED IN F.I.R.M. ZONES "X" AND SHADED "X" (0.2%).
MAP NUMBER 3721802200K
DD: 370078, PANEL#: 8022
POLITICAL AREA: CURRITUCK COUNTY
PANEL EFFECTIVE DATE: 12/21/2018
SUBJECT TO CHANGE BY F.E.M.A.
 - BUILDING SETBACKS: FRONT - 20', SIDE - 15', REAR - 25'
 - PROPOSED DEVELOPMENT: 200,000 GPD WASTEWATER TREATMENT PLANT AND ASSOCIATED IMPROVEMENTS
 - WATER SUPPLY PER CURRITUCK COUNTY WATER DEPARTMENT, WATER CONNECTION MUST BE MADE IN ACCORDANCE WITH CURRITUCK COUNTY WATER SPECIFICATIONS AND SHALL BE PERFORMED BY A LICENSED WATER UTILITY CONTRACTOR. CONTRACTOR SHALL NOTIFY AND COORDINATE WITH CURRITUCK COUNTY WATER PRIOR TO INSTALLATION.
 - ALL UTILITIES TO BE PLACED UNDERGROUND UNLESS OTHERWISE NOTED
 - EXISTING VEGETATION TO BE PRESERVED WHERE POSSIBLE.
 - THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT ALL PROPERTY MONUMENTS DURING CONSTRUCTION. DISTURBED OR REMOVED PROPERTY MONUMENTS SHALL BE REPLACED BY A NORTH CAROLINA LICENSED PROFESSIONAL LAND SURVEYOR.
 - ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THESE DRAWINGS, APPLICABLE CURRITUCK COUNTY CODES AND ORDINANCES, AND NCDENR DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES REGULATIONS.
 - CONTRACTOR SHALL LOCATE EXISTING UNDERGROUND SERVICES AND UTILITIES - TO INCLUDE BUT NOT LIMITED TO ELECTRIC, CABLE, TELEPHONE, GAS, SANITARY SEWER AND WATER - AND SHALL COORDINATE PROPER PROTECTION AND/OR RELOCATE WITH APPROPRIATE OWNER/UTILITY COMPANY. THE LOCATION, DIMENSIONS, AND ELEVATION OF EXISTING UTILITIES SHOWN ARE BASED ON THE BEST AVAILABLE DATA AND ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY ALL DATA IN THE FIELD PRIOR TO CONSTRUCTION TO HIS/HER OWN SATISFACTION. THE CONTRACTOR SHALL PERFORM ANY TEST PIT WORK OR PROVIDE LOCATION SERVICES AS REQUIRED TO AVOID CONFLICTS WITH EXISTING UTILITIES. CONTACT NORTH CAROLINA ONE-CALL AT TELEPHONE NO. 1-800-632-4949, 3 FULL WORKING DAYS PRIOR TO PERFORMING ANY EXCAVATION TO HAVE UTILITIES MARKED.



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NO.	DATE	REVISIONS
1	10/24/2019	ADD GRINDER STATION
2	11/8/2019	AUD C4 - TRUCK TURNING
3	11/15/2019	BID SET

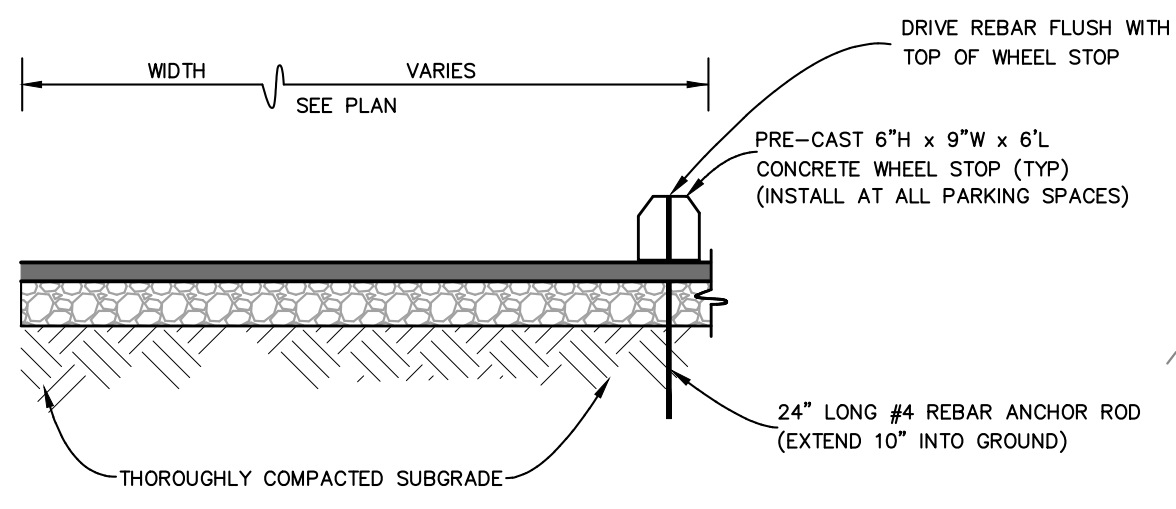
OVERALL SITE PLAN VIEW

**MOYOCK REGIONAL WWTP
200,000 GPD PLANT EXPANSION**

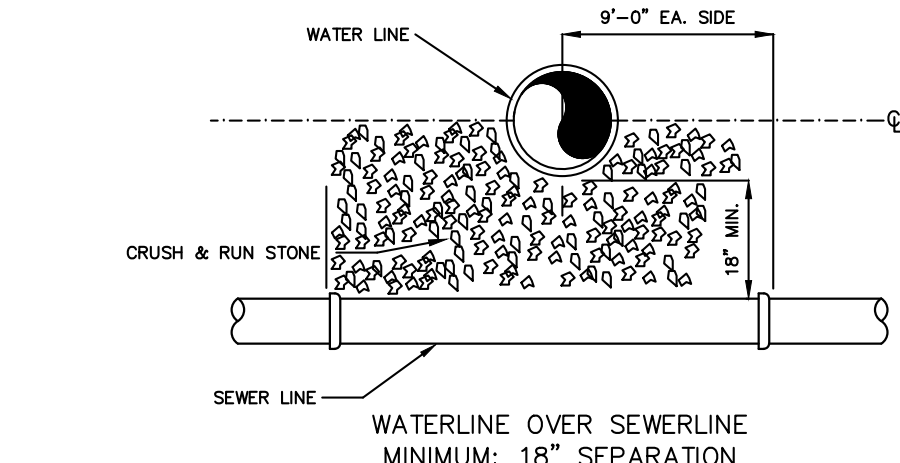
MOYOCK
CURRITUCK COUNTY
NORTH CAROLINA

COMMISSION NO.	P1801
DRAWN BY	JJA
CHECKED BY	JJA
ISSUE DATE	9/2/2019
SHEET NO.	C1
OF 4 SHEETS	

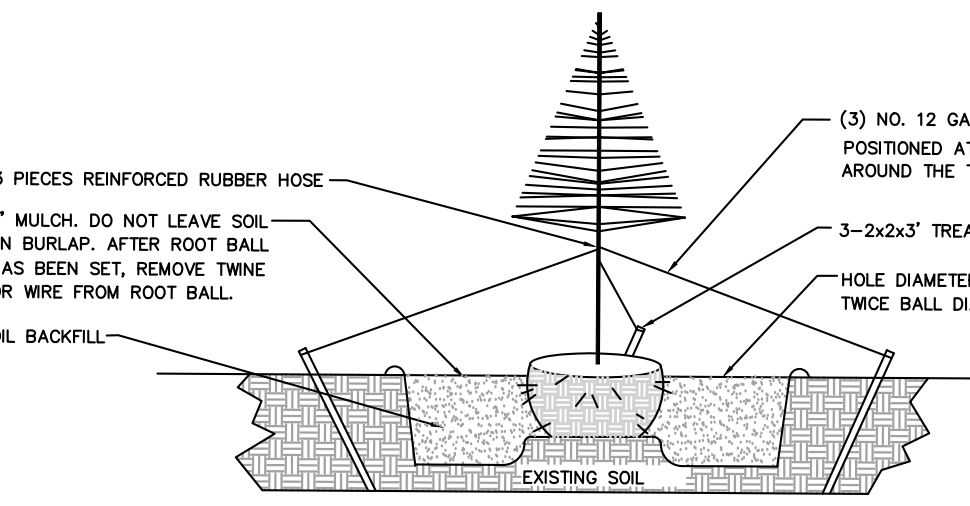
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WHEEL STOP DETAIL



WATER AND SEWER CROSSING



TREE PLANTING DETAIL

SYMBOL	QUANTITY	COMMON NAME	HEIGHT	SPREAD	MIN. SIZE @ PLANTING
	5	BALD CYPRESS*	50' - 100'	20' - 30'	2" CAL, 8' HT.
	5	EASTERN RED CEDAR*	30' - 40'	10' - 20'	2" CAL, 8' HT.
	5	HONEYLOCUST*	50' - 75'	25' - 40'	2" CAL, 8' HT.
	5	RED MAPLE*	40' - 50'	25' - 45'	2" CAL, 8' HT.
	16	PURPLE LEAF PLUM**	10' - 15'	8' - 10'	1.5" CAL, 6' HT.
	16	ACOMA CREPE MYRTLE**	6' - 10'	6' - 10'	1.5" CAL, 6' HT.
	6	DWARF AZALEA***	3' - 6'	3' - 6'	3 GALLON
	6	DWARF HORNED HOLLY***	3' - 4'	3' - 4'	3 GALLON
	6	DWARF YAUPON HOLLY***	3' - 5'	3' - 6'	3 GALLON
	6	GLOSSY ABELIA***	3' - 6'	3' - 6'	3 GALLON
	65	RUSSIAN OLIVE	3' - 6'	20'	1 GALLON

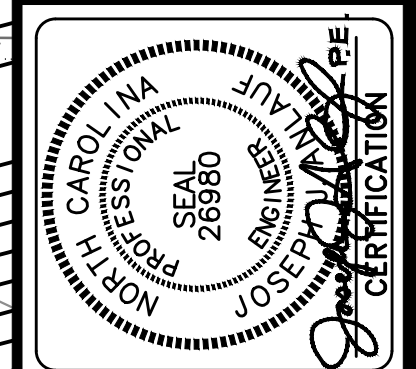
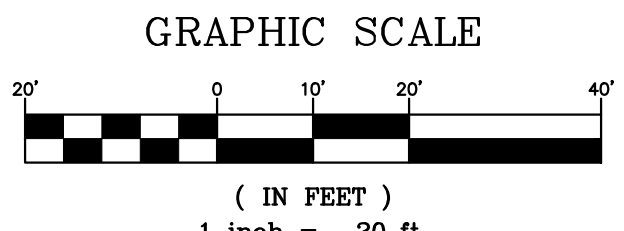
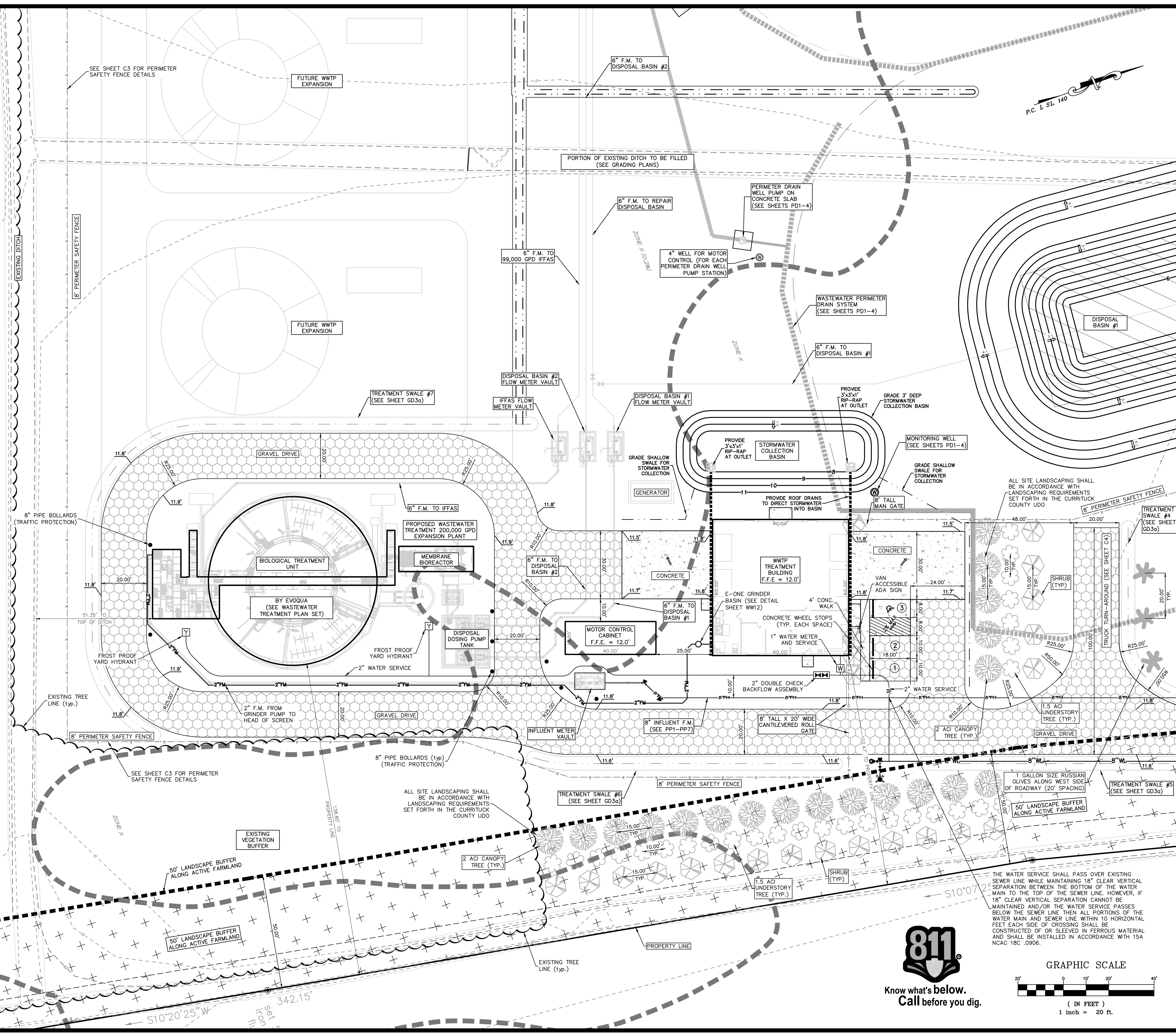
* CANOPY TREE SPECIES MAY BE SUBSTITUTED WITH THE SPECIES IDENTIFIED IN TABLE 3.4.6. OF THE CURRITUCK ADMINISTRATIVE MANUAL WITH COUNTY APPROVAL.

** UNDERSTORY TREE SPECIES MAY BE SUBSTITUTED WITH THE SPECIES IDENTIFIED IN TABLE 3.4.6. OF THE CURRITUCK ADMINISTRATIVE MANUAL WITH COUNTY APPROVAL.

*** COORDINATE INSTALLATION WITH OWNER. ORNAMENTAL SHRUB/GRASS SPECIES MAY BE SUBSTITUTED WITH THE SPECIES IDENTIFIED IN TABLE 3.4.6. OF THE CURRITUCK ADMINISTRATIVE MANUAL WITH COUNTY APPROVAL.

NOTE: CONTRACTOR SHALL CONFIRM SPECIES WITH ENGINEER AND CURRITUCK COUNTY PLANNING PRIOR TO PLANTING.

DRAWING FILE: P1801-EXPANSION
PLOT SCALE: 1"=200'



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NO.	DATE	REVISIONS
1	10/24/2019	ADD GRINDER STATION
2	11/8/2019	ADD C4 - TRUCK TURNING
3	11/15/2019	BID SET

FACILITY SITE & LANDSCAPE PLAN

MOYOCK REGIONAL WWT

200,000 GPD PLANT EXPANSION

MOYOCK

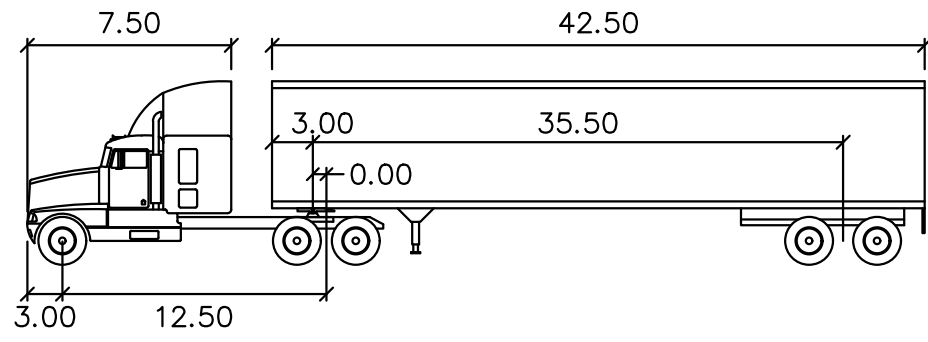
NORTH CAROLINA

CURRITUCK COUNTY

COMMISSION NO.	P1801
DESIGNED BY	JJA
DRAWN BY	JJA
CHECKED BY	JJA
ISSUE DATE	9/2/2019
SHEET NO.	C2
OF 4 SHEETS	



Know what's below.
Call before you dig.



WB-50
Tractor Width : 8.00
Trailer Width : 8.50

NOTE: THE DATA GIVEN ON THESE PLANS IS BELIEVED TO BE ACCURATE, BUT THE ACCURACY IS NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL LEVELS, LOCATIONS, TYPES, AND DIMENSIONS OF THE EXISTING UTILITIES PRIOR TO CONSTRUCTION. IF A DISCREPANCY IS FOUND, WORK SHALL CEASE AND THE ENGINEER NOTIFIED. WORK MAY CONTINUE UPON ENGINEERS NOTICE TO PROCEED.

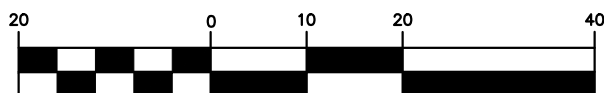
P.C. 1 SL 140

P.C. 1 SL 140

TYPICAL WB-50 VEHICLE
TRACKING SWEEP PATH

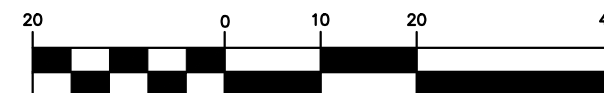
TYPICAL WB-50 VEHICLE
TRACKING SWEEP PATH

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

DRAWING FILE: P1801-EXPANSION
PLOT SCALE: 1"=200'

WB-50 TRUCK TURNING TEMPLATE

MOYOCK REGIONAL WWTP
200,000 GPD PLANT EXPANSION

MOYOCK
CURRITUCK COUNTY
NORTH CAROLINA

COMMISSION NO. P1801
DESIGNED BY JJA
DRAWN BY JJA
CHECKED BY JJA
ISSUE DATE 9/2/2019

SHEET NO. C4
OF 4 SHEETS

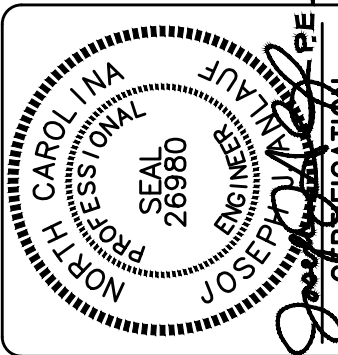
1 10/24/2019 ADD GRINDER STATION

2 11/8/2019 ADD C4 - TRUCK TURNING

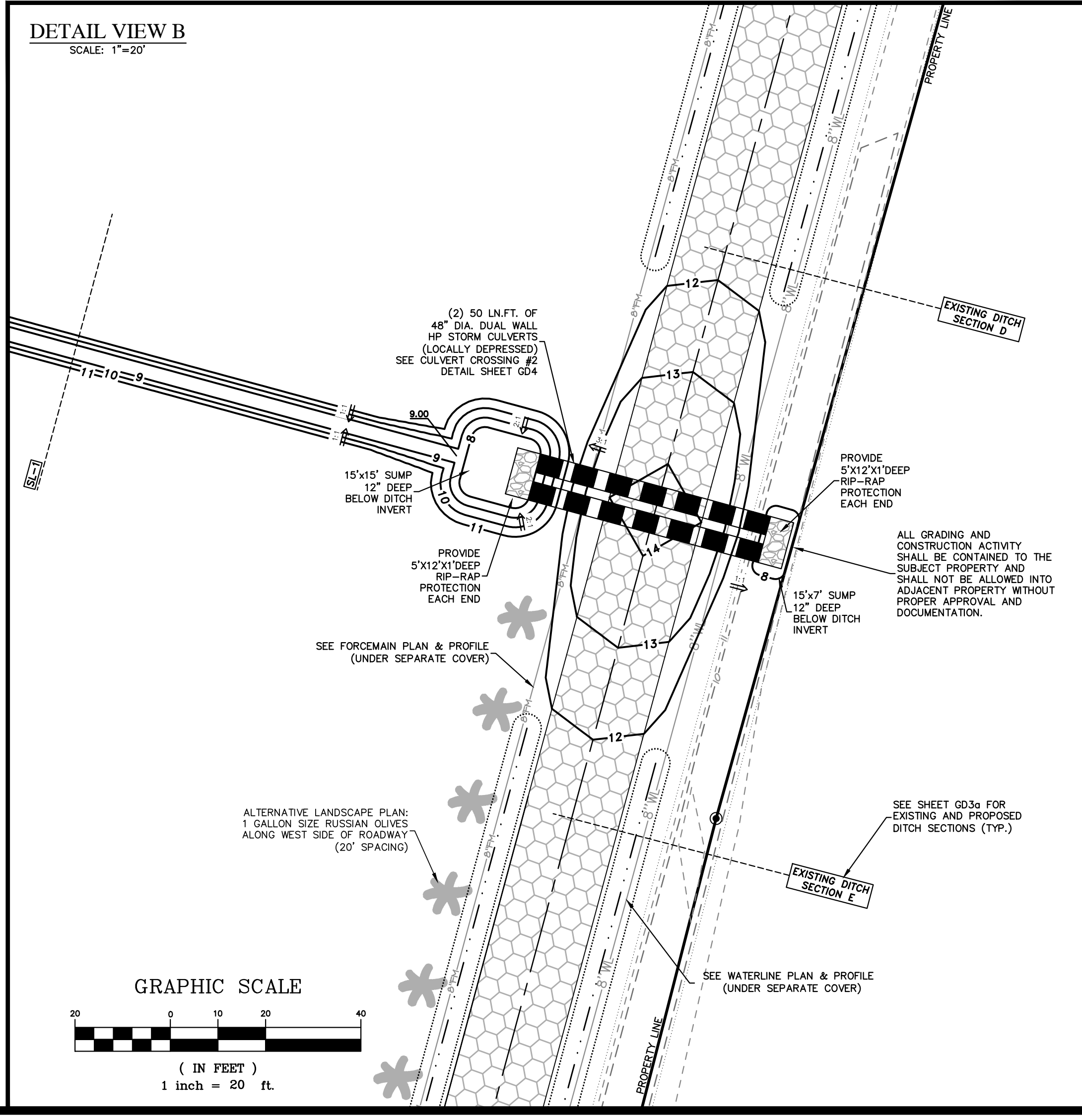
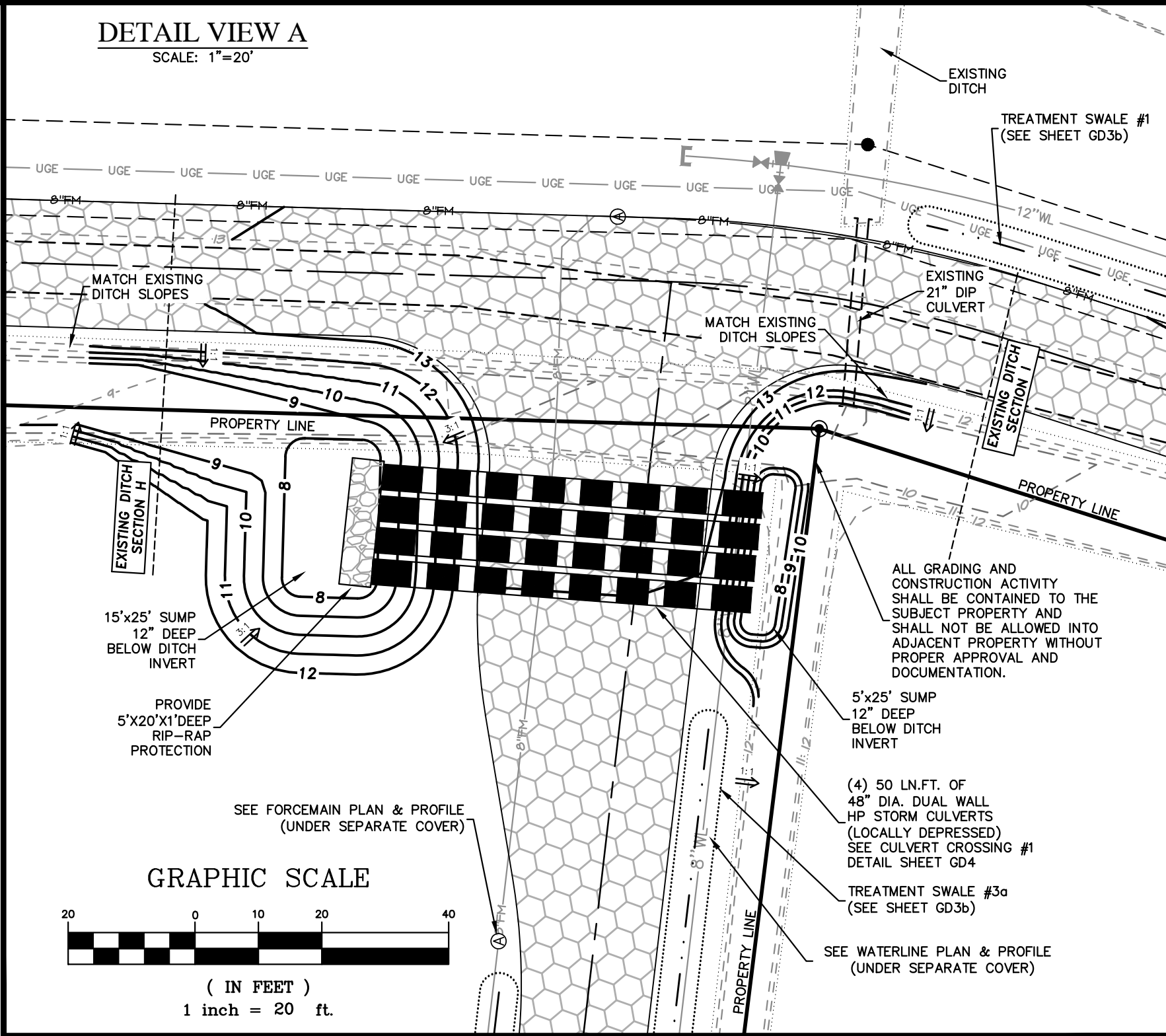
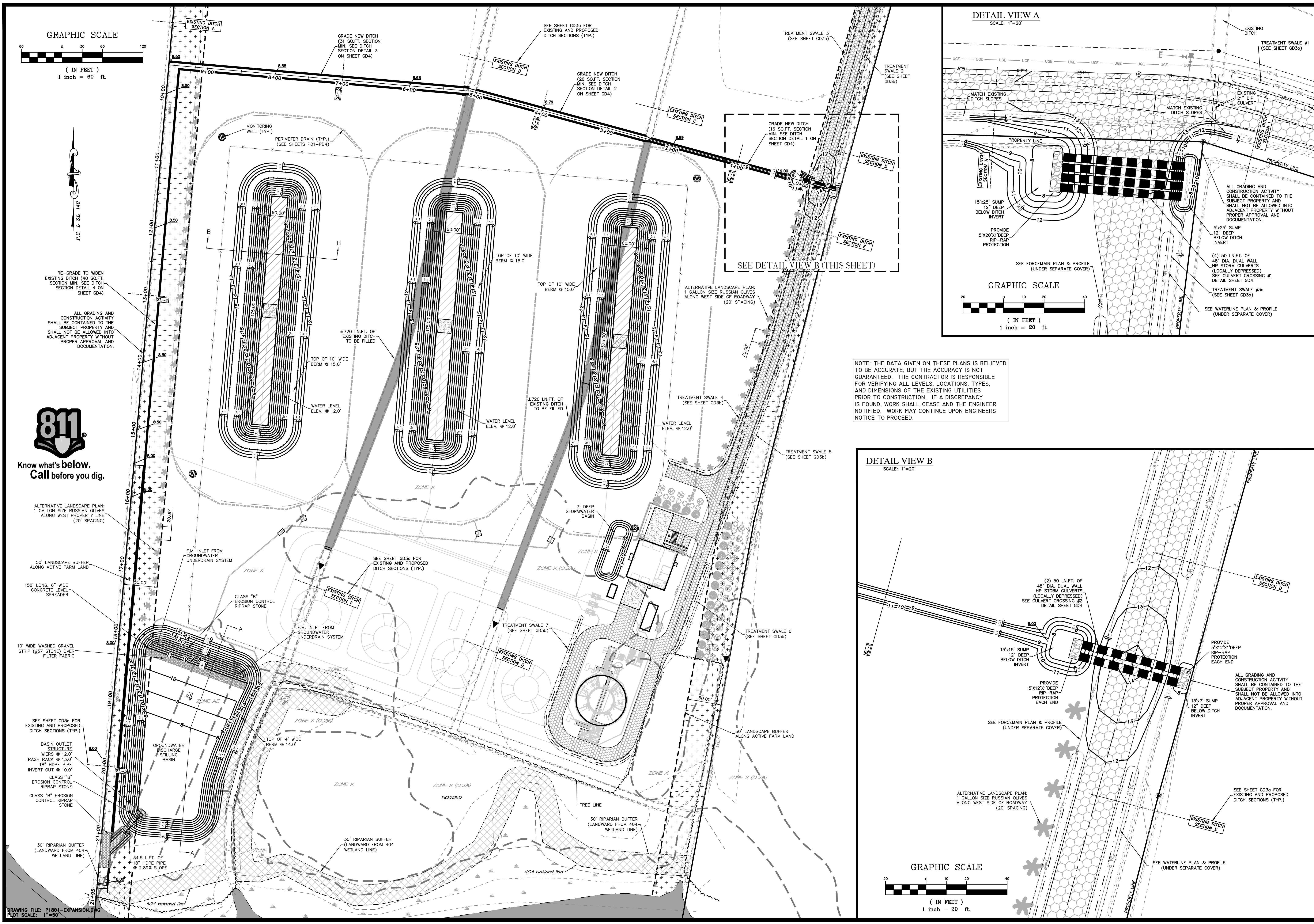
3 11/15/2019 BID SET

NO. DATE REVISIONS

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CIVIL ENGINEERING SERVICES
ANLAUF 204-COURTNEY - 472 W. PARKER ST. LITTLE ROCK, AR 72201-4874



Anlauf Engineering Services
CIVIL ENGINEERING SERVICES

COMMISSION NO. P1801
DESIGNED BY JJA
DRAWN BY JJA
CHECKED BY JJA
ISSUE DATE 9/2/2019
SHEET NO. GD2
OF 5 SHEETS

NO.	DATE	REVISIONS
1	10/25/2019	ADD TREATMENT SWALES AND SHEET 3b
2	11/19/2019	REVISIONS TO SESP
3	12/16/2019	ADD MARSH SYMBOLS TO WETLAND AREA
4	12/17/2019	TREC COMMENT REVISIONS

CULVERT CROSSING & DITCH GRADING

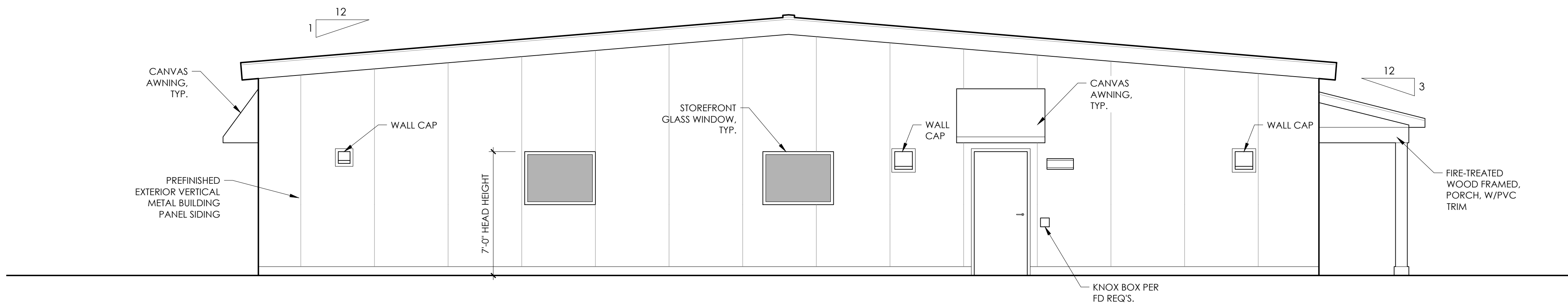
MOYOCK REGIONAL WWP

200,000 GPD PLANT EXPANSION

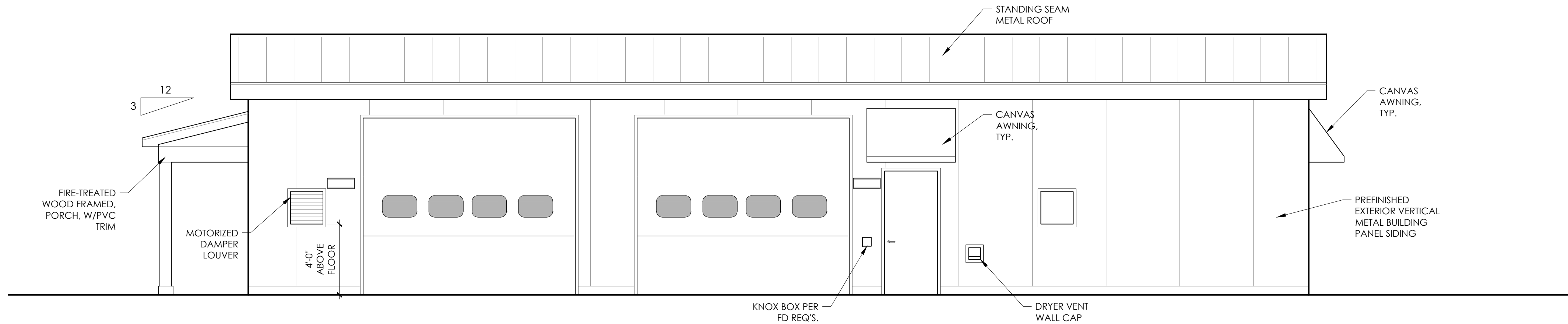
MOYOCK
CURRITUCK COUNTY
NORTH CAROLINA

Attachment: 3: Currituck Co WWP enlarged site plan (PB 19-29 Currituck County)

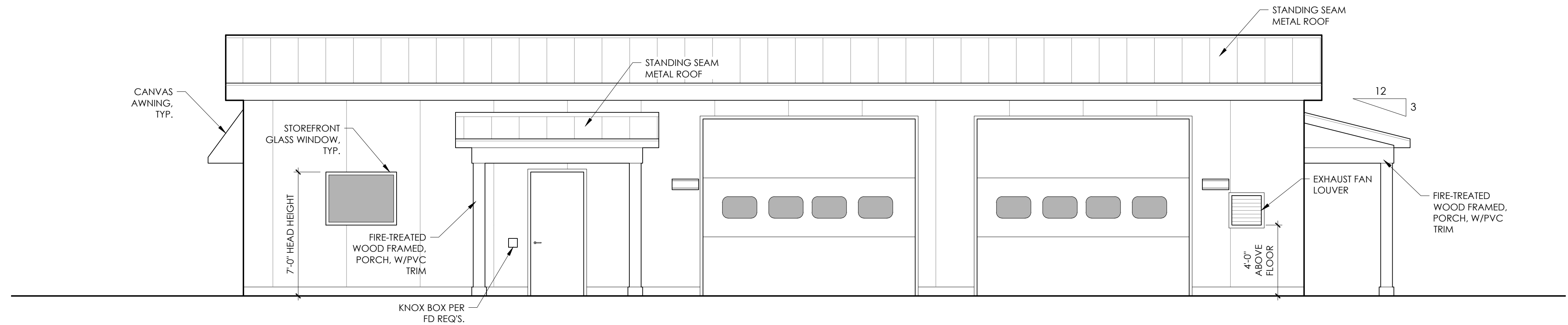
Packet Pg. 206



1 EXTERIOR ELEVATION
SCALE: $\frac{1}{4}" = 1'-0"$



2 EXTERIOR ELEVATION
SCALE: $\frac{1}{4}" = 1'-0"$



3 EXTERIOR ELEVATION
SCALE: $\frac{1}{4}" = 1'-0"$

ROOM FINISH SCHEDULE									
SPACE	FLOOR			BASE		WALLS		CEILING	
	THICKNESS	MATERIAL	FINISH	MATERIAL	FINISH	MATERIAL	FINISH	HEIGHT	MATERIAL
LAB	$\frac{3}{8}"$	LVT	PREFINISHED	4" VINYL	PREFINISHED	SMOOTH GWB (MR)	PAINTED	9'-0"	ACT
OFFICE #1	$\frac{3}{8}"$	LVT	PREFINISHED	4" VINYL	PREFINISHED	SMOOTH GWB (MR)	PAINTED	9'-0"	ACT
OFFICE #2	$\frac{3}{8}"$	LVT	PREFINISHED	4" VINYL	PREFINISHED	SMOOTH GWB (MR)	PAINTED	9'-0"	ACT
TOILET ROOM	$\frac{3}{8}"$	LVT	PREFINISHED	4" VINYL	PREFINISHED	SMOOTH GWB (MR)	PAINTED	9'-0"	ACT
LAUNDRY	$\frac{3}{8}"$	LVT	PREFINISHED	4" VINYL	PREFINISHED	SMOOTH GWB (MR)	PAINTED	9'-0"	ACT
UTILITY AREA	N/A	CONCRETE	SEALED	N/A	N/A	EXPOSED STRUCTURE	N/A	SLOPED	EXPOSED CEILING DECK

4 ROOM FINISH SCHEDULE
NOT TO SCALE

BEACON
ARCHITECTURE + DESIGN, P.L.L.C.
P.O. BOX 1827
KITTY HAWK, NC 27949
PH: (252) 441-6767, FAX (252) 261-6045

STRUCTURAL ENGINEER:
KITTY HAWK ENGINEERING
2036 CREEK ROAD
KITTY HAWK, NC 27949
PH: (252) 655-1056

PME ENGINEER:
PACE COLLABORATIVE
1277 PERIMETER PARKWAY
VIRGINIA BEACH, VA 23454
PH: (757) 499-7223

PROJECT NAME:
**MOYOCK REGIONAL
WASTEWATER
TREATMENT FACILITY**
471 WINSLOW ROAD
MOYOCK
NORTH CAROLINA

REVISIONS:	DATE:
CLIENT REVIEW	3 / 21 / 19
CLIENT REVIEW	6 / 21 / 19
75% BID DRAWINGS	10 / 25 / 19
COUNTRY TRC	12 / 17 / 19

DRAWING NAME:
**EXTERIOR
ELEVATIONS**

PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION:

DRAWN BY: CN

DATE: 12 / 17 / 19

SCALE: -

STAMP:
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PURPOSES ONLY AND IS NOT
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CONSTRUCTION DOCUMENTS
FROM THE ARCHITECT.

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SHEET:
A2.1



Use Permit Application

OFFICIAL USE ONLY:

Case Number: _____

Date Filed: 11-27-19Gate Keeper: 4W

Amount Paid: _____

Contact Information

APPLICANT:

Name: County of CurrituckAddress: 153 Courthouse RoadCurrituck, NC 27929Telephone: 252 232-6035E-Mail Address: eric.weatherly@currituckcountync.gov

PROPERTY OWNER:

Name: Same

Address: _____

Telephone: _____

E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: _____

Property Information

Physical Street Address: 501 Winslow RoadLocation: 501 Winslow RoadParcel Identification Number(s): 0009000069B0000Total Parcel(s) Acreage: 68Existing Land Use of Property: Wastewater Treatment Facility

Request

Project Name: Moyock Regional Wastewater Treatment Plant - 200,000 GPD ExpansionProposed Use of the Property: County wastewater treatment facilityDeed Book/Page Number and/or Plat Cabinet/Slide Number: DB 1146 / Page 223 / Plat Cabinet L / Slide 140Total square footage of land disturbance activity: 182,232 sfTotal lot coverage: 68 acresTotal vehicular use area: 55,388,026 (inc. easement)Existing gross floor area: 2000Proposed gross floor area: 5171

Community Meeting

Date Meeting Held: November 25, 2019Meeting Location: Moyock Library

Purpose of the Use Permit and Project Narrative (please provide on additional paper if needed): _____
Construction of a 200,000 gpd expansion of the existing 99,000 gpd wastewater treatment plant.
Project is part of a phased planned expansion of the wastewater treatment facility.
Purpose of the expansion is to provide buildout capacity of the current service area, plus provide
additional capacity for Currituck Station and commercial development along Hwy 168.

The applicant shall provide a response to the each one of the following issues. The Board of Commissioners must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Commissioners to issue the use permit.

- A. The use will not endanger the public health or safety.
The wastewater system will provide a high level of treatment for growth in a specified
area in lieu of on-site septic systems which may not function as well in the poor
soils of the service area.
- B. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
An appraisal report will be provided by the public hearing
- C. The use will be in conformity with the Land Use Plan or other officially adopted plan.
The wastewater facility is part of the Currituck Station plan.
- D. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.
The project will not exceed county's ability to provide adequate public facilities.

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.



 Property Owner(s)/Applicant*

November 26, 2019

Date

*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.

The use will not endanger the public health or safety.

1. The proposed wastewater treatment expansion will include advanced treatment equipment designed to treat high strength wastewater and perform nutrient removal. Nutrients targeted by this advanced treatment system include Nitrogen and Phosphorus which are common components of fertilizers. The plant expansion will work to improve the environment before these constituents can be introduced into the local ecosystem.
2. The plant expansion will include a new screen plant to process all of the flow tributary to the facilities in Moyock. The screen plant will work to mitigate the introduction of wastewater components that are proven to inhibit the wastewater treatment process. The plant expansion also includes a biological treatment unit and a membrane bioreactor that will work to remove pathogens from the treated effluent stream and by doing so will work to protect the groundwater resource and public health. The facility will be surrounded by chain link fence and access by the public will be prohibited. The facility itself will be located in a remote corner of the parcel and will be shrouded by both naturally occurring and planted landscaping plants.
3. The proposed plant expansion will include improvements to the existing gravel access road that will enhance access to the vicinity and public safety.
4. The proposed expansion will include the extension of potable water supply and fire suppression water which will work to offer further protections to the public.
5. The electric infrastructure will be extended as well to serve this plant.

The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

1. The existing public wastewater treatment plant was constructed in 2012.
2. The 2013 UDO requires a use permit for a major utility including but not limited to regional or community-wide wastewater treatment facilities.
3. The property contains 68.03 acres and adjoins farmland to the north, the Moyock Run to the south, farmland and mining to the east, and farmland and mining to the west.
4. The US Army Corps of Engineers identified 3.2 acres of the site as wetlands that are subject to Section 404 of the Clean Water Act. A 30 foot riparian buffer will be provided adjacent to the 404 wetlands, excluding the man-made ditches and ponds.
5. The proposed use is approximately one mile west of Caratoke Highway.
6. The existing use of the property includes a public wastewater treatment facility (major utility) that is permitted, designed, and constructed to treat 99,000 gpd of wastewater.
7. The expansion of the existing wastewater treatment facility will treat 200,000 gpd of wastewater. It is estimated the use can be expanded to approximately 800,000 to 1,000,000 gpd.
8. Currently, the closest residences or businesses are over 3,000 feet from the site.
9. There is no data showing impacts to properties over 1,000' from wastewater facilities.
10. Wastewater plants that are properly screened and operated are not shown to have negative impacts to adjoining or abutting lands.
11. Vegetative screening is proposed to meet the UDO standards.

The use will be in conformity with the Land Use Plan or other officially adopted plans.

1. The following 2006 Land Use Policy statements apply to the proposed request:
 - a. Policy AG3: County ACTIONS CONCERNING INFRASTRUCTURE (e.g. schools, parks, and utilities) and regulations shall serve to direct new development first to targeted growth areas near existing settlements identified as Full Service Areas on

- the Future Land Use Map, rather than leapfrogging to locations in the midst of farmland and green space identified as Rural and Conservation areas on the Future Land Use Map.
- b. Policy WS3: Currituck County endorses UTILITIES EXTENSION POLICIES that focus water and sewer services (1) within existing developed areas and in nearby targeted growth areas identified as Full Service and Limited Service areas, (2) where development densities would make the provision of all public services more efficient, (3) where the land is particularly well suited for development and (4) away from environmentally sensitive areas, such as areas with extensive wetlands or the northern beaches of the Outer Banks
 - c. Policy PP3: The costs of infrastructure, facilities and services (e.g. schools, parks, water supply, etc. related to the DEMAND CREATED BY NEW GROWTH AND DEVELOPMENT shall be borne, in equitable proportion by those creating the additional demand. So as to lessen the burden on the general property tax payer, this approach may include a land transfer tax, impact fees on new development, upzoning fees, and user fees for new facilities.
 - d. Policy ED2: CAPITAL EXPENDITURES for the purpose of economic development shall be targeted toward areas that are most suited for development. Targeted areas should include raw land as well as the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure. Targeted areas primarily include those located within the Full Service Areas identified on the Future Land Use Map and to the lesser extend those include in the Limited Service Area.
 - e. Policy CW1: Currituck County may elect to amend or incorporate adopted small area plans into the Land Use Plan as needed. This includes consideration of citizen initiated amendments or county led planning efforts that recognize changing demographic, economic, or environmental conditions.
2. The Moyock Small Area Plan policies apply to the proposed request:
 - a. The MSAP supplements the LUP to more specifically address the needs and issues of the study area and establishes a new focus for growth and development.
 - b. The Moyock Small Area Plan, adopted in 2014, identified this area as an employment activity area.
 - c. Policy IS 3: Recognize that water and sewer services have significant influence on growth and require that consideration be given to the placement of proposed utilities in perspective to desired growth patterns.
 3. The proposed request is consistent with the Moyock Mega Site Master Plan and Figure ES-1.
 4. The proposed request is consistent with the 2016 Feasibility Study that served as the guide for potential land use demands for the regional area known as the Moyock Mega Site (Currituck Station).

The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

1. The use provides additional wastewater facilities for the next phase of land use demands for Currituck Station.
2. The use will not increase or exceed the county's ability to provide services to schools, fire and rescue, and law enforcement.



Eric T. Weatherly, P.E.
County Engineer

Currituck County

153 Courthouse Road, Suite 302
Currituck, North Carolina 27929
252-232-6035
FAX 252-232-3298
Eric.Weatherly@CurrituckCountyNC.Gov

MEMORANDUM

Date: November 26, 2019

To: Currituck County Planning and Community Development

From: Eric Weatherly

RE: Moyock WWTP Expansion Use Permit
Community Meeting Minutes 11-25-19

A community meeting was held for a Use Permit application on 11-25-15 at 6:00pm at the Moyock Library. The purpose of the Use Permit is the Moyock Regional Wastewater Plant 200,000 GPD Expansion.

The following were in attendance:

- Danny and Kim Thrasher: Kim.Thrasher@choicehotels.com (757) 647-7901
- Charlie and Kathy Morris: (757) 439-0532
- Laurie LoCicero and Eric Weatherly with Currituck County
- Joe Anlauf and Mike Robinson with Anlauf Engineering

An overview of the project was presented by Eric Weatherly. He discussed: the 200,000 gpd expansion, the service area is commercial along Hwy 168 plus the Currituck Station development, will begin work in the spring 2020 with a one year construction period. Laurie LoCicero discussed the Currituck Station and the different types of planned development.

Thrasher asked questions about buffering. His questions got answered by reviewing the layout plan sheet.

Morris was concerned about maintaining the road to the plant and drainage. Anlauf discussed the road was 6" gravel. The current drainage patterns will be maintained, the culverts under the widened road will need to be extended. We will need to work with the farmer while he is in the field.



Currituck County

Department of Planning and Community Development
 153 Courthouse Road, Suite 110
 Currituck, North Carolina 27929
 252-232-3055
 FAX 252-232-3026

MEMORANDUM

To: Eric Weatherly, Currituck County Engineer
 Joe Anlauf, Anlauf Engineering, PLLC
 Mike Robinson

From: Planning Staff

Date: December 11, 2019

Re: PB 19-29 Currituck County Wastewater Treatment Facility Expansion TRC Comments

The following comments were received for the December 11, 2019 TRC meeting. In order to be scheduled for the January 6, 2020 Board of Commissioners meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on December 23, 2019. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Donna Voliva

Reviewed

1. Staff suggests the applicant provide additional language in response to the use permit criteria (application for use permit).
2. Consider using a material (such as metal) for all awning and canopy construction to reduce potential maintenance issues.
3. The use permit conceptual plan shall include the following:
 - a. Vicinity map showing the property's general location in relation to streets, railroads, and waterways.
 - b. Indicate the proposed access road improvements including easement location, culverts, apron, etc.
 - c. Provide landscape and riparian buffers.
 - d. Identify the 404 wetland boundary.
 - e. Provide the floor area calculations and total vehicular use area calculations (application).
 - f. Provide the existing floodway and AE flood zone on the property. The wastewater treatment facility may be located in the special flood hazard area only if the structure or tank is either elevated or floodproofed to the regulatory flood protection elevation and certified. In addition, protection shall be provided to minimize or eliminate infiltration of floodwaters into the system and minimize discharges from the system into floodwaters.
 - g. Clarify the shaded area on the plan.

Comments for site plan review:

1. Provide copies of all permits (E&S, stormwater, wastewater, NCDOT, etc.)
2. Provide the Dominion encroachment agreement.
3. Provide the farmland buffer adjacent to active farmland. (unless exempted as a utility use – alternative landscape)
4. Provide the landscape calculations (site landscaping,) An alternative landscaping plan may be provided if the proposed landscaping will interfere with the utility equipment or service. This also allows for a reduction in landscape requirements.
5. Clarify the plant species and locations for landscaping.

6. Provide vehicular use landscaping for parking spaces. (discuss proposed landscape plan)
7. Clarify the location of the trees (canopy trees).
8. Provide fence plans and confirm overall fence height and use of barbed wire. If necessary a security plan may be provided.
9. Provide an exterior lighting plan.

Currituck County Building and Fire Inspections (Bill Newns, 252-232-6023)

Approved

Inspection Comments:

1. Appendix B Building Code summary will be required including sealed PM& E's.
2. Building is a class III per table 1604.5 building and will need to be designed per Chapters 16 & 17 of the 2018 NC Building Code, special inspections will be required and special inspection agreement will need to be submitted with permit application detailing items required to be inspected by 3rd party and responsible person in charge of those inspections. Special inspection reports are to be provided to the Inspections Department.

Fire Comments:

1. Provide fire flow calculations with building plan submittal based on ISO Standard.
2. These are general notes are to maintain the site plan as designed and submitted:
 - a. A fire hydrant must be within 400' of all exterior portions of the structure. 600' if the structure has NFPA 13 sprinkler system installed.
 - b. Fences/barriers must not impede the fire hydrant access to site.
 - c. Gates/entrances to sites must be 20' clear width.
 - d. The fire apparatus must be able to come within 150' of all exterior portions of the structures. 200' if the structure has NFPA 13 sprinkler system installed.
 - e. Fire apparatus must not have to back up on an access road greater than 150' without a turnaround as indicated in appendix D of the NC Fire Code. The backing of 150' should be measured in a straight line.
 - f. Fire apparatus access must be at least 20' wide 13' 6" in height. Maximum slope shall not exceed 10%.
 - g. All portions of the fire apparatus access must be capable of 75,000lbs under all weather conditions.
 - h. Knox Box provided on buildings. (Coordinate location with the local VFD)
 - i. Mark fire hydrants locations in the center of road/street with blue reflectors, in the case of a gravel road mark the hydrant.

Currituck County GIS (Harry Lee, 252-232-4039)

Reviewed

1. The address of the new treatment building will be 471 Winslow Rd (Moyock).

Currituck Soil and Stormwater Manager (Dylan Lloyd 252-232-3360)

No Comment

Currituck County Engineer (Eric Weatherly, 252-232-6035)

Currituck County Public Utilities, Water (Yama Jones, 252-232-2769)

Currituck County Public Utilities, Wastewater (Will Rumsey, 252-6062)

Reviewed

NC Division of Coastal Management (Charlan Owens , 252-264-3901)

No Comment

Attachment: 7 Currituck Co WWTP UP SP TRC comments 12112019 (PB 19-29 Currituck County)

Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)

Reviewed

Each of these proposed developments will require a large wastewater treatment system that must be reviewed, approved and permitted by the NC Division of Water Quality (Washington Regional Office 252-946-9215).

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.

Attachment: 7 Currituck Co WWTP UP SP TRC comments 12112019 (PB 19-29 Currituck County)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2700)

Agenda Item Title

Moyock Stormwater Service District

Brief Description of Agenda Item:

Consideration of Consensus reappointments to the Moyock Watershed Advisory:

W. Charles Eley	Expiring 10-19-2020
Peggy Lusk	Expiring 10-19-2020
Wende Shannon	Expiring 10-19-2021
Ryan Hudgins	Expiring 10-19-2021

Nominees by Board consensus may also be submitted to fill the three vacant seats on the advisory. Appointee terms are as follows:

Cindy Arthur-Replacement will fill an Unexpired Term ending 10-19-2020.

David M. Plageman-Replacement will fill an Unexpired term ending 10-19-2021

Steven Vick-Replacement will fill and unexpired term ending 10-19-2021

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

MOYOCK WATERSHED ADVISORY BOARD
2-YEAR TERMS

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
W. Charles Eley	Consensus			April 16, 2018	1st October 19, 2018
Cindy Arthur	Consensus	Resigned		October 19, 2015	Initial October 19, 2016
David M. Plageman	Consensus	Resigned-Moving		April 16, 2018	1st October 19, 2019
Wende Shannon	Consensus			April 16, 2018	1st October 19, 2019
Ryan Hudgins	Consensus			April 16, 2018	1st October 19, 2019
Peggy Lusk	Consensus			April 16, 2018	1st October 19, 2018
Steven Vick, Sr.	Consensus	Moved Out of District		April 18, 2016	Initial October 19, 2017

All members eligible for two, two-year terms at initial expiration.

Must be replaced



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2702)

Agenda Item Title

Recreation Advisory

Brief Description of Agenda Item:

Commissioner Payment will nominate Harold Walston to serve on the Recreation Advisory to a term expiring January, 2022.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

RECREATION ADVISORY BOARD
2 Year Terms

Incumbent	District Served	New Appointee	Nominated by	Date of Appointment	End of Term
Ryan Hodges	District 1		Bob White	8/6/2018	2nd Term January 2020
Ted Jagucki	District 2		Selina Jarvis	6/19/2017	Unexp. Term January 2021
Robin Kane	District 3		Mike Payment	4/16/2018	2nd Term January 2020
Mike Fost	District 4		Paul Beaumont	2/18/2019	1st Term January 2021
Peter Aitken	District 5		Owen Etheridge	4/16/2016	2nd Term January 2020
Charles Pickell	At-Large		Kevin McCord	2/18/2019	Unexp Term January 2020
Mike Lane	At-Large		Kitty Etheridge		1st Term
				2/18/2019	January 2021

Commissioner McCord Serves on this Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2710)

Agenda Item Title

Amended Item-ABC Board

Brief Description of Agenda Item:

The agenda was amended and for the addition of an appointment to the ABC Board.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

**ABC BOARD
3 Year Terms**

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
O. Vance Aydlett, Jr.	Consensus			11/21/16	1st 9/1/2019
David Griggs*	Consensus			3/4/2019	2nd 2/16/2022
Harold Capps, Sr.	Consensus			01/18/2019	2nd 9/1/2021
Sybil O'Neal	Consensus			01/18/2019	1st 9/1/2021
Mike Payment	Consensus			Init Designation 2/2016	2/16/2019

Commissioner Payment serves on this Board

*Chairman-David Griggs designated June 6, 2016

Attachment: ABC Board Appointment Form (Amended Item-ABC Board)



CURRITUCK COUNTY NORTH CAROLINA

January 6, 2020

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 5:00 PM Minimum Lot Sizes, As Built Survey Amendment, Moyock Sewer Update, Sand Fencing

The Currituck County Board of Commissioners met in a Work Session in the Conference Room of the Historic Courthouse and discussed the following:

County Manager, Ben Stikeleather, recalled recent Strategic Planning Sessions where Commissioners discussed ways to slow growth in the Moyock area. Planning and Community Development Director Laurie LoCicero, and Assistant Planning Director Donna Voliva, presented options for Board consideration and suggested text amendments to the Unified Development Ordinance to require a larger minimum lot size or to reduce density requirements. After explanations of each, staff said addressing density is preferred, as these modifications can provide for more open space and natural areas, with less sprawl as would occur with larger minimum lot sizes. Commissioners asked staff to develop a scenario for each method, and a combination plan, to demonstrate what implementation would look like from the North Carolina/Virginia line in Moyock south to the Coinjock bridge.

Recent driveway installations that were considerably wider than the widths designated on subdivision plats resulted in a directive requiring county building inspectors to review plats to determine lot coverage as part of the inspection process. Ms. LoCicero presented challenges with the practice and recommended a change to the Unified Development Ordinance to require post construction, as-built surveys for all new construction going forward. Commissioners agreed to move forward and implement as-built survey requirements for lots up to 40,000 square feet.

Mr. Stikeleather provided a status update on the Moyock Wastewater Plant expansion. He said completion will likely be delayed until May, 2021, and presented bringing the Moyock Commons sewer plant back online as an option so sewer could be available for business hookups. He reported an initial, one-time cost of \$180,000 with an annual operating cost of \$155,000. Mr. Stikeleather presented the background info for further discussion at the upcoming Board retreat.

Mr. Stikeleather asked the Board if they would consider instituting a sand fencing grant program, similar to the beach planting grant, in the continued effort to help with dune preservation. After discussion, Commissioners agreed to move forward with a program and asked staff to work out the details for review at the upcoming Board retreat.

Communication: Minutes for January 6, 2020 (Approval Of Minutes-January 6, 2020)

Mr. Stikeleather reported Frank Bernard, who owns a camper and recreational vehicle sales business next door to the Currituck County Welcome Center, Moyock, asked if the county would be interested in selling him a strip of property behind the Welcome Center. Commissioners noted the land is already being used for his business, and Mr. Stikeleather recommended leasing the property to Mr. Bernard as opposed to selling. The Board agreed and Mr. Stikeleather said he would discuss a lease with Mr. Bernard.

There was no further discussion and the work session concluded at 5:50 PM.

6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners held its regular meeting at 6:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Bob White	Chairman	Present	
Mike H. Payment	Vice Chairman	Absent	
Paul M. Beaumont	Commissioner	Present	
J. Owen Etheridge	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	

Chairman White called the meeting to order.

A) Invocation & Pledge of Allegiance-Pastor David Clift, Moyock United Methodist Church

Pastor David Clift attended to offer the Invocation and lead the Pledge of Allegiance.

B) Approval of Agenda

Commissioner Jarvis moved to amend the agenda by changing Consent Agenda Item 6, the Resolution Celebrating the 100th Anniversary of the Passage of the Nineteenth Amendment, to the first item under New Business.

The motion was seconded by Commissioner Mary Etheridge. The motion carried.

Approved agenda:

Work Session

5:00 PM Minimum Lot Sizes, As Built Survey Amendment,
Moyock Sewer Update, Sand Fencing

6:00 PM Call to Order

- A) Invocation & Pledge of Allegiance-Pastor David Clift, Moyock United Methodist Church
- B) Approval of Agenda

Public Comment

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.

Commissioner's Report

County Manager's Report

Administrative Reports

- A) Recognition and Presentation of Advanced Law Enforcement Certificates and Sheriff Department Employee Recognition

New Business

- A) *Amended Item, Moved from Consent Agenda: Resolution Celebrating the 100th Anniversary of the Passage of the Nineteenth Amendment to the Constitution-League of Women Voters*
- B) Resolution Authorizing the Purchase of Kamstrup Meters from Fortiline, Inc. Through Sole Source Purchase
- C) Commissioner Travel-Chairman White, Visit NC Tourism Conference
- D) Commissioner Travel-Commissioner Payment, Leading the Way to Board Excellence-UNC School of Government
- E) **Board Appointments**
 - 1. Fire and EMS Advisory
 - 2. Library Board of Trustees
 - 3. Recreation Advisory
 - 4. Senior Citizens Advisory
- F) **Consent Agenda**
 - 1. Approval Of Minutes-December 2, 2019, and December 20, 2019
 - 2. Budget Amendments
 - 3. Project Ordinance-Griggs Elementary HVAC Replacement

4. Project Ordinance-Central Elementary Roof Replacement
5. Resolution Opposing Reclassification of Jurisdictional Waters
6. Proclamation Supporting National Radon Action Month
7. Surplus Resolution-Fire & EMS AED
8. Surplus Resolution-Transfer Station Scales
9. Surplus Resolution-Rodeo Ring Fencing, CCRC
10. JCPC Funding Plan
11. Corolla Volunteer Fire Department-Fire Protection Equipment Purchase
12. Personnel Policy Revisions
13. Job Description Revision-Fire and EMS Lieutenant, Shift Supervisor
14. Cooperative Extension Fee Waiver-Moyock High School Reunion

Closed Session

Closed Session Pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter

Adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

PUBLIC COMMENT

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.

Samantha Williamson, a resident of Brady Landing Airpark in Maple, described receiving a notice from her subdivision's homeowner association (HOA) regarding a complaint they received about her running a home day-care business from her residence. Resulting litigation ultimately caused her to have to shut down the business. She said the HOA argued her business violates language in the county code and that it jeopardized the Through the Fence easement agreement in place that provides direct airport access for residents. She asked the Board to intervene on her behalf. Ms. Williamson responded to Commissioner questions and clarified she received HOA approval to operate the daycare prior to purchasing her home. Commissioner Beaumont said he was familiar with the case and that several misrepresentations were made by the HOA pertaining to county regulations during their court proceeding to seek an injunction against Ms. Williamson.

Cathi Feiock spoke on behalf of Ms. Williamson and said she and her husband sold their house to Ms. Williamson, which is located next door to their current residence. She also reported no issues were raised by the HOA when she discussed Ms. Williamson's intent to operate a home based daycare at the residence. She described how the HOA went immediately to a civil suit, skipping mediation, and asked the Board to assist in demonstrating that the day care business does not jeopardize the Through the Fence easement agreement.

County Attorney, Ike McRee, clarified the Through the Fence agreement is only relevant to the Federal Aviation Administration and aeronautical business. Commissioner Beaumont said he has witnessed individuals in the airpark violate the terms of the easement. Mr. McRee confirmed use of the gate for other than aircraft is a definitive violation, and terms provide for consequences or revocation should the county choose to do so.

COMMISSIONER'S REPORT

Chairman White recognized Commissioner Payment's absence due to the loss of his brother-in-law and offered his condolences. He remembered former Commissioner Marion Gilbert, who recently passed, and honored her service to the county and her work with Currituck Kids. A review of county projects of the past year and those upcoming were presented, and he discussed the recent Strategic Planning Sessions where Commissioners participated in visioning and planning exercises. He noted the upcoming Budget sessions and work with the Board of Education on new school construction. The Chairman said he looks forward to working with fellow Board members in 2020.

Commissioner Mary Etheridge discussed the Womens Suffrage Resolution on the agenda celebrating the 100th anniversary of the passage of the nineteenth amendment, which she said passed by only one vote. She said voting does change the course of history and spoke of the importance of free elections and to cherish the privilege. She encouraged all to vote in the March 3, 2020 primary election.

Commissioner McCord also acknowledged former Commissioner, Marion Gilbert, and her work in the community and with Currituck Kids. He remembered other members of the Currituck County community who were lost in 2019. He wished everyone a Happy New Year and looks forward to the good things to come in 2020.

J. Owen Etheridge discussed challenges with social media and said it is the one main difference from when he initially served in 1994. He discussed the authority granted to the Board by the state and said he looks at challenges and criticisms from the public as an opportunity. He talked of his long history of service and said he will continue to work to help people in the county. He wished everyone a Happy 2020.

Commissioner Jarvis said she is both thankful and grateful for the opportunity to serve as Commissioner. She looks forward to serving on the Juvenile Crime Prevention Council after attending her first meeting in December. Ms. Jarvis said she, along with Planning Director, Laurie LoCicero, and County Attorney, Ike McRee, recently presented at a Chamber of Commerce leadership class on county government. She discussed the upcoming Citizens Academy and encouraged everyone to read about it in the FOCUS or on the county website. She looks forward to another year of service.

COUNTY MANAGER'S REPORT

County Manager, Ben Stikeleather, encouraged those interested in the Citizens Academy to contact the county's Public Information office for information. He said two sessions are planned, a spring session on the mainland and a fall session in Corolla. He announced the success of the Travel & Tourism Department's new event assistance grant program and said nine applications have been received. He announced the Department of Social Services assisted over 300 children through the Operation Santa Clause program this holiday season. Mr. Stikeleather offered his thanks to the Board for their show of support and concern during his son's illness.

ADMINISTRATIVE REPORTS

A. Recognition and Presentation of Advanced Law Enforcement Certificates and Sheriff Department Employee Recognition

Currituck County Sheriff, Matt Beickert, recognized members of the Currituck County Sheriff's Department who achieved the North Carolina Advanced Law Enforcement Certifications. Sheriff Beickert read the certificate and recipients were presented with a framed copy. Those honored were Deputy Neel Smith, Deputy Patrick Morgan, Deputy Wesley Alcott, Sergeant William Davenport and Sergeant Kevin McCord, who also serves as a County Commissioner.

Sheriff Beickert recognized Swaney Dudley on her recent promotion to Sergeant of the Detective Division. Sheriff Beickert thanked all of the officers, the Board of Commissioners and citizens of the county.

Commissioner J. Owen Etheridge took a moment to announce Law Enforcement Appreciation Day is Thursday, January 9, 2020, and asked citizens to be sure to thank law enforcement officers for their service.

NEW BUSINESS

A. Resolution Celebrating the 100th Anniversary of the Passage of the Nineteenth Amendment to the Constitution-League of Women Voters

Commissioner Jarvis discussed today's role of women in the country and the wisdom of those who voted to allow women the right to vote 100 years ago. Commissioner Jarvis read the Resolution Celebrating the 100th Anniversary of the Passage of the Nineteenth Amendment to the Constitution of the United States for Board consideration. Commissioner Mary Etheridge seconded and the Resolution was adopted unanimously.

**Resolution of the Board of
Commissioners Celebrating the League
of Women Voters and the 100th
Anniversary of Passage of the
Nineteenth Amendment to the US**

Constitution

WHEREAS, an organized movement to enfranchise women began in July, 1848, at a convention in Seneca Falls, New York; and

WHEREAS, through the efforts of brave and courageous women referred to as suffragists who sacrificed family, their personal life and their financial resources for over seventy years to gain equal rights for women, especially the right to vote; and

WHEREAS, women and men, black and white, supported the woman's suffrage movement for women to gain the constitutional right of having a voice in making the laws that govern them; and

WHEREAS, the woman's suffrage movement led to the passage of the 19th Amendment to the Constitution of the United States in 1919, with ratification by the states by the summer of 1920; and

WHEREAS, the National Woman's Suffrage Association dissolved in 1920 to create the League of Women Voters of the US to register voters and educate all voters; and

WHEREAS, the League of Women Voters of North Carolina was launched on October 7, 1920, on the steps of the Guilford County Courthouse by Gertrude Weil, a politically active and tireless young woman from Goldsboro, North Carolina; and

WHEREAS, more than 120,000 women were registered to vote in North Carolina by 1920; and

WHEREAS, women today constitute a majority vote in our state and the US and are running for office in higher numbers and more active in the election process than ever before in history.

THEREFORE, BE IT RESOLVED, that the 100th anniversary of women gaining the right to vote and the founding of the League of Women Voters in the United States and in North Carolina is recognized for the impact these historic accomplishments have on citizen engagement and the civic life of the community, the state and the nation.

ADOPTED this the 6th day of January, 2020.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

B. Resolution Authorizing the Purchase of Kamstrup Meters from Fortiline, Inc. Through Sole Source Purchase

County Attorney, Ike McRee, reviewed the Sole Source Purchase Resolution and the bid exception that allows a local government to purchase equipment for standardization and compatibility purposes. Staff recommended approval the Sole Source Resolution was approved unanimously by consensus.

**RESOLUTION AUTHORIZING THE PURCHASE OF KAMSTRUP METERS FROM FORTILINE, INC. THROUGH SOLE SOURCE PURCHASE
PURSUANT TO N.C. GEN. STAT. §143-129(e)(6)**

WHEREAS, N.C. Gen. Stat. §143-129(e)(6) authorizes a unit of local government to purchase apparatus, supplies, materials or equipment when standardization or compatibility is an overriding consideration; and

WHEREAS, proper functioning of the county's Mainland Water System requires replacement meters compatible with existing systems equipment and;

WHEREAS, as the sole and exclusive distributor of Kamstrup AMR and AMI meters in the State of North Carolina, Fortiline, Inc. is the only entity capable of providing the county with meters compatible with current Mainland Water System equipment and operational systems, and

WHEREAS, Mainland Water System has been using Fortiline, Inc. to construct, develop and upgrade its system; and

WHEREAS, Mainland Water Department needs replacement meters and Fortiline, Inc. is the sole supplier of compatible meters; and

WHEREAS, Fortiline, Inc. is supplying Mainland Water Department with 386 5/8x3/4 FlowIQ 2100 Kamstrup meters at a cost of \$160/meter; and

WHEREAS, the total cost for the Mainland Water Department meter purchase is \$65,928.80.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County, North Carolina as follows:

Section 1. The County of Currituck is authorized to enter into a contract in the amount of \$65,928.80 with Fortiline, Inc. for the sole source purchase of FlowIQ 2100 Kamstrup meters in accordance with the sole source provision requirements set forth by N.C. Gen. Stat. §143-129(e)(6). Further, the County Manager is authorized to execute the agreement with Fortiline, Inc. for the acquisition apparatus, materials, and equipment acquisition described in this resolution and the proposed contract.

Section 2. This resolution shall be effective upon its adoption.

This the 6th day of January, 2020.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

C. Commissioner Travel-Chairman White, Visit NC Tourism Conference

Chairman White discussed the travel policy adopted by the Board of Commissioners. He described the approval process so the public and other Commissioners are aware of any Board travel.

Commissioner Mary Etheridge moved to approve the travel request. The motion was seconded by Commissioner Beaumont. The motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

D. Commissioner Travel-Commissioner Payment, Leading the Way to Board Excellence-UNC School of Government

Chairman White reviewed the travel request for Commissioner Payment to attend University of North Carolina School of Government Classes.

Commissioner Beaumont moved for approval and the motion was seconded by Commissioner Jarvis. The motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

E) Board Appointments

1. Fire and EMS Advisory

Commissioner Beaumont nominated Ryland Poyner to serve as the Fire representative on the Fire and Emergency Medical Services Advisory, replacing Robert Pervere. Commissioner J. Owen Etheridge seconded and the nominee was approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	J. Owen Etheridge, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

2. Library Board of Trustees

Commissioner Jarvis moved to approve Commissioner Payment's nominee, Charlotte Martin, to the Library Board of Trustees. The motion was seconded by Commissioner McCord. The motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

3. Recreation Advisory

Commissioner Jarvis nominated Ted Jagucki for appointment to the Recreation Advisory. Commissioner Mary Etheridge seconded and the nominee was approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

4. Senior Citizens Advisory

Commissioner McCord moved for approval of nominees to the Senior Citizens Advisory. The motion was seconded by Commissioner Beaumont. The motion carried.

Commissioner Jarvis nominated Roberta Defenbaugh to serve a full term expiring February 1, 2022.

Betty Fairchild, Alisa Hugdahl, and Janet Taylor were nominated for reappointment to serve full terms expiring February 1, 2022.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin E. McCord, Commissioner
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

F) Consent Agenda

Ben Stikeleather, County Manager, reviewed Item 11 under Consent Agenda, the Corolla Volunteer Fire Department request to purchase equipment needed for rechargeable airpaks. He said some documents included are credits and that only the invoice is to be paid.

Commissioner J. Owen Etheridge moved to approve the Consent Agenda. The motion was seconded by Commissioner McCord. The motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	J. Owen Etheridge, Commissioner
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

1) Approval Of Minutes-December 2, 2019, and December 20, 2019

1. Minutes for December 2, 2019

2. Special Meeting-December 20, 2019

2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10794-545000	PASS	\$ 9,317	
10794-545002	Restitution	3,598	
10794-545005	JCPC Council	2,955	
10330-447000	Juvenile Crime Prevention Control		\$ 15,870
		<u>\$ 15,870</u>	<u>\$ 15,870</u>
Explanation:	JCPC (10794) - Increase appropriations to record JCPC Expansion funding for Raise the Age. No County match is required for this new funding for this fiscal year.		
Net Budget Effect:	Operating Fund (10) - Increased by \$18,850.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
61818-590000	Capital outlay		\$ 1,500
61818-533200	Lab tests	\$ 1,500	
		<u>\$ 1,500</u>	<u>\$ 1,500</u>
Explanation:	Mainland Water (61818) - Transfer budgeted funds for additional lab testing in Mainland Water operations.		
Net Budget Effect:	Mainland Water Fund (61) - No change.		

Communication: Minutes for January 6, 2020 (Approval Of Minutes-January 6, 2020)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10750-590000	Capital Outlay		\$ 4,398
10750-545000	Contracted Services	\$ 4,398	
		\$ 4,398	\$ 4,398

Explanation: Social Services (10795) - Transfer funds for installation of automatic door at the Social Services building.

Net Budget Effect: Operating Fund (10) - No change.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10330-445000	Emergency Management Grant		\$ 2,000
10531 532000	Supplies	\$ 2,000	
		\$ 2,000	\$ 2,000

Explanation: Emergency Management (10531) - 2019 TIER II GRANT - To be used for a communications exercise by the Outer Banks Regional Local Emergency Planning Committee. Funding will be reimbursed by NC Dept. of Public Safety. MOA agreement #1815

Net Budget Effect: Operating Fund (10) - Increased by \$2,000.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10510-540000	Workers Compensation	\$ 14,544	
10530-540000	Workers Compensation	\$ 8,916	
10960-539000	Unemployment Compensation		\$ 17,429
10380-481000	Investment Earnings		\$ 6,031
		\$ 23,460	\$ 23,460

Explanation: Sheriff (10510); Emergency Medical Services (10530) - Increase appropriation for the Worker's Compensation audit to accommodate for more salaries paid that estimated in the prior year.

Net Budget Effect: Operating Fund (10) - Increased by \$6,031

Communication: Minutes for January 6, 2020 (Approval Of Minutes-January 6, 2020)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
67380-484001	Insurance Recovery		\$ 1,888
67878-545000	Contract Services	\$ 1,888	
		\$ 1,888	\$ 1,888

Explanation: Mainland Central Sewer (67878) - Increase appropriations to record insurance payment to repair fence at Waterside Villages/Walnut Island pump station.

Net Budget Effect: Mainland Central Sewer Fund (67) - Increased by \$1,888.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10441-557100	Software License Fees	\$ 11,000	
10441-532000	Supplies	4,000	
10441-553000	Dues & Subscriptions	11	
10441-502000	Salaries		\$ 5,011
10441-506000	Insurance Expense		10,000
		\$ 15,011	\$ 15,011

Explanation: Information Technology (10441) - Transfer funds for increase in software license fees for e-mail server and for additional supplies needed for the Windows 10 conversion. This will be funded through lapsed salary from position vacancies.

Net Budget Effect: Operating Fund (10) - No change.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
220548-511010	Data Transmission	\$ 500	
220548-514000	Travel		\$ 500
210541-511010	Data Transmission	\$ 915	
210541-514000	Travel		\$ 915
		\$ 1,415	\$ 1,415

Explanation: Corolla Fire Services (210541); Knotts Island Fire Services (220548) - Transfer budgeted funds for data transmission.

Net Budget Effect: Corolla Fire Services Fund (210) - No change.
Knotts Island Fire Services Fund (220) - No change.

Communication: Minutes for January 6, 2020 (Approval Of Minutes-January 6, 2020)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10511-547000	Meals		\$ 6,000
10511-516000	Repairs & Maintenance	\$ 6,000	
		\$ 6,000	\$ 6,000
Explanation:	Detention Center (10511) - Transfer funds for repairs to the Detention Center due to water damage.		
Net Budget Effect:	Operating Fund (10) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10490-590003	Capital Outlay		\$ 34,828
10490-561000	Professional Services	\$ 34,828	
		\$ 34,828	\$ 34,828
Explanation:	Court Facilities (10490) - Move from Capital to Professional services for Architect to prepare bid, drawings and specification to replace the failing EIFS veneer at the Judicial building .		
Net Budget Effect:	Operating Fund (10) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10460-545000	Contract Services		\$ 2,000
10460-514000	Travel	\$ 1,000	
10460-514500	Traning & Education	\$ 1,000	
		\$ 2,000	\$ 2,000
Explanation:	Public Works (10460) - Transfer budgeted funds from contract services to send Public Works staff to Facility Dude conference. Facility Dude is our workorder software.		
Net Budget Effect:	Operating Fund (10) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10512-502000	Salaries - Regular	\$ 18,037	
10512-503500	Temporary Services	\$ 7,500	
10512-505000	FICA Expense	\$ 1,955	
10512-506000	Health Insurance	\$ 5,287	
10512-507000	Retirement Expense	\$ 2,652	
10390-499900	Appropriated fund balance		\$ 35,431
		\$ 35,431	\$ 35,431
Explanation: Animal Services and Control (10512) - Increase appropriations to add an additional animal control officer and for temporary services to cover the animal shelter during vancancies due to FMLA.			
Net Budget Effect: Operating Fund (10) - Increased by \$35,431.			

3. Project Ordinance-Griggs Elementary HVAC Replacement

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is to replace seven HVAC units at Griggs Elementary School.

SECTION 2. The following amounts are appropriated for the project:

Central Elem Sch - Replace Ctr Wing Roof Jan 2020	\$ 150,000
	<u>\$ 150,000</u>

SECTION 3. The following funds are available to complete this project:

Lottery Funds	\$ 150,000
	<u>\$ 150,000</u>

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 6th day of January 2020.

4. Project Ordinance-Central Elementary Roof Replacement

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is to replace the center wing roof at Central Elementary School.

SECTION 2. The following amounts are appropriated for the project:

Central Elem Sch - Replace Ctr Wing Roof Jan 2020	\$ 150,000
	<u>\$ 150,000</u>

SECTION 3. The following funds are available to complete this project:

Lottery Funds	\$	150,000
	<u>\$</u>	<u>150,000</u>

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 6th day of January 2020.

5. Resolution Opposing Reclassification of Jurisdictional Waters

RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS OPPOSING RECLASSIFICATION OF JURISDICTIONAL WATERS

WHEREAS, in January of 2019, the NC Marine Fisheries Commission (MFC) and the NC Wildlife Resources Commission (WRC) formed a joint committee for the purpose of determining

boundaries defining inland and coastal waters; and

WHEREAS, the joint committee had its last meeting in May of 2019, after having disagreements between the agencies on the "salinity value" to determine boundaries; and

WHEREAS, in August of 2019, the WRC business meeting was held with little direct notice to the MFC or to the NC Department of Environmental Quality (NCDEQ). At this meeting the WRC decided to move forward with the proposed boundaries based on the arbitrary "2.6 ppt salinity value"; and

WHEREAS, in 2017 the MFC conducted a review of rules pertaining to delineation (15A NCAC 03Q .0200 et seq) and determined there was no basis to adjust jurisdictional boundaries; and

WHEREAS, the proposed Reclassification of Jurisdictional Waters would be a loss of approximately 144,984 square acres or 226.5 sq. miles of coastal and commercial fishing waters. Thus, creating even more confusion and regulations to the already over regulated NC commercial fishing industry; and

WHEREAS, the MFC would be required by law, to perform a comprehensive financial analysis to modify jurisdictional boundaries, which would include a review of all existing rules and a detailed mapping effort expected to take over a year to complete with added costs to the taxpayers of North Carolina; and

WHEREAS, the financial impact as proposed would exceed \$1,000,000.00 for sustainable economic impact as prescribed in the NC Administrative Procedure Act; and

WHEREAS, fisheries management plans of important commercial and recreational species under MFC authority follow a criterion initially to establish coastal and joint waters but not inland waters. Thus, a complete review of all MFC rules would have to be completed at NC taxpayer expense.

THEREFORE, BE IT RESOLVED, that the Currituck County Board of Commissioners strongly opposes the Reclassification of Jurisdictional Waters as prescribed by the NC Wildlife Resources Commission. Under such research we have not found where a Salinity Value is a determination of boundary lines between coastal and inland waterways.

ADOPTED this the 6th day of January, 2020.

6. Proclamation Supporting National Radon Action Month

PROCLAMATION OF THE BOARD OF COMMISSIONERS SUPPORTING NATIONAL RADON ACTION MONTH

WHEREAS, radon is a colorless, odorless, radioactive gas that may threaten the health of our citizens and their families; and

WHEREAS, radon is the second leading cause of lung cancer in the U.S. and is the leading cause of lung cancer in non-smokers; and

WHEREAS, the National Academy of Sciences estimates that up to 21,000 lung cancer deaths occur in the United States each year; and

WHEREAS, one in 15 homes across the U.S. have elevated radon levels; and

WHEREAS, any home may have elevated levels of radon, even if neighboring homes do not, and living in a home with an average radon level of 4 picocuries per liter of air poses a similar risk of developing lung cancer as smoking half a pack of cigarettes a day; and

WHEREAS, testing for radon is simple and inexpensive and radon problems can be fixed; and

WHEREAS, the U.S. Surgeon General, the U.S. Environmental Protection Agency, the NC Department of Health and Human Services' NC Radon Program, the North Carolina Advisory Committee on Cancer Coordination and Control, and the Board of Commissioners support efforts to encourage homeowners to test for radon and have elevated levels of radon reduced; and

WHEREAS, many residents in Currituck County don't know about radon, yet need to know for the safety and health of their families, and a proclamation of National Radon Action Month is an opportunity to educate individuals on the available measures to reduce radon.

NOW, THEREFORE, the Currituck County Board of Commissioners does hereby proclaim **JANUARY, 2020**, as **National Radon Action Month** in Currituck County, North Carolina.

7. Surplus Resolution-Fire & EMS AED

Communication: Minutes for January 6, 2020 (Approval Of Minutes-January 6, 2020)

RESOLUTION

WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be used as a trade-in.

County Asset Tag	Description	Serial Number
1041	Lifepak 12 Physio Control Biphasic Defibrillator/Monitor	

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the right to reject any and all bids.

ADOPTED, this 6th day of January, 2020.

Robert M. White
County of Currituck, Board of Commissioners

Leeann Walton
Clerk to the Board

(Seal)

8. Surplus Resolution-Transfer Station Scales

Communication: Minutes for January 6, 2020 (Approval Of Minutes-January 6, 2020)

9. Surplus Resolution-Rodeo Ring Fencing, CCRC

RESOLUTION

WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be sold at auction, negotiated sale or will be disposed of if not sellable.

County		
Asset Tag	Description	Serial Number
7106	Rodeo Ring Fencing Panels (Rusted Out and Unsellable-Will be disposed of)	N/A

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the right to reject any and all bids.

ADOPTED, this 6th day of January, 2020.

Robert M. White
County of Currituck, Board of Commissioners

Leeann Walton
Clerk to the Board

(Seal)

10. JCPC Funding Plan

11. Corolla Volunteer Fire Department-Fire Protection Equipment Purchase

12. Personnel Policy Revisions

13. Job Description Revision-Fire and EMS Lieutenant, Shift Supervisor

14. Cooperative Extension Fee Waiver-Moyock High School Reunion

CLOSED SESSION

Communication: Minutes for January 6, 2020 (Approval Of Minutes-January 6, 2020)

1. Closed Session Pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter

Chairman White moved to enter into closed session pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter. Commissioner Jarvis seconded the motion and the motion carried. The Board of Commissioners entered closed session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Chairman
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman

ADJOURN

Motion to Adjourn Meeting

Commissioner had no further business upon returning from Closed Session. Commissioner Beaumont motioned for adjournment and Commissioner J. Owen Etheridge seconded the motion. The motion carried and the regular meeting adjourned at 7:48 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	J. Owen Etheridge, Commissioner
AYES:	Bob White, Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
ABSENT:	Mike H. Payment, Vice Chairman



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2699)

Agenda Item Title

Budget Amendments

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Number

20200072

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 21st day of January 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-545000	Contracted services		\$ 2,500
61818-516200	Vehicle Maintenance	\$ 2,500	
		<u>\$ 2,500</u>	<u>\$ 2,500</u>

Explanation: Mainland Water (61818) - Transfer funds to repair transmission in 2016 Dodge Ram.

Net Budget Effect: Mainland Water Fund (61) - No change

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends-Jan 21_General Meeting (Budget Amendments)

Number 20200073

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 21st day of January 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10510-516200	Vehicle Maintenance	\$ 16,770	
10510-532000	Supplies	10,050	
10510-545000	Contract Services	5,000	
10510-531000	Fuel		\$ 6,000
10510-590000	Capital Outlay		7,000
10380-483510	Donations - Sheriff		2,050
10380-484001	Insurance Recovery		16,770
		<u>\$ 31,820</u>	<u>\$ 31,820</u>

Explanation: Sheriff (10510) - Transfer funds from capital outlay to purchase items that were budgeted in capital outlay, but are technically supplies. Contract services requires increases due to annual rate increases in multiple contracts.

Net Budget Effect: Operating Fund (10) - Increased by \$18,820.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends-Jan 21_General Meeting (Budget Amendments)

Number

20200074

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 21st day of January 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-532000	Supplies	\$ 6,000	
61818-533200	Lab tests	\$ 1,500	
61818-545000	Contracted services		\$ 6,000
61818-590000	Capital outlay		\$ 1,500
		<u>\$ 7,500</u>	<u>\$ 7,500</u>

Explanation: Mainland Water (61818) - Transfer budgeted funds for required lab testing and water supplies.

Net Budget Effect: Mainland Water Fund (61) - No change

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Journal # _____

Clerk to the Board

Attachment: BudAmends-Jan 21_General Meeting (Budget Amendments)

Number

20200075

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 21st day of January 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
63838-590000	Cap Outlay		\$ 5,000
63838-516000	Repairs & Maintenance	\$ 5,000	
		<u>\$ 5,000</u>	<u>\$ 5,000</u>

Explanation: Solid Waste (63838) - Transfer budgeted funds for repairs to the convenience sites and transfer station.

Net Budget Effect: Solid Waste Fund (63) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends-Jan 21_General Meeting (Budget Amendments)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2678)

Agenda Item Title

Change Order-Maritime Museum

Brief Description of Agenda Item:

Change order to cover modifications to date related to the construction of the Maritime Museum. Summary sheet is included with breakdown of costs.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Maritime Museum

Change Order #1 Summary

January 21, 2020

RFC 001	Construction Fencing (ADD)	Due to the nature of the site location and the tourist traffic between the Lighthouse and Historic Corolla Park, it was desired to have construction fencing around the site to protect the public from the construction activities.	\$10,859.20
RFC 002	Sitework - Retaining Wall, Concrete, and Sewer (DEDUCT)	Re-route proposed sewer force main for Maritime Museum due to field verification of the locations of the Lighthouse and Wildlife Center sewer lines. Re-route existing Lighthouse sewer main which is in conflict with proposed work. Eliminate retaining wall and adjust concrete slab with addition of curbing in order to better protect live oaks.	(\$4,335.00)
RFC 003	Sprinkler System (ADD)	The contract documents specified a dry pipe system to simplify design to a single type of system and eliminate a riser. After receiving more accurate flow tests during construction, it was determined that a combination wet/dry pipe system would be required to meet the museum's flow requirements.	\$3,472.13
RFC 004	Water Cooler Freeze Protection (ADD)	An outdoor unit was specified on the plans and it was assumed by the design team that the unit might be winterized so as not to require frost protect. Staff recommends that a freeze resistant package be provided to minimize future maintenance.	\$987.97
RFC 007	Buried Foundation Removal (DEDUCT)	An allowance was included in the contract for the possibility of removal of a buried foundation. The exact location was unknown but thought to be in the vicinity of our project. No foundation was encountered during earthwork operations so this allowance is no longer needed in the project.	(\$3,273.38)
	Total Changes		\$7,710.92

Staff recommends approval of Change Order #1 in the amount of \$7,710.92. The funds for this change order are available in the project budget.

Current Contract Amount	\$	3,213,029.49
Change Order	\$	7,710.92
Proposed Contract Amount	\$	3,220,740.41

Attachment: Change Order 1 - Summary Sheet (Change Order-Maritime Museum)

CHANGE ORDER

NO. CO001

PROJECT:
Whalehead Boat Museum
1100 Club Road
Corolla, NC 27927

CHANGE ORDER NUMBER: CO001
Date: Jan 13, 2020

OWNER: ☒
ARCHITECT: ☒
CONTRACTOR: ☒
FIELD: ☐
OTHER: ☐

TO CONTRACTOR:
Sussex Development Corporation
109 S. Lynnhaven Road, Suite 200
Virginia Beach VA 23452

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

RFC001	Add temporary construction fence to project	\$10,859.20
RFC002	Changes to Scope per Field Change 1	-4,335.00
RFC003	Fire Suppression Pre-Design Calculations	\$3,472.13
RFC004	Add freeze resistant package to P-6 drinking fountain per RFI-13 response	\$987.97
RFC007	Return unused allowance for buried foundation removal	-3,273.38

The original Contract Sum was	\$3,213,029.49
The net change by previously authorized Change Orders	\$0.00
The Contract Sum prior to this Change Order was	\$3,213,029.49
The Contract Sum will be increased by this Change Order in the amount of	\$7,710.92
The New Contract Sum Including This Change Order	\$3,220,740.41
The Contract Time Will Not Be Changed	
The date of Substantial Completion as of the date of this Change Order therefore is	

NOTE:

This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER

Beacon Architecture and Design, PLLC

ARCHITECT (Firm name)

2400 N Croatian Highway Suite H Kill Devil Hills NC 27948 USA

ADDRESS

Christopher Nason

DocuSigned by:

(Typed Name)

Christopher Nason

CD8188427F80480...

BY (Signature)

01/15/20 | 3:53 PM AST

DATE

Sussex Development Corporation

CONTRACTOR (Firm name)

109 S. Lynnhaven Road, Suite 200 Virginia Beach VA 23452

ADDRESS

Harry L. Davis, III

DocuSigned by:

(Typed Name)

Harry Davis

0E19772105FB4E3...

BY (Signature)

01/15/20 | 8:11 AM PST

DATE

County of Currituck

OWNER (Firm name)

153 Courthouse Road Currituck NC 27929 USA

ADDRESS

Ben Stikeleather

DocuSigned by:

(Typed Name)

BY (Signature)

DATE



REQUEST FOR CHANGE

Project Code: 2019-045

Date: 2019-10-09

Project Name: Whalehead Boat Museum

RFC#: RFC001A

Owner: County of Currituck
153 Courthouse Road Suite 302
Currituck, NC 27929

Sussex Development Corporation respectfully submits our proposal to provide requested or needed changes to the above referenced project as described below and detailed on the attached supporting documentation:

Scope of Work:

Add temporary construction fence and decorative fence screen to project

Description	Amount
Saunders Fence Temporary Construction Fence	\$ 9,872.00
10% OH&P on Subcontractors	\$ 987.20
TOTAL	\$ 10,859.20

This proposal is valid for 30 days, or as noted on any supporting documentation. Please sign below acknowledging your formal acceptance of this request and return a copy for our files. I may be contacted at the telephone number listed below if you have any questions or require any additional information.

Sussex Development Corporation

County of Currituck

DocuSigned by:

Rolley Davis

Rolley Davis, Project Manager

Michelle Perry
or Authorized Signature

Date

Attachment: Maritime Museum-Change Order (Change Order-Maritime Museum)



From: [Jim Saunders](#)
To: [Danielle Hangen](#)
Subject: Re: Site Fencing,
Date: Thursday, September 26, 2019 3:14:23 PM

Saunders Fence			
Commercial and Industrial Installations and Repairs			
Quotation			
Chain Link Fence		59 West Sandy Point Rd.	
Wood Fence		Poquoson, VA 23662	
Electric Gates		Phone: (757) 638-5620	
Temporary Fence		Fax: (757) 638-1261	
To: Sussex Development		Time: 9/26/19 3:12 PM	
		Attn: Danielle	
		RE: Whalehead Temporary Fence	
To provide and install conventional fence per the below:			
Fence will be 6' tall chain link.			
1,134' of temporary fence @ \$8.00 per foot	Price:	\$9,072.00	
2 gates 24' opening double panel @ \$400.00 each	Price:	\$800.00	
	Total:	\$9,872.00	
NOTES: Due to fluctuations in the steel market, all prices will have to be verified before acceptance of a contract.			
Standard Terms and Conditions:			
Prices include tax as applicable, permits to be provided by you. You provide a cleared, graded, and staked fence line with suitable truck access. Not responsible for under-ground obstructions or damage to private			

Attachment: Maritime Museum-Change Order (Change Order-Maritime Museum)



REQUEST FOR CHANGE

Project Code: 2019-045

Date: 2019-11-07

Project Name: Whalehead Boat Museum

RFC#: RFC002

Owner: County of Currituck
153 Courthouse Road Suite 302
Currituck, NC 27929

Sussex Development Corporation respectfully submits our proposal to provide requested or needed changes to the above referenced project as described below and detailed on the attached supporting documentation:

Scope of Work:

Changes to Scope per Field Change 1

Description	Amount
Earthwork	\$ -4,335.00
TOTAL	\$ -4,335.00

This proposal is valid for 30 days, or as noted on any supporting documentation. Please sign below acknowledging your formal acceptance of this request and return a copy for our files. I may be contacted at the telephone number listed below if you have any questions or require any additional information.

Sussex Development Corporation

County of Currituck

DocuSigned by:

607685073464449...
Jim Vachon,
Project Manager

Michelle Perry
or Authorized Signature

Date

Attachment: Maritime Museum-Change Order (Change Order-Maritime Museum)

HATCHELL CONCRETE, INC.

P.O. Box 2405
1002 Driftwood Drive
Manteo, NC 27954

NC LICENSED CONTRACTOR
Commercial & Residential

Phone: (252) 473-6074
Fax: (252) 473-6606
Email: hci@hatchellconcrete.com

November 7, 2019

Re: Sussex Development corporation
Danielle Hangen

Hatchell Concrete is pleased to offer the below quote for Field change #1

Scope :

- Reroute of force mains – 2040.00
- Core manhole = 1800.00
- Adjustment of concrete loading areas & grading swells = 10,125.00
- Deletion of retaining wall and trashcan pads = - (18,300.00)

Lump Sum = \$ - (4335.00)

Project Manager

Nathaniel Hatchell

Hatchell Concrete, Inc.

Attachment: Maritime Museum-Change Order (Change Order-Maritime Museum)



REQUEST FOR CHANGE

Project Code: 2019-045

Date: 01/03/2020

Project Name: Whalehead Boat Museum

RFC#: RFC003

Owner: County of Currituck
153 Courthouse Road Suite 302
Currituck, NC 27929

Sussex Development Corporation respectfully submits our proposal to provide requested or needed changes to the above referenced project as described below and detailed on the attached supporting documentation:

Scope of Work:

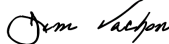
Fire Suppression Pre-Design Calculations

Description	Amount
Add wet pipe system to overall sprinkler design per response to RFI-008	\$ 3,114.00
10% OH&P on Subcontractors	\$ 311.40
Payment & Performance Bonds	\$ 46.73
TOTAL	\$ 3,472.13

This proposal is valid for 30 days, or as noted on any supporting documentation. Please sign below acknowledging your formal acceptance of this request and return a copy for our files. I may be contacted at the telephone number listed below if you have any questions or require any additional information.

Sussex Development Corporation

County of Currituck

DocuSigned by:

607685073464449...

Jim Vachon,
Project Manager

Michelle Perry
or Authorized Signature

Date

Attachment: Maritime Museum-Change Order (Change Order-Maritime Museum)

RE: Whalehead

Griff Brinkley

sent: 1/2/2020 11:33:40 AM

To: Danielle Hangen,

Danielle,

Please see attached and let me know if you need anything further.

Thank you,

Griffith I. Brinkley820 Greenbrier Circle, Suite 8
Chesapeake, VA 23320
757-523-7330www.firetechva.com**From:** Danielle Hangen [mailto:DHangen@sussexdevelopment.com]**Sent:** Monday, December 30, 2019 9:34 AM**To:** gbrinkley@firetechva.com**Subject:** FW: Whalehead

Hi Griff,

The County is asking for a more formal presentation of this change. They're looking for a breakdown of labor and materials. The architect mentioned something about a credit for some lines that would be part of the change?

Anyway, can you get me something itemized to present please? I'm pretty sure we're getting approval on this, but need the paperwork as a formality.

Thanks,

Danielle Hangen, LEED Green Associate

Senior Project Engineer

Sussex Development Corporation

(c) 757.636.4421 (f) 757.422.0398

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From: Griff Brinkley <gbrinkley@firetechva.com>**Sent:** Monday, December 9, 2019 2:36 PM**To:** Jim Vachon <jvachon@sussexdevelopment.com>; dlacy@firetechva.com**Subject:** Whalehead

Jim,

Per RFI #8 and PACEs response it is clear that both a Wet system and Dry system will be needed to accommodate the building. The Wet system will be the resolve to my RFI. Unfortunately the Wet system was not included in the original contract, only one Dry system.

This additional wet system controls will have a cost increase of \$3,114.00

Please advise.

Thank you,

Griffith I. Brinkley820 Greenbrier Circle, Suite 8
Chesapeake, VA 23320
757-523-7330www.firetechva.com

Attachment: Maritime Museum-Change Order (Change Order-Maritime Museum)

**24 hr Emergency Service**

820 Greenbrier Circle, Ste 8
Chesapeake, VA 23320
PH: 757.523.7330
FX: 757.523.7336
www.firetechva.com

9.B.3.b

VA License No. 008640A
NC License No. 32746 (FS)

December 23, 2019



Danielle Hangen
Sussex Development Corporation
109 S. Lynnhaven Rd.
Virginia Beach, VA 23452

Re: Whalehead Boat Museum

Danielle,

Fire Tech Services, Inc. quoted installing one dry pipe fire sprinkler system to protect the new boat storage museum in its entirety. This quotation was prepared and estimated from provided bid drawings and specs. Unfortunately there is an inadequate amount of water at the planned city supply connection point to allow for the proposed design.

The solution is to install a wet pipe fire sprinkler system within the boat storage portion of the building which is the most demanding part of the system. Wet systems require less water flow than dry systems.

A dry system will still be installed to protect the restrooms and other areas susceptible to freezing conditions.

Due to the additional wet system riser there will be a cost increase.

Please let me know if you need further information.

Thank you,

Griffith Brinkley

Griffith Brinkley

Attachment: Maritime Museum-Change Order (Change Order-Maritime Museum)



Document2



Packet Pg. 259



REQUEST FOR CHANGE

Project Code: 2019-045**Date:** 01/03/2020**Project Name:** Whalehead Boat Museum**RFC#:** RFC004

Owner: County of Currituck
153 Courthouse Road Suite 302
Currituck, NC 27929

Sussex Development Corporation respectfully submits our proposal to provide requested or needed changes to the above referenced project as described below and detailed on the attached supporting documentation:

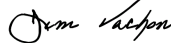
Scope of Work:

Add freeze resistant package to P-6 drinking fountain per RFI-13 response

Description	Amount
HVAC	\$ 886.07
10% OH&P on Subcontractors	\$ 88.61
Payment & Performance Bonds	\$ 13.29
TOTAL	\$ 987.97

This proposal is valid for 30 days, or as noted on any supporting documentation. Please sign below acknowledging your formal acceptance of this request and return a copy for our files. I may be contacted at the telephone number listed below if you have any questions or require any additional information.

Sussex Development Corporation**County of Currituck**

DocuSigned by:

607685073464449...

Jim Vachon,
Project Manager

Michelle Perry
or Authorized Signature

Date

Attachment: Maritime Museum-Change Order (Change Order-Maritime Museum)

ZBZ & Associates, Inc.*Mechanical Contractors*

557 Central Drive, Suite 102 Virginia Beach, VA. 23454-5249
(757) 463-5331 Fax: (757) 463-4814

December 13, 2019

Sussex Development Corporation
109 S. Lynnhaven Road, Suite 200
Virginia Beach, VA 23452

Re: Whalehead Boat Museum
ZBZ – CO- P-1

Attention: Jim Vachon

Gentlemen,

The purpose of this letter is to forward you our cost proposal for the work associated with adding a freeze resistant package to P-6 ADA dual basin drinking fountain on the above referenced project. Please see attached our cost in the amount of \$ 886.07. This is in reference to (RFI) #13

Please advise in writing when proposal is accepted.

We trust that the above is satisfactory. In the event you have any questions, please do not hesitate to contact our office.

Sincerely,



Sean Bozard, Project Manager

E-mailed: X

Cc: CZ, DS, TB @ ZBZ

Attachment: Maritime Museum-Change Order (Change Order-Maritime Museum)

Z B Z & ASSOCIATES, INC.

CHANGE ORDER NO. P-1 _____

PROJECT: HCP-Boat Museum

DESCRIPTION: Add freeze resistant package to P-6 ADA dual
basin drinking fountain

Material and Rental Equipment	\$ 605.71
<u>0.067</u> Sales Tax	\$ 40.58
SUB TOTAL	\$ 646.29
Labor	\$ 90.00
<u>0.380</u> Tax and Insurance	\$ 34.20
SUB TOTAL	\$ 124.20
Total Labor and Material	\$ 770.49
<u>0.15</u> Overhead and Profit on ZBZ only	\$ 115.57
SUB TOTAL	\$ 886.07
Sub-Contractors (See Attached)	\$ -
<u>0.100</u> Overhead on sub only	\$ -
SUB TOTAL	\$ -
Total Z B Z's and Sub-Contractor's	\$ 886.07
<u>0.00</u> Bond Premium	\$ -
TOTAL COST OF CHANGE ORDER	\$ 886.07

We request a _____ day time extension, after approval, to perform the work associated with this changed condition. Prices are subject to change after 30 days.

We exclude the following: no concrete, sprinkler, cutting, patching, painting or power wiring associated w/ approved equipment.

Attachment: Maritime Museum-Change Order (Change Order-Maritime Museum)

CHANGE ORDER NO. P-1 _____

BREAKDOWN ESTIMATE OF DIRECT COSTS										
CONTRACT NO.		NAME OF CONTRACTOR ZBZ & ASSOCIATES, INC.				CONTRACTOR PRIME SUBCONTRACTOR				
ITEM NO.	ITEM OF WORK	NO. OF UNITS	LABOR		MATERIAL		EQUIPMENT			
			UNIT COST	TOTAL COSTS	UNIT COST	TOTAL COSTS	EQU. DAYS	RATE		
1	Plumber	2	\$45.00	\$90.00	\$605.71	\$605.71				
2	Elkay – Frost Resistant Kit	1				\$605.71				
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										
21										
22										
23										
24										
25										
TOTAL THIS PAGE:				\$90.00		\$605.71				



Quotation (Reprint)

038 HAJOCA NORFOLK
3464 E VIRGINIA BEACH BLVD
NORFOLK VA 23502-3123
757-627-7766 Fax 757-640-1877

QUOTE DATE	QUOTE NUMBER
12/11/19	S024472728
QUOTED BY:	PAGE NO.
038 HAJOCA NORFOLK 3464 E VIRGINIA BEACH BLVD NORFOLK VA 23502-3123 757-627-7766 Fax 757-640-1877	1 of 1

Printed : 07:53:17 13 DEC 2019

QUOTE TO:

ZBZ & ASSOCIATES INC
 557 CENTRAL DR #102
 VIRGINIA BEACH, VA 23454-5279

SHIP TO:

HCP BOAT MUSEUM
 C/O ZBZ & ASSOCIATES INC
 CHESAPEAKE, VA 23320

757-463-5331

QUOTED FOR	CUSTOMER PURCHASE ORDER NUMBER	CUSTOMER RELEASE NUMBER	SALES PERSON	
	439-MUS-104		Matt Cain	
QUOTED BY	SHIP VIA	TERMS	EXPIRATION DATE	FREIGHT ALLOWED
Daniel Grauer	OT OUR TRUCK	2% 10TH PROX NET 25TH	12/10/19	No
QUOTE QTY	QUOTE PART#	DESCRIPTION	UNIT PRICE	EXT PRICE
		***** P-6 DUAL BASIN DRINKING FOUNTAIN *****		
1ea	1164813	ELKAY VRCTLDDWSK BOTTLE FILLING STATION WATER COLLER	1671.809/ea	1671.81
1ea	937783	MAINLINE MLQTSR19CX POL CHROME 1/2X3/8 SWTXCOMP ANGLE QTR TURN STOP VLV W/ LK HDL LEAD FREE	4.576/ea	4.58
1ea	825702	MAINLINE ML707 11/4 CP 17GA BRASS P-TRAP W/ ZINC NUT SHALLOW ESC & CLEANOUT *CARRIER*	12.917/ea	12.92
1ea	1559497	JAY R SMITH 0834-M32 LAVATORY AND DRINKING FOUNTAIN SUPPORTS, FLOOR MOUNTED TYPE W/ SUPPORTING PLATE AND STUDS	141.633/ea	141.63
1ea	1474255	ELKAY LKFRB1 BOX -FROST RESISTANT TAXES NOT INCLUDED	605.714/ea	605.71
			Subtotal	2436.65
			Bid Total	2436.65

Prices contained in this quote are the prices in effect at the time of quotation, and are subject to change at any time. We are not responsible for inaccurate quantity descriptions. Quantities should be checked against plans and specifications for accuracy. Special order material is non-cancellable. We are not responsible for delays not within our control.

Attachment: Maritime Museum-Change Order (Change Order-Maritime Museum)

LKFRB1

Installation Instructions

LKFRB1 Freeze Resistant Package

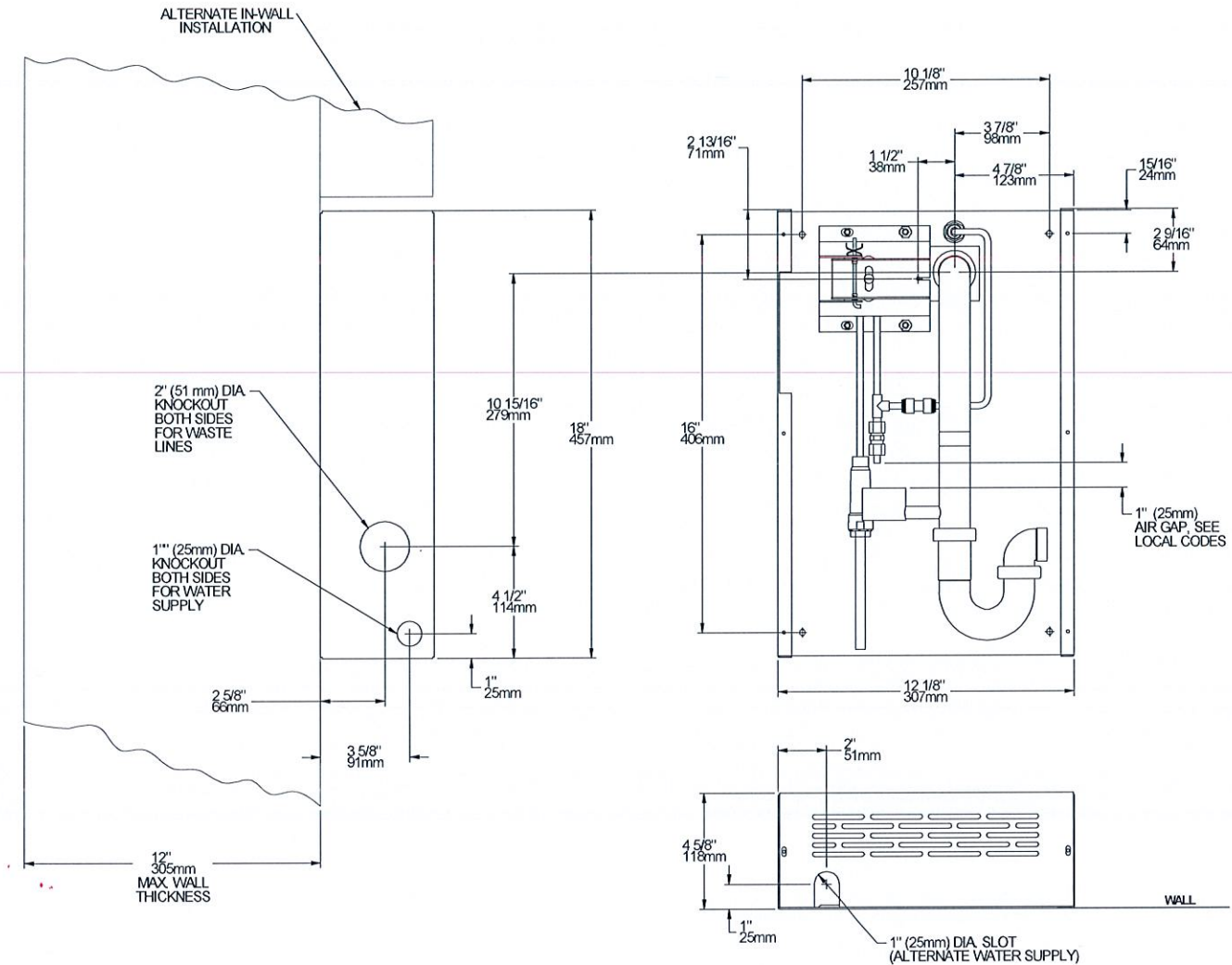


FIG. 1

WARNING: This Freeze Resistant Package must be installed on an interior heated wall. The front of the box must have unobstructed air flow. Failure to maintain the interior wall temperature and the inside of the Freeze Resistant Package above 50° F (10° C) can and will cause damage to the Freeze Resistant Package. This damage can result in bursting and rupturing of interior plumbing which will result in uncontrollable water flow and flooding of the area. Rough-In dimensions will vary depending upon the type of fountain that this package is installed with. Dimensions shown are for reference only.

LKFRB1

CABLE SHEATH ADJUSTMENT

To Increase Free Play



To Reduce Free Play

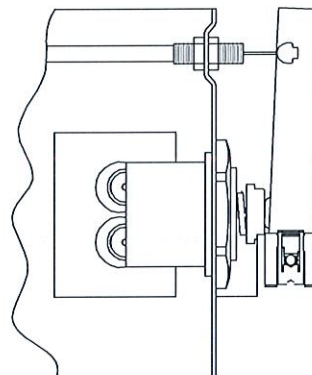


FIG. 3

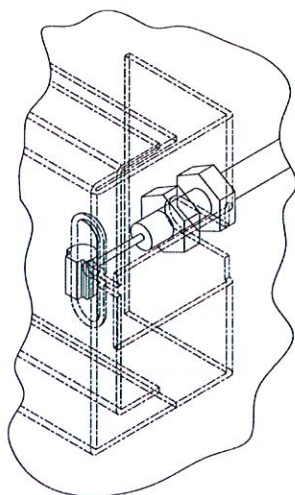


FIG. 2

Note: Fountain Style May Vary

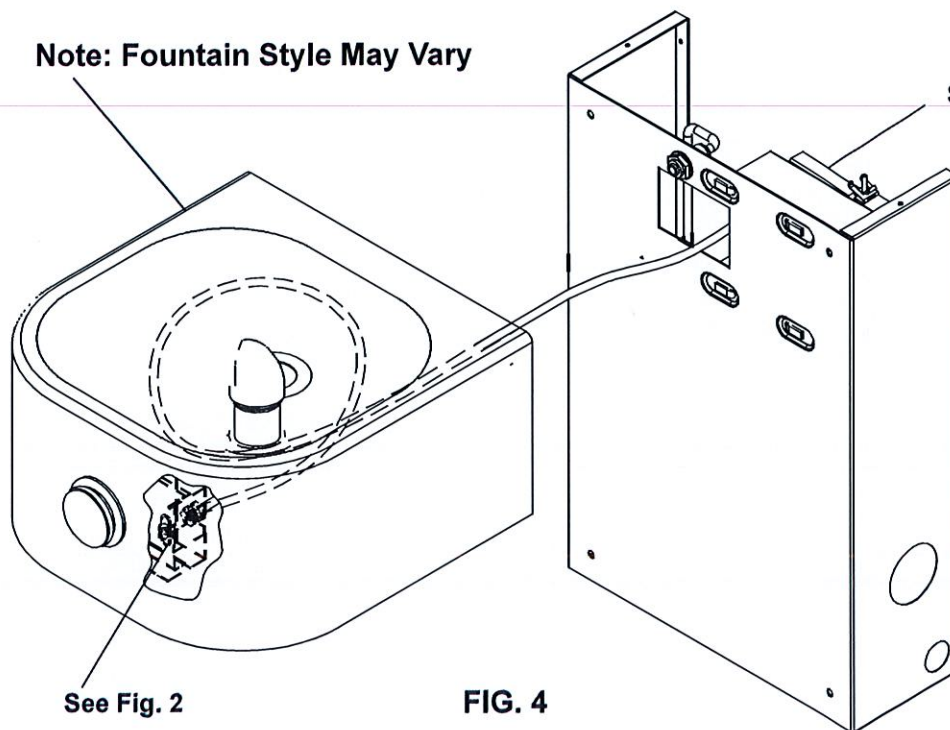


FIG. 4

See Fig. 2

See Fig. 6

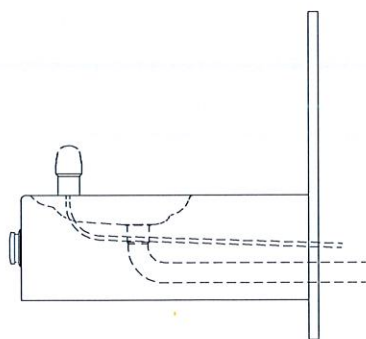


FIG. 5

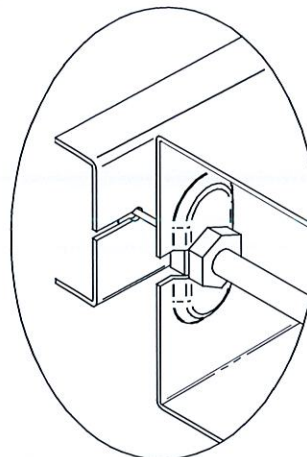


FIG. 6

INSTALLATION INSTRUCTIONS

The freeze resistant package must be mounted on an interior wall in a heated area. The room temperature of the interior heated area must be 50° F (10° C) or higher. The freeze resistant package may be surface or recessed mounted. If recess mounted the surface of the cover must be flush with the interior wall surface. The package is furnished with screws for mounting the cover to the box. If the box is recess mounted, do not fasten the top and bottom of the cover to the box. Use the holes on the front only.

- 1. Assemble the operating cable to the fountain bracket. (Fountain should be mounted to exterior wall). The adjustment nuts should be adjusted as per the fountain's instructions. Create a loop in the cable and thread the free end of the cable through the wall into the freeze resistant box.
- 2. Connect free end of operating cable to the valve-operating bracket in the freeze resistant box.
- 3. Remove cable free play by adjusting the jam nuts on the ends of the operating cable. See Figure 3.
- 4. Connect water line from fountain bubbler into freeze resistant box. The connection to the box uses a quick connect water fitting. Position the water line, in the fountain, to drain back into interior mounted box. Any water left standing, in the exterior line, can freeze. See Figure 5.

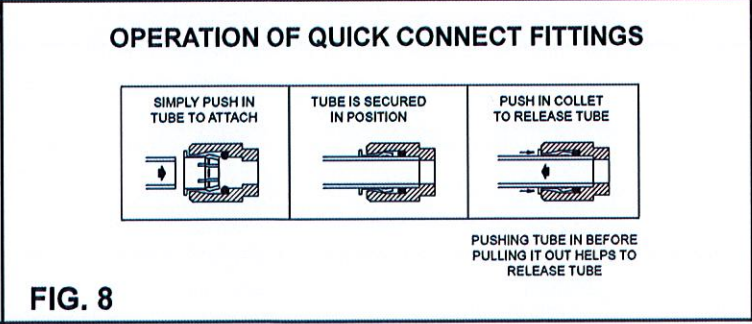
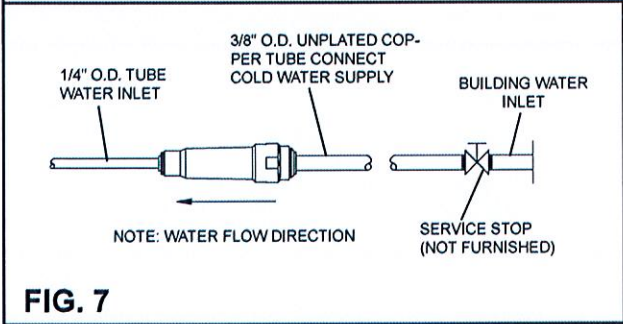
To insert tubing, push tube straight into fitting until it reaches a positive stop. To remove tubing from the fittings, relieve water pressure, push in on dark gray collar while pulling out on the tubing. See Figure 8.

- 5. Connect drain and water supply lines to the freeze resistant fountain. Refer to Figure 1 for component positions. Inline strainer must be used on the inlet water line. See Figure 7.

Start-up

- 1. Turn on building water supply and check all connections for leaks. Repair as required.
- 2. Stream height is factory set at 35 PSI. If stream height needs to be changed adjust screw on regulator, behind regulator pivot bracket. See Figure 11. Clockwise adjustment raises stream height, counter clockwise adjustment will lower stream.
- 3. Adjust operating cable as required. Cable system should have a minimal amount of free play to allow for proper valve operation. If the system is too tight the valve will stay in the on position creating constant water flow. Too much free play will result in non-operation of the valve with the push-buttons.
- 4. Note: Water from the drain back tube will continue to run while the valve is actuated. (Reference Item 6).
- 5. After cable system is adjusted properly stuff flexible insulation into any openings between the outside wall and the interior box.
- 6. Recheck all connections. If all connections are leak free replace cover(s) on the freeze resistant box(es) and fountain(s).

Attachment: Maritime Museum-Change Order (Change Order-Maritime Museum)



LKFRB1

PARTS LIST		
ITEM NO.	PART NO.	DESCRIPTION
1	98733C	KIT - REGULATOR/HOLDER/NUTS
2	27312C	COVER - BODY
3	98858C	KIT - FREEZE BOX REGULATOR BRKTS/ ROD/BUSHINGS/CLIP
4	98861C	KIT - FREEZE BOX WATER OUTLET ASSY 1/4"UNION FITTING/BULKHEAD FITTING
5	27984C	FREEZE RESISTANT BODY ASSY/SCREW
6	98859C	KIT - FREEZE BOX CHECK VALVE/O'RING
7	98860C	KIT - FREEZE BOX WASTE LINE
8	55996C	STRAINER
NS	75582C	OPERATING CABLE

NS - NOT SHOWN

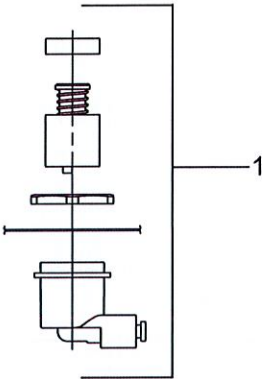


FIG. 9

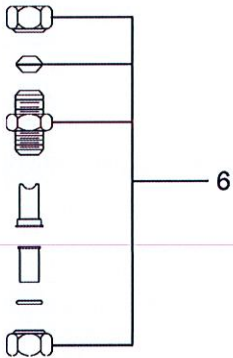


FIG. 10

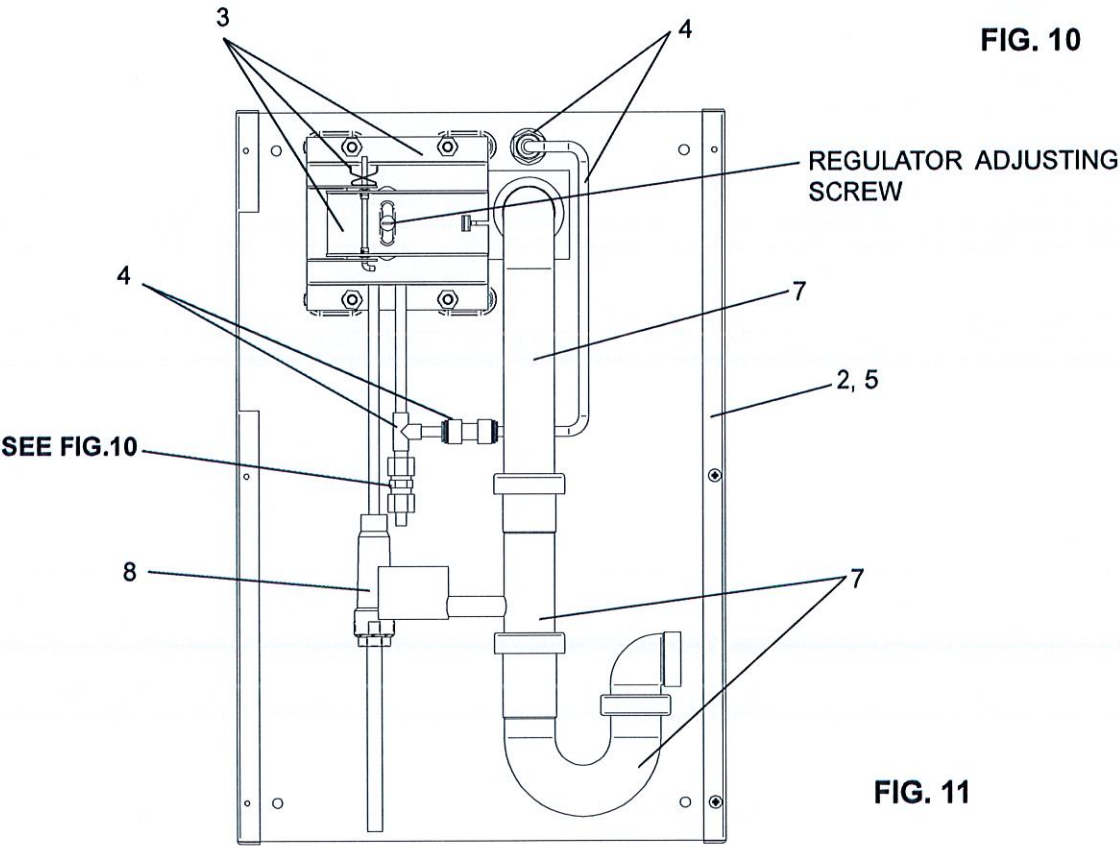


FIG. 11

PRINTED IN U.S.A.

REPAIR SERVICE INFORMATION TOLL FREE NUMBER 1.800.260.6640
FOR PARTS, CONTACT YOUR LOCAL DISTRIBUTOR OR CALL 1.800.834.4816
ELKAY MANUFACTURING COMPANY • 2222 CAMDEN COURT • OAK BROOK, IL 60523 • 630.574.8484 • www.elkay.com



REQUEST FOR CHANGE

Project Code: 2019-045

Date: 2020-01-14

Project Name: Whalehead Boat Museum

RFC#: RFC007

Owner: County of Currituck
153 Courthouse Road Suite 302
Currituck, NC 27929

Sussex Development Corporation respectfully submits our proposal to provide requested or needed changes to the above referenced project as described below and detailed on the attached supporting documentation:

Scope of Work:

Return unused allowance for buried foundation removal

Description	Amount
Return unused allowance for buried foundation removal	\$ -3,225.00
Payment and Performance Bond reduction	\$ -48.38
TOTAL	\$ -3,273.38

This proposal is valid for 30 days, or as noted on any supporting documentation. Please sign below acknowledging your formal acceptance of this request and return a copy for our files. I may be contacted at the telephone number listed below if you have any questions or require any additional information.

Sussex Development Corporation

County of Currituck

DocuSigned by:

007085073464448

Jim Vachon, Senior Project Manager

Michelle Perry
or Authorized Signature

Date

Attachment: Maritime Museum-Change Order (Change Order-Maritime Museum)

Exhibit A: Contract Sum

7/23/2019

	<u>UNIT PRICE</u>	<u>QTY</u>	<u>UNIT</u>	<u>AMOUNT</u>	<u>TOTAL</u>	<u>NOTES</u>
Base Bid Building					\$2,803,379.88	
Alternate #1 - Decorative Glass Garage Door					\$5,700.51	
Alternate #2 - Add cabinets in Multi-purpose room					\$9,518.77	
removal of unsuitable material beyond 12"	\$32.25		CY			Unit Price only - no quantity listed in bid
buried foundation removal	\$32.25	100	CY	\$3,225.00		treat as allowance
Site Work Item #1 (Mobilization, demolition, clearing)					\$81,428.20	
Earthwork, Stormwater, Water, Sewer				\$293,275.87		
Test Pit	\$537.48	3	EACH	\$1,612.44		treat as allowance
Undercut/Backfill	\$31.79	100	CY	\$3,178.50		treat as allowance
Site Work Item #2 Total					\$298,066.81	
Site Work Item #3 (Landscaping)					\$5,131.96	
Additive Site Work Bid Item #1 - Geogrid	\$25.79	100	SY		\$2,579.42	treat as allowance
Additive Site Work Bid Item #2 - compacted ABC	\$67.71	20	TONS		\$1,354.19	treat as allowance
Additive Site Work Bid Item #3 - Hydroseed					\$815.71	treat as allowance
Additive Site Work Bid Item #4 - Sod					\$5,054.04	treat as allowance
Additive Site Work Bid Item #5 - Concrete Curbs	\$28.88		LF			Unit Price only - no quantity listed in bid
TOTAL BID					\$3,213,029.49	

Attachment: Maritime Museum-Change Order (Change Order-Maritime Museum)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2697)

Agenda Item Title

Budget Amendments-OSWSD

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Number OS2020005

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Ocean Sands Water and Sewer Authority, at a meeting on the 21st day of January 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
60808-533801	CHEMICALS	\$ 25,000	
60808-590001	CAPITAL OUTLAY		\$ 25,000
		<u>\$ 25,000</u>	<u>\$ 25,000</u>

Explanation: Ocean Sands Water and Sewer (60808) - Transfer budgeted funds for chemicals needed to keep sewer plant in compliance.

Net Budget Effect: Ocean Sands Water and Sewer District Fund (60) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: OSWSD_BudAmends_Jan 21 (OSWSD Board-Budget Amendments)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2706)

Agenda Item Title

Closed Session pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter

Brief Description of Agenda Item:

Board Action Requested

Discussion

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item