



**Board of Commissioners  
Agenda Packet**

**January 3, 2022**

**6:00 PM Call to Order**

- A) Invocation & Pledge of Allegiance
- B) Moment of Silence
- C) 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/County Attorney Report****Public Hearings**

- A) **PB 21-28 Currituck County Text Amendment:** Request to amend the Currituck County Unified Development Ordinance, Chapter 4. Use Standards, to allow Elementary and Middle Schools in the Agriculture and Single-Family Residential-Isolated zoning district subject to a zoning compliance permit.
- B) **AMENDED- PB 21-24 W & J Development, LLC** Requests a text amendment to the Unified Development Ordinance to modify the allowable uses and maximum building size in the MXR (Mixed Residential) zoning district.

**The agenda was amended and this item was moved to January 18, 2022 BOC Meeting.**

- C) **PB 21-26 Royal Farms Conditional Rezoning:** Two Farms, Inc. requests conditional rezoning of 3.55-acres from General Business & Single-Family Mainland to Conditional-General Business for properties located south of the intersection of Caratoke Highway and Walnut Island Blvd.

**Old Business**

- A) **Deliberation and Decision for PB 21-25 Flora Farms, Special Use Permit Application**
- B) **Deliberation and Decision for PB 18-23 Fost, Phase 6-9, Preliminary Plat/Special Use Permit Application**

**New Business**

- A) **Consideration of the Guaranteed Maximum Price for Moyock Middle School Addition and Renovation Project.**
- B) **Consideration of Phase 2 Dune Walk-Over Design Alternates**



- C) **Consideration of the Easement Agreement between Currituck County and Eric B. Kean for Easement Extending from Lot 17 Corolla Bay across Currituck County property to the Currituck Sound.**
- D) **Consent Agenda**
1. Budget Amendments
  2. Surplus Resolution and Authorization for Corporal Mark Chappell to Purchase His Service Weapon in the Amount of \$1.00 Upon Retirement
  3. Approval Of Minutes for December 17, 2021, Special Meeting and December 20, 2021, Regular Meeting

**Adjourn**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 3291

**Agenda Item Title:** PB 21-28 Currituck County Text Amendment:

**Submitted By:** Jennie Turner – Planning & Community Development

**Item Type:** Legislative

**Presenter of Item:** Kevin Kemp

**Board Action:** Action

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**Brief Description of Agenda Item:**

Request to amend the Currituck County Unified Development Ordinance, Chapter 4. Use Standards, to allow Elementary and Middle Schools in the Agriculture and Single-Family Residential-Isolated zoning district subject to a zoning compliance permit.

**Planning Board Recommendation:** Approval

**Staff Recommendation:** Approval

**TRC Recommendation:** Application Reviewed


**Currituck County**

Development Services Department  
 Planning and Zoning Division  
 153 Courthouse Road Suite 110  
 Currituck NC 27929  
 252-232-3055 Fax 252-232302

To: Board of Commissioners

From: Planning Staff

Date: December 27, 2021

Subject: PB 21-28 Currituck County Text Amendment  
 Elementary and Middle Schools in AG and SFI

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**Background**

The enclosed text amendment submitted by the Currituck County Development Services Department is intended to revise Section 4.1.1.A, "Summary Use Table," of the Unified Development Ordinance (UDO) as it relates to:

- Allowing Elementary and Middle Schools in the AG (Agriculture) and SFI (Single-family Residential Isolated) zoning districts subject to a zoning compliance permit instead of a special use permit.

The need for this text amendment became evident when reviewing the submittal criteria for the Moyock Middle School expansion and the new elementary school proposed in Moyock. During this process, it was found that Elementary and Middle Schools were a permitted use requiring only a zoning compliance permit in the SFM, SFO, MXR residential districts and the GB, LB, CC and VC commercial districts. The only two districts where a special use permit is required are the AG and the SFI districts.

**Text Amendment Review Standards**

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and

7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

### **Staff Recommendation**

Staff recommends approval of this request subject to the suggested Consistency Statement. It is staff's belief that Elementary and Middle Schools are compatible with the uses permitted in agriculture and residential zoning districts. This amendment will make the approval process for elementary and middle schools more efficient by alleviating the extra time and expense of approval from the Board of Commissioners. It will also provide consistency with the approval process required for Elementary and Middle Schools for all other residential and commercial districts (except for the SFR district, the residential district encompassing the off-road area).

**POLICY SF1:** Currituck County shall support and actively engage in ADVANCED PLANNING FOR THE LOCATION OF NEW SCHOOLS. Such locations shall serve to reinforce contiguous growth patterns near existing developments rather than promoting sprawl in more rural locations. New schools shall be viewed as a cornerstone of the communities in which they are located and shall serve to proactively influence growth.

*This amendment is consistent with this policy in that it expands the number of speculative sites for elementary and middle schools by making the development approval process less laborious in the AG and SFI districts. Elementary and Middle School uses are consistent and compatible with typical uses within the AG and SFI districts, which include single-family sites and cultivated fields, many with adjacent commercial uses along major thoroughfares. Consistent with these uses not requiring a special use permit in the other residential zoning districts (not including the off-road area), schools act as cornerstones in residential districts.*

*By permitting elementary and middle schools in the AG and SFI zoning districts with a zoning compliance permit, rather than requiring a special use permit, the number of speculative sites for new schools is broadened. Additionally, the process for approval of renovations and expansions to existing schools located within those zoning districts becomes more efficient.*

**POLICY SF2:** Currituck County encourages OFFERS OF LAND FOR THE SITING OF NEW SCHOOLS, particularly in conjunction with related community development. Acceptance of such properties shall be based on approved location and design criteria.

*This amendment creates an easier path for the construction of new elementary and middle schools in areas where there is undeveloped land remaining in a community. By expanding the zoning districts in which these schools are permitted without the special use permit process, the number of sites that the School Board may be able to consider will expand.*

**Planning Board Recommendation**

On December 14, 2021, the Planning Board recommended approval of the requested text amendment with a 6-0 vote.

**Motion**

Vice-Chairman Owens moved to **approve PB 21-28** because the request is consistent with Policy SF1 and SF2 of the 2006 Land Use Plan.

Mr. Bass seconded the motion and the motion was approved unanimously 6-0.



**PB 21-28 CURRITUCK COUNTY  
TEXT AMENDMENT  
BOARD OF COMMISSIONERS  
JANUARY 3, 2022**

Currituck County requests an amendment to the Unified Development Ordinance, Chapter 4 Use Standards to allow elementary and middle schools in the AG and SFI zoning districts subject to a zoning compliance permit.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

**Item 1:** That Chapter 4 is amended by deleting the following strikethrough language and adding the underlined language:

**TABLE 4.1.1.A: SUMMARY USE TABLE**

USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												ADDITIONAL REQ. (4.2.____)		
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI		HI	
INSTITUTIONAL USE CLASSIFICATION																
Educational Facilities	College or university									Z	Z	Z	Z			
	School, elementary		<u>Z</u>	Z	Z		<u>Z</u>	Z	Z	Z	Z	Z				
	School, middle		<u>Z</u>	Z	Z		<u>Z</u>	Z	Z	Z	Z	Z				

**Item 2:** Staff suggested Consistency Statement:

The requested zoning text amendment is consistent with the 2006 Land Use Plan Policies SF-1 and SF-2:

**Item 3:** 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.

**Item 4:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Leeann Walton  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES\_\_\_\_\_NAYS\_\_\_\_\_

.....  
PLANNING BOARD DATE: 12/14/2021  
PLANNING BOARD RECOMMENDATION: Approved  
VOTE: 6 AYES 0 NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: 12/22/2021 & 12/29/2021  
BOARD OF COMMISSIONERS PUBLIC HEARING: 1/3/2022  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_

Attachment: PB 21-28 Currituck County TA Staff Report (PB 21-28 Currituck County Text Amendment)



## Text Amendment Application

OFFICIAL USE ONLY:

Case Number:

Date Filed:

Gate Keeper:

Amount Paid:

PB 21-28

10/14/21

TT

### Contact Information

#### APPLICANT:

Name: Currituck County

Address: 153 Courthouse Road

Currituck, NC 27929

Telephone: 252-232-3055

E-Mail Address:

### Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 4 Section(s) 4.1.1.A. Summary Use Table as follows:

Amend the Summary Use Table to allow Elementary and Middle Schools in the AG and SFI zoning district with a zoning compliance permit.

\*Request may be attached on separate paper if needed.

  
Petitioner

10/14/2021

Date



**Text Amendment Submittal Checklist**

Staff will use the following checklist to determine the completeness of your application. Only complete applications will be accepted.

## Text Amendment Submittal Checklist

Date Received: 10/14/2021

Project Name: Text Amendment

Applicant/Property Owner: Currituck County, Development Services Director

**Text Amendment Submittal Checklist**

1	Complete Text Amendment application	✓
2	Application fee (\$300)	N/A
3	2 hard copies of ALL documents	✓
4	1 PDF digital copy of all documents (ex. Compact Disk – e-mail not acceptable)	✓

**For Staff Only****Pre-application Conference**

Pre-application Conference was held on October 13, 2021 and the following people were present:  
Kevin Kemp, Donna Voliva, and Ike McRee

**Comments**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 3292

**Agenda Item Title:** PB 21-24 W & J Development, LLC:

**Submitted By:** Donna Voliva – Planning & Community Development

**Item Type:** Legislative

**Presenter of Item:** Donna Voliva

**Board Action:** Action

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**Brief Description of Agenda Item:**

~~Requests a text amendment to the Unified Development Ordinance to modify the allowable uses and maximum building size in the MXR (Mixed Residential) zoning district.~~

**The agenda was amended and this item was moved to January 18, 2022 BOC Meeting.**

**Planning Board Recommendation:** Approval

**Staff Recommendation:** Denial

**TRC Recommendation:**



## Currituck County

Development Services Department  
 Planning and Zoning Division  
 153 Courthouse Road Suite 110  
 Currituck NC 27929  
 252-232-3055 Fax 252-232-3026

To: Board of Commissioners  
 From: Planning Staff  
 Date: December 27, 2021  
 Subject: PB 21-24 W & J Development LLC Text Amendment

### Request

W&J Development, LLC submitted a text amendment to the Unified Development Ordinance (UDO) that would amend Chapter 3 dimensional standards for the Mixed Residential (MXR) zoning district and allow commercial buildings up to 10,000 square feet on lots fronting major arterial streets. In addition, the request includes language to amend Chapter 4 that would allow restaurants, grocery stores, retail sales establishments, and shopping centers in the MXR district with a zoning compliance permit.

### Background

The MXR zoning district was established with the adoption of the 2013 UDO by reclassifying the Mixed Residential (RA) zoning district to the MXR district. The UDO identifies the MXR zoning district as a residential zoning district and limits the building area and intensity of neighborhood serving commercial uses due to the residential designation of the district. As provided in Section 3.4.6, District Purpose, the MXR district is established to accommodate a variety of residential use types at moderate densities with very low intensity neighboring serving commercial, personal service and institutional uses outside of a community and village center. The UDO limits commercial and personal uses in the MXR district to a maximum of 2,500 square feet per building. Larger size buildings are permitted in business districts such as General Business (GB) or Limited Business (LB), and if the building is more than 5,000 square feet a special use permit is required when located outside of full-service designation. In the MXR district, lands designated with non-residential uses can be used to calculate overall residential density.

### 2006 Land Use Plan

The Land Use Plan (LUP) does not provide detailed policies related to a particular size or type of uses for neighborhood serving commercial. However, the following policies are relevant to general neighborhood serving commercial development, but do not necessarily support the amendment:

## COMMERCIAL DEVELOPMENT POLICIES

POLICY CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

POLICY CD5: Incompatible or poorly planned COMMERCIAL ENCROACHMENT within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often exclude, but are not limited to, large scale commercial uses or automobile oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like.

POLICY CD8: MIXED-USE DEVELOPMENT, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scale, mixed use development.

*Staff commentary: The MXR district is a transitional residential district that typically would be located between residential zoning (single family) and more intense commercial zoning (GB). Commercial uses greater than a neighborhood scale should be located in commercial or mixed-use districts and not the residential district.*

### Staff Comments Regarding the Proposed Request

Planning staff identified concerns with the proposed text amendment at the pre-application meeting and after the application was submitted. The applicant is considering a development plan for a particular site and staff suggested options at that time to facilitate the proposed development. The properties being considered include GB zoned lands adjacent to the major arterial street that will accommodate the commercial development at the proposed size and intensity.

Since the MXR district is a residential zoning district with very low-density neighboring serving commercial, uses such as shopping centers, grocery stores, and larger scale retail establishments are not permitted in the district. The current ordinance allows:

1. More intense larger scale commercial uses in the General Business (GB) zoning district in areas typically located on major arterials and in full-service areas; and,
2. A mixture of housing types in the MXR district.

The proposed language attempts to combine uses and intensity of uses found in the GB district and in some instances less restrictive than the GB district. This type of amendment could create an imbalance in the zoning district standards and Summary Use Table. Staff suggested the applicant consider other options to address the concerns and comments including:

1. Exclude GB lands from the request to reduce the limitations on current GB zoned property. Only include the areas intended for multi-family, open space, and smaller less intense commercial land uses in the MXR zoning district.
2. A maximum 5,000 square foot building single tenant for properties in the MXR with a full-service land use designation located on a major thoroughfare and maintain 2,500 square foot building maximum within the limited-service land use designation. Although this is an option, it is not the more preferred option.
3. Establish a mixed-use zoning district.
4. Evaluate the Commercial Center (CC) zoning district standards. This district requires a small area plan or civic master plan that includes the development area.

### Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

### Staff Recommendation

The staff recommendation on the proposed text amendment involves concluding whether the application complies with all applicable review standards (Text Amendment Review Standards). As presented, staff recommends denial of the proposed text amendment because the proposed amendment:

1. Is in conflict with the UDO by creating intensity discrepancies between the MXR zoning district and the business districts; and,
2. Is not consistent with the purpose and intent of the MXR zoning district.

And, the request will not result in a logical and orderly development pattern since the proposed language increased the intensity of business use types in a residential district and creates inconsistencies between the MXR, a residential zoning district, and business districts.

### Planning Board Recommendation

On December 14, 2021, the Planning Board recommended approval of the requested text amendment with a 5-1 vote.

### Motion

Mr. Doll moved to **deny PB 21-24** because the request is not consistent with the Unified Development Ordinance and will not result in a logical and orderly development pattern because:

1. The amendment establishes intensity and use discrepancies between the MXR zoning district and the business districts; and,
2. Is not consistent with the purpose and intent of the MXR zoning district.

The request is not consistent with Policies CD2, CD5, and CD8 of the 2006 Land Use Plan and will not result in a logical and orderly development pattern since the proposed language increased the intensity of business use types in a residential district and creates inconsistencies between the MXR, a residential zoning district, and business districts.

Chairman Ballance asked for a second on the motion to deny the request. There was no second and the motion failed.

Chairman Ballance motioned to **approve PB 21-24** because the request is consistent with the Land Use Plan and Unified Development Ordinance and is in the public interest.

Mr. Hurley seconded the motion and the motion was approved with a 5-1 vote; Mr. Doll voting nay.



**PB 21-24 W & J DEVELOPMENT, LLC  
TEXT AMENDMENT  
BOARD OF COMMISSIONERS  
JANUARY 3, 2022**

Amendment to the Unified Development Ordinance, Chapter 3. Zoning Districts and Chapter 4. Use Standards to modify the allowable uses and building size in the MXR (Mixed Residential) zoning district.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

**Item 1:** That Chapter 3, Section 3.4.6., Mixed Residential (MXR) District is amended by adding the underlined language:

<b>D. DIMENSIONAL STANDARDS</b>					
CD=COTTAGE DEVELOPMENT					
	Residential Single-Family Detached	Multi-Family CD	Other	Nonresidential	
Max. Gross Density, Full-Service Area (du/ac)	2.0	3.0	3.0	2.0	
Max. Gross Density, Limited-Service Area (du/ac)	1.0	1.5	1.5	1.0	
Max. FAR (%)	N/A	N/A	N/A	0.40	
Min. Lot Area/Dwelling Unit (sq ft) [1]	15,000	N/A	N/A	20,000	1
Min. Open Space Set-Aside (% of development size) [2]	30	40	30	10	2
Min. Lot Width (corner or interior lots) (ft)	100	100 [3]	100[3]	200 [3]	3
Max. Lot Coverage (%)	30	40 [3]	40 [3]	65 [3]	
Perimeter Building Wall Setbacks (from development boundaries)					
Front and Corner Side Setback (ft)	20	20	50	20	4
Major Arterial Street Setback (ft)	50	50	50	50	
Side Setback (ft) [5]	10	10 [3]	15	15	5
Rear Setback (ft)	25	30[3]	30[3]	30	6
Min. Agricultural Setback (ft) [4]	50	50	50	50	
Min. Accessory Use Setback (ft)	10	10[3]	10	10	7
Min. Driveway/Parking Setback (ft)	10	10 [3]	10 [3]	10 [3]	8
Min. Fill Setback from Perimeter Lot Line	10	10	10	10	
Min. Wetland/Riparian Buffer (ft) [4]	30	30	30	30	
Max. Building Height (ft)	35	35	35	35	
Min. Spacing Between Buildings (ft)[5] [6]	20	20	20	20	9
Max. Building Length (ft)	N/A	N/A	250	[7]	0

Attachment: PB 21-24 W&J Development LLC TA Staff Report (PB 21-24 W & J Development, LLC)

- [1] Maximum lot depth shall not exceed four times the lot width  
 [2] Applied to subdivisions platted after UDO effective date  
 [3] Applied to entire development, not individual building lots  
 [4] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

- [5] Setbacks are subject to needed fire flow based on the ISO method  
 [6] Not applied to individual units in a zero lot line development  
 [7] Commercial and personal service uses are limited to a maximum size of 2,500 square feet per building, unless the site fronts on a major arterial, in which case the maximum building size will be 10,000 square feet.

**Item 2:** That Chapter 4, Table 4.1.1.A., Summary Use Table is amended by adding the underlined language and removing the strikethrough language:

**TABLE 4.1.1.A: SUMMARY USE TABLE**

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;  
 CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												ADDITIONAL REQ. (4.2.____)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI		HI
COMMERCIAL USE CLASSIFICATION															
Eating Establishments	Dinner theater								Z	Z	Z	Z			
	Restaurant, with indoor or outdoor seating							<u>Z*</u>	Z	Z	Z	Z	Z		4.C
	Specialty eating establishment							Z	Z	Z	Z	Z	Z		
Retail Sales & Services	Grocery store							<u>Z*</u>	Z		Z				
	Retail sales establishments							<u>Z*</u>	Z	Z	Z	Z			
	Shopping center							<u>Z*</u>	U		Z	Z			4.G4

\*Uses shown with an asterisk apply to sites that front on a major arterial

**Item 3:** Staff suggested Statement of Consistency

The proposed text amendment is not consistent with the Unified Development Ordinance and will not result in a logical and orderly development pattern because:

1. The amendment establishes intensity and use discrepancies between the MXR zoning district and the business districts; and,
3. Is not consistent with the purpose and intent of the MXR zoning district.

**Item 4:** 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.

**Item 5:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2021.



\_\_\_\_\_  
 Board of Commissioners' Chairman  
 Attest:

\_\_\_\_\_  
 Leeann Walton  
 Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
 MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
 SECONDED BY COMMISSIONER: \_\_\_\_\_  
 VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS  
 .....

PLANNING BOARD DATE: 12/14/2021  
 PLANNING BOARD RECOMMENDATION: Approved  
 VOTE: 5 AYES 1 NAYS  
 ADVERTISEMENT DATE OF PUBLIC HEARING: 12/22/2021 & 12/29/2021  
 BOARD OF COMMISSIONERS PUBLIC HEARING: 1/3/2022  
 BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
 POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
 AMENDMENT NUMBER: \_\_\_\_\_

Attachment: PB 21-24 W&J Development LLC TA Staff Report (PB 21-24 W & J Development, LLC)

**OFFICIAL USE ONLY:**

Case Number: \_\_\_\_\_  
Date Filed: \_\_\_\_\_  
Gate Keeper: \_\_\_\_\_  
Amount Paid: \_\_\_\_\_

APPLICANT:

Name: W&J Development, LLC

Address: 109 43rd Street  
Virginia Beach, VA 23451

Telephone: 757-477-1469

E-Mail Address: wgs@cox.net

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 3 and 4 Section(s) 3.4.6.D and 4.1.2 as follows:

Please refer to attachments.

\*Request may be attached on separate paper if needed.

Petitioner

Date \_\_\_\_\_

Text Amendment Application  
Page 3 of 4

Revised 7/1/2018

## Chapter 3: Zoning Districts

## SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS

## Subsection 3.4.6: Mixed Residential (MXR) District

## D. DIMENSIONAL STANDARDS

## CD=COTTAGE DEVELOPMENT

	Residential Single-Family Detached	Multi-Family CD	Other	Nonresidential	
Max. Gross Density, Full Service Area (du/ac)	2.0	3.0	3.0	2.0	
Max. Gross Density, Limited Service Area (du/ac)	1.0	1.5	1.5	1.0	
Max. FAR (%)	N/A	N/A	N/A	0.40	
Min. Lot Area/Dwelling Unit (sq ft) [1]	15,000	N/A	N/A	20,000	①
Min. Open Space Set-Aside (% of development size) [2]	30	40	30	10	②
Min. Lot Width (corner or interior lots) (ft)	100	100 [3]	100[3]	200 [3]	③
Max. Lot Coverage (%)	30	40 [3]	40 [3]	65 [3]	
Perimeter Building Wall Setbacks (from development boundaries)					
Front and Corner Side Setback (ft)	20	20	50	20	④
Major Arterial Street Setback (ft)	50	50	50	50	
Side Setback (ft) [5]	10	10 [3]	15	15	⑤
Rear Setback (ft)	25	30[3]	30[3]	30	⑥
Min. Agricultural Setback (ft) [4]	50	50	50	50	
Min. Accessory Use Setback (ft)	10	10[3]	10	10	⑦
Min. Driveway/Parking Setback (ft)	10	10 [3]	10 [3]	10 [3]	⑧
Min. Fill Setback from Perimeter Lot Line	10	10	10	10	
Min. Wetland/Riparian Buffer (ft) [4]	30	30	30	30	
Max. Building Height (ft)	35	35	35	35	
Min. Spacing Between Buildings (ft)[5] [6]	20	20	20	20	⑨
Max. Building Length (ft)	N/A	N/A	250	[7]	⑩

[1] Maximum lot depth shall not exceed four times the lot width  
 [2] Applied to subdivisions platted after UDO effective date  
 [3] Applied to entire development, not individual building lots  
 [4] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

[5] Setbacks are subject to needed fire flow based on the ISO method  
 [6] Not applied to individual units in a zero lot line development  
 [7] Commercial and personal service uses are limited to a maximum size of 2,500 square feet per building, unless the site fronts on a major arterial, in which case the maximum building size will be 10,000 square feet.

## Chapter 4: Use Standards

## SECTION 4.1: USE TABLE

## Subsection 4.1.2: Use Table

TABLE 4.1.1.A: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;  
CZ = Allowed in a Conditional Zoning District; blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												ADDITIONAL REQ. (4.2.____)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI		HI
Trans- portation	Airport		U						U		U		U	U	
	Helicopter landing facility								U		U		U	U	3.G
	Passenger terminal, surface transportation			U	U				Z		Z	Z			
Utilities	Solar array														
	Solar Energy Facility		U												3.K
	Telecommunications antenna collocation on tower or building		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.H
	Telecommunications tower, freestanding		U			U			U	U			U	U	3.H
	Utility, major	U	U	U	U	U	U	U	U	U	U	U	U	U	3.I
	Utility, minor	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.J
	Wind energy facility, large														
COMMERCIAL USE CLASSIFICATION															
Adult Entertain- ment	All													U	4.A
Animal Care	Animal grooming								Z	Z	Z	Z	Z		4.B
	Animal shelter								Z					Z	4.B
	Kennel		U						Z	Z		Z	Z	Z	4.B
	Veterinary clinic		U						Z	Z	Z	Z	Z		4.B
Eating Establish- ments	Dinner theater								Z	Z	Z	Z			
	Restaurant, with indoor or outdoor seating							U Z*	Z	Z	Z	Z	Z		4.C
	Specialty eating establishment							Z	Z	Z	Z	Z	Z		
Offices	Business and sales								Z	Z	Z	Z	Z	Z	4.D
	Professional services								Z	Z	Z	Z	Z		4.D
Parking, Commercial	Parking lot								Z	Z	Z	Z	Z	Z	4.E.1
	Parking structure										Z	Z			4.E.2
Recreation/ Entertain- ment, Indoor	Fitness center								Z	Z	Z	Z	Z	Z	
	Recreation, indoor								Z	Z	Z	Z	Z	Z	
	Theater								Z	Z	Z	Z	Z		
Recreation / Entertainment, Outdoor	Automotive Racing													U	
	Arena, amphitheater, or stadium								U		U	U			4.F.1
	Athletic facility			Z	Z			Z	Z	Z	Z	Z			4.F.2
	Golf course			U	U				U						
	Golf driving range								Z	Z	Z				
	Marinas								U	Z		Z	Z	Z	4.F.3

Attachment: W &amp; J Application (PB 21-24 W &amp; J Development, LLC)

## Chapter 4: Use Standards

## SECTION 4.1: USE TABLE

## Subsection 4.1.2: Use Table

TABLE 4.1.1.A: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;  
CZ= Allowed in a Conditional Zoning District; blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]													ADDITIONAL REQ. (4.2.____)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI		
Retail Sales & Services	Outdoor shooting range		U											U	4.F.5	
	Outdoor tour operator								U	U	Z	Z			4.F.6	
	Outdoor tour operator, Aviation		U						U	U	Z	Z			4.F.7	
	Recreation, outdoor							U	Z	Z	Z	Z			4.F.4	
	Artisan Food and Beverage Producer								Z				Z			
	Auction House												Z			
	Bar, nightclub, or cocktail lounge								Z		Z	Z			4.G.1	
	Brewery, Large												Z			
	Convenience store							Z	Z	Z	Z	Z	Z			
	Crematory													U		
	Distillery												Z			
	Drug store or pharmacy							Z	Z	Z	Z	Z				
	Entertainment establishment							Z	Z	Z	Z	Z				
	Financial institution							Z	Z	Z	Z	Z				
	Flea market												Z	Z	4.G.2	
	Funeral home								Z	Z	Z	Z				
	Grocery store							Z*	Z		Z	Z				
	Laundromat							Z	Z	Z	Z	Z	Z			
	Pawn shop								U				U			
	Personal services establishment							Z	Z	Z	Z	Z	Z			
	Repair establishment								Z	Z	Z	Z	Z	Z	4.G.3	
	Retail sales establishments								Z*	Z	Z	Z	Z			
	Shopping center								Z*	U		Z	Z		4.G.4	
	Tattoo parlor/body piercing establishment													Z	Z	4.G.5
	Winery									Z				Z		
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance												Z	Z		
	Automotive wrecker service												Z	Z	4.H.1	
	Boat and marine rental, sales, and service								Z				Z	Z	4.H.2	
Vehicle Sales and Services, Light	Automotive parts and installation								Z		Z	Z	Z		4.I.1	
	Automobile repair and servicing (including painting/bodywork)								Z		Z	Z	Z		4.I.2	
	Automobile sales or rentals								U		Z	Z	Z		4.I.3	
	Car wash or auto detailing								Z		Z	Z	Z		4.I.4	
	Taxicab service								Z	Z	Z	Z			4.I.5	
Visitor	Bed and breakfast inn				Z	Z		Z	Z	Z	Z	Z			4.J.1	

\*Uses shown with an asterisk apply to sites that front on a major arterial

Attachment: W & J Application (PB 21-24 W & J Development, LLC)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 3300

**Agenda Item Title:** PB 21-26 Royal Farms Conditional Rezoning:

**Submitted By:** Jennie Turner – Planning & Community Development

**Item Type:** Legislative

**Presenter of Item:** Jason Litteral

**Board Action:** Action

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**Brief Description of Agenda Item:**

Two Farms, Inc. requests conditional rezoning of 3.55-acres from General Business & Single-Family Mainland to Conditional-General Business for properties located south of the intersection of Caratoke Highway and Walnut Island Blvd.

**Planning Board Recommendation:** Approval with Conditions

**Staff Recommendation:** Approval with Conditions

**TRC Recommendation:** Approval with Conditions





**STAFF REPORT**  
**PB 21-26 ROYAL FARMS**  
**CONDITIONAL ZONING**  
**BOARD OF COMMISSIONERS**  
**JANUARY 3, 2022**

Attachment: Royal Farms - Staff Report - BOC (PB 21-26 Royal Farms Conditional Rezoning)

APPLICATION SUMMARY	
<b>Property Owner:</b> Multiple Property Owners: See attachment A	<b>Applicant:</b> Two Farms, Inc. c/o Ward and Smith, P.A. 120 W Fire Tower Rd. Greenville, NC 28590 Attn: Drake Brinkley/Clint Cogburn
<b>Case Number:</b> PB 21-26	<b>Application Type:</b> Conditional Rezoning
<b>Parcel Identification Number:</b> 1) 0107000059A0000 2) 0107000061A0000 3) 010700000620000 4) 0107000067A0000	<b>Existing Use:</b> 1) Retail 2) Vacant 3) Vacant 4) Single Family Dwelling
<b>Land Use Plan Classification:</b> Full Service	<b>Parcel Size (Acres):</b> 3.55
	<b>Zoning History:</b> Recreational Residential – 1989 General Business – 2013
<b>Current Zoning:</b> General Business	<b>Proposed Zoning:</b> Conditional General Business
<b>Request:</b> Conditional rezoning of multiple properties currently zoned General Business and Single-Family Mainland to Conditional General Business to allow construction of a convenience store with fuel sales. The properties are located on the south side of the intersection of Caratoke Hwy. and Walnut Island Blvd. in Grandy, Poplar Branch Township.	

## REQUEST

### NARRATIVE

The applicant is requesting conditional rezoning of four parcels, including three General Business parcels and one Single Family Mainland parcel, which have a combined area of 3.55 acres and are proposed to be zoned Conditional-General Business. The parcels will be recombined to accommodate a new Royal Farms convenience store with fuel sales. Historically, located at the corner of Caratoke Hwy. and Walnut Island Blvd was a 7-Eleven convenience store with fuel sales. However, currently the building is being used for retail sales and the fuel tanks and pumps have been removed. The applicant has been working closely with staff, during the concurrent major site plan review process, to achieve a development that will enhance the grandy commercial area while remaining in harmony with the surrounding communities. The community compatibility standards of the UDO provide requirements for the appearance of the rear of the site and building, which will ease the transition from the convenience store to Walnut Island subdivision.

### COMMUNITY MEETING

- 1) Time/Location. The community meeting ("Community Meeting") was held at 5:30PM on Tuesday, September 14, 2021, at the Jarvisburg Church of Christ located at 121 Forbes Road, Jarvisburg, NC 27947. Enclosed is a copy of the notice that was mailed to the provided list of

nearby property owners, and a copy of that provided list.

- 2) Attendees. In attendance at the Community Meeting on behalf of Two Farms, Inc. were Drake Brinkley of Ward and Smith, P.A., Andrew Mueller of BL Companies, and William McAnally of BL Companies. The following individuals signed the attendee sheet at the Community Meeting: Teresa MacPherson, Jim Branthask, Steve Danna, Nancy M. Walker, Barry M. Walker, Robert S. Seelow, Jim Hoverbrook, Mike Payment, Michele Thomas, Curtis Inge, Matthew Sweeley, Leslie Knoffler, and Colon Grandy (please note we have attempted to spell the preceding names correctly based on the handwritten names provided by such attendees). Jason Litteral attended on behalf of the Currituck County planning staff. Enclosed is a redacted version of the sign in sheet provided at the meeting.
- 3) Material Discussed / Issues Relates to Application. Drake Brinkley introduced the project to the attendees. He discussed the proposed use, a Royal Farms convenience store with gasoline sales. He, and those in attendance from BL companies, explained the current conceptual design. Drake also explained the conditional rezoning process, the current status of the project in the process, and the projected target dates for future steps in the conditional rezoning process.
- 4) Summary of Attendee Comments. The Two Farms, Inc. team fielded a variety of questions about the project, primarily about ingress/egress locations, traffic impacts along both Caratoke Highway and Walnut Island Blvd., and how the back parcel (the current single-family parcel) would be utilized.
- 5) Addressing Attendee Comments. The Two Farms, Inc. team provided information in response to the various questions asked by attendees. With regard to how the back parcel (single-family parcel) would be utilized, the current conceptual plan was shown to the attendees, and it was explained that based on the current conceptual design the store and parking would not be located on the back parcel. Regarding the various questions associated with traffic and ingress/egress concerns, the current conceptual plan was explained to the attendees, and additionally, it was noted that much of the design associated with such topics will be dependent on the DOT analysis. The Two Farms, Inc. team welcomed any additional questions/comments from attendees.

## CONDITIONS OF APPROVAL

### The applicant submitted the following conditions of approval:

1. All permitted uses in the General Business ((IB) zoning district shall be allowed, except for the following:
  - a. Equestrian Facility
  - b. Farmers Market
  - c. Nursery, Production
  - d. Agricultural Research Facility
  - e. Distribution Hub for Agricultural and Agronomic Products
  - f. Farm Machinery Sale, Rental, and Service
  - g. Agricultural Retail Facility
  - h. Silviculture
  - i. Dormitory



- j. Family Care Home
- k. Rooming or Boarding House
- l. Adult Day Care Center
- m. Child Care Center
- n. All Educational Facilities
- o. All Government Facilities
- p. All Health Care Facilities
- q. All Institutions
- r. All Public Safety
- s. All Transportation
- t. Animal Shelter
- u. Kennel
- v. All Parking, Commercial
- w. All Recreation/Entertainment, Indoor
- x. All Recreation/Entertainment, Outdoor
- y. Bar, Nightclub, or Cocktail Lounge
- z. Entertainment Establishment
- aa. Funeral Home
- bb. Pawn Shop
- cc. Shopping Center
- dd. Winery
- ee. All Vehicle Sales and Services, Heavy ff. Automotive Parts and Installation
- gg. Automobile Repair and Servicing (Including Painting/Bodywork)
- hh. Automobile Sales or Rentals
- ii. Taxicab Service
- jj. All Visitor
- kk. All Accommodations
- ll. All Industrial Uses

SURROUNDING PARCELS		
	Land Use	Zoning
North	Hardee's	General Business
South	Vacant	General Business/Single Family Mainland
East	Walnut Island Subdivision	Single Family Mainland
West	Dunkin Donuts/Convenience/Fuel Sales	General Business

## LAND USE PLAN

The 2006 Land Use Plan classifies this site as Full Service within the Grandy subarea. The policy emphasis for the Grandy subarea is to allow Grandy to further evolve as a community center in its own right. The proposed plan is consistent with the policies of the plan, some of which are:

Policy CD2	Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development and minimize traffic generation.
Policy CD4	HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.
Policy ED1	NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

## RECOMMENDATION

### Technical Review Committee

The Technical Review Committee recommends approval of the conditional rezoning subject to the following conditions:

1. Modify the rear building elevation to fully comply with the community compatibility standards of the UDO.

*The applicant has been working closely with staff to meet the community compatibility standards. This will be resolved prior to approval of the Major Site Plan.*

### Planning Board

On December 14, 2021, the Planning Board recommended approval of the requested conditional rezoning with a 6-0 vote.

### Motion

Mr. Bass moved to move to **approve PB 21-26**, with agreed upon conditions, because the request is consistent with Land Use Plan policies:

- CD2
- CD4
- ED1

And the request is reasonable and in the public interest because it results in a logical and orderly development pattern.

Mr. Hurley seconded the motion and the motion carried unanimously 6-0.

## CONSISTENCY AND REASONABLENESS STATEMENT

A conditional zoning is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a conditional rezoning the Board of Commissioners shall adopt a written statement of consistency and reasonableness.

*This conditional zoning request is:*

- 1) *consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this Ordinance.*
- 2) *is compatible with existing and proposed uses surrounding the land subject to the application and is the appropriate zoning district and uses for the land.*

*It is reasonable and in the public interest because it:*

- 1) *would result in a logical and orderly development pattern.*
- 2) *would not conflict with the public interest and is in harmony with the purposes and intent of this Ordinance.*

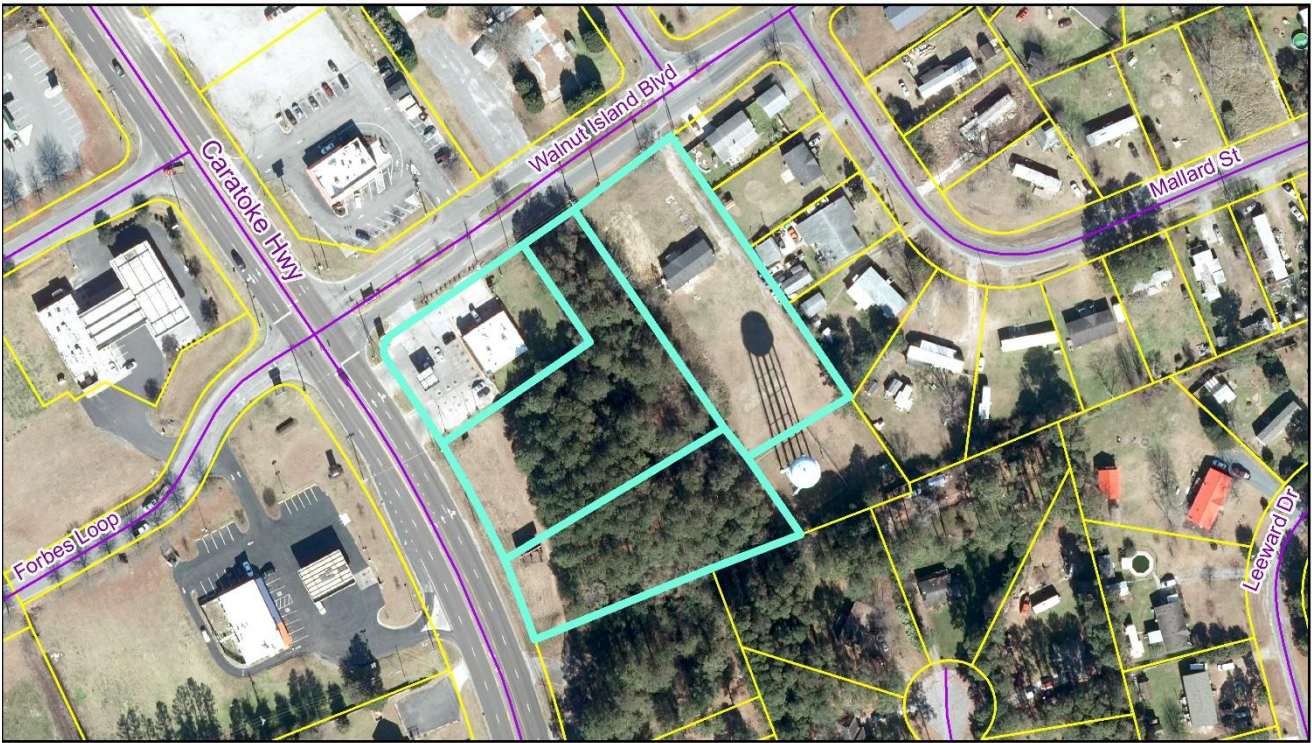
## CONDITIONS OF APPROVAL

Only conditions mutually agreed to by the owner(s) may be approved as part of a conditional zoning district. Conditions shall be limited to those that address conformance of development and use of the site with county regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use. No condition shall be less restrictive than the standards of the parallel general use zoning district.

*Agreed upon conditions of approval:*

1. *Front elevation fenestration shall be increased to 50 percent.*
2. *The front elevation shall include a pitched roof element.*

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](http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm)

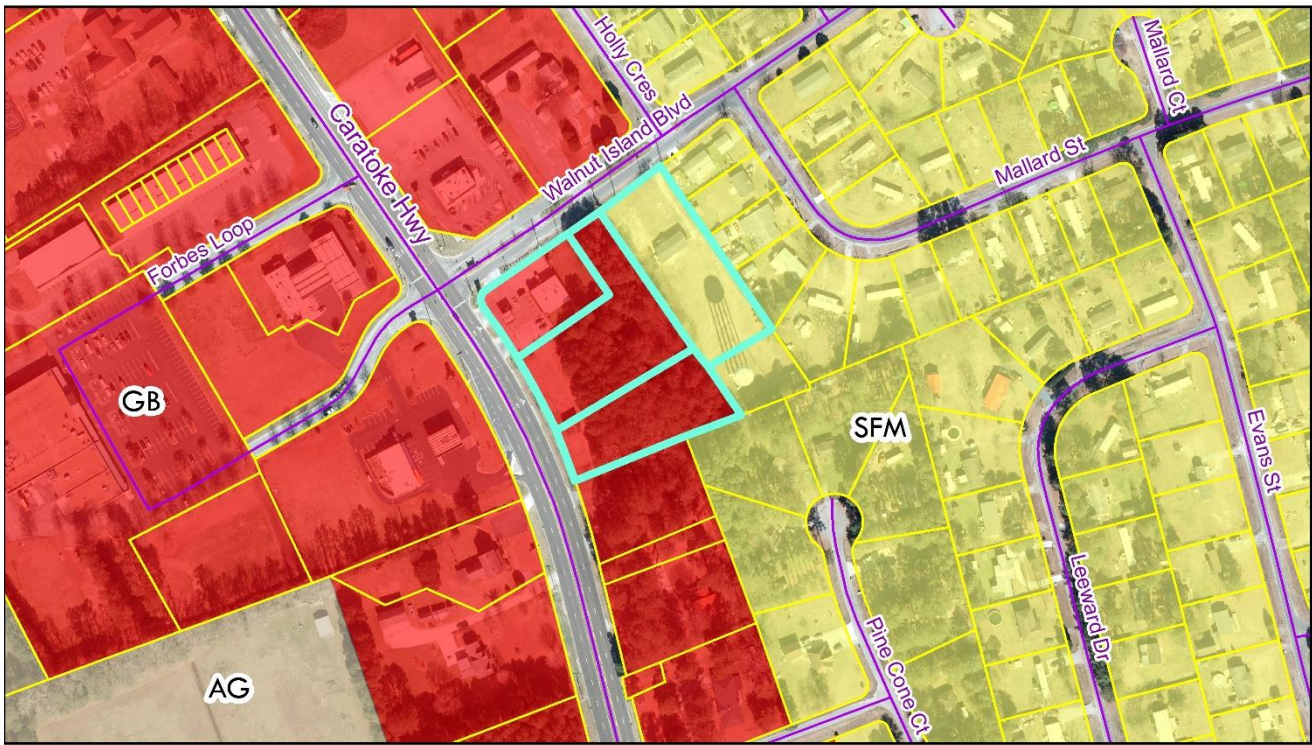


Royal Farms  
Aerial

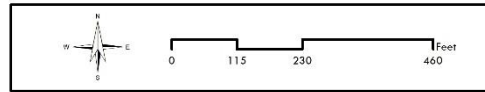


Currituck County  
Planning and Community  
Development

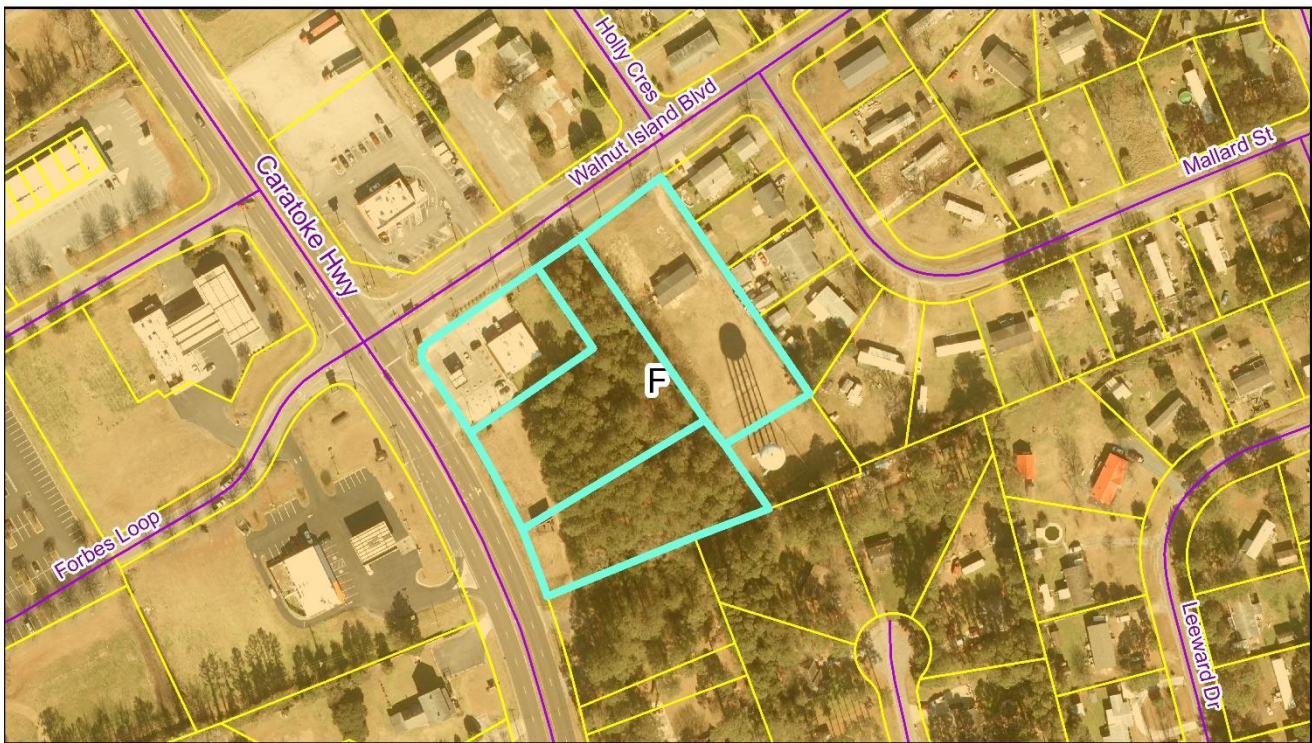




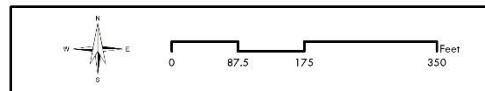
Royal Farms  
Zoning



Currituck County  
Planning and Community  
Development



Royal Farms  
Land Use Plan Classes



Currituck County  
Planning and Community  
Development





Royal Farms  
Vicinity Map



Currituck County  
Planning and Community  
Development





## Conditional Rezoning Review Process

### Contact Information

Currituck County  
Planning and Community Development  
153 Courthouse Road, Suite 110  
Currituck, NC 27929

Phone: 252.232.3055  
Fax: 252.232.3026

Website: [www.co.currituck.nc.us/departments/planning-community-development](http://www.co.currituck.nc.us/departments/planning-community-development)

### Step 1: Pre-application Conference

The purpose of a pre-application conference is to provide an opportunity for the applicant to determine the submittal requirements and the procedures and standards applicable to an anticipated development application. A pre-application conference is also intended to provide an opportunity for county staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed development, as it relates to the standards in the Unified Development Ordinance (UDO).

The applicant shall submit conceptual drawings that show the location, general layout, and main elements of the development to be proposed as part of the application to the Planning and Community Development Department at least three business days before the pre-application conference.

### Step 2: Community Meeting

The purpose of the community meeting is to inform owners and occupants of nearby lands about the application for a conditional rezoning that is going to be reviewed under the UDO, and to provide the applicant an opportunity to hear comments and concerns about the application as a means of resolving conflicts and outstanding issues, where possible.

Community meetings are opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents who may be affected by the application.

The community meeting shall comply with the following procedures:

- **Time and Place**
  - The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the proposed conditional rezoning.
- **Notification**
  - Mailed Notice
    - The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the Planning Director and to:
      - i. All owners of the land subject to the application;
      - ii. All owners of land within 500 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and
      - iii. Commanders of military bases located within five miles of the subject application when the development proposal affects the type of uses allowed.

**Conditional  
Rezoning**

Conditional Rezoning Application  
Page 1 of 8

Revised 7/1/2018



- ☐ Posted Notice
  - The applicant shall post notice of the community meeting on the land subject to the application for at least ten days before the date fixed for the meeting, in a form established by the Planning Director. Signs used for posted notice shall have a minimum size of six square feet per side.
- ☐ Notice Content
  - The notice shall state the time and place of the meeting and general nature of the conditional rezoning.
- **Conduct of Meeting**

At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to question and concerns neighbors raise about the application, and propose ways to resolve conflicts and concerns.
- **Staff Attendance**

County staff shall attend the meeting for purpose of advising attendees about the applicable provisions of the UDO and the land use plan, but shall not serve as facilitators or become involved in discussions about the proposed conditional rezoning.
- **Written Summary of Community Meeting**

The applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments, discuss issues related to the conditional rezoning application, and any other information the applicants deems appropriate. The meeting summary shall be included with the application materials and be made available to the public for inspection.
- **Response to Summary**

Any person attending the community meeting may submit a written response to the applicant's meeting summary to the Planning Director within 30 days after the application is determined complete. The response may state their understanding of attendee comments, discuss issues related to the development proposal, and include any other information they deem appropriate. All written responses to the applicant's summary of the community meeting shall be transmitted to the applicant, included with the application materials, and made available to for public inspection.

#### Step 3: Application Submittal and Acceptance

The applicant must submit a complete application packet on or before the application submittal date. Conditional rezoning applications may not be initiated by anyone other than the landowner(s) of the subject land. A complete application packet consists of the following:

- Completed Currituck County Conditional Rezoning Application.
- Application Fee (\$200 plus \$5 for each acre)
- Written Summary of Community Meeting.
- A conceptual development plan drawn to scale. The plan shall include the items listed in the conceptual plan design standards checklist.
- Architectural drawings and/or sketches illustrating the design and character of the proposed structures.
- Number of Copies Submitted:
  - ☐ 2 Copies of conceptual site plans
  - ☐ 2 Hard copies of ALL documents
  - ☐ 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all plans AND documents

On receiving an application, staff shall, within ten business days, determine whether the application is complete or incomplete. A complete application contains all the information and materials listed above, and is in sufficient detail to evaluate and determine whether it complies with appropriate review standards. If an application is determined to be incomplete, the applicant may correct the deficiencies and resubmit the application for completeness determination. Failure to resubmit a complete application within 45 calendar days after being determined incomplete will result in the application being considered withdrawn.

#### Step 4: Staff Review and Action

Once an application is determined complete, it will be distributed to the Technical Review Committee (TRC). TRC shall review the application, prepare a staff report, and provide a recommendation on the application. The staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the application might be mitigated.



#### Step 5: Advisory Body Review and Recommendation

After the TRC prepares a staff report and provides a recommendation on the application, staff shall schedule the application for a public meeting with the Planning Board. At the public meeting, the Planning Board shall consider the application, relevant support materials, staff report, and any public comments. It may suggest revisions to the proposed conditions including the conceptual plan with only those revisions agreed to in writing by the applicant being incorporated into the application. It shall then recommend approval, approval subject to revised or additional conditions agreed to by the applicant, or denial, and clearly state that factors considered in making the recommendation. The Planning Board shall provide a recommendation on an application it reviews within two months from the date of its initial meeting to consider the application.

#### Step 6: Public Hearing Scheduling and Public Notification

After the Planning Board provides a recommendation on the application, staff shall ensure that the public hearing on it is scheduled for a regularly scheduled Board of Commissioners meeting or a meeting specially called for by the Board of Commissioners. The required public hearing with the Board of Commissioners shall be scheduled so there is sufficient time for a staff report to be prepared and for the public notification requirements to be satisfied under state law.

The application shall meet the following public notification requirements:

- **Published Notice**  
Staff shall publish a notice of the hearing once a week for two successive calendar weeks in a newspaper having general circulation in the county. The first time notice is published, it shall not be less than 10 days nor more than 25 days before the date fixed for the hearing.
- **Mailed Notice**  
Staff shall be responsible for preparing and mailing a written notice between 10 and 25 days before the public hearing. Notice shall be mailed to:
  - All owners of the land subject to the application;
  - The applicant, if different from the land owner;
  - All owners of land within 500 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and
  - Commanders of military bases located within five miles of the subject application when the development proposal affects the type of uses allowed.
- **Posted Notice**  
At least 10 days before the public hearing, posted notice shall be made by staff. A sign shall be placed in a conspicuous location as to be clearly visible to the traveled portion of the respective street. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way with an attached notation generally indicating the direction and distance to the land subject to the application.

#### Step 7: Public Hearing Procedures, and Decision-Making Body Review and Decision

The applicant must be in attendance at the public hearing. During the public hearing, the Planning Director will present the staff report and any review body findings and recommendation to the Board. The applicant will then have the opportunity to present any information they deem appropriate. The burden of demonstrating that an application complies with applicable review and approval standards of the UDO is on the applicant. The public may be permitted to speak in accordance with the Board of Commissioners rules of procedure, or at their discretion, as appropriate, in support of or in opposition to the application. The applicant and Planning Director may respond to any comments, documents, or materials presented.

The Board of Commissioners shall make one of the following decisions on the application:

- Approval of the conditional rezoning subject to the conditions included in the application;
- Approval of the conditional rezoning subject to any revised or additional conditions agreed to by the applicant, in writing;
- Denial of the conditional rezoning; or
- Remand of the conditional rezoning application back to the Planning Board for further consideration.

A conditional rezoning is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a conditional rezoning, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the application:

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of the UDO;
- Is in conflict with any provision of the UDO, or the County Code of Ordinances;
- Is required by changed conditions;
- Addresses a demonstrated community need;
- Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
- Adversely impacts nearby lands;
- Would result in a logical and orderly development pattern;
- Would result in significant adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
- Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities.);
- Would not result in significantly adverse impacts on the land values in the surrounding area; and
- Would not conflict with the public interest, and is in harmony with the purposes and intent of the UDO.





## Conditional Rezoning Application

### OFFICIAL USE ONLY:

Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

### Contact Information

#### APPLICANT:

Name: Two Farms, Inc.  
 Address: c/o Ward and Smith, P.A., 120 W Fire Tower Rd.  
Greenville, NC 28590, Attn: Drake Brinkley/Clint Cogburn  
 Telephone: (252) 215-4014; (828) 777-9902  
 E-Mail Address: jdbrinkley@wardandsmith.com; chcogburn@wardandsmith.com

#### PROPERTY OWNER:

Name: See Exhibit A.  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser/Authorized Agent

### Property Information

Physical Street Address: See Exhibit A.  
 Location: Located adjacent to intersection of Walt Island Blvd and Caratoke Highway  
 Parcel Identification Number(s): See Exhibit A.  
 Total Parcel(s) Acreage: 3.55 Acres (Legal); 3.58 Acres (GIS)  
 Existing Land Use of Property: General Business/Single-Family Residential Mainland

### Request

Current Zoning of Property: GB & SFM Proposed Zoning District: C-GB

### Community Meeting

Date Meeting Held: September 14, 2021 Meeting Location: See Exhibit B.

### Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

The undersigned respectfully requests that, pursuant to the Unified Development Ordinance, a conditional zoning district be approved for the following use(s) and subject to the following condition(s):

**Proposed Use(s):**

The proposed use is a Royal Farms convenience store with gas sales.

**Proposed Zoning Condition(s):**

See Exhibit C.

An application has been duly filed requesting that the property involved with this application be rezoned from: GB & SFM to: C-GB

It is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound to the conceptual development plan, use(s) authorized, and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Currituck County Unified Development Ordinance. It is further understood and acknowledged that final plans for any development be made pursuant to any such conditional zoning district so authorized and shall be submitted to the Technical Review Committee.

See Attached Signature Pages.

Property Owner (s)

Date

**NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.**



### Conditional Rezoning Design Standards Checklist

The table below depicts the design standards of the conceptual development plan for a conditional rezoning application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

## Conditional Rezoning Conceptual Development Plan Design Standards Checklist

Date Received: \_\_\_\_\_

TRC Date: \_\_\_\_\_

Project Name: \_\_\_\_\_

Applicant/Property Owner: \_\_\_\_\_

Conditional Rezoning Design Standards Checklist		
1	Property owner name, address, phone number, and e-mail address.	
2	Site address and parcel identification number.	
3	A scaled drawing showing existing boundary lines, total acreage, adjacent use types, location of streets, rights-of-way, and easements.	
4	North arrow and scale to be 1" = 100' or larger.	
5	Vicinity map showing property's general location in relation to streets, railroads, and waterways.	
6	Existing zoning classification of the property and surrounding properties.	
7	Approximate location of the following existing items within the property to be rezoned and within 50' of the existing property lines: Pathways, structures, septic systems, wells, utility lines, water lines, culverts, storm drainage pipes, ditches, canals, streams, wooded areas, ponds, and cemeteries.	
8	Approximate Flood Zone line and Base Flood Elevation as delineated on the "Flood Insurance Rate Maps/Study Currituck County."	
9	Approximate location of all designated Areas of Environmental Concern or other such areas which are environmentally sensitive on the property, such as Maritime Forest, CAMA, 404, or 401 wetlands as defined by the appropriate agency.	
10	Proposed zoning classification and intended use of all land and structures, including the number of residential units and the total square footage of any non-residential development.	
11	Proposed building footprints and usages.	
12	Proposed traffic, parking, and circulation plans including streets, drives, loading and service areas, parking layout, and pedestrian circulation features.	
13	Approximate location of storm drainage patterns and facilities intended to serve the development.	
14	Proposed common areas, open space set-asides, anticipated landscape buffering, and fences or walls (if proposed).	
15	Architectural drawings and/or sketches illustrating the design and character of the proposed uses.	
16	Proposed development schedule.	

### Conditional Rezoning Submittal Checklist

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

## Conditional Rezoning Submittal Checklist

Date Received: \_\_\_\_\_

TRC Date: \_\_\_\_\_

Project Name: \_\_\_\_\_

Applicant/Property Owner: \_\_\_\_\_

Conditional Rezoning Submittal Checklist		
1	Complete Conditional Rezoning application	
2	Application fee (\$200 plus \$5 for each acre or part thereof)	
3	Community meeting written summary	
4	Conceptual development plan	
5	Architectural drawings and/or sketches of the proposed structures.	
6	2 copies of plans	
7	2 hard copies of ALL documents	
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	

### For Staff Only

#### Pre-application Conference

Pre-application Conference was held on \_\_\_\_\_ and the following people were present:

\_\_\_\_\_  
\_\_\_\_\_

#### Comments

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# EXHIBIT A

**PARCEL INFORMATION**

1. Parcel Address: 6511 Caratoke Highway, Grandy, NC 27939  
Parcel ID: 0107000059A0000  
PIN: 9922-10-4601  
Owner: Key Properties LLC  
Owner Contact: Neal Zarou, 12942 Oxon Road, Herndon, VA 20171
2. Parcel Address: Caratoke Highway, Grandy, NC 27939  
Parcel ID: 0107000061A0000  
PIN: 9922-10-5514  
Owner: Key Properties LLC  
Owner Contact: Neal Zarou, 12942 Oxon Road, Herndon, VA 20171
3. Parcel Address: 6523 Caratoke Highway, Grandy, NC 27939  
Parcel ID: 010700000620000  
PIN: 9922-10-5480  
Owner: Charles E. Johnson Jr, as trustee and Patricia A. Johnson, as trustee  
Owner Contact: 14906 Cranoke Street, Centreville, VA 21210
4. Parcel Address: 104 Walnut Island Boulevard, Grandy, NC 27939  
Parcel ID: 0107000067A0000  
PIN: 9922-10-6645  
Owner: Richard F. Davis, II  
Owner Contact: 103 John Cabot Court, Kill Devil Hills, NC 27948



# EXHIBIT B

## Community Meeting Summary

### Two Farms, Inc. / Grandy, NC

1. Time / Location. The community meeting ("Community Meeting") was held at 5:30 PM on Tuesday, September 14, 2021, at the Jarvisburg Church of Christ located at 121 Forbes Road, Jarvisburg, NC 27947. Enclosed is a copy of the notice that was mailed to the provided list of nearby property owners, and a copy of that provided list.
2. Attendees. In attendance at the Community Meeting on behalf of Two Farms, Inc. were Drake Brinkley of Ward and Smith, P.A., Andrew Mueller of BL Companies, and William McAnally of BL Companies. The following individuals signed the attendee sheet at the Community Meeting: Teresa MacPherson, Jim Branthask, Steve Danna, Nancy M. Walker, Barry M. Walker, Robert S. Seelow, Jim Hoverbrook, Mike Payment, Michele Thomas, Curtis Inge, Matthew Sweeley, Leslie Knoffler, and Colon Grandy (please note we have attempted to spell the preceding names correctly based on the handwritten names provided by such attendees). Jason Litteral attended on behalf of the Currituck County planning staff. Enclosed is a redacted version of the sign in sheet provided at the meeting.
3. Material Discussed / Issues Relates to Application. Drake Brinkley introduced the project to the attendees. He discussed the proposed use, a Royal Farms convenience store with gasoline sales. He, and those in attendance from BL companies, explained the current conceptual design. Drake also explained the conditional rezoning process, the current status of the project in the process, and the projected target dates for future steps in the conditional rezoning process.
4. Summary of Attendee Comments. The Two Farms, Inc. team fielded a variety of questions about the project, primarily about ingress/egress locations, traffic impacts along both Caratoke Highway and Walnut Island Blvd., and how the back parcel (the current single-family parcel) would be utilized.
5. Addressing Attendee Comments. The Two Farms, Inc. team provided information in response to the various questions asked by attendees. With regard to how the back parcel (single-family parcel) would be utilized, the current conceptual plan was shown to the attendees and it was explained that based on the current conceptual design the store and parking would not be located on the back parcel. Regarding the various questions associated with traffic and ingress/egress concerns, the current conceptual plan was explained to the attendees, and additionally, it was noted that much of the

design associated with such topics will be dependent on the DOT analysis. The Two Farms, Inc. team welcomed any additional questions/comments from attendees.



CLINTON H. COGBURN, Attorney at Law

82 Patton Avenue, Suite 300 (28801)  
 Post Office Box 2020  
 Asheville, NC 28802-2020

P: 828.348.6012  
 F: 828.348.6077  
 chcogburn@wardandsmith.com

September 1, 2021

VIA MAIL

[ADD NAME/ADDRESS]

RE: Neighborhood Meeting -- Proposed Royal Farms Convenience Store  
 6511 Caratoke Highway, Grandy, NC  
 Our File: 211113-00001

Dear Neighbor:

We are writing to invite you to a neighborhood meeting to discuss a proposed Royal Farms convenience store to be located at 6511 Caratoke Highway, Grandy, North Carolina. We represent Royal Farms in rezoning the subject property to allow for the development of a convenience store with gas pumps. We have consulted with Currituck County Planning and Development staff regarding this project and before we file our application, we wanted to introduce this project to the community, discuss Royal Farms' vision for the development, receive and integrate the community's feedback, and answer any questions you may have concerning the site.

Royal Farms currently has over 200 locations serving Delaware, Maryland, New Jersey, Pennsylvania, and Virginia. Royal Farms develops, maintains, and operates quality convenience stores that provide communities and visitors with a variety of fresh, prepared foods, coffees, drinks, snacks, select grocery/convenience products, and gasoline/diesel fuel. Throughout its history, Royal Farms has been committed to delivering value to its customers and providing its communities with a safe, friendly, and convenient location for people to get gas, grab something to eat, or purchase a few convenience products on the way to their next destination. Royal Farms looks forward to providing that same level of service to the people of Grandy and Currituck County.

Concerning the proposed development, the site includes four (4) parcels, totaling approximately 3.55 acres, and located at the corner of Caratoke Highway and Walnut Island Boulevard. Four of the parcels are presently zoned General Business (GB), which permits a convenience store with gas pumps. The remaining parcel is zoned Single Family-Mainland. We are proposing to conditionally rezone all parcels to General Business (GB) with conditions on the permitted uses allowed at the site.

ASHEVILLE

GREENVILLE

NEW BERN

RALEIGH

WILMINGTON

www.wardandsmith.com

Attachment: Application (PB 21-26 Royal Farms Conditional Rezoning)



WARD AND SMITH, P.A.

[ADD NAME/ADDRESS]

September 1, 2021

Page 2

We will be holding a neighborhood meeting to provide further information and detail on the proposed development. The details for that meeting are as follows:

Date: Tuesday, September 14, 2021

Time: 5:30 PM – 6:30 PM

Location: Jarvisburg Church of Christ  
121 Forbes Road  
Jarvisburg, NC 27947

Given the ongoing COVID-19 pandemic, we ask that all attendees wear a mask when indoors and we will adhere to federal and state guidance on social distancing practices. We also understand that some individuals may not feel comfortable attending and we want to ensure all are included in the process. If you cannot attend or otherwise wish to participate in this process outside of the meeting, please do not hesitate to contact me ([chcogburn@wardandsmith.com](mailto:chcogburn@wardandsmith.com); 828-348-6012) or Drake Brinkley ([jdbrinkley@wardandsmith.com](mailto:jdbrinkley@wardandsmith.com); 252-215-4014) with any questions or comments. We welcome your feedback and want to hear your thoughts about this development.

We thank you for your time and look forward to meeting with you. Royal Farms is excited about this site and is dedicated to being a great neighbor and community member for years to come.

Yours truly,

Clinton H. Cogburn

ND: 4832-7745-8423, v. 3

Attachment: Application (PB 21-26 Royal Farms Conditional Rezoning)

114 MALLARD STREET TRUST	C/O NANCY L WOODWORTH	118 FARIS DR	GRANDY	NC	27939
ADAMS, M EDWARD	ADAMS, RAMONA Y	2251 NAVIGATION PT	GOODVIEW	VA	24095
AGUILAR, JUAN CALLES		PO BOX 3743	KILL DEVIL HILLS	NC	27948
ANGEL, MARIA TERESA		113 HARBOUR BAY	KITTY HAWK	NC	27949
BNE RESTAURANT GROUP II	C/O DUFF & PHELPS #56-33-18340	PO BOX 2629	ADDISON	TX	75001
CASTELLOE, TERESA H		111 HARRELLS LN	AHOSKIE	NC	27910
CERVANTES, CONRAD JR	CERVANTES, MANDY BRODIL	102 MALLARD ST	GRANDY	NC	27939
CLARK, HARRY E	CLARK, SHARON L	112 LEEWARD DR	GRANDY	NC	27939
COLLINS, TERRY L		102 FARIS DR	GRANDY	NC	27939
CRAWFORD, JOE D JR	CRAWFORD, SONYA A	103 PINE CONE CT	GRANDY	NC	27939
DAVIS, RICHARD F II		103 JOHN CABOT CT	KILL DEVIL HILLS	NC	27948
DIECK, GEORGE EMANUEL III		118 MALLARD ST	GRANDY	NC	27939
EL POTRILLO INC		102 MOYOCK COMMONS DR, SUITE H MOYOCK	GRANDY	NC	27958
EQUITY TRUST COMPANY CUSTODIAN	FBO JUNE COOK IRA	1304 ROSS DR SW	VIENNA	VA	22180
FLOYD, BAXTER RANDOLPH III	FLOYD, LISA CREDLE	391 NARROW SHORE RD	AYDLETT	NC	27916
FORBES, GWEN	GARCIA, JOSE	106 LEEWARD DR	GRANDY	NC	27939
GARCIA-FORBES, MARINA C	FORBES, GWENDOLYN A	106 LEEWARD DR	GRANDY	NC	27939
GOMEZ, SANTOS V	MENDEZ, VICENTA R	1922 W 5TH STREET	KILL DEVIL HILLS	NC	27948
GRANDY EXPRESS LLC		353 SOUNDVIEW DR	KILL DEVIL HILLS	NC	27948
HALL, GEORGE RALPH II	HALL, MICHELLE F	PO BOX 367	GRANDY	NC	27939
HAMMOCK, SURASAK M	HAMMOCK, VILAILUK T	102 HOLLY CRES	GRANDY	NC	27939
HERNANDEZ, FERNANDO HERNANDEZ	CALLES, FERNANDA MONTSERRAT HERNANDEZ	802 W THIRD ST	KILL DEVIL HILLS	NC	27948
HORN BROOK, JAMES R	HORN BROOK, BARBARA Y	PO BOX 267	KITTY HAWK	NC	27949
JERNIGAN PROPERTIES INC		PO BOX 688	AHOSKIE	NC	27910
JOHNSON, CHARLES E JR TRUSTEE	JOHNSON, PATRICIA A TRUSTEE	14906 CRANOKE ST	CENTREVILLE	VA	20120
KENDRICK, SHIRLEY A	WILLS, GREGORY E PC	116 MALLARD ST	GRANDY	NC	27939
KEY PROPERTIES LLC.	C/O NEAL ZAROU	12942 OXON RD	HERNDON	VA	20171
KUSTER, JOHN E III		PO BOX 983	GRANDY	NC	27939
LOPEZ, FERNANDO PALOMAR	DE PALOMAR, SONIA SANCHEZ	PO BOX 2051	KITTY HAWK	NC	27949
MCCULLEN, RONALD R.		105 FARIS DR	GRANDY	NC	27939
MCLEOD, CHRISTOPHER M		104 FARIS DR	GRANDY	NC	27939
MIDGETTE, DARLEEN H		108 MALLARD ST	GRANDY	NC	27939
MIDGETTE, JUSTIN THOMAS		1916 LYRA PL	WAKE FOREST	NC	27587
O'CONNOR, ROBERT H TRUSTEE	O'CONNOR, CATHLEEN B TRUSTEE	115 MOSELLE LN	ST JOHNS	FL	32259

ODELL, JANNIT LIFE TENANT	TERRY, TONIA OUTLAW	107 WALNUT ISLAND BLVD	GRANDY	NC	27939
OLIVER, CHARLES WAYNE	OLIVER, SHERRYL KUNZE BRICKHOUSE	106 HOLLY CRES	GRANDY	NC	27939
OLSON, JON T III		315 FLORIDA AVE	PORTSMOUTH	VA	23707
OWENS, TIFFANY L	OWENS, GLENDA HILL	101 PINE CONE CT	GRANDY	NC	27939
PALAZZOLO HOLDINGS LLC		6318 JASMINE RD	BILLINGS	MO	65610
PAQUETTE, ANN		104 LEEWARD DR	GRANDY	NC	27939
PATRICK, MICHAEL L	PATRICK, MARY ELISE	815 SPENCER CT	VIRGINIA BEACH	VA	23451
PIERCE, RONNIE D	PIERCE, BARBARA ANN	PO BOX 61	GRANDY	NC	27939
SAMPSON BLADEN OIL CO INC		PO BOX 469	CLINTON	NC	28329
SANTOS, WILLIAM	RUIZ, STEPHANIE GONZALEZ	103 FARIS DR	GRANDY	NC	27939
SCHMIDT, ERIC A		106 WALNUT ISLAND BLVD	GRANDY	NC	27939
SEARS, LEON RALPH JR	SEARS, TAMIMY MICHELLE	115 MALLARD ST	GRANDY	NC	27939
SEELOW, ROBERT S		102 PINE CONE CT	GRANDY	NC	27939
SJOERDSMA, FERN TRUSTEE	SJOERDSMA, ANN G TRUSTEE	263 N DOGWOOD TRL	KITTY HAWK	NC	27949
SMITH, JEFFERY L		103 CHARLES LN	AYDLETT	NC	27916
SMITH, MABLE MARIE		110 HOLLY CRES	GRANDY	NC	27939
THE SHOPS AT GRANDY OWNERS ASSOC INC	ATTN: THERESA PALAZZOLO	6318 JASMINE RD	BILLINGS	MO	65610
THOMAS, JAMES T	THOMAS, MICHELE	105 PINE CONE COURT	GRANDY	NC	27939
TYSON, CHESLEY DREW	TYSON, GWENDOLYN S	4125 PINEWAY DR	KITTY HAWK	NC	27949
VENARD, COLE L		104 PINE CONE CT	GRANDY	NC	27939
WALKER, BARRY M.	WALKER, NANCY M.	6534 CARATOKE HWY	GRANDY	NC	27939
WALNUT ISLAND PROPERTY OWNER'S ASSOCIATI		PO BOX 73	GRANDY	NC	27939
WEST NECK LLC		5859 HARBOUR VIEW BLVD, SUITE 30C	SUFFOLK	VA	23435
WHITE, RICHARD		PO BOX 1673	ELIZABETH CITY	NC	27906
WILLS, GREGORY E		6541 CARATOKE HWY	GRANDY	NC	27939
Currituck County Planning Dept.	Attn: Cheri Elliot	153 Courthouse Rd.	Currituck	NC	27929



Community Meeting

Grandy, NC

Attendees

Name	Address	Phone	Email
Terisa Matheson			
Tim Braithwaite			
STEVE LINDA			
Nancy M Walker			
Brendyn Walker			
Robert S. Seiler			
JASON LITTEAL			



# Community Meeting

Grandy, NC

## Attendees

Name	Address	Phone	Email
Jim Hordbrook			
Mike Payment			
Nichole Thomas			
Curtis Inge			
Matthew Smay			

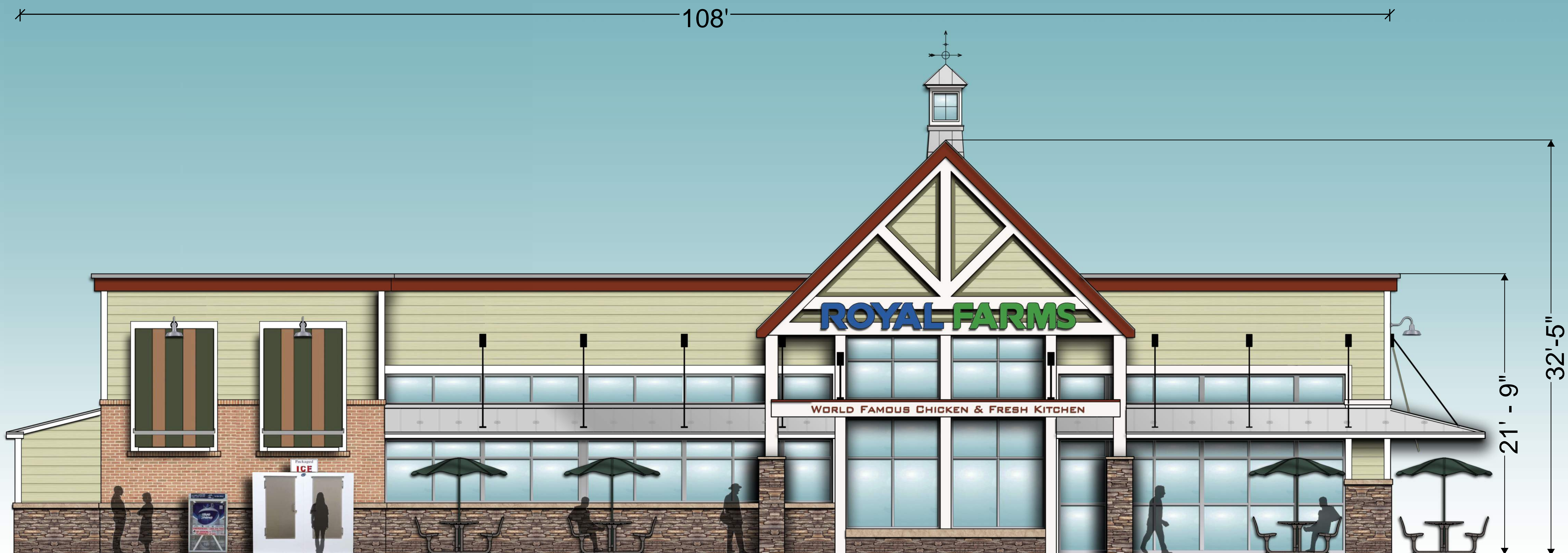


# EXHIBIT C

### CONDITIONS

1. All permitted uses in the General Business (GB) zoning district shall be allowed, except for the following:
  - a. Equestrian Facility
  - b. Farmers Market
  - c. Nursery, Production
  - d. Agricultural Research Facility
  - e. Distribution Hub for Agricultural and Agronomic Products
  - f. Farm Machinery Sale, Rental, and Service
  - g. Agricultural Retail Facility
  - h. Silviculture
  - i. Dormitory
  - j. Family Care Home
  - k. Rooming or Boarding House
  - l. Adult Day Care Center
  - m. Child Care Center
  - n. All Educational Facilities
  - o. All Government Facilities
  - p. All Health Care Facilities
  - q. All Institutions
  - r. All Public Safety
  - s. All Transportation
  - t. Animal Shelter
  - u. Kennel
  - v. All Parking, Commercial
  - w. All Recreation/Entertainment, Indoor
  - x. All Recreation/Entertainment, Outdoor
  - y. Bar, Nightclub, or Cocktail Lounge
  - z. Entertainment Establishment
  - aa. Funeral Home
  - bb. Pawn Shop
  - cc. Shopping Center
  - dd. Winery
  - ee. All Vehicle Sales and Services, Heavy
  - ff. Automotive Parts and Installation
  - gg. Automobile Repair and Servicing (Including Painting/Bodywork)
  - hh. Automobile Sales or Rentals
  - ii. Taxicab Service
  - jj. All Visitor
  - kk. All Accommodations
  - ll. All Industrial Uses





Front Elevation  
1/4" = 1'-0"

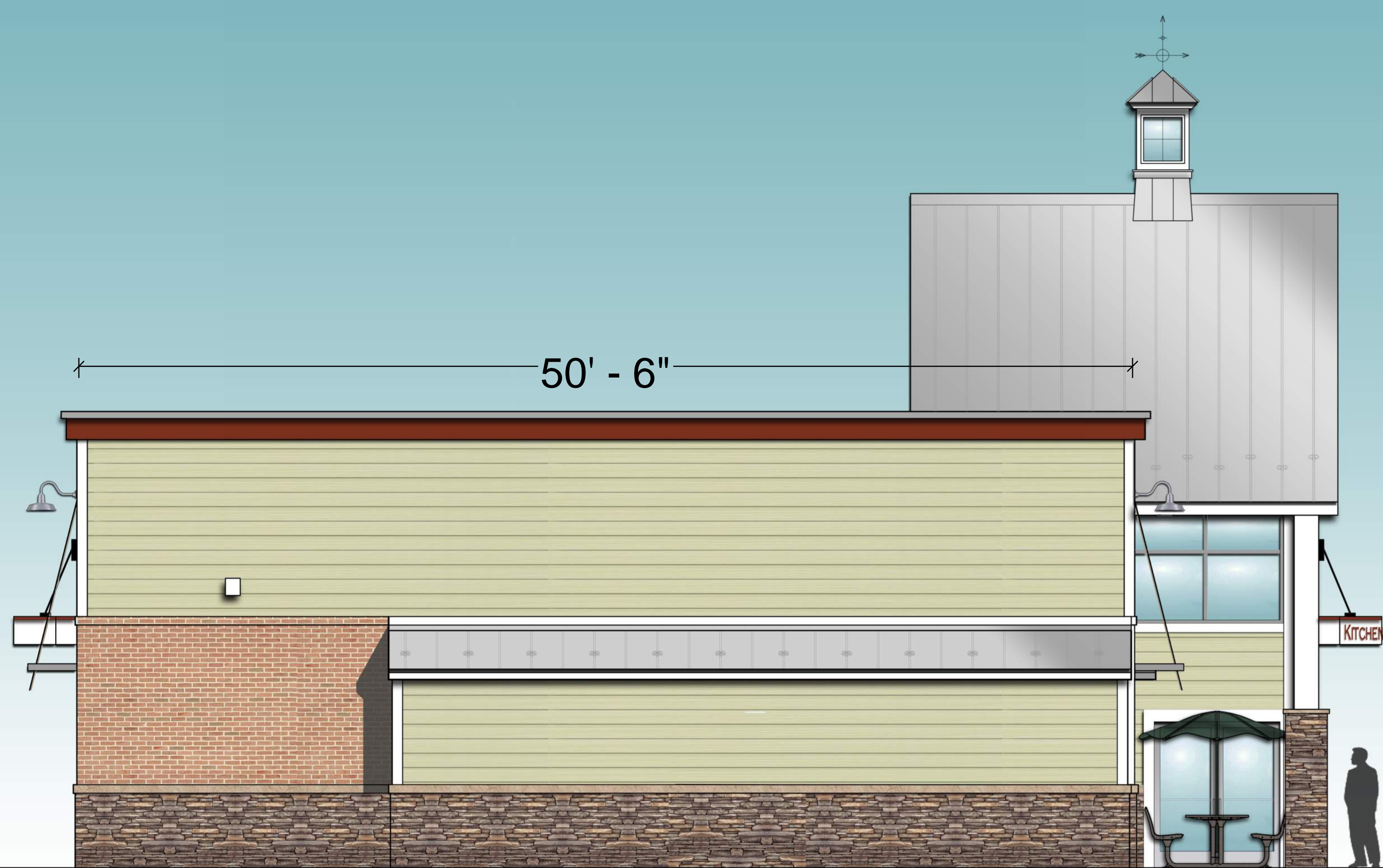
# ROYAL FARMS

ROYAL FARMS #443  
6511 CARATOKE HIGHWAY  
GRANDY, CURRITUCK COUNTY, NC  
SEPTEMBER 1ST, 2021

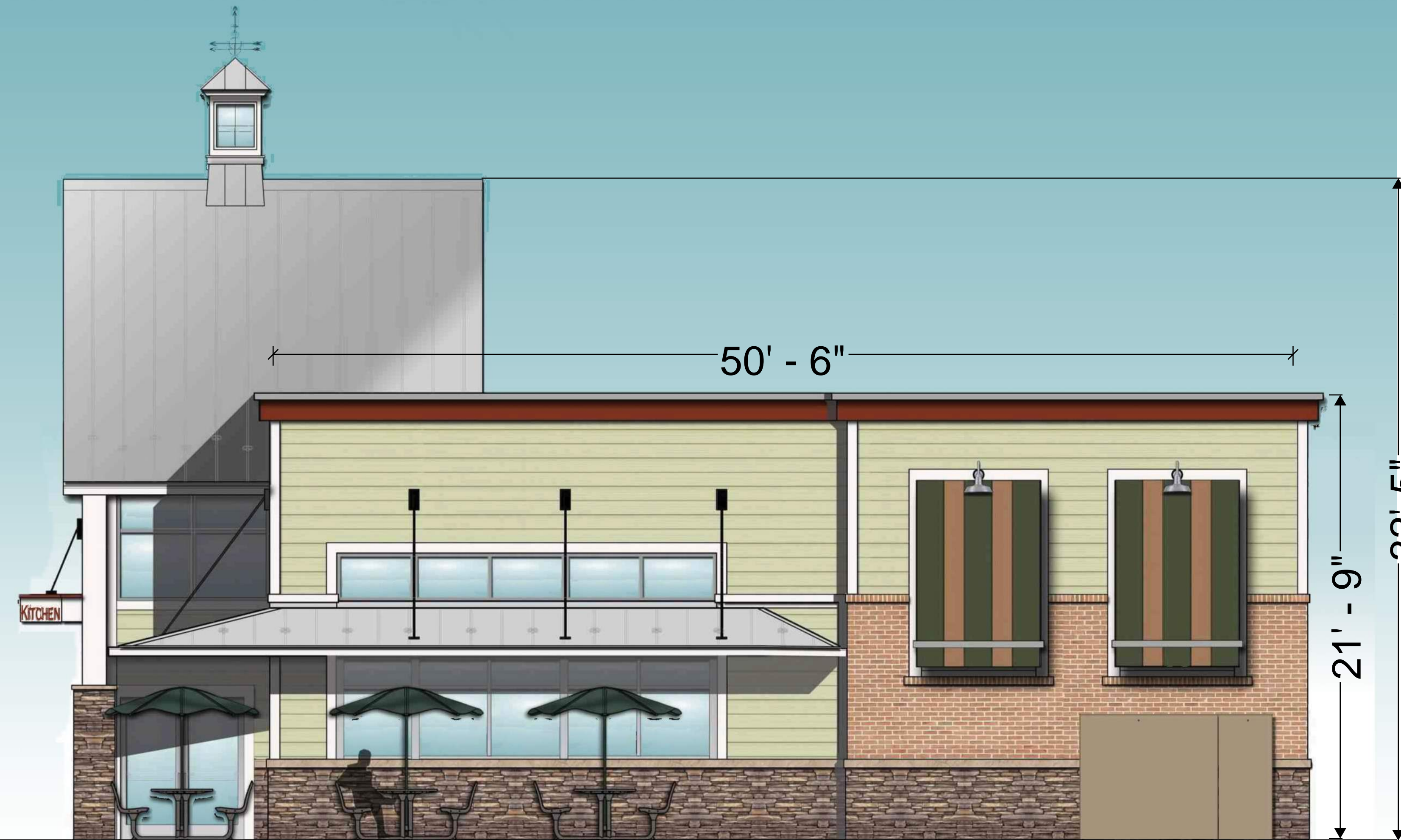
**R**A | RATCLIFFE  
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153  
Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com





Right Side Elevation  
1/4" = 1'-0"



Left Side Elevation  
1/4" = 1'-0"

**ROYAL FARMS**

ROYAL FARMS #443  
6511 CARATOKE HIGHWAY  
GRANDY, CURRITUCK COUNTY, NC  
SEPTEMBER 1ST, 2021

**RATCLIFFE**  
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153  
Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com





Rear Elevation  
1/4" = 1'-0"

# ROYAL FARMS

ROYAL FARMS #443  
6511 CARATOKE HIGHWAY  
GRANDY, CURRITUCK COUNTY, NC  
SEPTEMBER 1ST, 2021

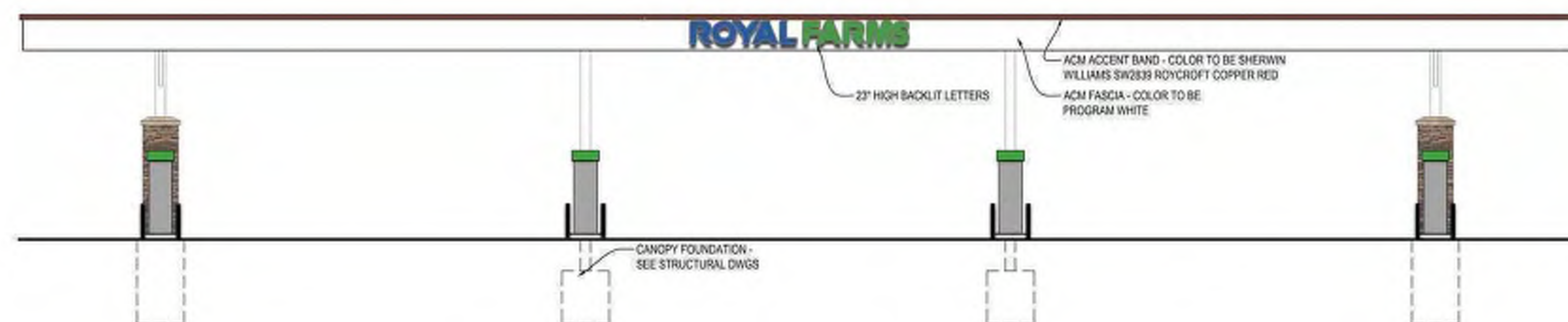
**R**A | RATCLIFFE  
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153  
Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com





Fuel Canopy - Side Elevation  
1/8" = 1'-0"



Fuel Canopy - Front Elevation  
1/8" = 1'-0"

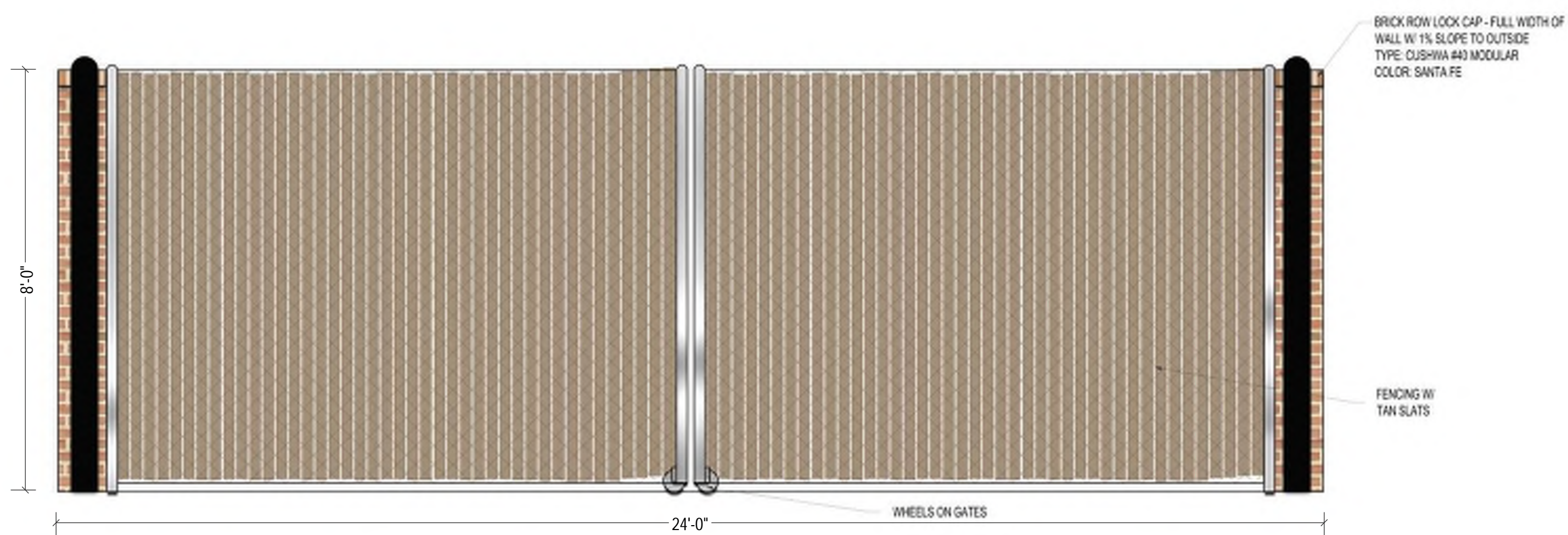
# ROYAL FARMS

ROYAL FARMS #443  
6511 CARATOKE HIGHWAY  
GRANDY, CURRITUCK COUNTY, NC  
SEPTEMBER 1ST, 2021

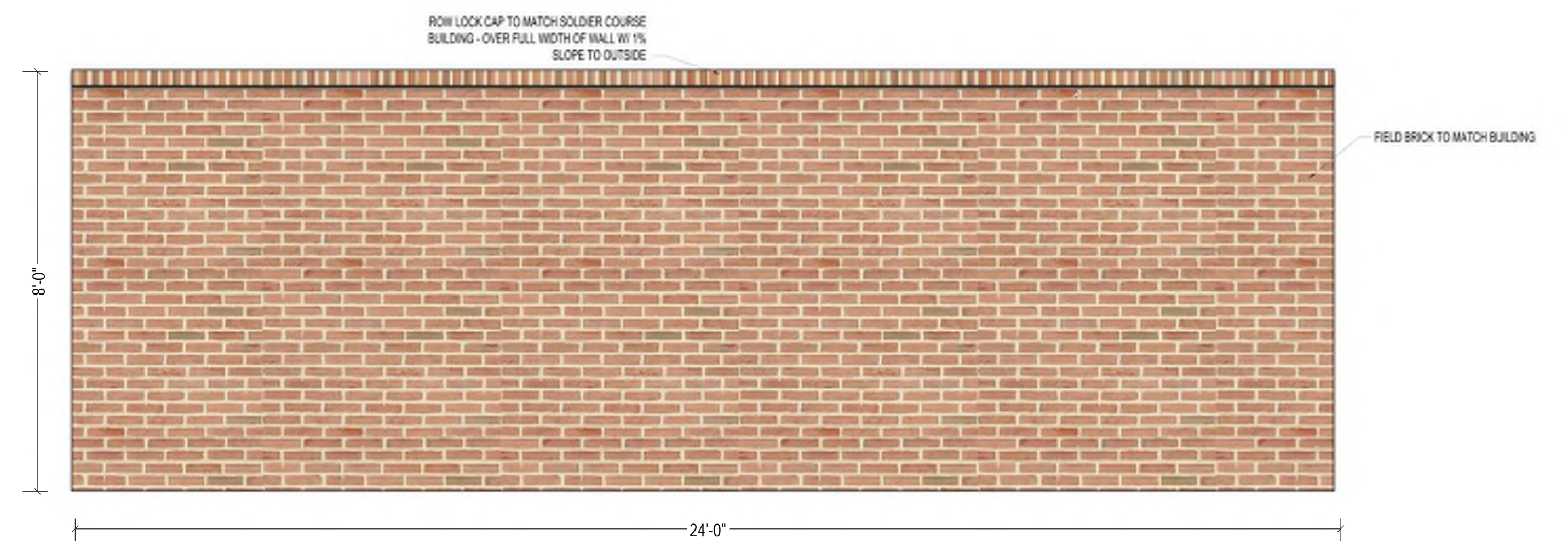
**RATCLIFFE**  
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153  
Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com





Dumpster Enclosure - Front Elevation  
1/2" = 1'-0"



Dumpster Enclosure - Rear Elevation  
1/2" = 1'-0"

**ROYAL FARMS**

ROYAL FARMS #443  
6511 CARATOKE HIGHWAY  
GRANDY, CURRITUCK COUNTY, NC  
SEPTEMBER 1ST, 2021

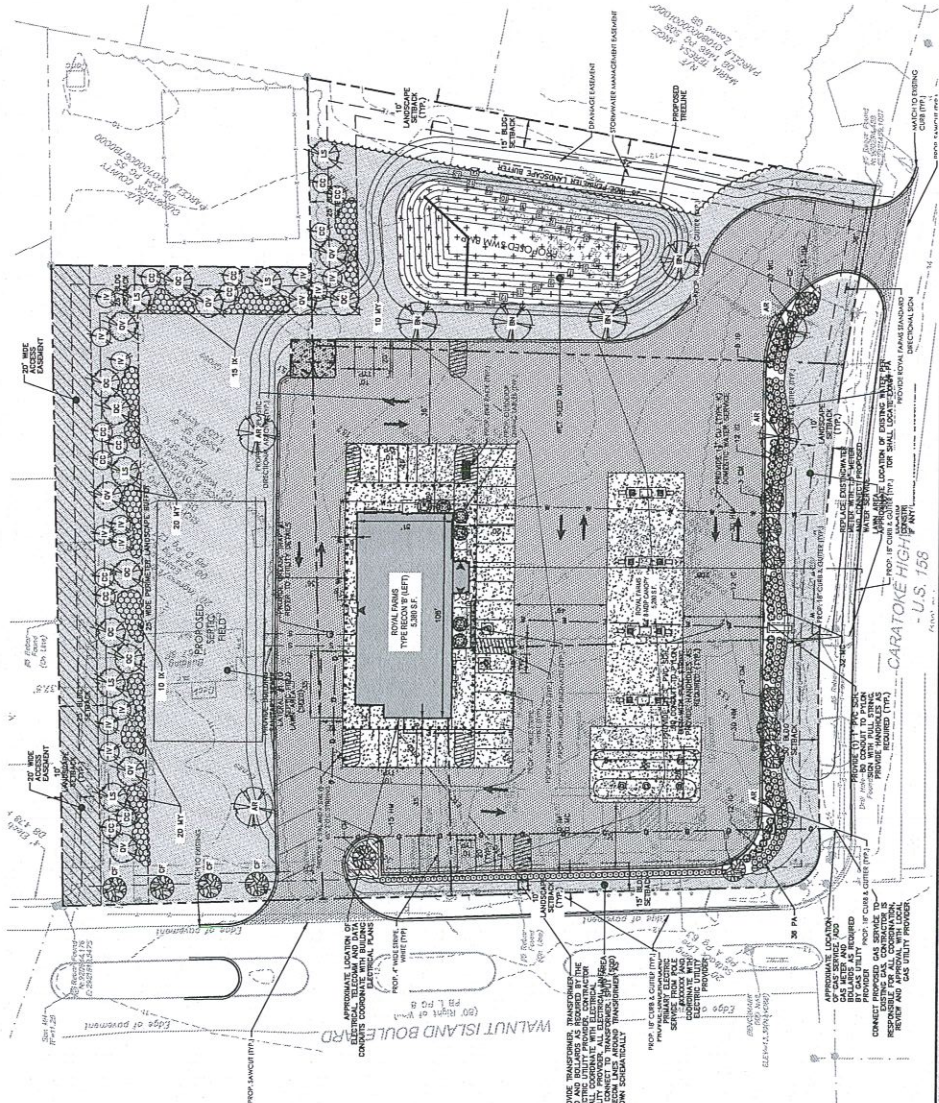
**RATCLIFFE**  
ARCHITECTS

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Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com



## LANDSCAPE ZONING INFORMATION

ITEM #	ITEM	REQUIREMENTS	PROPOSED	VARIANCE	CODE REFERENCE
1	SITE LANDSCAPING	3 PLANTER BEDS OF CANOPY TREES PER SIDE OF MAIN STREET MIN. 1 SHRUB (HALF OF TREES TO BE EVERGREENS)	REQUIRED - 11 PLANTER BEDS OF TREES 20 07Y-2" CAL. CANOPY TREES 10B (F. BULBING FRANGE) PROPOSED: 32 SHRUBS (LOCATED IN PLANTER BEDS)	NO	5.2.1 U00
2	VEHICLE USE AREA FOR PERMETER LANDSCAPE STRIP	VISUAL SHIELD WITH A MIN. 11' OF 3" ABOVE GRADE (WITHIN 3 YEARS OF PLANTING)	INTERIOR SHRUBS & PERENNIALS GRASSES PROPOSED WITH PERMETER LANDSCAPE STRIP MIN. 5' WIDTH	NO	5.2.2 U00
3	LANDSCAPE STRIP TYPE B: ASPHALTIC SURFING	PERMETER LANDSCAPE STRIP = MIN. 5' WIDTH MIN. 25' FEET WIDTH 10 CAL. 12" DBH. CANOPY TREES 15 SHRUBS FOR 100' L	3.0 X 1.0 PLANTER BEDS 20 07Y-2" CAL. CANOPY TREES 50 X 1.0 CAL. 12" DBH. 20" DBH. UNDERSTORY 30 CANOPY TREES (2" CAL.) 25 UNDERSTORY (2" CAL.) 15 SHRUBS (2" CAL.)	NO	5.2.3 U00
4	STREETSCAPE	FOR 100' L 4.0 DBH. CANOPY TREES 10 SHRUBS	GRANDVIEW HIGHWAY = 300' L 3 CANOPY TREES (2" CAL.) 10 SHRUBS (2" CAL.) 100+ SHRUBS / GRASSES	NO	5.2.4 U00

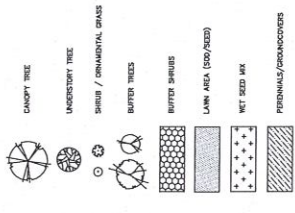


LANDSCAPE PLANT SCHEDULE						
CANOPY TREES						
KEY	QTY	BOTANICAL NAME	COMMON NAME	ROOT	SIZE	COMMENTS
AR	5	Aster rubrum 'Trunkhard'	RED SANDEP RED MAPLE	BAR	2" CAL. MIN.	8" BRANCH HT. MIN.
BN	4	Betula nigra 'Cory'	HERITAGE PRINCE BIRCH	BAR	2" CAL./ 1 1/2" HT. MIN.	MULCH-STEM
LS	8	Liquidambar styraciflua	AMERICAN SWEETGUM	BAR	2" CAL. MIN.	8" BRANCH HT. MIN.
OC	7	Quercus coccinea	SCARLETT OAK	BAR	2" CAL. MIN.	8" BRANCH HT. MIN.
OV	7	Quercus virginiana	LIVE OAK	BAR	2" CAL. MIN.	8" BRANCH HT. MIN.
SHRUBS/CLIMB. TREES						
CC	13	Cercis canadensis	EASTERN REDBUD	BAR	1 1/2" CAL./ 8" HT. MIN.	2" BRANCH HT. MIN.
CM	7	Crocea myrica 'Aureolacina'	APACHE CHAPE AVICLE	BAR	1 1/2" CAL./ 8" HT. MIN.	MULCH-STEM
IV	12	Ilex verticillata	'VAUFEN'	CONC.	1 1/2" CAL./ 8" HT. MIN.	MULCH-STEM
CF	8	Cornus florida	FLOWERING DOGWOOD	CONC.	1 1/2" CAL./ 8" HT. MIN.	
SHRUBS/ORNAMENTAL GRASSES						
HM	80	Hemerocallis 'Happy Return'	DAILY	CONC.	1 1/2" HT.	PLANT 24" O.C.
FC	42	Ilex glabra 'Compacta'	COMPACT NERBERRY	CONC.	5 GAL. MIN.	PLANT 4" O.C.
HM	20	Ilex verticillata 'Nana'	SMALL VAUFEN	CONC.	5 GAL. MIN.	PLANT 3" O.C.
MC	82	Microseris capitata	PINK MOUNTAIN GRASS	CONC.	24" HT.	PLANT 3" O.C.
PA	72	Penstemon divaricatus 'Humel'	SMALL FOUNTAIN GRASS	CONC.	24" HT.	PLANT 3" O.C.
BUFFER SHRUBS						
IX	25	Ilex glabra	NERBERRY	CONC.	5 GAL. MIN.	PLANT 4" O.C.
MY	50	Myrica verticillata 'Pyram'	COMPACT NERBERRY	CONC.	5 GAL. MIN.	PLANT 4" O.C.

NOTES:

- 1) ALL SUBSTITUTIONS MUST RECEIVE APPROVAL FROM THE LANDSCAPE ARCHITECT PRIOR TO DELIVERY TO SITE.
- 2) PROVIDE AND RETAIN ALL PLANT SPECIMENS ON THE PLANTING PLAN DRAWINGS. THE QUANTITIES IN THE PLANT LIST ARE PROVIDED FOR THE CONTRACTOR'S CONVENIENCE ONLY. IF DISCREPANCIES OCCUR, THE LARGEST QUANTITY SHALL APPLY.
- 3) IF THERE IS A DISCREPANCY BETWEEN BOTANICAL AND COMMON NAME, BOTANICAL NAME PREVAILS.

## LEGEND



SEE SHEET LL-2 FOR  
LANDSCAPE NOTES AND DETAILS





## Currituck County

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

### MEMORANDUM

**To:** Two Farms, Inc.  
 Ward and Smith, P.A.

**From:** Planning Staff

**Date:** 10/14/2021

**Re:** Royal Farms (Technical Review Committee Comments)

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The following comments have been received for the 10/13/2021 TRC meeting. Please address all comments and resubmit a corrected plan as necessary. **Resubmittals are due by 3:00pm on 10/28/2021 in order to be reviewed at the next TRC meeting held on 11/10/2021.** TRC comments are valid for six months from the date of the TRC meeting.

#### Planning, Jason Litteral

Reviewed with comments

1. Provide site landscaping shrubs along building facades facing streets.
2. Provide vehicular use landscaping shrubs at SE corner of parking lot.
3. Canopy (Shade) trees are required within 60 feet of all parking spaces.
4. Please show freestanding sign landscaping on the site plan. 2 square feet of landscaping are required for every 1 square foot of sign area. This is calculated using the square footage of one side of the sign. The landscaping shall include an appropriate mix of shrubs and ground cover.
5. There are still more parking spaces forward of the front building façade than there are on the sides and rear. No more than 50% of parking can be located forward of the front building façade.
6. Please provide a heritage tree survey and update the plans for tree protection as required by section 7.2 (Tree Protection).
7. Provide confirmation that all light fixtures are full cut-off.
8. Wall pack lights are limited to 1600 lumens.
9. The lighting plan shows areas that exceed the maximum of 30 foot-candles on site. Please address this issue.
10. The max foot candles at a property line abutting residential use is 0.5. The plans shows some spots that are 0.6 foot candles. Please address this issue.
11. An eight foot wide concrete sidewalk is required along Caratoke Highway. This can be located on the site, in the right-of-way, or both. Please coordinate with NCDOT if necessary.
12. Show crosswalks as necessary for any sidewalks that cross an entrance.

Attachment: trc comments (PB 21-26 Royal Farms Conditional Rezoning)

13. We need to discuss the building design requirements for the front and two side elevations. Please contact me at your convenience to discuss.
14. The driveway spacing between the Caratoke Hwy. entrance and the driveway on the lot to the south is inadequate. The required spacing is 200 feet from centerline to centerline. Please provide a letter from NCDOT stating they approve the driveway location in relation to the driveway to the south.
15. There is a chain link fence detail on the plans, but I could not find a fence on any of the site plans. Please either indicate the location of the chain link fence, or if a fence is not proposed, please remove the detail from the plan set.

#### **Currituck Soil and Stormwater, Dylan Lloyd**

- 1) Parcel at 6523 Caratoke Hwy - pending conditional rezoning - appears to have fill within the setback area on the southern portion of the lot line. Fill setback is 10' from lot line.
- 2) Do the storm line pipes running adjacent to the gas pump area have inlet drains?
- 3) Topo lines indicate 4 feet of fill above existing grade in some locations. The maximum allowed is 3. This may require special approval from the County Engineer

#### **Currituck County Public Utilities, Will Rumsey/Dave Spence**

8" tower feed waterline runs behind the property. Make sure septic field meets the minimum requirement for separation.

Water meter that feeds the lot is a 3/4" service line. To upgrade to a 1.5 inch, the old service line will need to be disconnected and a new 1.5" line will need to be installed. the difference in the developmental fee will be due at building permit.

#### **Currituck County GIS, Harry Lee**

Prior to development, please require the four parcels to be recombined into one parcel.

#### **Currituck County Building Inspections, Bill Newns**

The only comments I have for this site plan so far would be even though there is a new hydrant at the Hardee's and it may fall within 400' of proposed building I have concerns about the median that separates Walnut Island Blvd. I would ask that they add a hydrant to their property as there appears to be a 10" water main that runs down center of median according to GIS they can tap into but we can confirm this with Water Dept. The underground gas tanks removed in 2019 so site should be ok with DEQ they never called for a final so we will look at it.

Provide Appendix B with Building Plans at permit application.  
Provide fire flow calculations for structure(s) based on the ISO standard.

#### **Currituck County Water Department (Backflow) Chas Sawyer**

I would like to see on the utilities sheet where an RP backflow device is going to be added. I would also like to see a detail on how it is to be installed.



**Albemarle Regional Health Services, Joe Hobbs**

\*NOTE; OWNER/DEVELOPER NEEDS TO CONSULT WITH KEVIN CARVER RS(252-232-6603) CONCERNING SEPTIC SYSTEM APPROVAL FOR PROPOSED BUSINESS  
ALSO OWNER/DEVELOPER NEEDS TO CONSULT WITH DAVID SWINNEY RS (252-232-6603)CONCERNING PROPOSED FOOD STORE APPROVAL.

**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: trc comments (PB 21-26 Royal Farms Conditional Rezoning)





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 3298

**Agenda Item Title:** PB 21-25 Flora Farms:

**Submitted By:** Tammy Glave – Planning & Community Development

**Item Type:** Quasi-Judicial

**Presenter of Item:** Tammy Glave

**Board Action:** Action

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**Brief Description of Agenda Item:**

Preliminary Plat/Special Use Permit for 277 lots located in Moyock on the east and west side of Survey Road, Tax Map 15, Lots 85A, 85B, and 85C, Moyock Township.

**Planning Board Recommendation:**

**Staff Recommendation:**

**TRC Recommendation:**



**STAFF REPORT  
PB 21-25 FLORA FARMS  
PRELIMINARY PLAT/  
SPECIAL USE PERMIT,  
BOARD OF COMMISSIONERS  
DECEMBER 20, 2021**

### APPLICATION SUMMARY

<b>Property Owners:</b> John Flora III PO Box 369 Moyock NC 27958  Mary Nell Brumsey 117 Puddin Ridge Rd Moyock NC 27958	<b>Applicant:</b> North-South Development, LLC C/O Justin Old 417-D Caratoke Hwy Moyock NC 27958
<b>Case Number:</b> PB 21-25	<b>Application Type:</b> Preliminary Plat/Special Use Permit
<b>Parcel Identification Numbers:</b> 0015-000-085A-0000 0015-000-085B-0000 0015-000-085C-0000	<b>Existing Use:</b> Single-Family Dwelling, farmland
<b>Land Use Plan Classification:</b> Full Service	<b>Parcel Size (Acres):</b> 202.44
<b>Moyock Small Area Plan Classification:</b> Limited Service and Full Service	<b>Zoning:</b> C-MXR
<b>Number of Units:</b> 277	<b>Overall Project Density (units/acre):</b> 1.37
<b>Required Open Space (Acres):</b> 60.04 (Residential) .23 (Commercial)	<b>Provided Open Space (Acres):</b> 74.92 (Residential) 1.07 (Commercial)

### SURROUNDING PARCELS

	Land Use	Zoning
North	Single-family dwellings, retail	AG, GB
South	Single-family dwellings, Solar Energy Facility	AG, SFM
East	Planned Development under construction	PD-R
West	Single-family dwellings, cultivated farmland, Middle School	AG, SFM

### STAFF ANALYSIS

The Board of Commissioners approved the rezoning for this development on March 1, 2021. The developer notes that the goal of the development is to build a community that has a creative design, with single-family lots in an attractive arrangement, with an efficient use of open space that promotes an active lifestyle and strong sense of community. Limited, neighborhood commercial uses are also proposed on a 2.3 acre portion of the property.

The Phased Recording Schedule estimates earliest recording dates as shown:

PHASING SCHEDULE			
PHASE	# LOTS	EARLIEST RECORDATION*	OTHER IMPROVEMENTS
1	55	6/1/2022	SURVEY RD. IMPROVEMENTS, PONDS 1 & 6, DOG PARK, ROUND-A-BOUT, NORTH MAIL KIOSK, TEMP. RV PARKING, AND WEST PROPERTY LINE DRAINAGE IMPROVEMENTS.
2	76	1/1/2023	CLUBHOUSE AND PONDS 3-5 & 7.
3	55	7/1/2023	SWIMMING POOL, POND 2, AND PERMANENT RV PARKING.
4	54	1/1/2024	SOUTH MAIL KIOSK AND PONDS 8 & 10.
5	37	7/1/2024	PONDS 9 & 11, PICNIC AREA, AND NATURE OVERLOOK.
TOTAL	277		

\* MINIMUM 6-MONTHS BETWEEN RECORDING DATES.

INFRASTRUCTURE	
<b>Water</b>	Public
<b>Sewer</b>	Private Centralized System (on-site at Eagle Creek)
<b>Transportation</b>	<p>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.</p> <p>Connectivity Score: Minimum = 1.4 Proposed = 1.41</p> <ul style="list-style-type: none"> <li>• One connection to Survey Road</li> <li>• Five connections to Fost, PD-R</li> </ul>
<b>Stormwater/Drainage</b>	See attached map for required stormwater/drainage improvements (PB 18-23 Fost PD-R Rezoning Stormwater Conditions dated 7/2019 prepared by engineering staff). The Flora off-site improvements on the Flora tract have not been completed to date and must be completed. Staff recommends that a final plat not be approved for this development until those drainage improvements are complete.
<b>Design Standards</b>	Non-residential design standards apply to the commercial development.
<b>Lighting</b>	Street lights are proposed and must be full cut-off fixtures
<b>Landscaping</b>	Farmland buffers, street trees, major arterial screening, and site landscaping are required
<b>Compatibility</b>	The BOC determined that this development was compatible with the Land Use Plan and the Moyock Small Area Plan at its March 1, 2021 meeting.
<b>Recreation and Park Area Dedication</b>	The applicant will be paying approximately \$48,548.87 as a fee-in-lieu of recreation and park area dedication for this development.
<b>Riparian Buffers</b>	Required for the wetlands in these phases.

Attachment: 1 Flora PP SUP Staff Report 12-20-2021 (PB 21-25 Flora Farms)

## COMMUNITY MEETING

The developer held a community meeting on June 22, 2021 at the Eagle Creek Pavilion. There were approximately eleven people in attendance. Most of the questions were regarding drainage and traffic. A community meeting summary prepared by the applicant is attached to this staff report.

## SCHOOLS

This development is split between the Shawboro and Moyock Elementary School districts. The portion closest to Survey Road is in the Moyock Elementary attendance area and the rear portion of the development is in the Shawboro Elementary School attendance area. There are Adequate Public Facility concerns that Shawboro Elementary is at 100% *Actual Capacity* for this school year. (*Dr. Lutz, October 2, 2021 BOC meeting*). There is not capacity for the 26 additional students project to attend Shawboro Elementary. The Adequate Public Facilities ordinance requires that school capacity be in place at the time of approval or within two years of approval of the special use permit for the development. There are no plans in place to expand Shawboro Elementary School in the future.

There is a substantial completion date of August 2023 for the expansion of Moyock Elementary School.

ADEQUATE PUBLIC FACILITIES – SCHOOLS <sup>1</sup>			
School	2021-2022 Actual Capacity <sup>2</sup>	Committed Capacity <sup>3</sup>	Proposed Capacity Changes
			Number of Students
Moyock Elementary	128%	131%	+ 26 Shawboro +42 Moyock
Shawboro Elementary	99%		
Central Elementary	96%		
Moyock Middle	94%	92%	+22
Currituck Middle	62%		
Currituck High	88%	105%	+38
JP Knapp Early College	86%		

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

<sup>2</sup>Capacity percentages are based on 2021-2022 school year classroom standards and Sep 2021 ADM

<sup>3</sup>Capacity percentages are based on the 2021-2022 school year classroom standards and Sep 2021 ADM

Based upon questions at a previous meeting regarding school capacity and the adequate public facilities ordinance, a brief history of the adequate public facilities ordinance and its application is attached for your review.

## STORMWATER

The stormwater/drainage improvements required as shown on the attached “PB 18-23 Fost PD-R Rezoning Stormwater Conditions dated 7/2019” prepared by engineering staff remain unchanged. On-site stormwater will be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes, and open vegetated swales.

## TRANSPORTATION

The main subdivision entrance will be connected directly to Survey Road (SR 1215). Proposed improvements to Survey Road include widening, adding a turning lane, and adding a left turn lane restriction at Caratoke Highway (NC 168). Connectivity will be provided to the Fost Development. According to the application, streets will be in accordance with the approved right-of-way and pavement

PB 18-23 Fost Tract, Phases 6-9  
Preliminary Plat/Special Use Permit  
Page 3 of 10



width characteristics, using the NCDOT Complete Streets Planning Manual as a guide and appropriate access has been made for emergency service vehicles in accordance with applicable standards including the N.C. Fire Code.

## WASTEWATER

The developer proposes to connect to the Eagle Creek wastewater treatment plant (WWTP). Currituck Water and Sewer, LLC (CWS) Major Utility operates the WWTP and is the process of acquiring ownership of the entire wastewater system (collection systems, treatment plant, etc.) from Sandler Utilities Company. A force main is being installed to connect the collection system in Fost development to the Eagle Creek WWTP and the this development will tap into that line. A wastewater collection system will be constructed by the developer for the entire development and managed by Currituck Water and Sewer. The utility will be regulated by the North Carolina Utilities Commission and the North Carolina Department of Environmental Quality. CWS has begun the process with state regulatory agencies for this transference.

## STAFF REVIEW

### TECHNICAL REVIEW COMMITTEE

The Technical Review Committee (TRC) reviewed the application and provided the following comments:

1. The applicant has not demonstrated that the proposed use will meet the special use permit review standards of the UDO including adequate public facilities (LUP Policy PP2 Adequate Public Facilities) and public health and safety (LUP Purpose of the Plan).
2. Noted plan deficiencies:
  - a. The adjoining property owner information is missing from the most recent version of the plat.
  - b. Residual tract note and references must be removed from the plat since there is not a residual tract.

Other staff concerns:

1. Staff has concerns about allowing additional lots from other subdivisions to connect to the Eagle Creek WWTP with the known performance problems of the plant. On August 10, 2021, NCDEQ Division of Water Resources issued a Wastewater Collection Extension Permit for 60,000 gallons per day for 92 four-bedroom homes and 44 three-bedroom townhouses for Fost Phase 1A. On September 17, 2021, NCDEQ Division of Water Resources issued a letter stating “the WWTP must demonstrate consistent performance achieving permit treatment requirements, prior to submittal of a sewer extension permit application. WWTP performance must be satisfactory for approval of any potential sewer extension permits.” At this time, County staff has not received notification that these permit requirements have been met and a sewer extension permit for additional lots will be issued. (LUP Purpose of the Plan – public health, safety, and welfare)
2. Although the Flora collection system **will not connect to the Eagle Creek collection system**, there are concerns from staff about the impact of the Consent Judgement on the Major Utility. There continues to be issues with the collection system at Eagle Creek. Untreated wastewater system backups into the homes of customers and mandatory water conservation efforts placed on Eagle Creek homeowners because of problems with the collection system. Please see the Consent Judgement issued by the Superior Court on June 23, 2021 attached to this staff report for more detailed information (North Carolina Division of Environmental Quality v. Sandler

Utilities at Mill Run, LLC). The Court ordered Sandler Utilities at Mill Run, LLC to complete a system upgrade plan, and then a timetable to implement the upgrade plan. The timetable to implement the upgrade plan has not been shared by NCDEQ DWR staff due to the legal proceedings. For the protection of the existing users of the system, staff recommends the system be fully repaired and functioning properly as certified by NCDEQ for the Eagle Creek residents before other subdivisions are allowed to connect. (LUP Purpose of the Plan – public health, safety, and welfare)

#### 2006 Land Use Plan

The 2006 Land Use Plan classifies the site as Full Service within the Moyock subarea. At its March 1, 2021, meeting, the BOC determined this development was compatible with the Land Use Plan Policies HN3 and CD1 and that the request is reasonable and in the public interest because the increase in the number of residential roof tops may bring additional commercial development to the Moyock area.

#### Moyock Small Area Plan

The Moyock Small Area Plan classifies the site as Limited Service and Full Service. The policy emphasis for Full Service in Moyock is to provide focal points in the community where high amounts of activity occur. Both residential and commercial components will be present in Full Service areas. Cluster or planned commercial and residential areas with diversity in housing types is preferred. The policy emphasis for Limited Service designations are less intensely developed than Full Service. Emphasis is more on residential development and densities. Limited Service designation has reduced public services such as fire protection, emergency service, recreation, and public water.

### SPECIAL USE PERMIT REVIEW STANDARDS

Following an evidentiary hearing, the board shall decide if the application is in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.6.D, Special Use Permit Review Standards. It is the burden of the applicant to provide evident to address the Review Standards. The applicant's findings can be found in the attached application.

#### Special Use Permit Review Standards

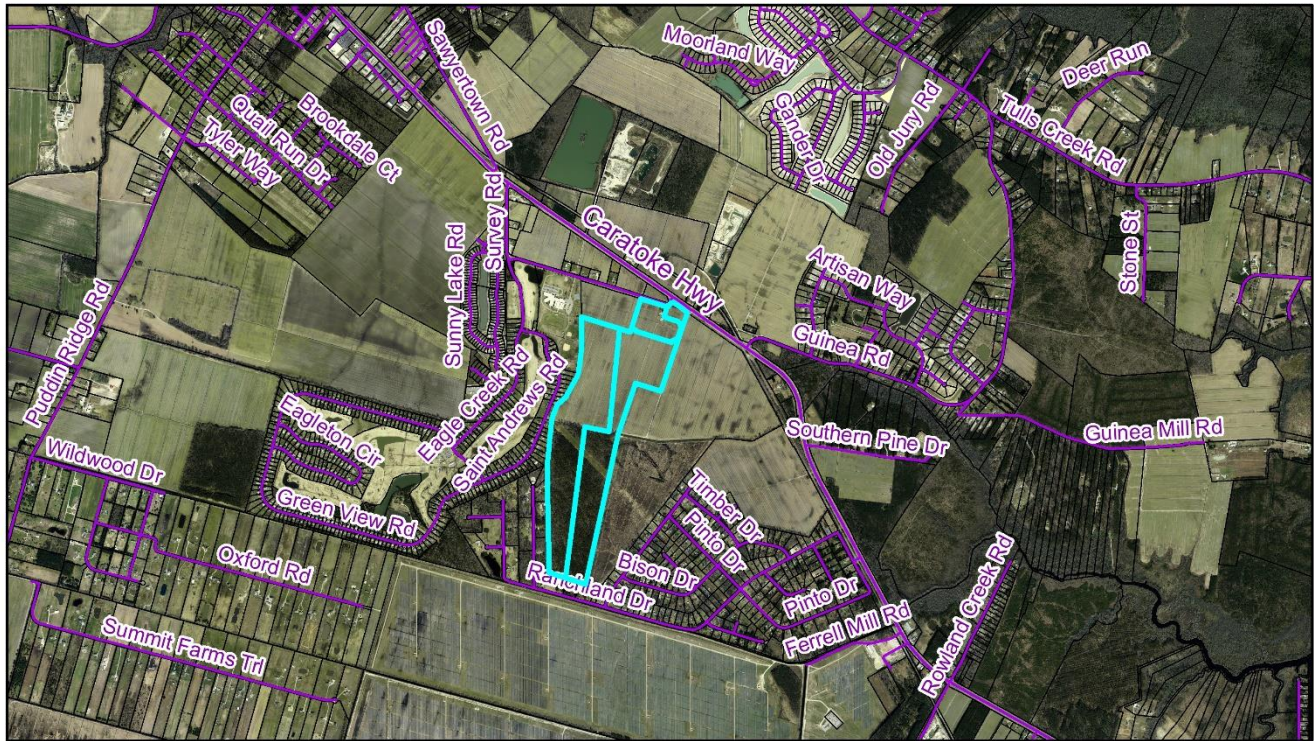
A special use permit shall be approved on a finding that the applicant demonstrates the proposed use will:

1. Not endanger the public health or safety.
2. Not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
3. Be in conformity with the Land Use Plan or other officially adopted plan.
4. 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.

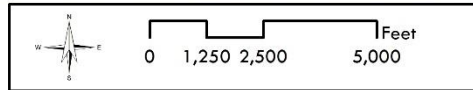
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE

Board of Commissioners: [www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm](http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm)

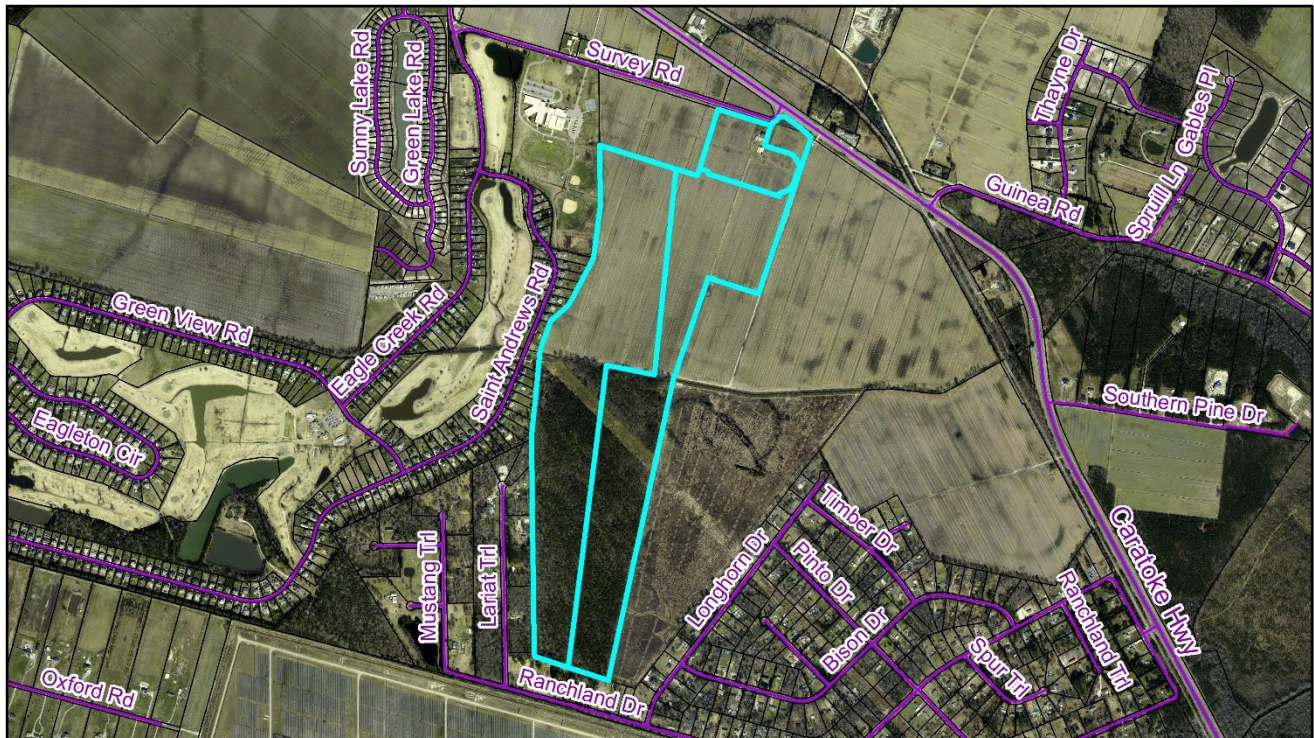




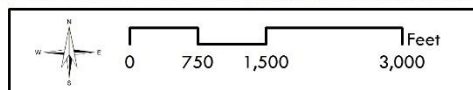
PB 21-25 Flora Farms  
Preliminary Plat/SUP  
Context Map



Currituck County  
Planning and  
Community Development



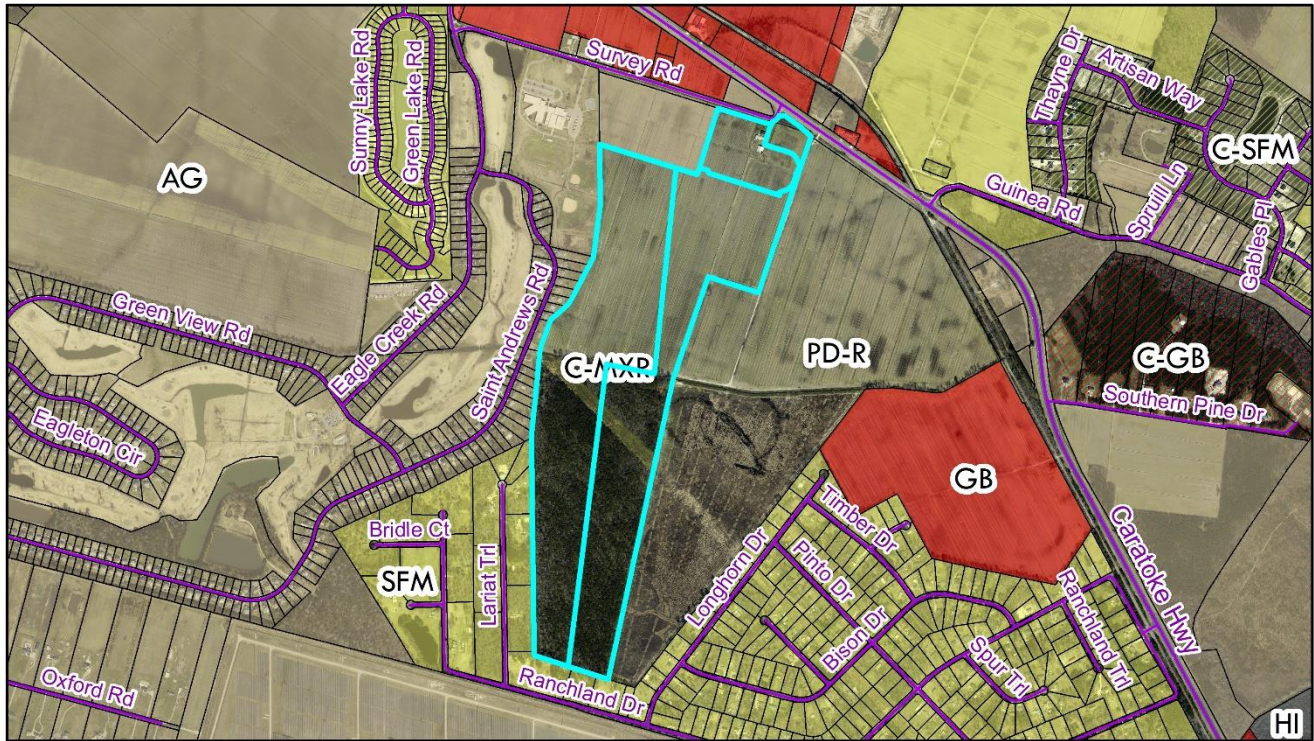
PB 21-25 Flora Farms  
Preliminary Plat/SUP  
2020 Aerial Photography



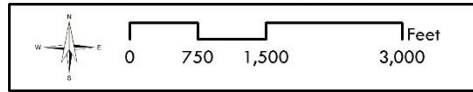
Currituck County  
Planning and  
Community Development

PB 18-23 Fost Tract, Phases 6-9  
Preliminary Plat/Special Use Permit  
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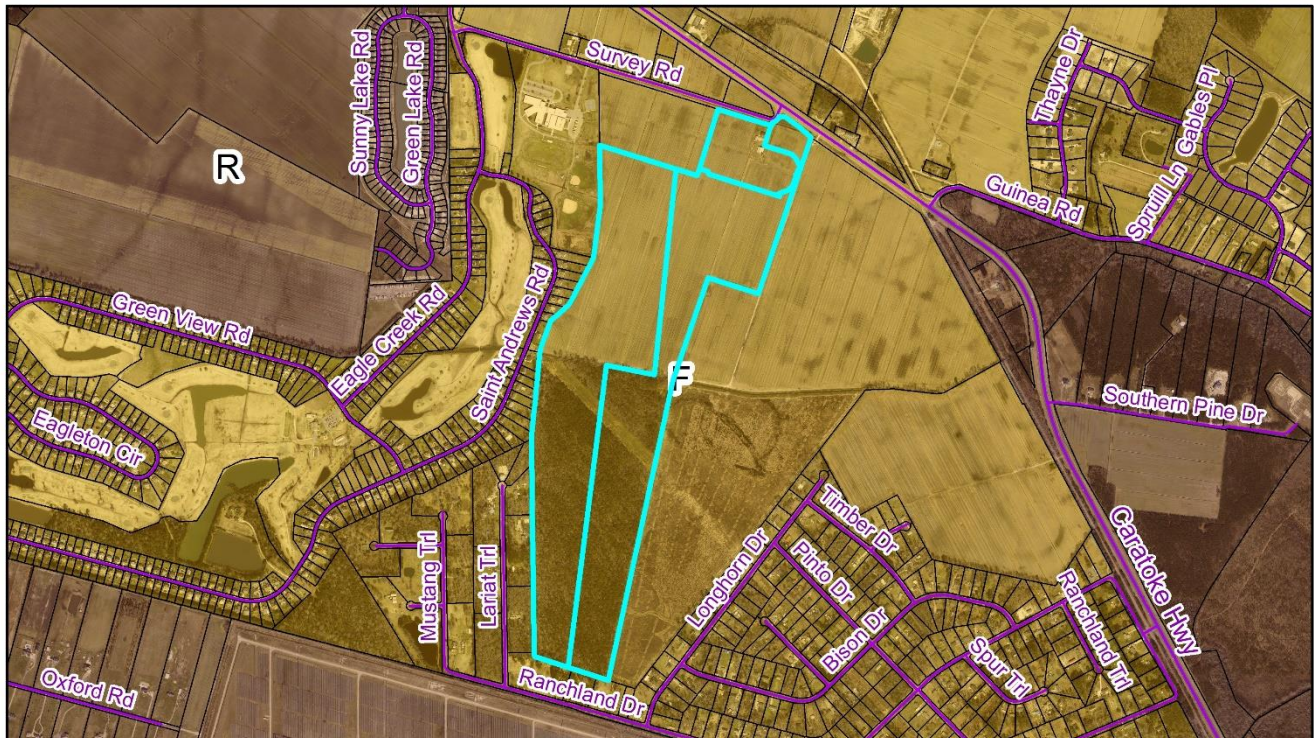




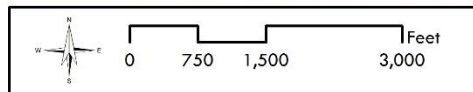
PB 21-25 Flora Farms  
Preliminary Plat/SUP  
Zoning



Currituck County  
Planning and  
Community Development



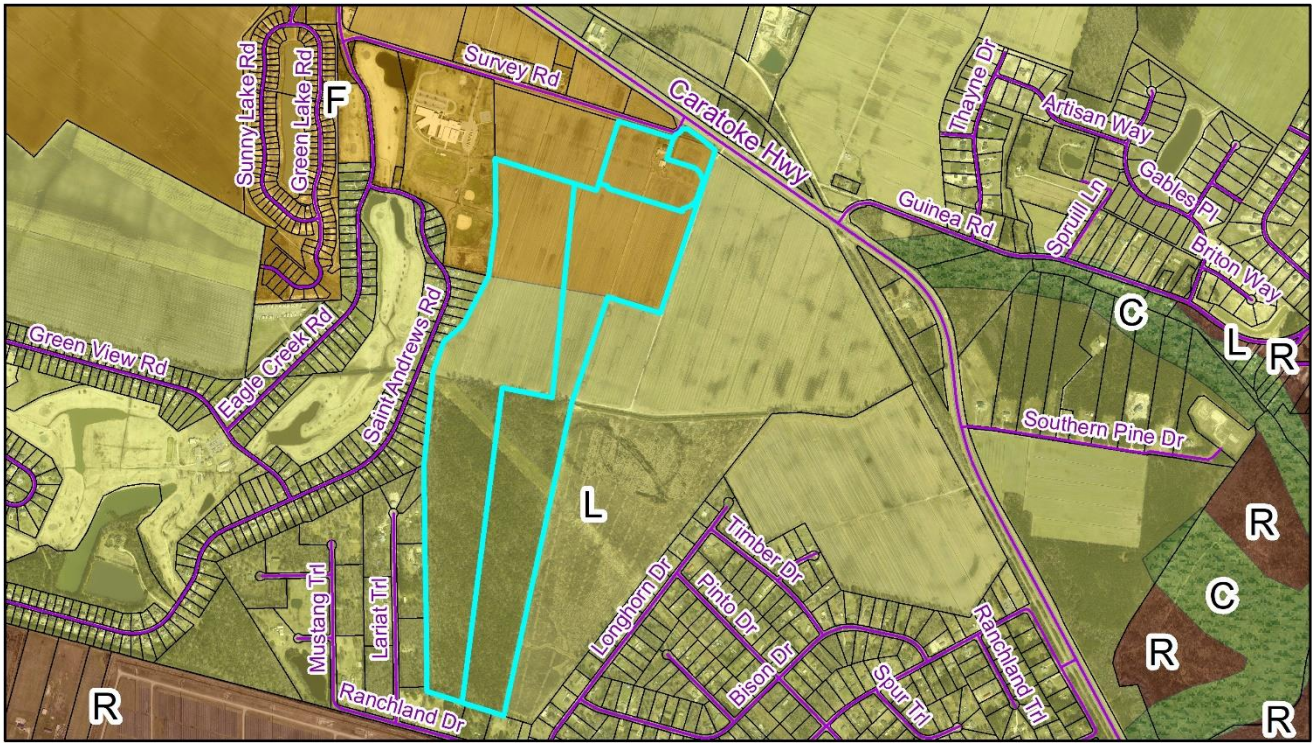
PB 21-25 Flora Farms  
Preliminary Plat/SUP  
2006 LUP Classification



Currituck County  
Planning and  
Community Development

PB 18-23 Fost Tract, Phases 6-9  
Preliminary Plat/Special Use Permit  
Page 7 of 10



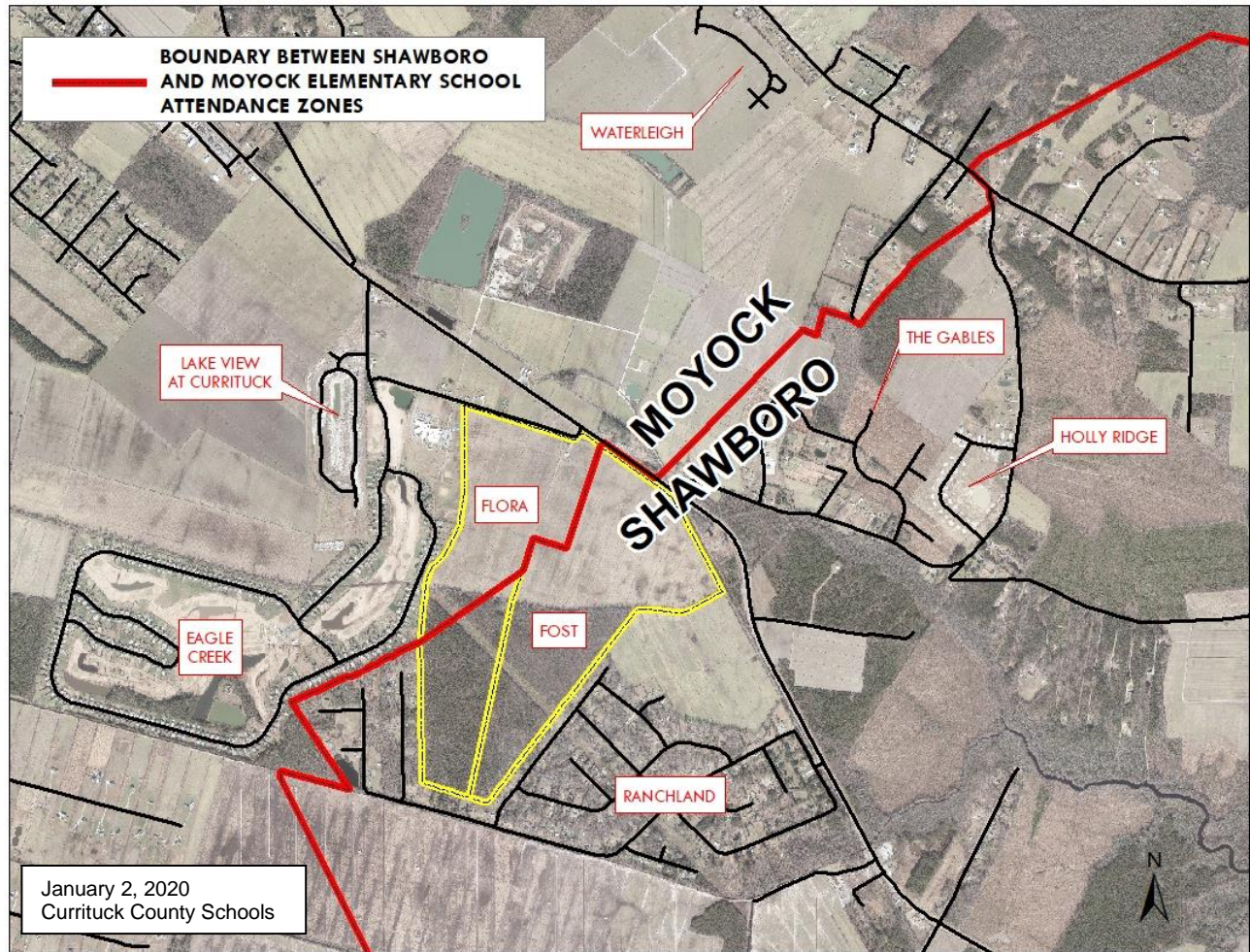


PB 21-25 Flora Farms  
Preliminary Plat/SUP  
Moyock SAP Classification

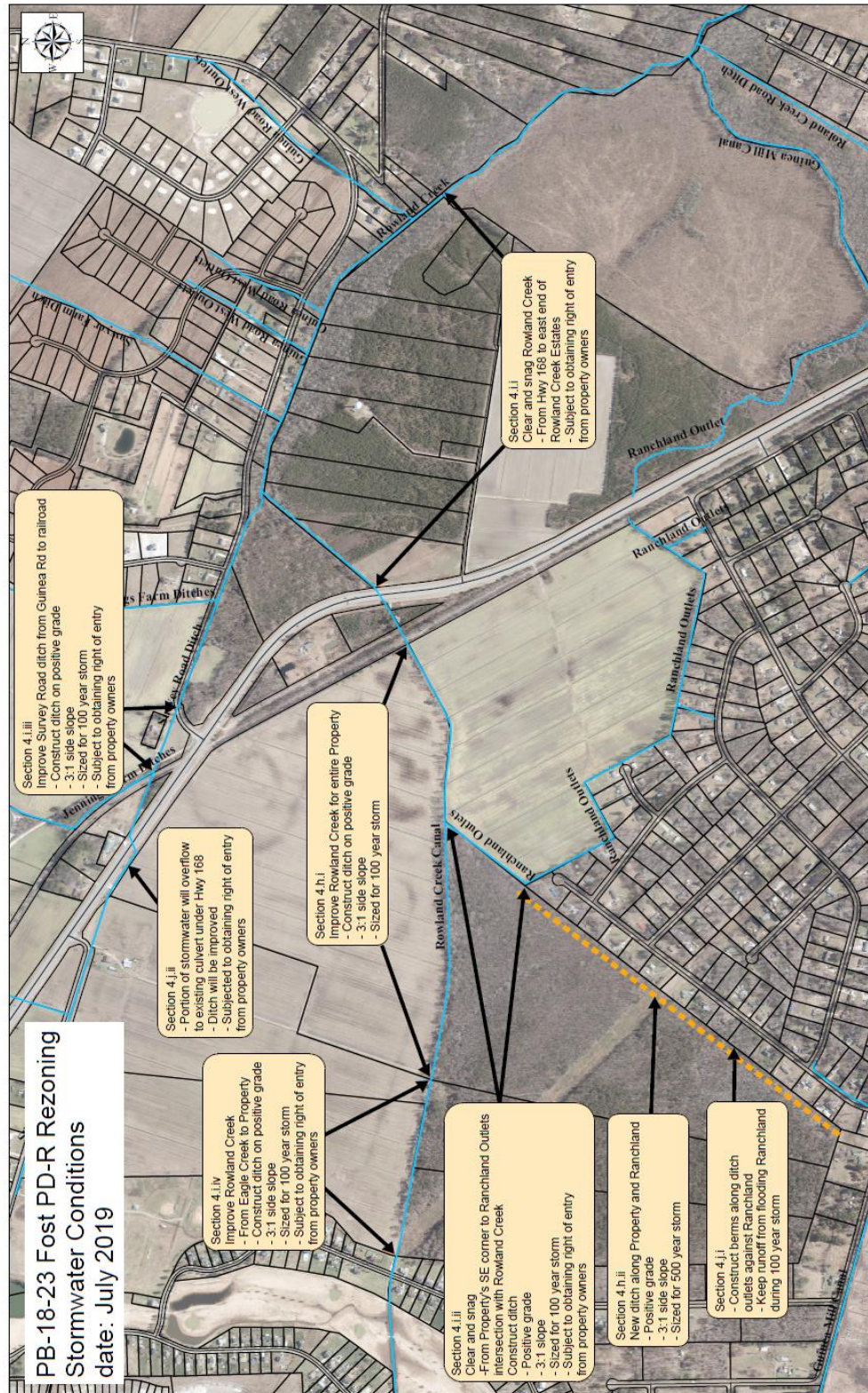


Currituck County  
Planning and  
Community Development





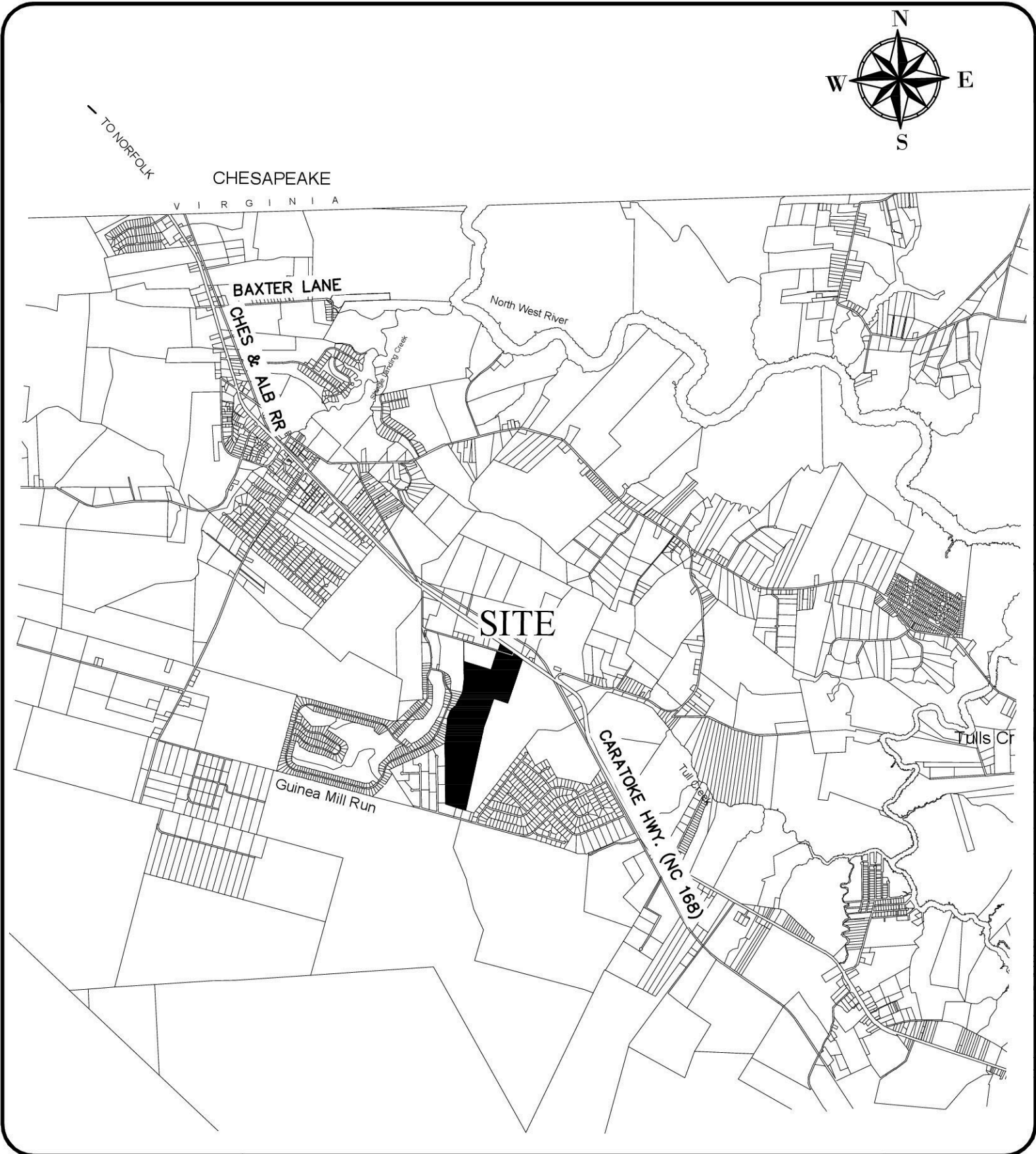






# FLORA FARM MXR DEVELOPMENT

## MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA PRELIMINARY PLAT FOR PHASES 1-5



VICINITY MAP  
SCALE: 1" = 5000'

### OWNERSHIP AND DEDICATION CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF CURRITUCK COUNTY, THAT I HEREBY FREELY ADOPT THIS PLAT OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREA SHOWN ON THIS PLAT AS STREETS, UTILITIES, ALLEYS, WALKS, RECREATION AND PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND 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 PLAT 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.

DATE \_\_\_\_\_ OWNER \_\_\_\_\_  
I, \_\_\_\_\_, A NOTARY PUBLIC  
OF \_\_\_\_\_ COUNTY, NORTH CAROLINA, DO HEREBY CERTIFY THAT  
\_\_\_\_\_ PERSONALLY  
APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGED THE DUE EXECUTION OF  
THE FOREGOING CERTIFICATE.  
WITNESS MY HAND AND OFFICIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
20\_\_\_\_

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

### PRIVATE STREETS OWNER CERTIFICATE

I HEREBY CERTIFY THAT THE PRIVATE STREETS SHOWN ON THIS PLAT 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 \_\_\_\_\_  
SURVEYOR'S CERTIFICATION  
I, 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 BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOKS REFERENCED; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.  
THIS IS TO CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.  
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 01\_\_\_\_  
DAY OF DECEMBER A.D., 2021.  
\_\_\_\_\_  
SIGNATURE L-1756

### GENERAL DEVELOPMENT NOTES

1. PROPERTY OWNERS: JOHN J. FLORA III P.O. BOX 369 MOYOCK, NC 27958 MARY NELL FLORA BRUMSEY 117 PUDDIN RIDGE ROAD MOYOCK, NC 27958
2. APPLICANT: NORTH SOUTH DEVELOPMENT GROUP, LLC 417-D CARATOKE HIGHWAY MOYOCK, NC 27958
3. PROPERTY DATA: ADDRESS: CARATOKE HIGHWAY, MOYOCK, NC 27958  
PIN: 0015-000-085C-0000  
D.B. 1230, PG. 402  
P.C. "Q", SL. 149  
14.80-ACRES (PER PLAT)  
PIN: 0015-000-0085B-0000  
D.B. 1230, PG. 398 & 402  
P.C. "D", SL. 315  
94.53-ACRES (PER GIS)  
PIN: 0015-000-085A-0000  
D.B. 1230, PG. 398 & 402  
P.C. "D", SL. 315  
111.78-ACRES (PER GIS)  
SUBDIVISION TOTAL ACREAGE: 202.44 ACRES  
(DOES NOT INCLUDE 1.47 ACRE R/W DEDICATION OF A 30' STRIP ALONG SURVEY ROAD)  
4. ZONING: EXISTING: MIXED RESIDENTIAL (C-MXR)  
5. F.I.R.M. DATA: ZONE X PER F.I.R.M. MAP NOS. 3721803100 K & 3721803000 K, BOTH 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.  
6. THIS PROPERTY CONTAINS ACOE "404" JURISDICTIONAL WETLANDS AS SHOWN AND CONFIRMED BY USACOE ACTION ID# SAW 2018-00838, DATED APRIL 30, 2018, AND MAY REQUIRE U.S. CORP OF ENGINEERS APPROVAL PRIOR TO DEVELOPMENT OF THE PROPERTY.  
7. 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. AND STREET TREE EASEMENTS ARE HEREBY PROVIDED PER TYPICAL LOT DETAIL ON SHEET 19.  
8. 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 25' DRAINAGE EASEMENT IS HEREBY ESTABLISHED ALONG ROWLAND CREEK CANAL (SEE SHEET 7 FOR DETAIL). ALL DRAINAGE EASEMENTS SHALL BE DEDICATED TO CURRITUCK COUNTY.  
9. EXISTING CONDITION INFORMATION BASED ON A COMBINATION OF THE FOLLOWING:  
2012 AERIAL IMAGERY OBTAINED FROM NCONEMAP.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.

### LOT DEVELOPMENT CONFIGURATION:

LOT AREAS: VARY FROM 15,000 TO 23,167 SQUARE FEET.

### RECREATIONAL AND PARK LAND FEE-IN-LIEU CALCULATION:

REQUIRED UPLAND RECREATION/PARKLAND DEDICATION ACREAGE = 7.06 AC. (277 LOTS \* 0.0255AC./LOT)  
CURRENT PROPERTY ACCESSED VALUE (LAND ONLY) = \$1,392,100 OR \$6876.61/AC. (\$1,392,100/202.44 AC.)  
FEE-IN-LIEU IS \$48,548.87 (7.06 AC. \* \$6876.61/AC.)

SEE SHEET 7 FOR PROPOSED RECREATION AND PARK LAND DEDICATION.

STREET CONNECTIVITY INDEX = 31 UNKS/22 NODES = 1.41 (REQUIRED = 1.40)

### DEVELOPMENT NOTES:

#### TRACT SUMMARY:

TOTAL AREA OF TRACT: 202.44 AC. (EXCLUDING RESIDUAL TRACT)

#### DEVELOPMENT AREA SUMMARY:

PROPOSED LOTS AREA: 103.20 AC.  
PROPOSED COMMERCIAL AREA: 2.32 AC.  
PUBLIC PROPOSED R/W AREA: 22.00 AC.  
REQUIRED RESIDENTIAL OPEN SPACE = 30% (0.3\*200.14): 60.04 AC.  
RESIDENTIAL OPEN SPACE PROVIDED: 74.92 AC. (37.0%)  
REQUIRED COMMERCIAL OPEN SPACE = 10% (0.1\*2.30): 0.23 AC.  
COMMERCIAL OPEN SPACE PROVIDED: 1.07 AC. (46.3%)

# OF PROPOSED LOTS: 277 (1.37 LOTS/ACRE)

PROPOSED RIGHT-OF-WAY WIDTHS (FT.): SEE SHEETS 20  
PROPOSED PAVED ROADWAY WIDTH: SEE SHEETS 20  
LINEAR FEET OF ONSITE ROADWAY: 21,463 L.F.±

### Sheet Number

### Sheet Title

- |    |                                                 |
|----|-------------------------------------------------|
| 1  | COVER SHEET, DEVELOPMENT NOTES & SITE LOCATION  |
| 2  | EXISTING CONDITIONS & SITE FEATURES PLAN        |
| 3  | PRELIMINARY PHASING PLAN                        |
| 4  | DRAINAGE & UTILITY OVERVIEW-PRELIMINARY PLAN    |
| 5  | HARDSCAPING OVERVIEW PRELIMINARY PLAN           |
| 6  | LANDSCAPING, LIGHTING, BUFFERING & SIGNAGE PLAN |
| 7  | SUBDIVISION PRELIMINARY PLAT OVERVIEW           |
| 8  | PLAT SHEET 8 PRELIMINARY PLAT                   |
| 9  | PLAT SHEET 9 PRELIMINARY PLAT                   |
| 10 | PLAT SHEET 10 PRELIMINARY PLAT                  |
| 11 | PLAT SHEET 11 PRELIMINARY PLAT                  |
| 12 | PLAT SHEET 12 PRELIMINARY PLAT                  |
| 13 | PLAT SHEET 13 PRELIMINARY PLAT                  |
| 14 | PLAT SHEET 14 PRELIMINARY PLAT                  |
| 15 | PLAT SHEET 15 PRELIMINARY PLAT                  |
| 16 | PLAT SHEET 16 PRELIMINARY PLAT                  |
| 17 | PRELIMINARY PLAN - COMMERCIAL                   |
| 18 | ROADWAY & DRAINAGE CONSTRUCTION DETAILS         |
| 19 | GENERAL DETAILS                                 |
| 20 | LOT DESCRIPTIONS CHARTS AND TABLES              |

LEGEND	
---	EXISTING DITCH CENTERLINE
///	EXISTING DITCH TOP OF BANK
==>	PROPOSED SWALE W/ FLOW ARROW
==>●	PROPOSED SWALE HIGH POINT
---FEMA---	FEMA BOUNDARY LINE
---	EXISTING 404 BOUNDARY
---	EXISTING GRADE CONTOUR
---	30' UNDISTURBED BUFFER (COUNTY)
---	50' WETLANDS' BUFFER (COUNTY)
---	EXISTING CULVERT
---	EXISTING UTILITY POLE
OHE---	EXISTING OVERHEAD TRANSMISSION LINES
---EWL---	EXISTING WATER LINE
---WL---	PROPOSED WATER LINE (SIZE AS NOTED)
●	PROPOSED FIRE HYDRANT ASSEMBLY
■	PROPOSED WATER SERVICE
■	PROPOSED BLOW-OFF ASSEMBLY
⋈	PROPOSED VALVE
▲	PROPOSED REDUCER
---	PROPOSED SIDEWALK
---FM---	PROPOSED FORCE MAIN SANITARY SEWER (SIZE AS NOTED)
---	PROPOSED GRAVITY SANITARY SEWER (SIZE AS NOTED)
⊙	PROPOSED SANITARY SEWER MANHOLE
BOC	BACK OF CURB
EOP	EDGE OF PAVEMENT
▣	PROPOSED CATCH BASIN
☼	PROPOSED STREET LIGHT
---	PROPOSED STORM SEWER PIPE
---	PROPOSED EDGE OF WATER

### STORMWATER STATEMENT

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 SWIMMING POOLS. THIS COVENANT IS INTENDED TO ENSURE COMPLIANCE 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 PERSON. THE LOT COVERAGE ALLOWANCE PROVIDED IN THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE MAY BE DIFFERENT THAN THE NC STATE STORMWATER PERMIT. THE MOST RESTRICTIVE LOT COVERAGE SHALL APPLY.

### REVIEW OFFICER CERTIFICATE

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 \_\_\_\_\_

### PUBLIC STREETS DIVISION OF HIGHWAY DISTRICT ENGINEER CERTIFICATE

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 \_\_\_\_\_

### APPROVAL CERTIFICATE

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 \_\_\_\_\_

### REVIEW OFFICER CERTIFICATE

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 \_\_\_\_\_

### REQUIRED IMPROVEMENTS CERTIFICATE

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  
\_\_\_\_\_

Bissell Professional Group  
Firm License # C-685  
P.O. Box 1008  
Kitty Hawk, North Carolina 27149  
TEL (252) 281-1760  
FAX (252) 281-1760

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COVER SHEET, DEVELOPMENT

NOTES & SITE LOCATION

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PROJECT: FLORA FARM MXR SUBDIVISION

MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

PRELIMINARY SUBDIVISION PLANS

REVISIONS		NO.	DATE	DESCRIPTION	BY	CHKD
		1	07/27/21	Pre-App Conference Comments	MB	
		2	10/27/21	INC COMMENTS	KFW	
		3	11/24/21	ADD SUBMITTER'S URGENT FINDING	MB	



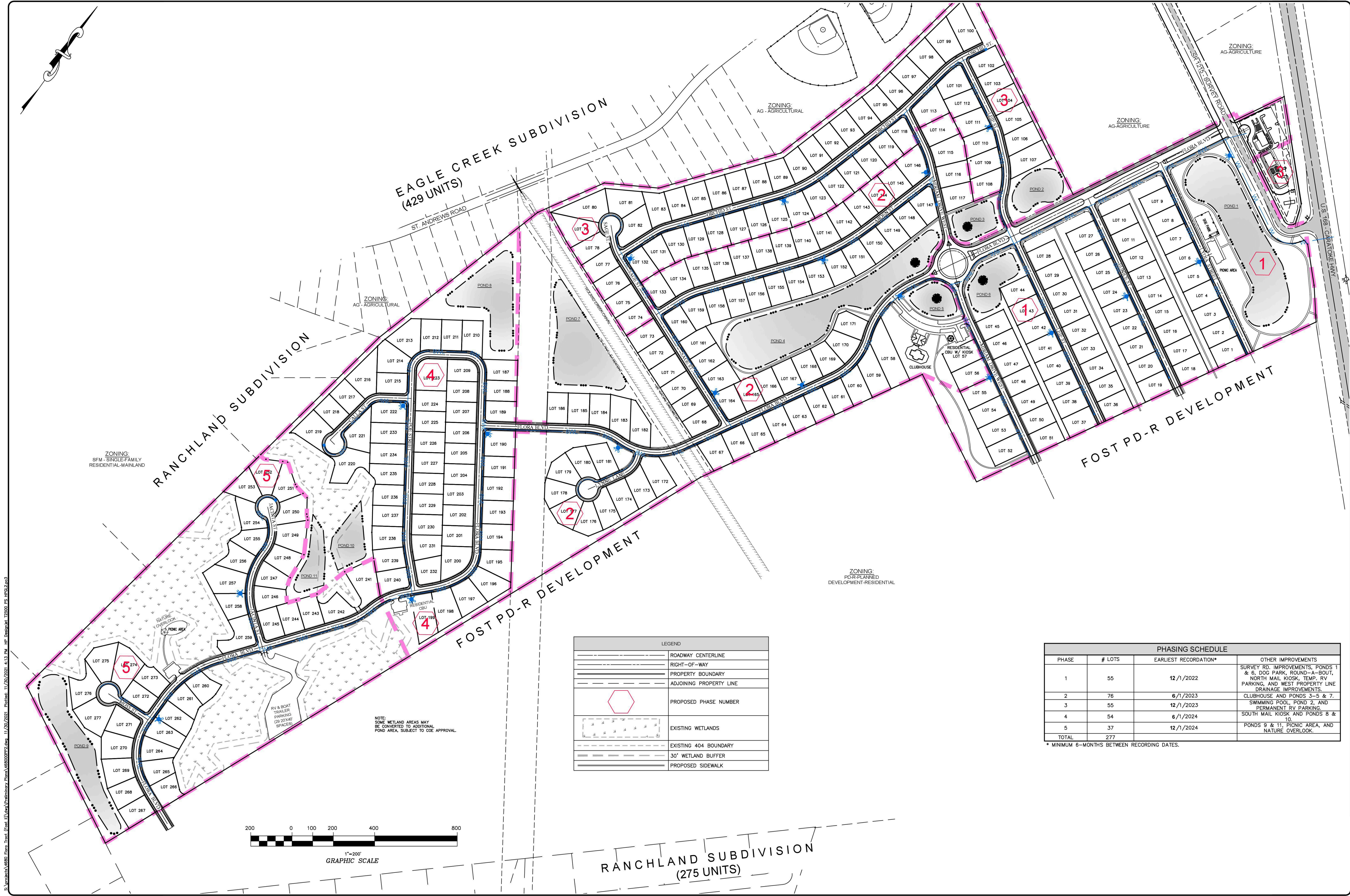
DATE: 06/09/21 BY: N/A  
DRAWN: BPG CHECKED: MSB  
DESIGNED: KFW APPROVED: BPG  
SHEET: 1 OF 20  
CAD FILE: 468000PP2  
PROJECT NO: 4680





**Attachment: 2 10-28-21 Flora Preliminary Plans (PB 21-25 Flora Farms)**





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**PRELIMINARY PHASING PLAN**

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**FLORA FARM MxR SUBDIVISION**  
CURRITUCK COUNTY  
MOYOCK TOWNSHIP  
NORTH CAROLINA

**PRELIMINARY SUBDIVISION PLANS**

NO.	DATE	DESCRIPTION	BY	CHKD	APP'D
1	07/22/21	Pre-Sub Conference Comments	KFW		
2	10/09/21	ADD ADDRESSES & UPDATE PHASING	KFW		

**REVISIONS**

DATE: 06/09/21 1" = 200'

DRAWN: BPG CHECKED: MSB

PROJECT: KFW APPROVED: BPG

SHEET: 3 OF 20

CAD FILE: 4680000PP2

PROJECT NO: 4680

Attachment: 2 10-28-21 Flora Preliminary Plans (Pg 21-25 Flora Farms)

Packet Pg. 77



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DATE: 06/09/21	SCALE: 1" = 200'
DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW	APPROVED: BPG
SHEET:  4 OF 20	
CAD FILE: 468000PP2	
PROJECT NO: 4680	

# DRAINAGE & UTILITY OVERVIEW

## PRELIMINARY PLAN

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FLORA FARM MXR SUBDIVISION  
NORTH CAROLINA  
CURRITUCK COUNTY  
MOYOCK TOWNSHIP

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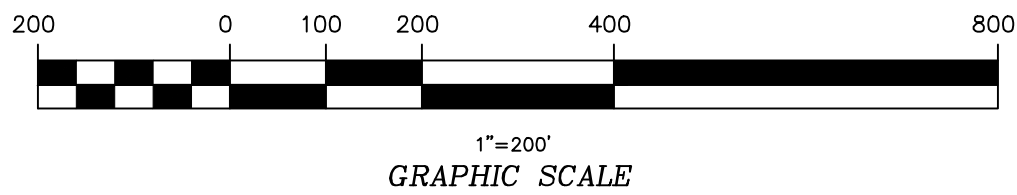
PRELIMINARY MASTER PLAN

**BISSELL**  
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Fax (252) 261-1780



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**HARDSCAPING OVERVIEW**

**PRELIMINARY PLAN**

**BISSELL**

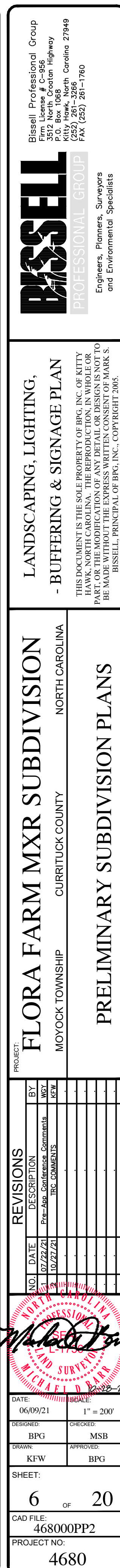
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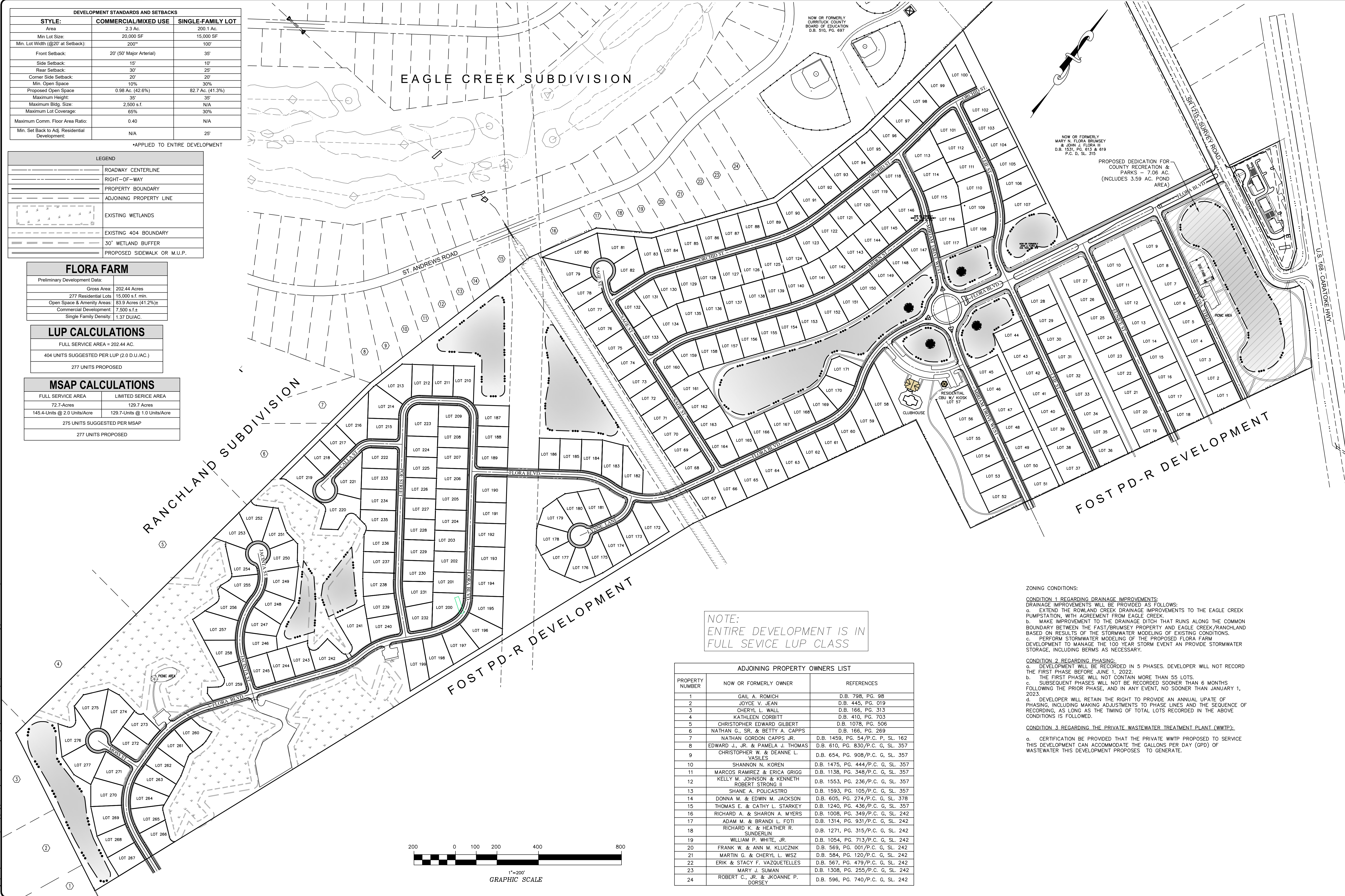
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FLORA FARM MXR SUBDIVISION  
PRELIMINARY SUBDIVISION PLANS









DEVELOPMENT STANDARDS AND SETBACKS		
STYLE:	COMMERCIAL/MIXED USE	SINGLE-FAMILY LOT
Area	2.3 Ac.	200.1 Ac.
Min. Lot Size:	20,000 SF	15,000 SF
Min. Lot Width (@20' at Setback):	200'	100'
Front Setback:	20' (50' Major Arterial)	35'
Side Setback:	15'	10'
Rear Setback:	30'	25'
Corner Side Setback:	20'	20'
Min. Open Space	10%	30%
Proposed Open Space	0.98 Ac. (42.8%)	82.7 Ac. (41.3%)
Maximum Height:	35'	35'
Maximum Bldg. Size:	2,500 s.f.	N/A
Maximum Lot Coverage:	65%	30%
Maximum Comm. Floor Area Ratio:	0.40	N/A
Min. Set Back to Adj. Residential Development:	N/A	25'

\*APPLIED TO ENTIRE DEVELOPMENT

LEGEND	
	ROADWAY CENTERLINE
	RIGHT-OF-WAY
	PROPERTY BOUNDARY
	ADJOINING PROPERTY LINE
	EXISTING WETLANDS
	EXISTING 404 BOUNDARY
	30' WETLAND BUFFER
	PROPOSED SIDEWALK OR M.U.P.

FLORA FARM	
Preliminary Development Data:	
Gross Area:	202.44 Acres
277 Residential Lots	15,000 s.f. min.
Open Space & Amenity Areas:	83.9 Acres (41.2%)±
Commercial Development:	7,500 s.f.±
Single Family Density:	1.37 DU/AC.

LUP CALCULATIONS	
FULL SERVICE AREA = 202.44 AC.	
404 UNITS SUGGESTED PER LUP (2.0 D.U./AC.)	
277 UNITS PROPOSED	

MSAP CALCULATIONS	
FULL SERVICE AREA	LIMITED SERVICE AREA
72.7-Acres	129.7 Acres
145.4-Units @ 2.0 Units/Acre	129.7-Units @ 1.0 Units/Acre
275 UNITS SUGGESTED PER MSAP	
277 UNITS PROPOSED	

ADJOINING PROPERTY OWNERS LIST		
PROPERTY NUMBER	NOW OR FORMERLY OWNER	REFERENCES
1	GAIL A. ROMICH	D.B. 798, PG. 98
2	JOYCE V. JEAN	D.B. 445, PG. 019
3	CHERYL L. WALL	D.B. 166, PG. 313
4	KATHLEEN CORBITT	D.B. 410, PG. 703
5	CHRISTOPHER EDWARD GILBERT	D.B. 1078, PG. 506
6	NATHAN G., SR. & BETTY A. CAPPS	D.B. 166, PG. 269
7	NATHAN GORDON CAPPS JR.	D.B. 1459, PG. 54/P.C. P, SL. 162
8	EDWARD J., JR. & PAMELA J. THOMAS	D.B. 610, PG. 830/P.C. G, SL. 357
9	CHRISTOPHER W. & DEANNE L. VASILES	D.B. 654, PG. 908/P.C. G, SL. 357
10	SHANNON N. KOREN	D.B. 1475, PG. 444/P.C. G, SL. 357
11	MARCOS RAMIREZ & ERICA GRIGG	D.B. 1138, PG. 348/P.C. G, SL. 357
12	KELLY M. JOHNSON & KENNETH ROBERT STRONG II	D.B. 1553, PG. 236/P.C. G, SL. 357
13	SHANE A. POLICASTRO	D.B. 1593, PG. 105/P.C. G, SL. 357
14	DONNA M. & EDWIN M. JACKSON	D.B. 605, PG. 274/P.C. G, SL. 378
15	THOMAS E. & CATHY L. STARKEY	D.B. 1240, PG. 436/P.C. G, SL. 357
16	RICHARD A. & SHARON A. MYERS	D.B. 1008, PG. 349/P.C. G, SL. 242
17	ADAM M. & BRANDI L. FOTI	D.B. 1314, PG. 931/P.C. G, SL. 242
18	RICHARD K. & HEATHER R. SUNDERLIN	D.B. 1271, PG. 315/P.C. G, SL. 242
19	WILLIAM P. WHITE, JR.	D.B. 1054, PG. 713/P.C. G, SL. 242
20	FRANK W. & ANN M. KLUCZNIK	D.B. 569, PG. 001/P.C. G, SL. 242
21	MARTIN G. & CHERYL L. WISZ	D.B. 584, PG. 120/P.C. G, SL. 242
22	ERIK & STACY F. VAZQUELLES	D.B. 567, PG. 479/P.C. G, SL. 242
23	MARY J. SUMAN	D.B. 1308, PG. 255/P.C. G, SL. 242
24	ROBERT C., JR. & JOANNE P. DORSEY	D.B. 596, PG. 740/P.C. G, SL. 242

NOTE:  
ENTIRE DEVELOPMENT IS IN  
FULL SERVICE LUP CLASS

ZONING CONDITIONS:  
CONDITION 1 REGARDING DRAINAGE IMPROVEMENTS:  
DRAINAGE IMPROVEMENTS WILL BE PROVIDED AS FOLLOWS:  
a. EXTEND THE ROWLAND CREEK DRAINAGE IMPROVEMENTS TO THE EAGLE CREEK PUMPSTATION, WITH AGREEMENT FROM EAGLE CREEK.  
b. MAKE IMPROVEMENT TO THE DRAINAGE DITCH THAT RUNS ALONG THE COMMON BOUNDARY BETWEEN THE FAST/BRUMSEY PROPERTY AND EAGLE CREEK/RANCHLAND BASED ON RESULTS OF THE STORMWATER MODELING OF EXISTING CONDITIONS.  
c. PERFORM STORMWATER MODELING OF THE PROPOSED FLORA FARM DEVELOPMENT TO MANAGE THE 100 YEAR STORM EVENT AND PROVIDE STORMWATER STORAGE, INCLUDING BERMS AS NECESSARY.  
CONDITION 2 REGARDING PHASING:  
a. DEVELOPMENT WILL BE RECORDED IN 5 PHASES. DEVELOPER WILL NOT RECORD THE FIRST PHASE BEFORE JUNE 1, 2022.  
b. THE FIRST PHASE WILL NOT CONTAIN MORE THAN 55 LOTS.  
c. SUBSEQUENT PHASES WILL NOT BE RECORDED SOONER THAN 6 MONTHS FOLLOWING THE PRIOR PHASE, AND IN ANY EVENT, NO SOONER THAN JANUARY 1, 2023.  
d. DEVELOPER WILL RETAIN THE RIGHT TO PROVIDE AN ANNUAL UPDATE OF PHASING, INCLUDING MAKING ADJUSTMENTS TO PHASE LINES AND THE SEQUENCE OF RECORDING, AS LONG AS THE TIMING OF TOTAL LOTS RECORDED IN THE ABOVE CONDITIONS IS FOLLOWED.  
CONDITION 3 REGARDING THE PRIVATE WASTEWATER TREATMENT PLANT (WWTP):  
a. CERTIFICATION BE PROVIDED THAT THE PRIVATE WWTP PROPOSED TO SERVICE THIS DEVELOPMENT CAN ACCOMMODATE THE GALLONS PER DAY (GPD) OF WASTEWATER THIS DEVELOPMENT PROPOSES TO GENERATE.

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**BISSELL**  
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SUBDIVISION PRELIMINARY  
PLAT OVERVIEW

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FLORA FARM MXR SUBDIVISION  
CURRITUCK COUNTY  
MOYOCK TOWNSHIP  
NORTH CAROLINA

PRELIMINARY SUBDIVISION PLANS

NO.	DATE	DESCRIPTION	BY	CHKD.	APP.
1	07/27/21	Pre-Sub Conference Comments	WFL		
2	11/25/21	AND ADJUSTERS	WFL		
3	12/03/21				
4					
5					
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DATE: 06/09/21 SCALE: 1" = 200'

DESIGNED: BPG CHECKED: MSB

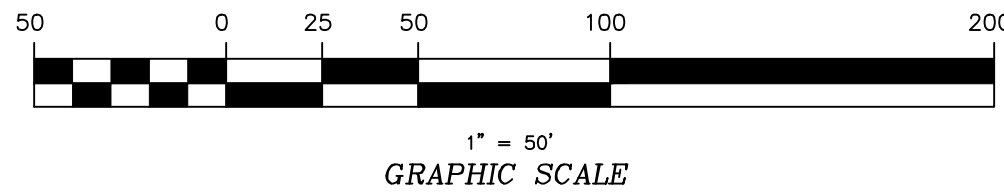
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SHEET: 7 OF 20

CAD FILE: 468000PP2

PROJECT NO: 4680



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PLAT SHEET 8

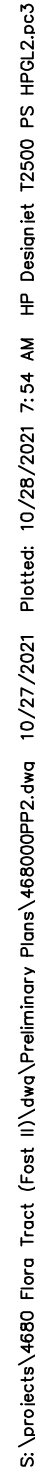
PRELIMINARY PLAT

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FAX (252) 261-1760

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PLAT SHEET 9

PRELIMINARY PLAT

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PROFESSIONAL GROUP

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PLAT SHEET 10  
PRELIMINARY PLAT

**FLORA FARM MxR SUBDIVISION**  
NORTH CAROLINA  
CURRITUCK COUNTY  
MOYOCK TOWNSHIP

PRELIMINARY SUBDIVISION PLANS

NO.	DATE	DESCRIPTION	BY	CHKD.
1	06/09/21	Pre-Sub Conference Comments	BPG	MSB
2	07/27/21	Final Sub Conference Comments	KFW	BPG

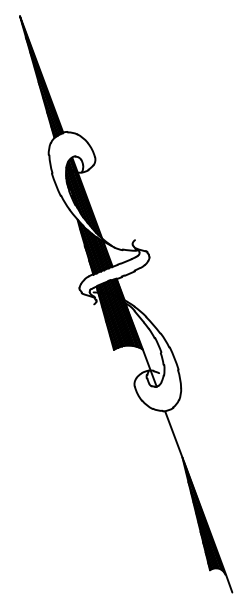
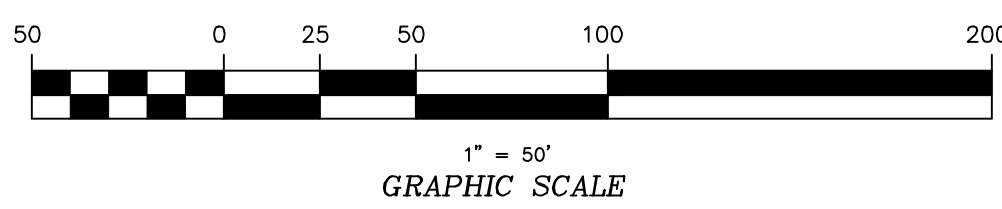
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CHECKED: MSB  
APPROVED: BPG  
SHEET: 10 OF 20  
CAD FILE: 468000PP2  
PROJECT NO: 4680

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**Attachment: 2 10-25-21 Flora Preliminary Plans (PB 21-25 Flora Farms)**



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REVISIONS			BY	DATE
NO.	DATE	DESCRIPTION	BY	DATE
1	07/27/21	Final Submittal	MSB	07/27/21
2	10/27/21	Final Submittal	MSB	10/27/21



DATE:	06/09/21	SCALE:	1" = 50'
DRAWN:	BPG	CHECKED:	MSB
APPROVED:	KFW	APPROVED:	BPG
SHEET:	11	OF	20
CAD FILE:	4680000PP2	PROJECT NO.:	4680

PROJECT: **FLORA FARM MXR SUBDIVISION**  
NORTH CAROLINA  
CURRITUCK COUNTY  
MOYOCK TOWNSHIP

**PRELIMINARY SUBDIVISION PLANS**

PLAT SHEET 11  
PRELIMINARY PLAT

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**BISSELL**  
PROFESSIONAL GROUP  
Engineers, Planners, Surveyors  
and Environmental Specialists

Bissell Professional Group  
Firm License # C-965  
1000 North Carolina Highway  
P.O. Box 1008  
Kitty Hawk, North Carolina 27549  
Tel: (919) 281-1760  
Fax: (919) 281-1760





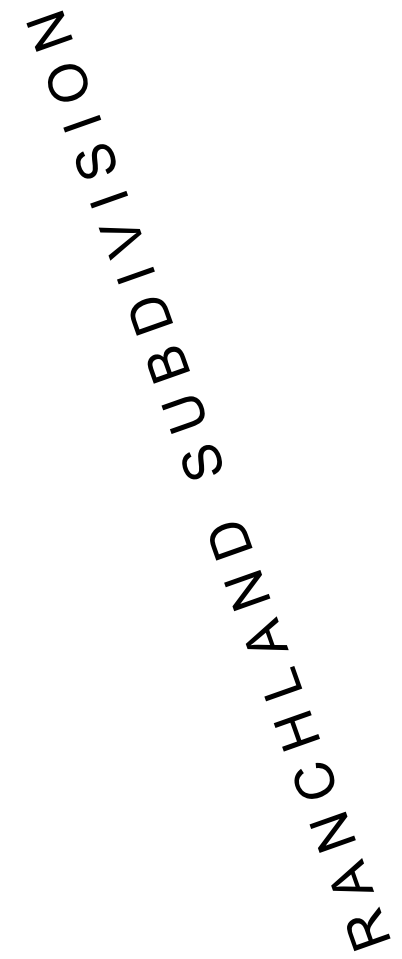




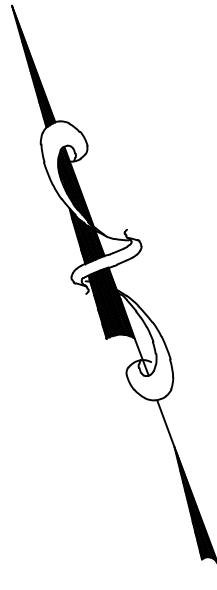








GRAPHIC SCALE



PLAT SHEET 15  
PRELIMINARY PLAT

PRELIMINARY SUBDIVISION PLANS

**BISSELL**  
PROFESSIONAL GROUP

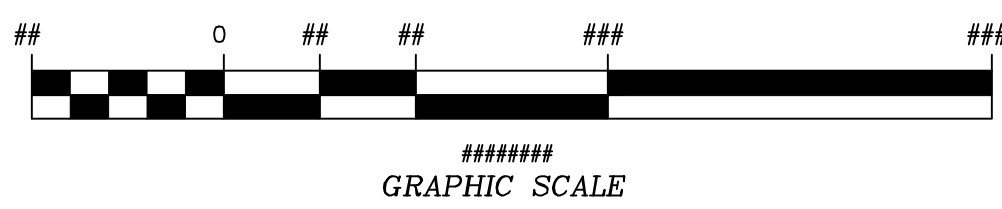
Engineers, Planners, Surveyors  
and Environmental Specialists

Bissell Professional Group  
Firm License # C-956  
10000 Highway  
P.O. Box 1009  
Kitty Hawk, North Carolina 27949  
(252) 261-2285  
FAX (252) 261-1760

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[illegible]



[illegible]

ARM MXR SUBDIVISION  
CURRITUCK COUNTY NORTH CAROLINA  
INARY SUBDIVISION PLANS

PLAT SHEET 16

PRELIMINARY PLAT

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**BRISSELL**  **PROFESSIONAL GROUP**

Engineers, Planners, Surveyors  
and Environmental Specialists


Briswell Professional Group  
1000 North Carolina Highway  
3512 North Carolina Highway  
K-1, Box 1008  
Kinston, North Carolina 27949  
(252) 261-3266  
FAX (252) 261-1760





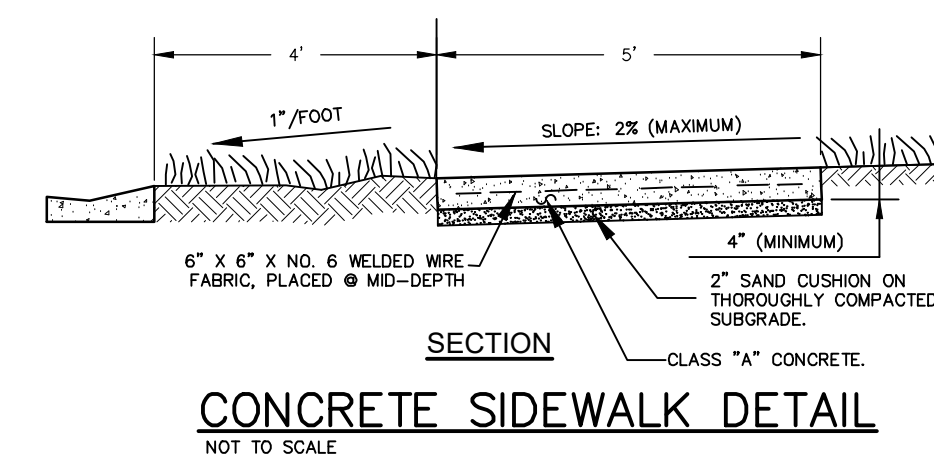
1" = 30'

*GRAPHIC SCALE*

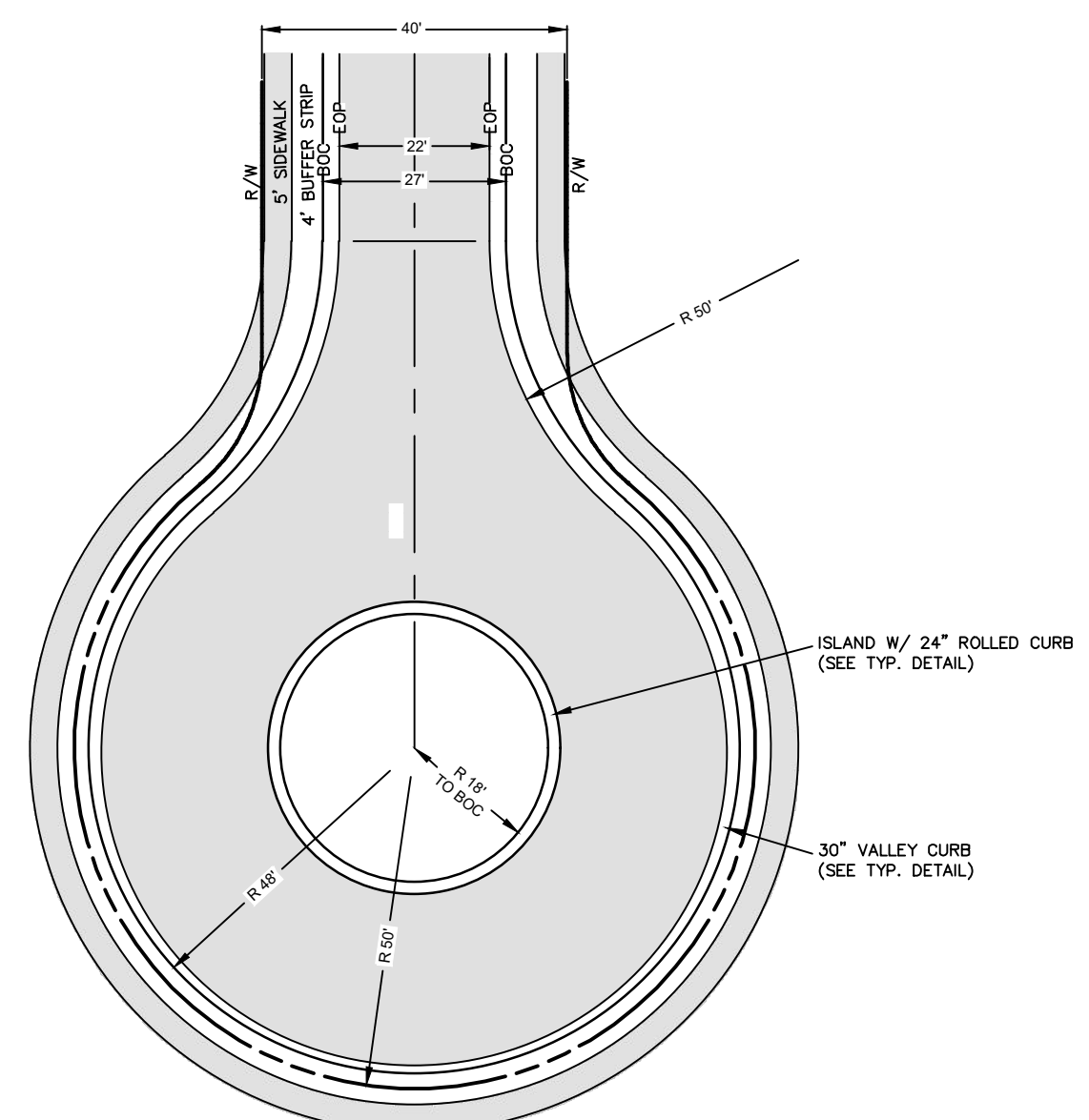
PROJECT: <b>FLORA FARM MXR SUBDIVISION</b> MOYOCK TOWNSHIP      CURRITUCK COUNTY      NORTH CAROLINA	<b>PRELIMINARY PLAN</b> - COMMERCIAL -	 <p><b>BISSELL</b> PROFESSIONAL GROUP</p> <p>Engineers, Planners, Surveyors and Environmental Scientists</p> <p>1350 North Ocean Highway Kitty Hawk, North Carolina 27949 Phone: 252/281-7469 Fax: 252/281-7469</p>
	<b>PRELIMINARY SUBDIVISION PLANS</b>	



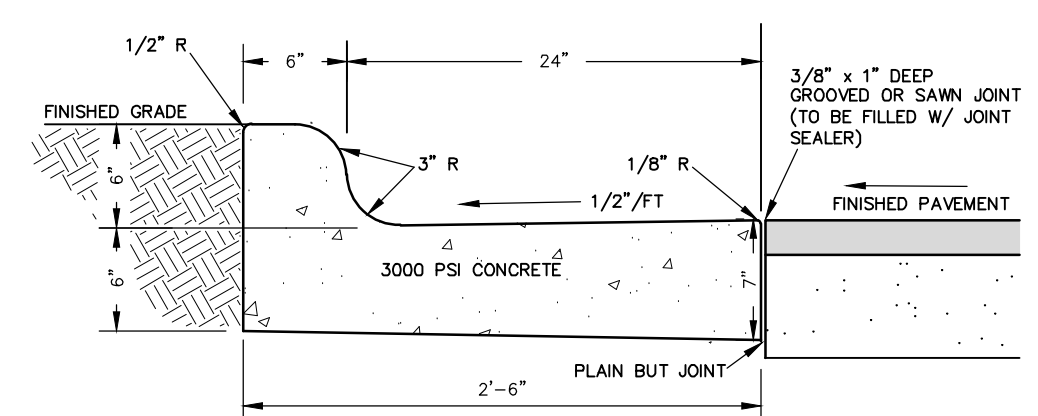
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CONCRETE SIDEWALK DETAIL  
NOT TO SCALE

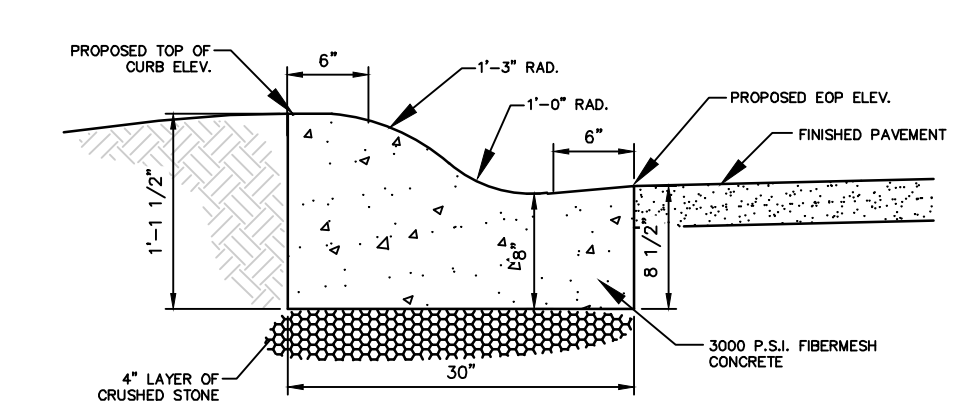


TYPICAL CUL-DE-SAC PLAN  
NOT TO SCALE

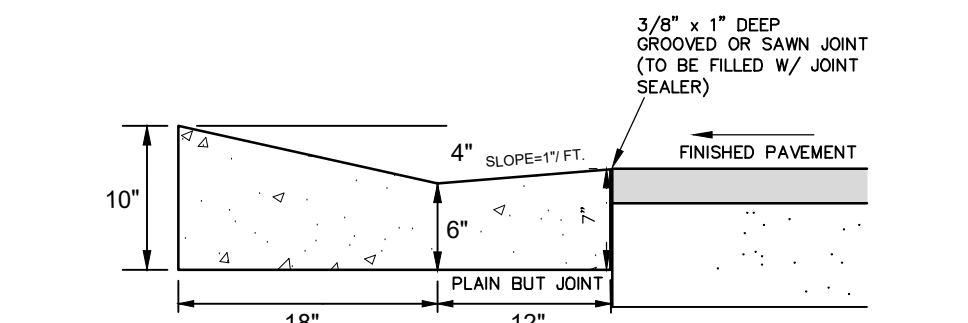


CURB & GUTTER COLLECTION SECTION  
NOT TO SCALE NCDOT STD 846.01

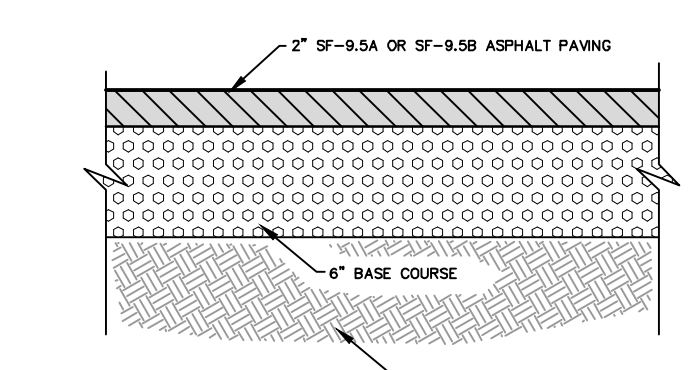
- GENERAL CURB & GUTTER NOTES:
1. 1/2" x 1-1/2" DEEP CONTRACTION JOINTS SHALL BE PLACED AT 10' INTERVALS.
  2. 1/2" EXPANSION JOINTS SHALL BE PLACED AT 90' INTERVALS, AND ADJACENT TO ALL RIGID STRUCTURES.
  3. ALL JOINTS SHALL BE FILLED WITH JOINT FILLER AND SEALER.



STANDARD ROLLED CURB  
NOT TO SCALE

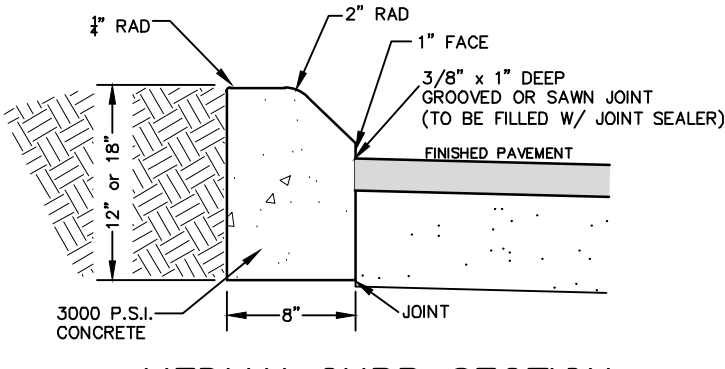


CURB & GUTTER VALLEY SECTION  
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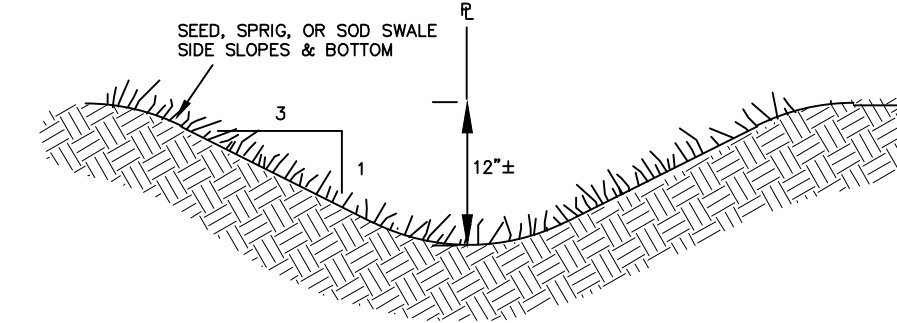


TYPICAL RESIDENTIAL ROADWAY PAVEMENT SECTION  
NOT TO SCALE

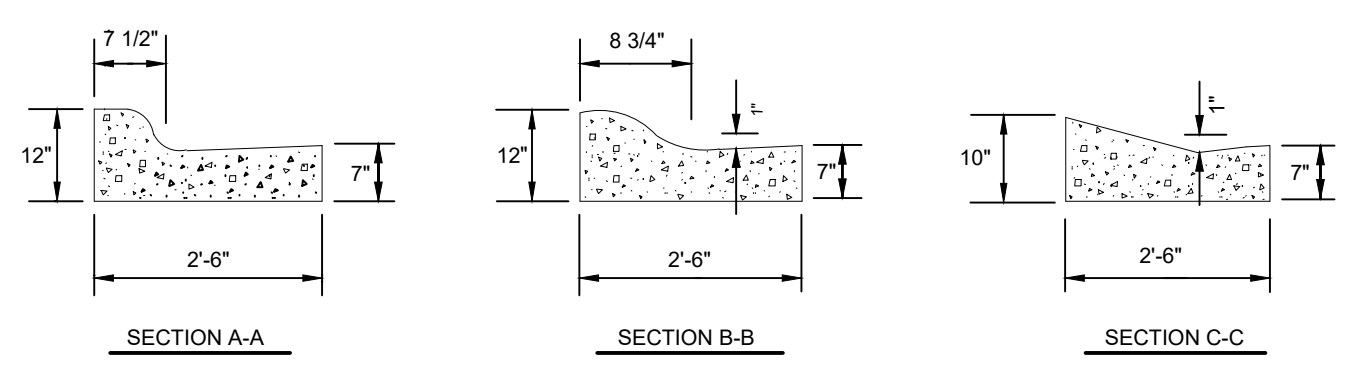
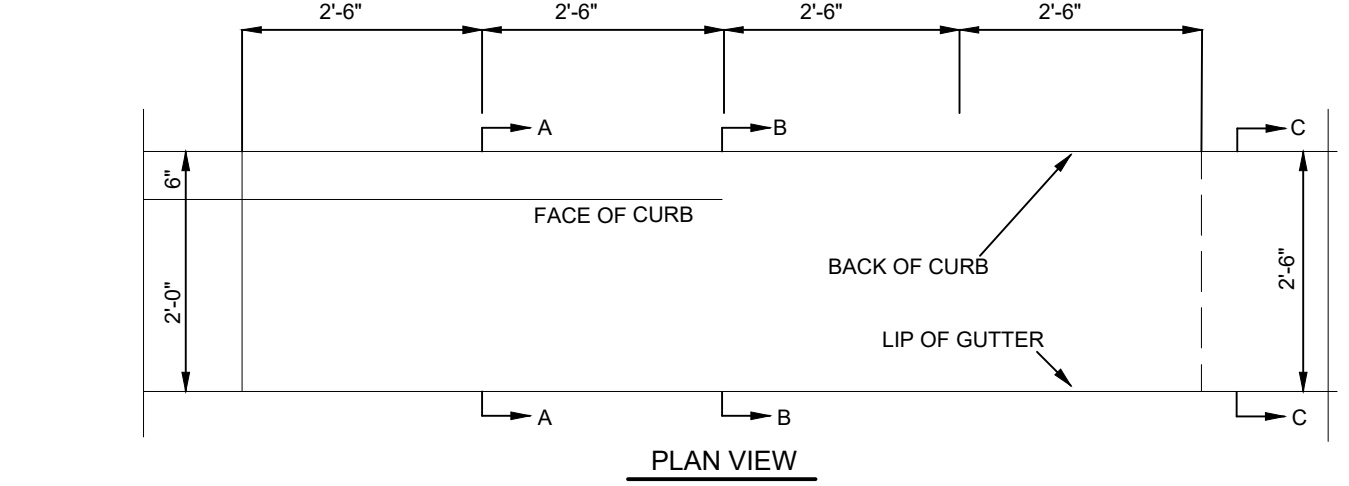
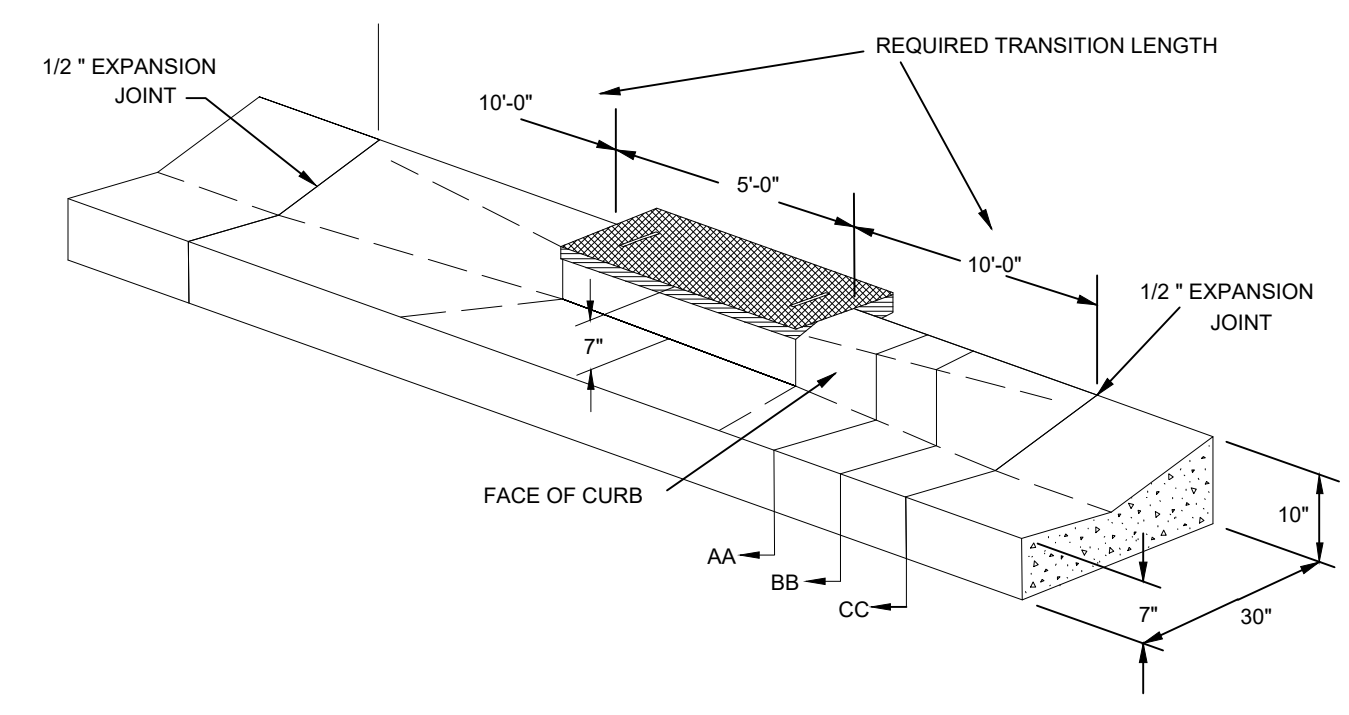
NOTE: PAVING SHALL CONSIST OF FINE GRADING THE SPECIFIED PARKING & DRIVE AREAS AND INSTALLING 2" SF-9.5A OR SF-9.5B ASPHALT PAVING COURSE IN CONJUNCTION WITH A 6" AGGREGATE BASE COURSE. THE SOIL SUBGRADE BENEATH PAVEMENTS SHALL BE COMPACTED TO AT LEAST 95% OF ASTM D 698 PRIOR TO ANY PLACEMENT OF SUBBASE FILL OR STONE BASE COURSE. ALL SITE PREPARATION AND THE DESIGN AND CONSTRUCTION OF ALL FOUNDATIONS, GROUND SLABS, AND PAVEMENTS SHALL BE IN ACCORDANCE WITH RECOMMENDATIONS PROVIDED BY A GEOTECHNICAL ENGINEER.



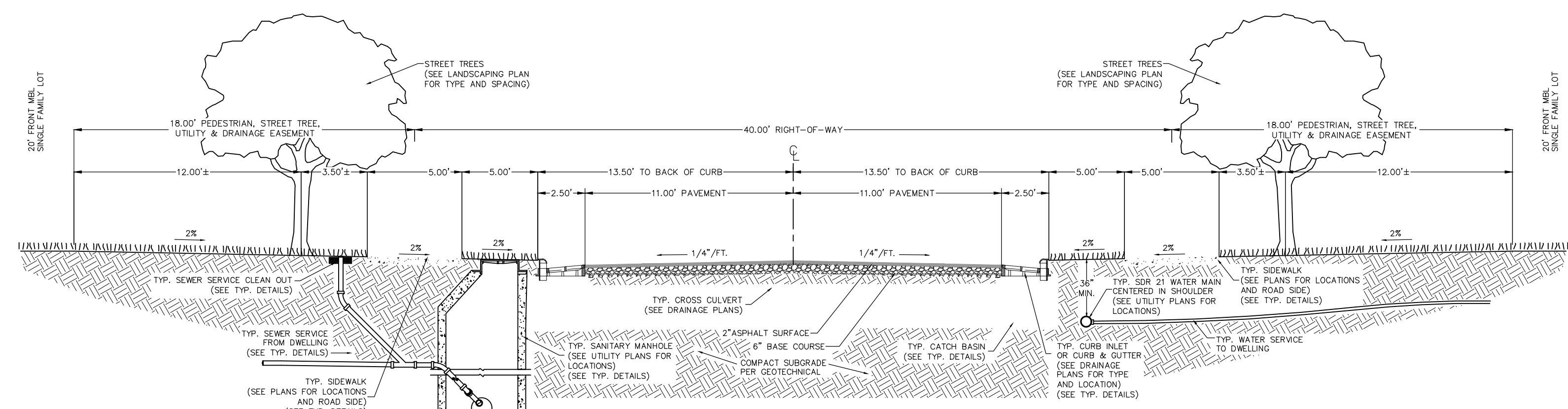
MEDIAN CURB SECTION  
NOT TO SCALE NCDOT 846.01



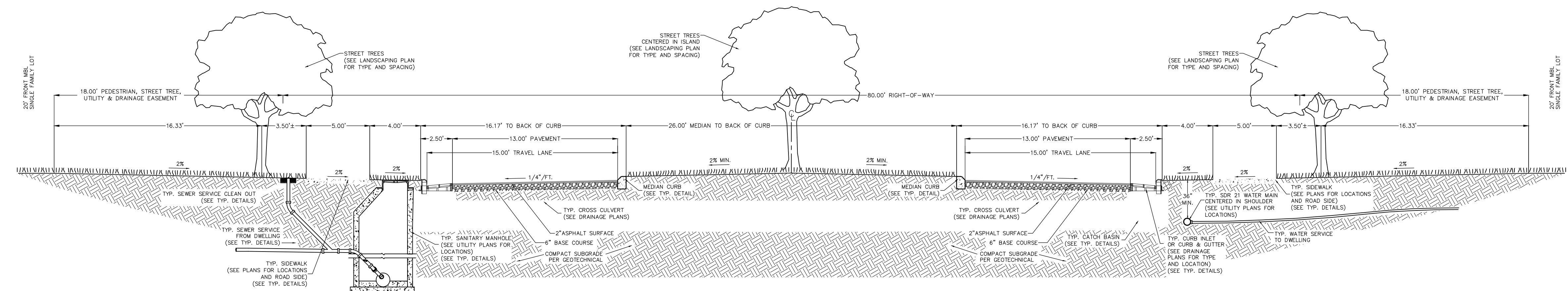
TYPICAL PROPERTY LINE SWALE SECTION  
NOT TO SCALE MIN. LONGITUDINAL SLOPE: 0.10%



CURB & GUTTER TRANSITION SECTION



TYPICAL LOCAL ROADWAY  
SCALE: 1" = 5' SECTION VIEW



TYPICAL DIVIDED BOULEVARD  
SCALE: 1" = 5' SECTION VIEW

Bissell Professional Group  
Firm License # C-955  
Professional Engineer  
P.O. Box 1008  
Kitty Hawk, North Carolina 27549  
FAX (252) 281-1760

ROADWAY & DRAINAGE  
CONSTRUCTION DETAILS

FLORA FARM MXR SUBDIVISION  
CURRITUCK COUNTY  
MOYOCK TOWNSHIP  
NORTH CAROLINA

REVISIONS		BY	DATE	DESCRIPTION
1	06/09/21	BPG	07/27/21	Pre-Design Conference Comments
2	06/09/21	BPG	07/27/21	Pre-Design Conference Comments
3	06/09/21	BPG	07/27/21	Pre-Design Conference Comments
4	06/09/21	BPG	07/27/21	Pre-Design Conference Comments
5	06/09/21	BPG	07/27/21	Pre-Design Conference Comments
6	06/09/21	BPG	07/27/21	Pre-Design Conference Comments
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19	06/09/21	BPG	07/27/21	Pre-Design Conference Comments
20	06/09/21	BPG	07/27/21	Pre-Design Conference Comments











## 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, North-South Development LLC

**From:** Tammy D. Glave, CZO, Senior Planner

**Date:** October 14, 2021 **10-28-21 reply to TRC comments**  
**November 10, 2021 TRC Responses**  
**December 1, 2021 reply to November 10, 2021 comments**

**Subject:** PB 21-25 Flora Farm, Preliminary Plat/Special Use Permit

The following comments have been received for the October 13, 2021 TRC meeting for Flora Farm, Preliminary Plat/Special Use Permit. In order to be scheduled for the November 10, 2021 TRC Revision Review meeting, please address all comments and resubmit a revised plan by 3:00 p.m. on October 28, 2021. TRC comments are valid for six months from the date of the TRC meeting.

#### **Planning (Tammy Glave. 252-232-6025)**

##### **Denial:**

1. While permitted by the NCDEQ Division of Water Resources, staff notes its concern about connecting dwelling units to the WWTP at Eagle Creek until the system is compliant with State standards. **DWR has agreed that flow from Flora can be allocated to the facility, and funds are being set aside for system upgrades, which are expected to be completed prior to new homes being ready for occupancy at Flora.**
2. This development is split between the Moyock and Shawboro Elementary School districts. Staff notes the following concerns regarding school capacity:
  - a. Per the plat, Phase 1 (55 Lots/13 Students) has an earliest recording date of June 1, 2022. The substantial completion date of expansion of Moyock Elementary is not until August 2023. Homes in the development could be constructed within that 14-month period without capacity available for the elementary school students those homes are projected to generate. Phase 2 (76 Lots/19 Students), with an earliest recording date of January 1, 2023, would face a similar issue.

**The schedule for new connections is approximately as follows: SUP approval - assumed December, 2021; construction drawing approval: approximately April, 2022; construction completion – first phases: approx. October, 2022; final plat recordation: approx. Dec. 1, 2022; Completion of first homes for occupancy: summer, 2023. New students are therefore not**

Attachment: 3 12-1-21 Reply to PB 21-25 Flora Farm PP-UP TRC Comments (PB 21-25 Flora Farms)



expected to enroll in the school system until the Moyock school expansions are ready for occupancy.

Please amend the Phasing Schedule on Sheet 3 to match this response. Earliest recording date for Phase 1 , December 1, 2022 and amended the subsequent recording dates for phases accordingly to match the six month between recording phases.

The phasing schedule on sheet 3 has been updated to show 12-1-22 as the earliest recording date.

2021-2022 Moyock Elementary School Capacity	529
10-4-2021 School Enrollment	676
Current Available Capacity	0
After Expansion Capacity (Substantial Completion Date of August 2023)	750 (Per County Manager 1/15/2021)
Available Capacity	74
Project Capacity Changes for this Development	+42
*Not factored into this count are students enrolling from homes under construction or homes to be constructed in subdivisions that have received final plat approvals.	

- b. The above then sets back the dates in Condition of C-MXR approval 2.C for subsequent recording of phases six months apart.
- c. There is zero capacity left at Shawboro Elementary School and no plans for expansion. There is not capacity for the 26 students this development is project to generate.

2021-2022 Shawboro Elementary School Capacity	622
10-4-2021 School Enrollment	622
<b>Available Capacity</b>	<b>0</b>
Project Capacity Changes for this Development	+26
*Not factored into this count are students enrolling from homes under construction or homes to be constructed in subdivisions that have received final plat approvals.	

With the recording of phase 1 pushed back nearly a year from the phasing projection that was included in the zoning approval, and the first 3 phases being substantially in the Moyock school district, it appears that the earliest recordation of the phases that are in the Shawboro school district will be June, 2024; with new home construction now taking 8-10 months to complete, it is projected that the first homes that are located in the Shawboro school district will be ready for occupancy between February and April, 2025. Substantial occupancy would likely not take place until after the end of the 2024-25

school year, and we understand that a new elementary school is planned to be open in August, 2025.

**UDO Section 6.6 Adequate Public Facilities mandates that all required public facilities be in place or programmed to be in place within two years after the initial approval of the special use permit. It does not appear that a finding can be made that adequate school capacity will be available within two years of the special use permit approval of each of these phases.**

3. The redesign of the road/lot layout on norther property line east of Roland Creek Canal has been determined to be a minor amendment since the change has no material effect on the character of the approved development. An amended C- MXR approval is not required for a minor amendment. **Thank you.**
4. The redesign for the portions of the 50' canal easement on individual lots has been determined to be a minor amendment since the change has no material effect on the character of the approved development; however, staff request that those buyers be made well aware that development is not allowed in that drainage easement area (i.e. plat notation, HOA docs, deeds) **The BOC amended the UDO so that this required easement width is now 25'. A request is being submitted for minor modification of the zoning conditions to make this easement with consistent with the UDO, with the intent that no part of the easement be located within the lot boundaries.**
5. Remove reference to "residual tract" from plan sheets for 0015-000-085D-0000 since it has been subdivided from the subject property. Identify ownership. **The reference has been removed and ownership identified. The adjoining property owner information is now missing from all of the other adjoining lots. See Sheet 2 of the 10/18/2021 Resubmittal for comparison to this 10/28/2021 resubmittal for reference. Please correct. (G.S.)**  
**Adjoining property owner information has been added as requested (sheet 7).**
6. It does not appear that FIRM Map 3721804000K applies to this development. If correct, please remove reference to that map from Sheet 1, Note 5. **The reference has been removed. COMPLETE**
7. Please verify that the 5' non-access easement on all corner lots is not along the street that generates less traffic. For example, it is staff's opinion that Lots 271 and 272 should have the non-access easement on Flora Blvd since that will get substantially more traffic than the Moss Street cul-de-sac that has the non- access easement. (UDO Section 10.3.3) **The non-access easement locations have been reviewed and modified. COMPLETE**
8. Please verify that the heavy black lines at street intersections on Sheet 6 represent crosswalk stripping. (UDO Section 5.6.10) **The markings do represent crosswalk striping; a note to that effect has been added. COMPLETE**
9. Call out easements for future connections of infrastructure (i.e. streets, sidewalks) not extending to the property line. (i.e. Orchid Street's northern terminus). If the ultimate plan is to connect Orchid Street to the exempt lot, that portion of right-of-way cannot be counted as open space. **There is no intent to extend Orchid Street, so it appears that no future roadway easements are needed. COMPLETE**
10. Call out the street tree planting easement on the Typical Lot Detail as described on Sheet 1, Note 7. **The street tree planting easement has been added to the Typical Lot Detail. COMPLETE**
11. Note 7 mentions pedestrian easements. Are there locations where the sidewalk is not within the ROW? If so, please identify. **No pedestrian easements appear to be needed, so the notation has been removed. COMPLETE**
12. Type A buffer required (not B) for property lines that adjoin AG zoning district (Eagle



Creek) and the Exempt Division for Mary Nell Flora Brumsey and John J Flora III (if not remaining in cultivation). (UDO Sections 6.2.1, 5.2.6) The buffer has been changed to Type A. COMPLETE

13. Call out the major arterial buffer along the residential portion of the development where it abuts Caratoke Highway. (UDO Section 5.2.8) The major arterial buffer along the residential portion of the development has been added to landscaping plan. COMPLETE
14. As noted on the plan, if the exempt division continues to be farmed, a farmland buffer is required along that property line. COMPLETE  
Correct "Fast" to "Fost" on Sheet 7, Condition 2.b. The spelling has been corrected. COMPLETE
15. The red dashed lines on Sheet 7 appear to be a phasing line. Please add phase numbers or remove the red line to clarify. Phase lines have been removed from sheet 7. COMPLETE
16. There is a meeting scheduled for later this month to discuss the availability of all County services (i.e. water, fire and rescue, law enforcement, etc.) because of the increased demand for development. Staff will not be able to speak to the availability of county services until the results of that meeting are shared. We have not received any updated information. The BOC will share information as it available.
17. Please indicate that drainage easements are dedicated to Currituck County. (UDO Section 7.3.4) A note that drainage easements are dedicated to Currituck County has been added on sheet 1. COMPLETE
18. Prior to Construction Drawing submittal, verify photometric plan of streetlights closest to Caratoke Highway and property lines do not exceed the footcandle limits listed in Table 5.4.6.D of the UDO. Photometrics will be verified at the construction drawing stage as requested.
19. The commercial portion of the development will be reviewed using the non-residential standards in the UDO upon site plan submittal.

**Currituck County Chief Building Inspector/Fire Official (Bill Newns. 252-232-6023)**

Reviewed with comment:

1. No street parking signage on streets. Parking not permitted. "No parking" sign locations have been added to the landscaping and signage plan. COMPLETE

**Currituck County Economic Development (Larry Lombardi. 252-232-6015)**

Reviewed without comment.

**Currituck County Engineer (Eric Weatherly. 252-232-6035)**

Reviewed with comments:

1. Please provide an explanation of the sewer flows.
  - a. Acceptance letter from Sandler is 45,000 gpd
  - b. The CWS Willingness to Serve letter is 62,847 gpd (277 lots and 7500 sf commercial)
  - c. The major subdivision application is for 277 lots  
The 45,000 gpd allocation from Sandler is based on 160 gpd per lot, which is closer to, but still above, what is actually expected to be generated from this development. The CWS letter is based on a peak flow condition, but is actually superfluous to the application requirements. A separate site plan approval application will be filed for the commercial development when end users are known for this part of the development.

2. It is preferred to keep stormwater ponds out of the Rowland Creek easement Since the easement width is being changed to 25', the ponds will be outside of the easement.
3. Include improvements to Rowland Creek (see attached) Limits of excavation have been added to sheet 4. Clarify that Rowland Creek through Flora has been or will be excavated to 3:1 slopes and 100-year storm carrying capacity.  
The top of bank and grades shown on the preliminary plan set reflect these conditions.

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

Reviewed with comment:

1. THE STREET LABELED AS LYNNE LN NEEDS A DIFFERENT NAME. LYNNE LN IS ALREADY APPROVED IN THE FOST DEVELOPMENT. PLEASE CONTACT GIS AT 252.232.2034 TO DISCUSS PROPOSED STREET NAMES. (Not corrected with 10/28/2021 resubmittal)

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

Reviewed without comment.

**Currituck County Soil and Stormwater (Dylan Lloyd, 252-232-3360)**

Reviewed with comment:

1. Are the public spaces / paths between Lydia – Eunice – Leif and Myriam Streets going to be used for drainage? If so, show flow arrows. Flow arrows have been added to sheet 4.
2. Berm along southwest portion of property – will this impede flow across wetland delineated portions? It is intended that the berm be located between the new development and an improved property line ditch to improve existing and future drainage. Do not to construct berm through wetlands. Berm shall not impede flow of water between separated wetlands. Dylan will meet on site to discuss if desired.  
Based on our recent discussion, the Fost and Flora wetlands are separated by an upland strip, and the berm is proposed to run along the edge of this strip, but its need and final location will be determined following computer modeling of the stormwater management system.
3. Align Pond 7 with Rowland Creek Canal Easement The edge of the pond has been aligned with the proposed 25' easement.

**Currituck County Utilities Director (Will Rumsey, 252-232-2769)/Water Department – Distribution Supervisor (Dave Spence, 252-232-2769)**

Reviewed with comment: Approved as corrected.

1. We ask that all 2" waterlines are changed to a minimum of 4". The 2" line has been changed to 8" (it was mislabeled).

**Currituck County Public Utilities/Backflow (Chas Sawyer, 252-232-6060 ext. 4221)**

Reviewed without comment.

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

Reviewed with comment:

1. OWNER/DEVELOPER NEEDS TO CONSULT WITH THE NC DEPT. OF

PB 18-23 Fost, Phases 6-9, Preliminary Plat/Use Permit  
10/13/2021 TRC Comments  
Page 5 of 11



ENVIRONMENTAL QUALITY-DIVISION OF WATER RESOURCES (WASHINGTON REGIONAL OFFICE) CONCERNING WASTEWATER TREATMENT AND DISPOSAL APPROVAL FOR LOTS AND BUSINESSES THAT WILL MAKE UP THIS PROPOSED DEVELOPMENT. NCDWR has been consulted about wastewater service.

**NC Department of Transportation – District Engineer (David Otts, 252-331-4860)**

Reviewed without comment.

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

Reviewed without comment.

**US Army Corps of Engineers (Anthony Scarbraugh, 910-251-4619)**

Approved with comment:

1. Any impacts to jurisdictional waters or wetlands of the US require prior approval from the US Army Corps of Engineers.



## Major Subdivision Application

**OFFICIAL USE ONLY:**

Case Number: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Date Kept: \_\_\_\_\_

Assessor Field: \_\_\_\_\_

**Contact Information**
**APPLICANT:**
Name: North-South Development, LLCAddress: 417 Caratake Hwy., Unit D,  
Mayock, NC 27958Telephone: 252-435-2718E-Mail Address: jold@ghoc.com
**PROPERTY OWNER:**
Name: John J. Flora III/Mary Neil Flora BrumseyAddress: PO Box 369/112 Puddin Ridge Road  
Mayock, NC 27958Telephone: 252-232-3005

E-Mail Address: \_\_\_\_\_

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser
**Request**
Physical Street Address: US Hwy. 168 and Survey RoadParcel Identification Number(s): 0015-000-085A-0000, 0015-000-085B-0000, 0015-000-085C-0000Subdivision Name: Flora FarmsNumber of Lots or Units: 277

Phase: \_\_\_\_\_

**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(s)

 Date: 6/23/2021

\*NOTE: Forms 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: \_\_\_\_\_

Major Subdivision Application

Page 8 of 12

Revised 2/10/2014

Attachment: 4 John's Application (PB 21-25 Flora Farms)



**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):**

See attached

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.

See attached

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.

See attached

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

See attached

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.

See attached

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.

[Signature]  
Property Owner(s)/Applicant(s)

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

6/23/16  
Date

Minor Subdivision Application  
Page 6 of 12  
Revised 11/2015



## Major Subdivision Application

**OFFICIAL USE ONLY:**

Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

**Contact Information**
**APPLICANT:**

Name: North-South Development, LLC  
 Address: 417 Caratoke Hwy., Unit D  
Moyock, NC 27958  
 Telephone: 252-435-2718  
 E-Mail Address: jold@qhoc.com

**PROPERTY OWNER:**

Name: John J. Flora III/Mary Neil Flora Brumsey  
 Address: PO Box 369/117 Puddin Ridge Road  
Moyock, NC 27958  
 Telephone: 252-232-3005  
 E-Mail Address: \_\_\_\_\_

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

**Request**

Physical Street Address: US Hwy. 168 and Survey Road  
 Parcel Identification Number(s): 0015-000-085A-0000, 0015-000-085B-0000, 0015-000-085C-0000  
 Subdivision Name: Flora Farms  
 Number of Lots or Units: 277 Phase: \_\_\_\_\_

**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.

Mary Neil Flora Brumsey  
 Property Owner(s)/Applicant\*

June 24, 2021  
 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):

See attached

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.

See attached

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.

See attached

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

See attached

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.

See attached

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.

*Mary Nell Flora Brumby*  
Property Owner(s)/Applicant\*

*June 24, 2021*  
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 7/1/2019

Attachment: 5 Mary's Application (PB 21-25 Flora Farms)

## **ATTACHMENT TO APPLICATION FOR PRELIMINARY PLAT/USE PERMIT APPROVAL for Flora Farm**

### **Purpose of the Use Permit and Project Narrative**

The goal is to build a community that has a creative design, with single family lots in an attractive arrangement, with an efficient use of open space that promotes an active lifestyle and strong sense of community. Limited, neighborhood commercial uses are also proposed on a 2.3 acre portion of the property.

The ways in which these goals and objectives will be achieved is shown graphically on the approved Conditional Zoning Plan, and is further described in the following paragraphs:

- Housing type has been revised to be all 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, a dog park and a clubhouse with attractive outdoor recreation areas.
- Lower areas that are more flood prone are being set aside as open space, most of which will be used for the construction of lakes and ponds for the management of stormwater.

### **USE PERMIT CRITERIA:**

#### **1. 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:

- a. Transportation: The main subdivision entrance will be connected directly to Survey Road. Deceleration and acceleration lanes will be provided in accordance with NCDOT Standards and have been approved by NCDOT. Connectivity will be provided to the Fost development to the east.

Roadways have been 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 standards.

Appropriate access has been made for emergency service vehicles in accordance with applicable standards including the N.C. Fire Code.



- b. 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.
- c. Wastewater: A centralized off-site wastewater treatment and disposal facility will be utilized (Currituck Water & Sewer Major Utility), and connected to a force main running from the Fost Tract to the treatment facility at Eagle Creek. A wastewater collection system will be constructed by the Developer and managed by the same wastewater utility. The utility will be regulated by the North Carolina Utilities Commission.
- d. 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 through this property to the Eagle Creek pup station. The Developer has also committed to improving the common property line ditch along Ranchland and the Eagle Creek property to the west.

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.

**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.**

Land use to the west is residential. Land use to the north is commercial, land to the east is residential lots, and land to the south is residential lots. Perimeter compatibility is being addressed as follows:

- a. To the west: A 25' vegetated buffer is being provided to existing development.
- b. To the north No compatibility issues are envisioned
- c. To the east: A PD-r with higher density is being developed ahead of this community.

- d. To the south: Compatible residential development is being proposed and a minimum 50 foot open space buffer is shown to the property line.
- e. Limited commercial development is proposed along the highway where appropriate.

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 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 479 unit PD-R to the east and 426 lots under development to the north of Caratoke Highway, all in the vicinity of the Flora 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.

**3. 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 1.37 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. 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 has conducted 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. 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 applicant is proposing to connect to an off-site wastewater treatment and disposal facility. This will give the existing system 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 have direct access to Survey Road and connectivity to the Fost development, which has direct access to 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 connection to a privately developed sewer to avoid strain on County infrastructure. Because the wastewater system will be a central sewer system, and the 1.37 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 1.37 units per acre, which is within the contemplated development densities from Section 3.7.3 of the UDO for MXR districts.

**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 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.*

**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 Survey Road and NC 168 and will be adequately served by schools (it is our understanding that additional school capacity will be available within 24 months), 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 off-site and will not burden the county's wastewater system.



## The Flora Tract

### Community Meeting for a Request for Preliminary Plat and Special Use Permit

June 22, 2021

Scheduled Time/Place: 5:30pm, Eagle Creek Event Pavilion, Moyock, NC

Meeting Began at 5:35PM/ Meeting Ended: at approximately 6:25PM

Attendees from community(See attached sign-in sheet)

The meeting began at 5:35 PM and ended at approximately 6:25 PM. Several attendees stayed and talked informally for about another half hour.

An overview was first provided of the review process, with this being the second major step in the approval process after the conditional rezoning that was approved earlier this year.

Since the plan has not changed since the previous community meeting, the community comments and responses that were documented at that meeting were reviewed first.

New comments and responses we're received as follows:

Comments from the Community	How Addressed
Where will the ponds drain?	Some of them will be interconnected. The front ponds will drain to Survey Road and the back ponds will drain to Rowland Creek canal.
What about the ponds in the back? Will any drain to the new ditch on the property line?	One or two of the ponds in the back part of the development may drain to the new ditch along the property line which will then drain to Rowland Creek. It is uncertain at this point where the outlet for pond 10 will be.
Who will maintain the stormwater systems?	A stormwater association is being formed that will be responsible for the stormwater systems for Fost, Flora and Moyock Farms. This will be its sole function. It will operate under the authority of the HOA's that are being set up for the three developments.

What about wind tide influence?	Wind tides have been studied along Rowland Creek, and there is no real influence on Rowland creek on this side of 168.
How will sewer be handled?	It will be pumped to Eagle Creek via a new force main that will be installed along Survey Road
When will the ditch be dug?	With property owner permission, it will be dug from the top of the existing ditch bank on the Ranchland and Eagle Creek side and widened on the Flora side.
Will trees be taken down?	No trees will be taken beyond the top of the existing ditch bank. Comment: : It's OK with me if you take the trees on my side
What can be done on the 22 acres?	Right now it has agricultural zoning and there are a few things that could be done but there probably will need to be a rezoning in the future for some business uses.
Will there be ranch homes as well as two-story?	Probably yes.
How will the houses be priced?	Home construction is too far in the future to be able to price them right now.
When will you know how big the ditch will be along the property line?	It will be sized when the construction drawings are done for the first phases of the development which will probably be this fall, following stormwater modeling.
Will we be able to see the results of the model?	We will share the results of the modeling and the plans.
Will there be a traffic light at the Fost entrance?	Most likely there will be, following a signal warrant study when there is enough traffic to justify one.
Where will the entrance be to Flora?	(It was pointed out on the map.)
Will there be a signal at survey Road at 168?	No light is planned there but there will be improvements to survey road such as widening and a turning lane and then a left turn restriction at 168.
Is there any way to connect Moyock Farms to Ranchland?	No, because any road would need to cross private property. Comment: Good.
Will there be natural gas?	Yes
Will there be recreational amenities?	Yes, there will be a clubhouse and pool, dog park, picnic and gathering areas, and multi-use paths.



# Community Meeting Sign-In Sheet

Flora Farm

## Preliminary Plat/Use Permit

June 22, 2021

5:30PM

NAME		ADDRESS	TELEPHONE	E-MAIL
Nathan Clapps, SR		112 Lariat Trl.	252-435-1078	
Betty Clapps				
Max Bissie		PO Box 8 Kirtz Hawk	(252) 261-3266	mark@hiseellprofessionalgroup.com
Kathy Cobbitt		104 Lariat Tr	252-340-0258	Kathleen.Cobbitt@USonology.com
David Roberson		104 Lariat Tr	252-207-3328	
Mark + Gina Stephens		175 St. Andrews Rd.		
Rob Ann		208 EAGLE CREEK	757 328-5678	
Ryan Housmond		155 Saint Andrews		
Tom Starky		155 Saint Andrews	757 450 6882	
DAVID SHEPHERD		173 SAINT ANDREWS		
Chris Gilbert + Ranching		110 Lariat Trail	757 404-5873	

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

S. DANIEL SMITH

Director



NORTH CAROLINA  
Environmental Quality

September 17, 2021

Ms. Laurie B. LoCicero  
Currituck County  
Planning and Community Development  
153 Courthouse Road, Suite 110  
Currituck, North Carolina 27929

RE: Wastewater Service – Flora Development and Fost Development  
Eagle Creek WWTP  
Moyock - Currituck County  
Permit No. WQ0014306

Dear Ms. LoCicero:

Sandler Utilities at Mill Run, LLC holds permit Number WQ0014306 allowing for the continued operation of the Eagle Creek wastewater treatment and disposal system. The subject treatment system permit is in effect through June 30, 2027 and can be renewed and reissued. Based on a cursory review of the August 4, 2021 permit (attached), the following is offered in regards to available flow allocation for the Eagle Creek WWTP:

- Permit WQ0014306 was renewed and updated on August 4, 2021. The current permit specifies and/or covers:
  - Operation of a 175,000 gallon per day reclaimed water utilization and high-rate infiltration facility
  - Continued operation of a 5.5 million gallon high rate infiltration basin
  - Continued operation of a dedicated reclaimed water utilization system with 262,625 gpd of capacity. Note, Condition I.6 of the Permit (attached) specifies, in part, *“Prior to the expansion of the facility above the currently permitted 175,000 GPD, the Permittee shall provide a new Soil Evaluation and Hydrogeologic Report to determine the total disposal capacity of the facility.”*
  - Construction only of the WWTP expansion to its original permitted capacity of 350,000 gpd
  - Expansion of the non-conjunctive reclaimed water utilization facilities to provide a disposal capacity of 321,000 gpd (with satisfaction of criteria specified in Condition I.6.).
- Pathways forward to increase the operational capacity of facility include:



North Carolina Department of Environmental Quality | Division of Water Resources

Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889

252.946.6481



- Reassessment of current disposal capacities for the golf course documenting its ability to accommodate higher disposal volumes
  - Obtaining concurrence from DWR regarding recommendations presented in a Soil Evaluation and Hydrogeologic Report
  - Seeking a permit amendment/modification to support higher disposal volumes (based on conclusions made from a recent Soil and Hydrogeologic evaluation)
- The WWTP must demonstrate consistent performance achieving permit treatment requirements, prior to submittal of a sewer extension permit application. WWTP performance must be satisfactory for approval of any potential sewer extension permits.

Please note that the above position is based on a preliminary review of Eagle Creek's operational status. A final determination regarding the feasibility of directing flow from potential new development projects to the Eagle Creek WWTP would not be made until review of a sewer extension permit application package is performed. All conditions and requirements for issuance of a sewer system extension permit must be satisfied to enable approval of such permit. No part of a sewer collection system shall be constructed without first obtaining required permits.

This letter does not commit or obligate Sandler Utilities at Mill Run, LLC or any future facility owner to provide sewer service for other development projects or prospective customers, nor does it obligate the Division of Water Resources to issue related sewer system permits for the project.

Should you have any questions concerning this matter, please contact me at 252-948-3939 or at [david.may@ncdenr.gov](mailto:david.may@ncdenr.gov).

Sincerely,

*David May*

David May, L.G., Supervisor  
Water Quality Regional Operations Section  
Division of Water Resources  
Washington Regional Office

Attachment: Eagle Creek WWTP Permit (No. WQ0014306)

cc: EnviroLink – electronic copy via e-mail  
Sandler Utilities at Mill Run, LLC  
Laserfiche



## SANDLER UTILITIES AT MILL RUN, LLC

Michael Myers

Currituck Water & Sewer, LLC

4700 Homewood Ct., Suite 108

Raleigh, NC 27609

Re: Acceptance of Additional Flow, Fost Tract

Dear Mr. Myers,

Sandler Utilities at Mill Run, LLC ("Sandler Utilities") provides this written confirmation that the wastewater agreement permits the acceptance of the flow from the Fost project.

The current capacity of our plant is 175,000 gpd with permitted disposal capacity of 350,000 gpd. Our actual average inflow is 52,695 gpd, leaving remaining capacity of 122,305 gpd prior to expansion of the facility. As such, we have the ability to accept 104,805 gpd of flow prior to expansion to 350,000 gpd. The Fost Tract is only expected to generate 57,480 gpd of flow.

As you are aware, Sandler Utility and Currituck Water & Sewer are in the process of transferring the Eagle Creek wastewater system, so responsibility for expansion will be on Currituck Water & Sewer.

Sincerely,



Brittney M. Willis – Project Manager  
Sandler Utilities at Mill Run, LLC

Attachment: 9 Sandlers Utility (PB 21-25 Flora Farms)

9/2/2021



2021-5

STATE OF NORTH CAROLINA  
COUNTY OF CURRITUCK

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
21 CVS 78

STATE OF NORTH CAROLINA, *ex rel.*, )  
NORTH CAROLINA DEPARTMENT OF )  
ENVIRONMENTAL QUALITY, )

Plaintiff, )

v. )

SANDLER UTILITIES AT MILL RUN, )  
LLC, )

Defendant. )

CONSENT JUDGMENT

FILED  
2021 JUL -1 P 1:13  
CURRITUCK CO., C.S.C.  
BY JCT

Plaintiff, the State of North Carolina, by and through the North Carolina Department of Environmental Quality ("Plaintiff" or "DEQ"), and Defendant Sandler Utilities at Mill Run, LLC ("Defendant") hereby agree to the entry of this Consent Judgment in order to resolve the matters in controversy between Plaintiff and Defendant.

The Court makes, and Plaintiff and Defendant (collectively "the Parties") hereby stipulate to, the following findings of fact and conclusions of law:

#### **FINDINGS OF FACT**

1. Plaintiff is the sovereign State of North Carolina. This action was brought on the relation of the North Carolina Department of Environmental Quality ("DEQ"), the State agency established pursuant to N.C. Gen. Stat. § 143B-279.1 *et seq.*, and vested with the statutory authority to enforce the State's environmental pollution laws, including laws enacted to protect the water quality of the State. The Division of Water Resources ("DWR") is a division within DEQ and all actions taken by DWR are necessarily actions of the Plaintiff.

2. Defendant is a limited liability corporation formed in North Carolina with its principal office in Virginia and doing business in North Carolina. Defendant is the owner and operator of the wastewater collection system serving the Eagle Creek Subdivision, Eagle Creek Golf Club, and Moyock Middle School in Moyock, Currituck County, North Carolina ("Collection System").

3. The Eagle Creek Subdivision is a development in Moyock, Currituck County, North Carolina. The development includes approximately 420 single-family homes and is generally situated between Roland Creek Canal to the north and Guinea Mill Run Canal to the south. Stormwater swales run beside the roadways in the development and between homes. Those swales drain to the Roland Creek Canal to the north and Guinea Mill Run Canal to the south of the development.

4. On May 2, 2013, DWR issued non-discharge permit number WQCS00290 ("Permit") to Defendant for operation of the Collection System.

5. The Collection System consists of 4.8 miles of vacuum sewer and utilizes vacuum pumps to maintain a constant negative pressure within the sewer pipes. Domestic waste from individual homes connected to the system collects in containment vessels, commonly referred to as "pits," with each pit serving two homes. When the level of waste within the pit reaches a determined level, pneumatic pressure triggers the opening of a valve to the piping connected to the sewer line. The vacuum withdraws waste and wastewater from the pit into the sewer line. When the waste level within the pit drops, the valve connecting the pit to the sewer line is closed, allowing waste to again collect within the pit and maintaining the vacuum in the sewer line.

*Description  
of vacuum  
system*

6. Wastewater from the Collection System is conveyed to the Sandler Utilities Wastewater Treatment Plant for treatment and disposal as authorized by a separate permit,



WQ0014306.

7. A release of wastewater from a wastewater collection system such as Defendant's is referred to as a sanitary sewer overflow or "SSO."

8. Condition I.2 of the Permit requires that the Collection System "shall be effectively managed, maintained and operated at all times so that there is no SSO to land or surface waters, nor any contamination of groundwater." In the event of a system failure, the permittee is required to "take immediate corrective actions, including actions that may be required by [DWR] such as the construction of additional or replacement sewer lines and/or equipment."

9. Condition II.5 of the Permit provides that "for each pump station without pump reliability...at least one fully operational spare pump capable of pumping peak flow shall be maintained on hand."

10. Condition II.11 of the Permit provides that, if an SSO occurs, Defendant "shall restore the system operation, remove visible solids and paper, sanitize any ground area and restore the surroundings."

11. Condition IV.2 of the Permit provides that SSOs of over 1,000 gallons and any SSO that reaches surface waters, must be verbally reported to DWR as soon as possible, but no later than "24 hours following the occurrence or first knowledge of the occurrence."

12. On September 29, 2020, DWR's Washington Regional Office began receiving complaints from Eagle Creek residents indicating that the Collection System was not operating properly at homes throughout Eagle Creek.

13. On September 30, 2020, DWR inspectors Sarah Toppen and Victoria Herdt from the Washington Regional Office conducted a site inspection to investigate the complaints. DWR's investigation confirmed that the system had not been operating properly since September 27, 2020

due to failure of one of the two vacuum pumps. The vacuum pump failure caused SSOs that drained into stormwater swales in front of and between homes.

14. Upon learning of the incident, Defendant called in technical support from Airvac, the initial pump supplier, to assist in bringing the Collection System back on line. Due to insufficient replacement parts available on site, Defendant purchased replacement parts for the vacuum pumps and mechanical equipment located in the pits to address the reported issues.

15. Defendant provided cleanup and lime application at any location showing evidence of overflow and in all roadside ditches around October 9, 2021. Performance issues in the Collection System were resolved by October 11, 2020.

16. On October 26, 2020, the Washington Regional Office again began receiving complaints indicating that the Collection System was experiencing further performance issues resulting in SSOs.

17. On October 27, 2020, Ms. Toppen and another DWR inspector, Allen Stewart, conducted a site inspection to investigate the complaints and learned that a high water alarm within the Collection System had failed, causing the water to overflow and flood both of the system's vacuum pumps, taking them offline. The vacuum pumps' failure resulted in SSOs, and a water sample from the stormwater swale at 125 Eagleton Circle contained fecal coliform (bacteria from fecal matter) that were too numerous to count.

18. In response to this incident, Defendant requested assistance from technicians from Airvac and FloVac (another vacuum system supplier), and the vacuum pumps were restored and fully operational by October 29, 2020. Among other equipment and parts, Defendant ordered new parts for the malfunctioning high water alarm, which were installed on November 5, 2020.

19. On November 13, 2020, the Washington Regional Office began receiving new



complaints stating that, beginning on or around November 11, 2020, the Collection System was not operating properly causing SSOs.

20. On November 14, 2020, David May, DWR Regional Supervisor for the Washington Regional Office, conducted a site visit to investigate the complaints. DWR's investigation confirmed the Collection System was experiencing performance issues resulting in SSOs. A substantial number of houses and customers remained without functional sewer service through at least November 16, 2020.

21. Complaints to the Washington Regional Office recommenced on November 20, 2020. Residents indicated that the Collection System was not functioning properly, that residents were once again without sewer service due to vacuum leaks disrupting operation of the Collection System, and that some pits were overflowing. A number of houses remained without functional sewer service or sporadic sewer service through about November 25, 2020.

22. On December 16, 2020, the Washington Regional Office once again received complaints from Eagle Creek residents regarding disruption of sewer service and SSOs. DWR's investigation suggested that the problem was limited to one section of the Eagle Creek development due to a disconnected line in a pit and sustained rainfall. Residences affected by the disconnected line remained without functional sewer service or sporadic sewer service through approximately December 18, 2020.

23. Additional complaints to the Washington Regional Office were received on January 26, 2021, with residents complaining that they lacked sewer service and describing other performance issues including SSOs.

24. Defendant has been subject to various enforcement actions by the DWR related to the Permit as a result of the incidents described above.

25. On October 7, 2020, DWR issued a Notice of Violation and Notice of Intent to Enforce ("First NOV") to Defendant pertaining to SSOs and system failures occurring from September 27, 2020 and ongoing as of the date the NOV was issued. The First NOV alleged the following violations:

- a. Violation of Permit Condition I.2 for failure to effectively manage, maintain and operate the Collection System at all times so there are no SSOs to land or surface waters;
- b. Violation of Permit Condition II.11 for failure to restore the system operation, remove visible solids and paper, sanitize any ground area and restore surroundings after an SSO;
- c. Violation of Permit Condition IV.2 for failure to properly report SSOs.

26. In a letter dated October 27, 2020, Defendant responded to the First NOV. Defendant stated that replacement parts for the failed vacuum pumps were not readily available, causing a delay in fixing the Collection System. Once the vacuum pump was replaced, Defendant noted that two sewage pumps malfunctioned, forcing the entire system offline again for cleaning. Defendant acknowledged that its operator's personnel resources were stretched during the event limiting the ability to address the Collection System problems in a timely manner and that additional support from a vacuum sewer specialist was called in. Defendant stated that cleanup of any discharges was performed and the System was ultimately repaired.

27. DWR assessed a civil penalty of \$62,517.96 against Defendant arising out of the allegations in the First NOV on December 10, 2020 ("Civil Penalty") for fifteen violations of Permit Condition I.2 between September 27, 2020 and October 11, 2020.

28. On November 23, 2020, DWR issued a Second Notice of Violation and Notice of



Intent to Enforce (“Second NOV”) to Defendant pertaining to SSOs and system failures occurring during the period from October 26, 2020 through November 5, 2020. In addition to alleging violations of Permit Conditions I.2, II.11 and IV.2, the Second NOV alleged violations of Permit Condition II.5<sup>1</sup> for failure to maintain operational replacement pumps for stations without pump reliability and N.C. Gen. Stat. § 143-215.1(a)(1) for making an outlet into waters of the State without a permit.

29. In a letter dated December 15, 2020, Defendant responded to the Second NOV. Defendant stated that a “very large investment has been made into new equipment and parts” and that new equipment and parts were ordered. Defendant also stated that spills were addressed with lime application and solid waste overflow was physically removed. In response to the incident, Defendant installed a new vacuum pump and motor, acquired a spare vacuum pump and motor, purchased a new sewer pump, and replaced multiple controllers and valves within individual pits. Defendant further replaced parts needed to ensure functionality of the high-level alarm (which was the precipitating cause of this incident) to alleviate water intake into the vacuum sewer pumps causing failure.

30. On December 16, 2020, DWR issued a Third Notice of Violation and Notice of Intent to Enforce (“Third NOV”) to Defendant pertaining to SSOs and system failures occurring during the period from November 11, 2020 through November 16, 2020. The Third NOV alleged violations of Conditions I.2, II.11, and IV.2 as well as N.C. Gen. Stat. § 143-215.1(a)(1).

31. On January 14, 2021, DWR issued a Fourth Notice of Violation and Notice of Intent to Enforce (“Fourth NOV”) to Defendant pertaining to SSOs and system failures occurring during the period from November 20 through November 25, 2020. The Fourth NOV alleged violations

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<sup>1</sup> A typographical error in the Second NOV identifies a violation of Permit Condition II.6, not II.5. The narrative description of the violation refers to Permit Condition II.5, however.

of Conditions I.2, II.11, and IV.2 as well as N.C. Gen. Stat. § 143-215.1(a)(1).

32. DEQ filed the instant action on March 4, 2021, seeking injunctive relief for existing or threatened violations of various laws and rules governing the protection of water quality pursuant to N.C. Gen. Stat. § 143-215.6C.

33. The Parties have reached a mutually agreeable and reasonable resolution of the injunctive relief sought by DEQ through this suit which they seek to memorialize in this Consent Judgment.

34. The Court has reviewed the pleadings and supporting materials in this matter. Counsel for the Parties have represented to the Court that their respective clients have reviewed and approved the substance of the proposed Consent Judgment and that the Parties supported a request that this Court approve a Consent Judgment embodying their agreement.

#### CONCLUSIONS OF LAW

1. This matter is properly before this Court, which has jurisdiction over the Parties and subject matter of this action pursuant to N.C. Gen. Stat. § 143-215.6C and other provisions of law.

2. Venue is proper pursuant to under N.C. Gen. Stat. §§ 1-79 and 143-215.6C.

3. Defendant is subject to non-discharge collection system permit number WQCS00290. Pursuant to that permit, as well as North Carolina laws and regulations, Defendant is expressly prohibited from discharging collected sewage and wastewater to land and waters of the State. *See* 15A NCAC subchapter 2T (“Waste Not Discharged to Surface Waters”); N.C. Gen. Stat. § 143-215.1(a)(1) (disallowing any person from making “any outlets into waters of the State” without receiving a permit to do so).

4. Whenever DEQ has reasonable cause to believe that any person has violated or is



threatening to violate any of the provisions of the State's environmental laws or administrative rules, including State water quality laws and rules, DEQ is authorized to "request the Attorney General to institute a civil action in the name of the State upon the relation of [DEQ] for injunctive relief to restrain the violation or threatened violation." N.C. Gen. Stat. § 143-215.6C. That section further provides that "[u]pon a determination by the court that the alleged violation of the provisions of this Part or the regulations of the Commission has occurred or is threatened, the court shall grant the relief necessary to prevent or abate the violation or threatened violation." N.C. Gen. Stat. § 143-215.6C.

5. As of the date of entry of this Consent Judgment, Defendant has repeatedly violated the conditions of its Permit and North Carolina's water quality laws, including, but not limited to, failing to properly manage, maintain and operate the Collection System to prevent SSOs, failing to maintain replacement equipment to prevent SSOs, and failure to restore consistent service to Eagle Creek residents.

6. The current state of the Collection System presents an ongoing threat that the Eagle Creek Development will continue to experience performance issues and SSOs into nearby surface water in violation of the Collection System Permit, and in violation of N.C. Gen. Stat. § 143-215.1(a)(1).

7. The State is entitled to permanent injunctive relief against Defendant to abate the repeated previous violations and prevent the threatened violations set forth in the Complaint pursuant to N.C. Gen. Stat. § 143-215.6C.

8. Based on the Court's review of the pleadings and materials submitted, the Court has concluded that the relief reflected in the Consent Judgment represents a lawful, fair, and reasonable resolution of this matter, consistent with the purposes of N.C. Gen. Stat. § 143-215.1,

and this Court further concludes that it is fully authorized and justified in entering this Consent Judgment.

9. The Parties expressly waive any argument that the recitation of the above Findings of Fact and Conclusions of Law is insufficient to support the injunctive relief ordered below.

Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** as follows:

Defendant is ordered to do the following:

1. Fully comply with all terms and conditions of the Permit and State water quality laws, including by maintaining the Collection System in a manner that prevents the discharge of waste onto to land or into surface waters;
2. Report to a DWR staff member as soon as possible but in no case more than 24 hours following knowledge of the occurrence of any material equipment failure, any material system failure, and any SSO regardless of volume and file a written report within five days outlining actions taken or proposed to address the equipment failure, system failure, and SSO and prevent recurrence. An equipment or system failure shall be considered material if there is any SSO associated with the failure or the failure affects four or more residences in the Eagle Creek Development. The reports referenced in this subparagraph shall be submitted to the following email address:

David May, DWR  
[david.may@ncdenr.gov](mailto:david.may@ncdenr.gov)

3. Within 30 calendar days of entry of this Consent Judgment:
  - a. Secure all pits to ensure only Defendant and its operators have pit access;



- b. Submit to DWR for approval (which may include conditions) a plan for Defendant's operators to receive any necessary training in operating and maintaining the Collection System, including specialized training in vacuum system operation, or provide documentation that such training has been received ("Operator Training Plan");
  - c. Submit to DWR for review and approval (which may include conditions) a plan to prevent future SSOs, restore and sanitize areas impacted by prior SSOs, and expeditiously restore and maintain service to homeowners in the event of any system failures pending an engineering evaluation of the Collection System ("Interim Service and Restoration Plan");
  - d. Provide to DWR a complete engineering evaluation detailing actions necessary to prevent future SSOs and system failures, including but not limited to necessary upgrades to the design and physical infrastructure of the Collection System ("Engineering Evaluation").
4. Within 60 calendar days of entry of this Consent Judgment:
- a. Submit to DWR for review and approval (which may include conditions) a plan with actions to be taken to address necessary and proposed upgrades included in the Engineering Evaluation ("System Upgrade Plan"). The System Upgrade Plan must include a proposed schedule with dates by which each activity will be completed and, as appropriate, the frequency with which those activities will be repeated.
5. If DWR requires plan revisions in order for any of the plans listed above to be approved, Defendant shall resubmit the plan incorporating said revisions within 15 days of written

notification by DWR that such revisions are required. DWR's discretion to require plan revisions shall be limited to revisions necessary to ensure compliance with North Carolina's water quality laws and regulations including provisions applicable to wastewater collection systems.

6. Once each submission is approved (the Operator Training Plan, the Interim Service and Restoration Plan, and the System Upgrade Plan) including any conditions added by DWR to each, Defendant shall execute each plan in accordance with the dates included therein.
7. Once the work set forth in the approved System Upgrade Plan, including any conditions added by DWR, is completed, Defendant shall submit a final report documenting the results of the activities set forth in each respective plan. The final report shall include a certification from a licensed professional engineer.
8. Unless otherwise indicated, Defendant shall submit all plans and reports referenced above to:

David May, DWR  
[david.may@ncdenr.gov](mailto:david.may@ncdenr.gov)

9. It is further ordered that this Consent Judgment shall take effect immediately and shall remain in effect until the Permittee can adequately demonstrate that the collection system can operate in a reliable manner and maintain compliance with North Carolina water quality laws and regulations on a consistent basis. The Defendant may request termination of this Consent Judgment by the Court at no time sooner than one year following submittal of the final report described in Paragraph 7 above and subsequent approval by DWR. The Parties shall comply with all terms of this Consent Judgment.
10. This Consent Judgment shall be binding upon Defendant's successors and assigns.

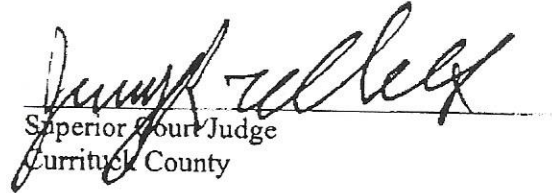


Defendant shall not transfer any of the assets that are the subject of the Complaint, including the Permit or the Collection System, unless and until Defendant moves to join the transferee as a defendant in this case such that this Consent Judgment shall be binding upon the transferee and the Court issues an order granting such motion. DEQ agrees that it will not oppose dismissal of Defendant in the event the assets that are the subject of the Complaint have been transferred and the transferee has been added as a defendant in this case and is bound by this Consent Judgment. Nothing in this Consent Judgment relieves Defendant of its duty to abide by the terms of the Permit and State water quality law. DEQ retains its authority, in accordance with applicable law, to initiate any and all enforcement actions that would otherwise be available to it in the absence of this Consent Judgment.

11. The Court shall retain continuing jurisdiction in this case to enforce the terms and conditions of this Consent Order, to modify this Consent Order, and to resolve disputes arising under this Consent Order until all parties have complied with all provisions of this Consent Judgment.
12. The contempt provisions of Article 2, Chapter 5A of North Carolina General Statutes shall be available to enforce this Consent Judgment.
13. This Consent Judgment may be signed out-of-court, out-of-term, out-of-county, and may be signed in multiple counterpart originals, all of which, taken together, shall be considered one and the same document. Facsimile or scanned signatures will be sufficient to render this Consent Judgment effective. Original signatures will be substituted at a later date.
14. Each undersigned representative of a party to this Consent Judgment certifies that the

representative is authorized to enter into the terms and conditions of this Consent Judgment, and to execute and legally bind such party to this Consent Judgment.

This the 23<sup>rd</sup> day of JUNE, 2021.

  
Superior Court Judge  
Currituck County

[ADDITIONAL SIGNATURES ON FOLLOWING PAGES]

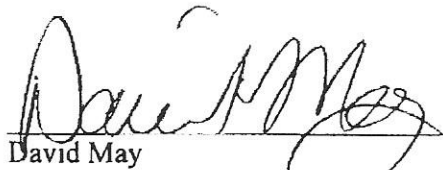
Attachment: 10 Consent Judgment 7-1-2021 (PB 21-25 Flora Farms)



CONSENTED TO BY:

NORTH CAROLINA DEPARTMENT  
OF ENVIRONMENTAL QUALITY

By:

A handwritten signature in black ink, appearing to read "David May", is written over a horizontal line.

David May

Regional Supervisor, Washington Regional Office, Division of Water Resources

Attachment: 10 Consent Judgment 7-1-2021 (PB 21-25 Flora Farms)

CONSENTED TO BY:

SANDLER UTILITIES AT MILL RUN, LLC

By:

  
Raymond Gottlieb  
Manager

Attachment: 10 Consent Judgment 7-1-2021 (PB 21-25 Flora Farms)



# SANDLER UTILITIES AT MILL RUN, LLC

April 1, 2021

Mr. William Grantmyre  
Staff Attorney  
North Carolina Public Staff Utilities Commission  
4326 Mail Service Center  
Raleigh, NC 27699-4300

Re: Docket No. W-1130, Sub 8  
Eagle Creek Subdivision

Dear Mr. Grantmyre:

Sandler Utilities at Mill Run, LLC ("Sandler Utilities") sincerely regrets the recent wastewater system backups into the homes of customers caused by controller and valve failures due to water intrusion into the valve pit packages of the Eagle Creek Vacuum System ("Vacuum System"). As discussed in our January 22, 2021 letter, Sandler Utilities performed substantial capital improvements to the Vacuum System since the Commission's Recommended Order Granting Rate Increase, Requiring Refund, and Customer Notice was issued on December 11, 2015. As discussed in detail on our January 22, 2012 letter, more recently, Sandler Utilities (i) retained the services of FloVac to provide expert recommendations about how to address and correct the problems with the Vacuum System; (ii) enlisted FloVac's assistance in training the operator of the system, Envirolink, Inc. ("Envirolink"), as to how to prevent water ingestion in the system; (iii) installed 120 new controllers from October 12, 2020 through November 23, 2020 that are capable of processing small amounts of water and being submerged up to five feet with no impact to performance; (iv) performed proper installation of in-sump breather hoses on several valve pits; and (v) installed one new valve pit in December 2020. Also, Sandler Utilities has requested recommendations from FloVac about whether to install a monitoring system at each valve pit so that the operator of the system can timely respond to any issues with the system.

In addition to those actions and capital improvements, Sandler has performed, or will be performing, further remedial actions and improvements to the system to reduce rainwater intrusion and minimize flooding of the valve pits. Below is a list of the actions items and completion date for the additional improvements to reduce rainwater intrusion and minimize flooding of the valve pits.

Action Item	Recommended Response	Completion Schedule for Remedial Action
<u>Rainwater intrusion.</u> Reduce rainwater intrusion and minimize flooding in valve pits. Most rainwater intrusion is believed to be caused by I&I from the homeowners' laterals causing vacuum systems to struggle with inundation during heavy rain.	Install a monitoring system to detect in real time issues, such as missing clean out caps that the homeowners may have removed to relieve wastewater system back-ups. It will also alleviate time spent searching for leaks in the system, and response time is critical to keep problems from escalating.	FloVac has submitted proposals for the monitoring system to both Sandler Utilities and Envirolink, the potential purchaser of the Vacuum System. Sandler Utilities and Envirolink are reviewing FloVac's proposal, and determining the most effective method of addressing the problems with the system.

448 Viking Drive, Suite 220, Virginia Beach, Virginia 23452  
Mailing Address: Post Office Box 8790, Virginia Beach, Virginia 23450  
Telephone 757-463-5000 / Telefax 757-463-3358

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<u>Continuous operation of vacuum pump.</u> The vacuum pump frequently operates continuously during periods of high water levels within the vacuum holding tank, and the continuous operation of the vacuum pump creates the potential for motor failure.	Repair high-level lock-out valve.	This repair was completed in December 2020.
<u>System monitoring.</u> Appropriate and effective system monitoring during off-hours has been accomplished.	Sandler Utilities is committed to ensuring that Envirolink is appropriately staffed so that any required service to the system will be performed timely. Sandler Utilities has instructed Envirolink to have a 24/7 presence at the plant. Envirolink's 24/7 presence at the plant will address previous issues of response time, such as when issues occurred during weekends when Envirolink was not physically on-site.	At the instruction of Sandler Utilities, effective on 3/19/2021, Envirolink has a physical presence at the site for 7-day, 20-hour shifts. Also, Envirolink will have at least two technicians on call during the remaining 4 hours of the day in which the plant is not physically staffed by an operator. During projected wet weather events, Sandler Utilities will be proactive and request that Envirolink ensure that 24-7 physical coverage is maintained until the wet weather event has subsided.
<u>Outsource controllers.</u> Outsource controllers and valves to be rebuilt so fully functional ones are available when needed.	37 controllers that had been waiting for technician repair were delivered to FloVac for repair and rebuilding by their expert technicians. FloVac repaired the controllers and delivered them to the Eagle Creek plant.	The repairs to the controllers were completed in December 2021. In the event that Envirolink has a back-log for repair of the controllers in the future, Sandler Utilities has informed Envirolink to deliver the controllers to FloVac for repair.
<u>Controller failure.</u> Controller failure from water ingestion was the result of new controllers being properly fitted to the valves within the collection network.	Envirolink technicians were trained about the proper procedure for removing water from the valve upper before fitting a new controller to prevent water ingestion.	FloVac provided training to Envirolink during the week beginning November 20, 2020.
<u>Operator's technical experience.</u>	Envirolink has been gaining experience and expertise in operating a vacuum wastewater system since the EnviroTech team who had previously operated the system left in	In November 2002, Sandler Utilities hired a former EnviroTech employee with experience in operating vacuum systems. This former EnviroTech employee is leading operations at the facility, and he has been

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	September 2020. Training in vacuum systems for all technicians who work at or will potentially work at this plant is critical.	instrumental in leading his team to detect and address potential issues. Also, Sandler Utilities has requested that Envirolink continue a training regimen with its operators to ensure that the operators will be proficient with the vacuum system. Mike Myers with Envirolink has that training has occurred and that additional training by a technician who leads training efforts with both AirVac and FloVac will be scheduled.
<u>Extended outages.</u> A delay in receipt of the initial vacuum pump replacement caused an extended outage that resulted serious problems to the system. The ongoing disassembly and reassembly of the valve pit by pump truck operators to clear the pits left the valve pits vulnerable to failures.	Once the system was stabilized, technicians analyzed each valve pit, and tested, repaired, reconnected, and replaced items as necessary. During this analysis, a technician discovered that a valve pit had collapsed. Therefore, a new valve pit was ordered and installed to replace the failed valve pit.	The analysis of each valve pit was conducted and completed during December 2020. As a result of the analysis, most of the valve pits that had sustained damage during the September and October outages were repaired. For example, each valve was fired multiple times by hand and then analyzed for hose orientation and correct hose connection and timing.
<u>Problem identification.</u> Identify problems early that cannot be readily observed.	Envirolink operators are required to record daily run times during their daily station "walk-through."	An example of a log and recording document was provided to Envirolink in November 2020 to use as an example. This document is now utilized as part of Envirolink's daily protocol.
<u>Pump station alarm.</u> The excessive pump run alarm is the most effective warning to keep the system from collapsing and causing a complete failure. Therefore, the pump alarm must be operating properly at all times.	Envirolink is required to check the pump alarm on a weekly basis, and check the control panel and sensors associated with all alarm systems at the plant on a weekly basis.	Since January 2021, Envirolink has been inspecting these systems to make sure they are operating properly. By the end of 2021, Sandler Utilities plans to provide and overhaul the control panel.
<u>Couplings wearing prematurely to the motor of the sewer pumps.</u>	Alignment of the motor on the pumps has been checked.	Pearson pumps completed this work during their repair and replacement efforts in November 2020.
<u>Nonoperational check valves on the vacuum main.</u>	Replace or repair as needed.	Valves are exercised weekly and are all currently in working order.

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<u>Inadequate stock levels.</u>	Ensure multiple spare parts are available at all times.	From October 2020 through January 2021, numerous controllers, valves, pumps, motors, and valve pits have been ordered and kept on-site for Envirolink to use when needed.
<u>Excessive activations caused by inflow and infiltration from the homeowners' gravity laterals.</u>	Install a monitoring system to identify locations of excessive activations.	In December 2020, FloVac submitted proposals for a monitoring system to Sandler Utilities and Envirolink. Sandler Utilities and Envirolink are considering the proposals.
<u>The length of time it takes Envirolink to identify the location of a valve that is stuck open.</u>	Install a monitoring system to eliminate the need for this search.	In December 2020, FloVac submitted proposals for a monitoring system to Sandler Utilities and Envirolink. Sandler Utilities and Envirolink are considering the proposals.
<u>Short cycling of sewage pumps likely caused by debris in the vacuum collection tanks.</u>	Clean and inspect the collection tank thoroughly.	The vacuum tank was cleaned and thoroughly inspected in October 2020.

Sandler Utilities is committed to ensuring that the wastewater system for the Eagle Creek Subdivision is both safe and reliable. We are continuing our efforts to ensuring that the problems with the Vacuum System are satisfactorily addressed.

If you have any question about our plan to address the problems with the system, please let me know.

Sincerely,



Brittney M. Willis – Project Manager  
Sandler Utilities at Mill Run, LLC

448 Viking Drive, Suite 220, Virginia Beach, Virginia 23452  
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**Currituck Water & Sewer, LLC**  
 4700 Homewood Ct., Suite 108  
 Raleigh, North Carolina 27609

August 26, 2021

Mr. Justin Olds  
 Allied Properties, LLC  
 417 Caratoke Hwy, Unit D  
 Moyock, NC 27958

Re: Flora Farm Phases 1-5  
 Sanitary Sewer Utility, Willingness to Serve

To Whom it may Concern,

Currituck Water & Sewer (CWS) is currently working through the regulatory approvals to acquire Eagle Creek Wastewater Treatment Facility serving the Eagle Creek community. CWS intends to provide wastewater service to the Fost Development. We understand the project to include 277 residential dwelling units and approximately 7,500 square feet of commercial for an estimated 62,847 gpd.

Eagle Creek WWTP has a NC DEQ approved 321,000 gpd of permitted capacity with actual plant capacity of 175,000 gpd and annual average flow of 53,917 gpd. In accordance with NC DEQ regulation, CWS will expand the capacity from 175,000 gpd on or before the annual average flow exceeds 157,500 gpd.

The following summarizes the capacity commitments for the Eagle Creek Wastewater Treatment System.

Description	Allocation	Remaining Permitted Capacity	Plant Capacity
Permitted Capacity		321,000 gpd	175,000 gpd
Eagle Creek Community	53,917 gpd	267,083 gpd	121,083 gpd
Golf Club	1,462 gpd	265,621 gpd	119,621 gpd
Moyock Middle School	3,546.91 gpd	262,074 gpd	116,047 gpd
Fost, phase 1-5	63,511 gpd	198,563 gpd	52,563 gpd
Fost, phase 6-9	37,758 gpd	160,805 gpd	14,805 gpd
Additional 175,000 gpd capacity			189,805 gpd
Flora	62,847 gpd	97,958 gpd	316,763 gpd
<b>Total</b>	<b>223,042 gpd</b>		

Prior to submitting for an NC DEQ collection system permit, CWS anticipates completion of the expansion from 175,000 gpd to 350,000 gpd.

As such upon approval by Currituck County, Currituck Water & Sewer, LLC intends to provide sanitary sewer service to Fost phases 6-9 and Flora.

Should you have any questions, please do not hesitate to contact me directly at 252-235-4900 or email at [mmyers@envirolinkinc.com](mailto:mmyers@envirolinkinc.com)

Sincerely



Michael Myers



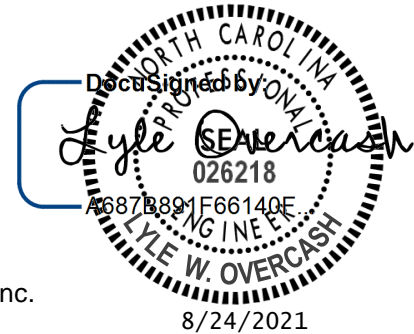
## MEMORANDUM

To: Mark S. Bissell, P.E. – Bissell Professional Group

From: Lyle Overcash, P.E. – Kimley-Horn and Associates, Inc.

Date: August 24, 2021

Subject: Flora Farms Development – Moyock, NC – Traffic Assessment



The *Flora Farms Subdivision TIA* (VHB, May 2020) analyzed the traffic impacts of constructing 285 single-family homes, 125 apartments, and 100,000 square feet (SF) of general retail space south of Caratoke Highway (NC 168) and Survey Road in Moyock, North Carolina. As stated in the *Flora Farms Trip Generation Update Memorandum* (VHB, November 2020), the project's site plan (shown in **Figure 1**) has been updated and now includes up to 277 single-family homes and 7,500 SF of general retail space. This memorandum analyzes the traffic impacts of the reduced development on the local roadway network.

### Study Area and Volume Development

The study intersections, existing roadway laneage, existing and background traffic volumes were obtained from the *Flora Farms Subdivision TIA* and were not modified as part of this analysis.

### Trip Generation and Distribution

The traffic generation potential of the proposed project was determined using the data published in the 10<sup>th</sup> Edition of the ITE Trip Generation Manual. This data, as well as a comparison with the trip generation from the original TIA, is shown below in Table 1.

Land Use Code	Land Use	Intensity	Daily (Weekday)	AM Peak Hour		PM Peak Hour	
			Total	In	Out	In	Out
210	Single Family Detached Housing	277 d.u.	277	50	151	170	100
820	Shopping Center	7,500 s.f.	7,500	138	84	38	42
Subtotal			3,690	188	235	208	142
Internal Capture Total			346	3	3	3	3
Pass-By Total			293	0	0	12	14
Total Net New External Trips: 2021 Plan Update			3,051	185	232	193	125
Total Net New External Trips: Original TIA (2020)			8,380	189	274	316	246
Remaining Trip Bank: Original TIA minus August 2021 Update			5,329	4	42	123	121

As shown in Table 1, compared to the uses assumed in the original TIA, the updated development plan is expected to generate 5,329 fewer trips daily, a 64% trip reduction. Also, there were 46 fewer trips during the AM peak hour and 244 fewer trips in the PM peak hour on a typical weekday, 10% and 43% reductions respectively.

The generated trips were assigned to the external roadway network according to the overall distribution and percent assignment shown in **Figure 2**. Directional distribution and assignment were based on existing travel patterns, land uses in the area, and a review of origins and destinations.

### Capacity Analysis

The assigned site traffic volumes were added to projected (2026) background volumes to obtain the projected (2026) build-out traffic volumes, which are shown in **Figure 3**. Peak hour capacity analyses for the build-out condition were performed at the study intersections using Synchro version 10 software. Table 2 below summarizes the results of these capacity analyses and compares them to the original TIA.

<b>Table 2 Level-of-Service Summary</b>		
<b>Condition</b>	<b>AM Peak Hour LOS (Delay)</b>	<b>PM Peak Hour LOS (Delay)</b>
<b>Caratoke Hwy (NC 168) at Survey Road (signalized)</b>		
Build-Out (2026) Traffic – <i>May 2020 TIA</i>	Overall – B (15.7) EB – D (41.5) NB – A (9.2) SB – B (12.0)	Overall – B (18.0) EB – E (61.2) NB – A (4.8) SB – B (16.2)
Build-Out (2026) Traffic – <i>August 2021 Update</i>	Overall – B (15.2) EB – D (41.2) NB – A (9.0) SB – B (11.8)	Overall – B (15.3) EB – D (49.9) NB – A (5.1) SB – B (15.2)
<b>Caratoke Hwy (NC 168) at Survey Road (unsignalized)</b>		
Build-Out (2026) Traffic with Improvements – <i>May 2020 TIA</i>	EB – B (11.4)	EB – E (37.9)
Build-Out (2026) Traffic with Improvements – <i>August 2021 Update</i>	EB – B (11.3)	EB – D (25.7)
<b>Caratoke Hwy (NC 168) at Guinea Road (unsignalized)</b>		
Build-Out (2026) Traffic – <i>May 2020 TIA</i>	WB – C (22.6)	WB – C (23.7)
Build-Out (2026) Traffic – <i>August 2021 Update</i>	WB – C (22.5)	WB – C (22.4)
<b>Eagle Creek Road at Survey Road (unsignalized)</b>		
Build-Out (2026) Traffic – <i>May 2020 TIA</i>	WB – B (11.2)	WB – B (12.1)
Build-Out (2026) Traffic – <i>August 2021 Update</i>	WB – B (11.2)	WB – B (11.0)



Table 2 (cont.) Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
<b>Caratoke Hwy (NC 168) at Fost Boulevard (future signalized)</b>		
Build-Out (2026) Traffic with Improvements – <i>May 2020 TIA</i>	Overall – B (13.9) EB – C (30.2) NB – B (11.6) SB – A (9.4)	Overall – B (14.1) EB – D (43.7) NB – B (13.3) SB – A (9.9)
Build-Out (2026) Traffic with Improvements – <i>August 2021 Update</i>	Overall – B (13.6) EB – C (30.3) NB – B (11.3) SB – A (9.2)	Overall – B (13.0) EB – D (38.4) NB – B (12.9) SB – A (9.4)
<b>Future Access #1/#2 at Survey Road (unsignalized)</b>		
Build-Out (2026) Traffic with Improvements – <i>May 2020 TIA</i>	NB – B (11.7) SB – B (11.7)	NB – C (15.4) SB – C (16.2)
Build-Out (2026) Traffic with Improvements – <i>August 2021 Update</i>	NB – B (10.5) SB – B (10.1)	NB – B (10.2) SB – B (10.1)

### Summary & Recommendations

The following improvements were committed to be performed by other projects in the area and were assumed to be in place in the build-out condition:

#### Caratoke Highway (NC 168) at Fost Boulevard

- Construct a southbound right-turn lane with 150 feet of storage and appropriate taper on NC 168.
- Stripe out 200 feet of storage within the existing two-way left turn lane to provide a northbound left-turn lane on NC 168.
- Construct Fost Boulevard with one ingress lane and two egress lanes. Provide a continuous right-turn lane and a left-turn lane with 250 feet of storage and appropriate taper.
- Install a traffic signal.

The following improvements were recommended to be performed as part of the Flora Development project and were assumed to be in place in the build-out condition:

#### Caratoke Highway (NC 168) at Survey Road

- Construct a southbound right-turn lane with 100 feet of storage and appropriate taper on NC 168.
- Stripe out 200 feet of storage within the existing two-way left turn lane to provide a northbound left-turn lane on NC 168.
- Restrict access to not allow left turns from Survey Road.

Future Access #1/#2 at Survey Road

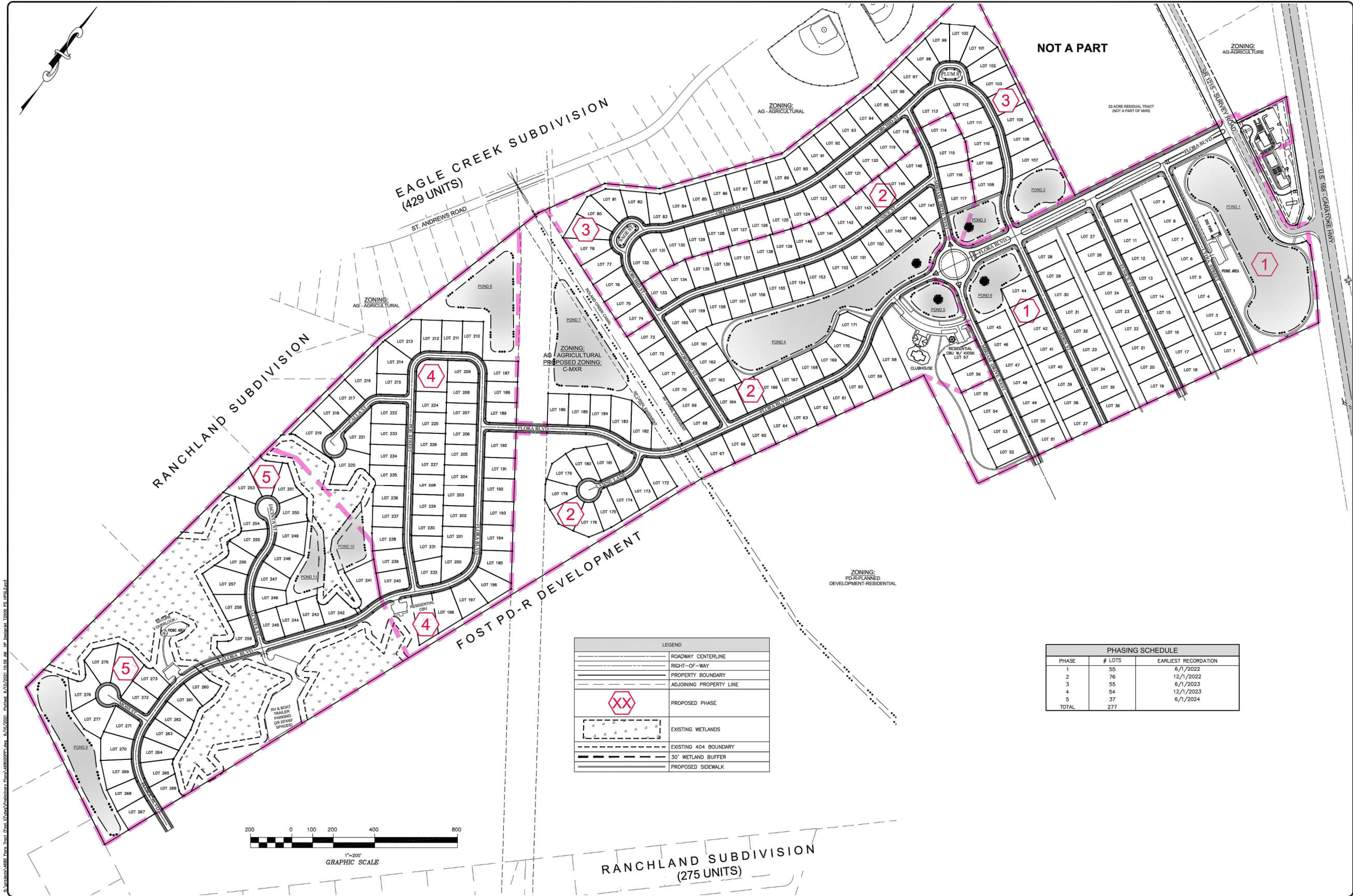
- Construct Future Access #1 with one ingress lane and two egress lanes. Provide an exclusive northbound left-turn lane with 100 feet of storage and appropriate taper and a shared through/right-turn lane.
- Construct Future Access #2 with one ingress lane and one egress lane.
- Provide eastbound left- and right-turn lanes on Survey Road, both with 100 feet of storage and appropriate taper.
- Construct a westbound left-turn lane on Survey Road with 100 feet of storage and appropriate taper.

Based on the analysis presented in Table 2, the committed and recommended laneage is anticipated to provide acceptable levels of service under projected build-out traffic demands. **Figure 4** shows the committed and recommended laneage.

Should you have any questions or comments, please do not hesitate to contact me at (919) 678-4131 or [lyle.overcash@kimley-horn.com](mailto:lyle.overcash@kimley-horn.com).

Attachments: Figures 1-4, Trip Generation Calculations, Synchro LOS Reports





**PRELIMINARY PHASING PLAN**  
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**PRELIMINARY SUBDIVISION PLANS**  
FLORA FARM MXR SUBDIVISION  
MOTOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

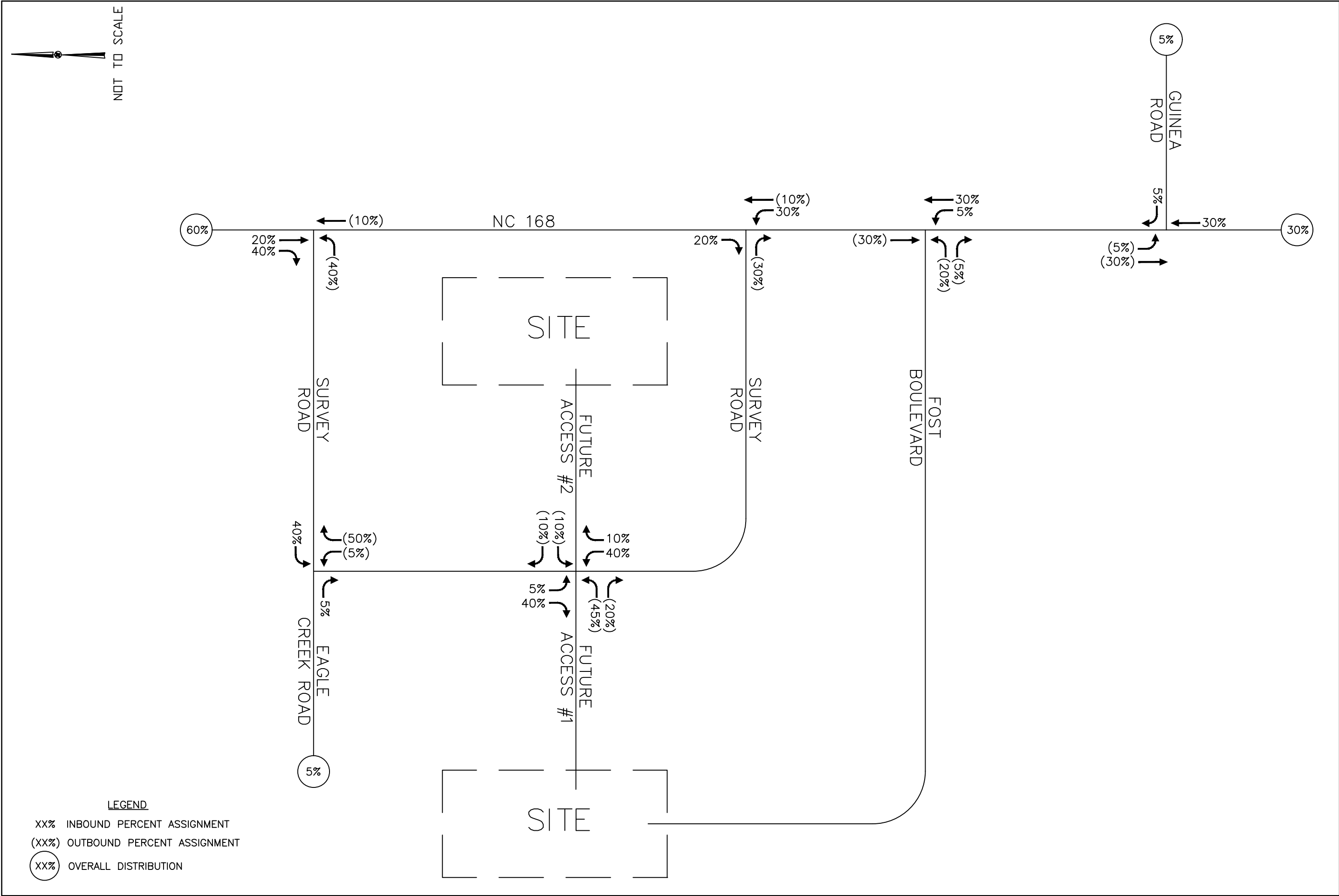
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NO. DATE DESCRIPTION BY

**PRELIMINARY**  
DO NOT USE FOR CONSTRUCTION

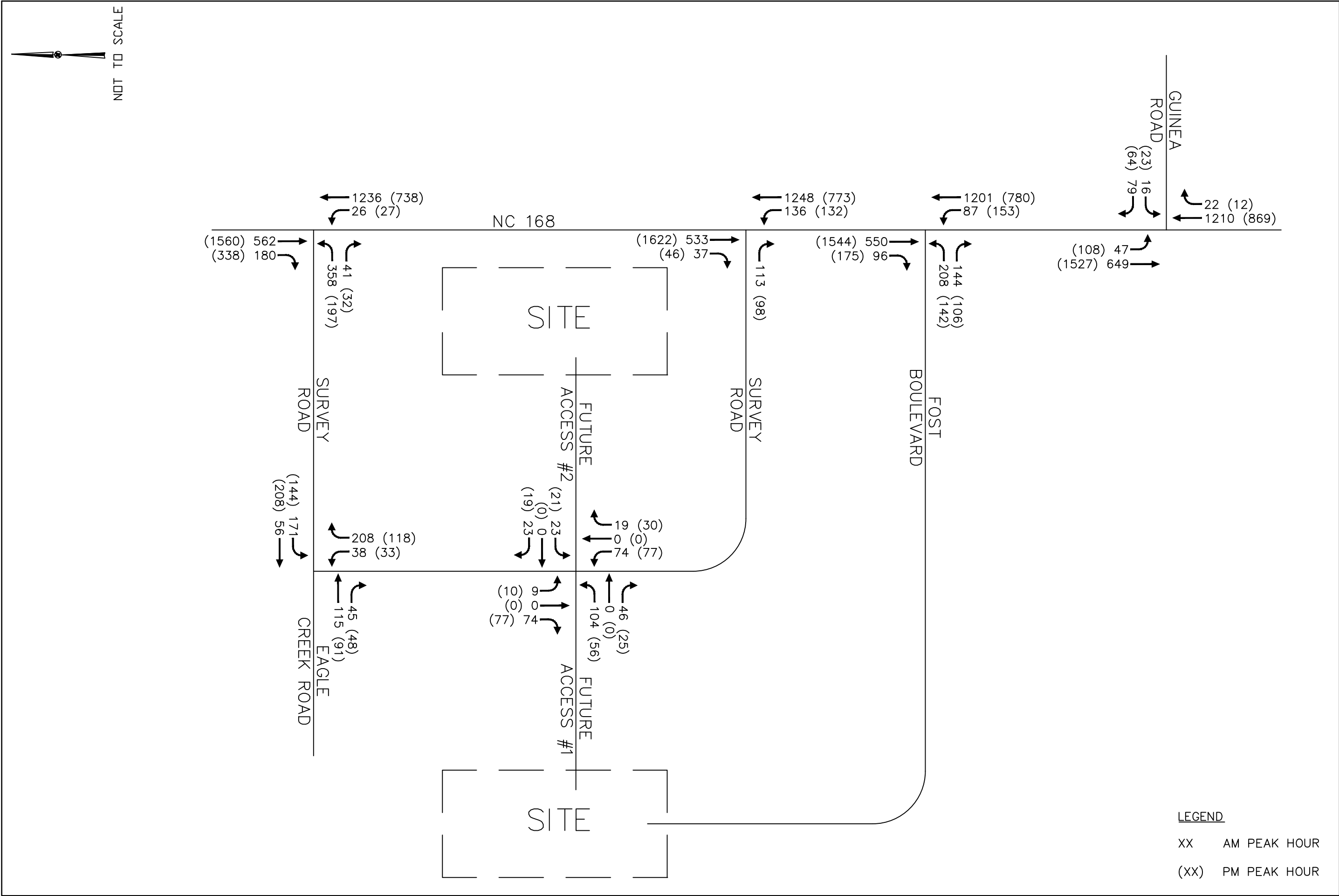
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DRAWN: KTW APPROVED: BPG  
SHEET: 3 OF 20  
CAD FILE: 468000PP1  
PROJECT NO: 4680

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and Environmental Specialists

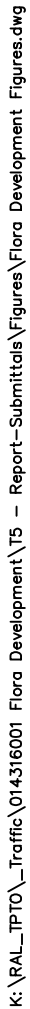
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**Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)**





**Flora Development**  
**Table 1 - Trip Generation**

Land Use	Intensity	Daily (Weekday)			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
210 Single Family Detached Housing	277 d.u.	2,656	1,328	1,328	201	50	151	270	170	100
820 Shopping Center	7,500 s.f.	1,034	517	517	222	138	84	80	38	42
<b>Subtotal</b>		<b>3,690</b>	<b>1,845</b>	<b>1,845</b>	<b>423</b>	<b>188</b>	<b>235</b>	<b>350</b>	<b>208</b>	<b>142</b>
<i>Internal Capture</i>										
210 Single Family Detached Housing		173	103	70	3	1	2	3	1	2
820 Shopping Center		173	70	103	3	2	1	3	2	1
<b>Internal Capture Total</b>	<b>8.57%</b>	<b>346</b>	<b>173</b>	<b>173</b>	<b>6</b>	<b>3</b>	<b>3</b>	<b>6</b>	<b>3</b>	<b>3</b>
<b>Total External Trips</b>		<b>3,344</b>	<b>1,672</b>	<b>1,672</b>	<b>417</b>	<b>185</b>	<b>232</b>	<b>344</b>	<b>205</b>	<b>139</b>
<i>Pass-By Traffic (ITE)</i>										
820 Shopping Center	<u>AM</u> <u>PM</u> 0% 34%	293	147	146	0	0	0	26	12	14
Pass-By Total:	<b>6.57%</b>	<b>293</b>	<b>147</b>	<b>146</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>26</b>	<b>12</b>	<b>14</b>
<b>Total Net New External Trips</b>		<b>3,051</b>	<b>1,525</b>	<b>1,526</b>	<b>417</b>	<b>185</b>	<b>232</b>	<b>318</b>	<b>193</b>	<b>125</b>

Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)

Flora Farms TIA  
1: Caratoke Hwy (NC 168) & Survey Road (West)

Build (2026) AM with Improvements

08/20/2021



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (vph)	359	41	26	1236	562	180
Future Volume (vph)	359	41	26	1236	562	180
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	150	200			200
Storage Lanes	1	1	1			1
Taper Length (ft)	100		100			
Satd. Flow (prot)	1770	1583	1770	3505	3343	1583
Flt Permitted	0.950		0.370			
Satd. Flow (perm)	1770	1583	689	3505	3343	1583
Right Turn on Red		No				No
Satd. Flow (RTOR)						
Link Speed (mph)	35			55	55	
Link Distance (ft)	1728			4412	2769	
Travel Time (s)	33.7			54.7	34.3	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles (%)	2%	2%	2%	3%	8%	2%
Shared Lane Traffic (%)						
Lane Group Flow (vph)	399	46	29	1373	624	200
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	24			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Number of Detectors	1	1	1	2	2	1
Detector Template	Left	Right	Left	Thru	Thru	Right
Leading Detector (ft)	20	20	20	100	100	20
Trailing Detector (ft)	0	0	0	0	0	0
Detector 1 Position(ft)	0	0	0	0	0	0
Detector 1 Size(ft)	20	20	20	6	6	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel						
Detector 1 Extend (s)	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0
Detector 2 Position(ft)				94	94	
Detector 2 Size(ft)				6	6	
Detector 2 Type				Cl+Ex	Cl+Ex	
Detector 2 Channel						
Detector 2 Extend (s)				0.0	0.0	
Turn Type	Prot	Perm	D.P+P	NA	NA	pm+ov
Protected Phases	4		5	2	6	4
Permitted Phases		4	6			6
Detector Phase	4	4	5	2	6	4
Switch Phase						
Minimum Initial (s)	7.0	7.0	7.0	14.0	14.0	7.0

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Kimley-Horn

Page 1

Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)



Flora Farms TIA  
1: Caratoke Hwy (NC 168) & Survey Road (West)

Build (2026) AM with Improvements

08/20/2021



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Minimum Split (s)	12.9	12.9	11.9	20.4	20.4	12.9
Total Split (s)	38.0	38.0	12.0	52.0	40.0	38.0
Total Split (%)	42.2%	42.2%	13.3%	57.8%	44.4%	42.2%
Yellow Time (s)	3.0	3.0	3.0	5.4	5.4	3.0
All-Red Time (s)	2.9	2.9	1.9	1.0	1.0	2.9
Lost Time Adjust (s)	-0.9	-0.9	0.1	-1.4	-1.4	-0.9
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag			Lag		Lead	
Lead-Lag Optimize?			Yes		Yes	
Recall Mode	None	None	None	C-Min	C-Min	None
Act Effect Green (s)	25.0	25.0	53.0	55.0	48.9	81.9
Actuated g/C Ratio	0.28	0.28	0.59	0.61	0.54	0.91
v/c Ratio	0.81	0.10	0.06	0.64	0.34	0.14
Control Delay	43.4	22.2	7.4	9.1	15.0	1.7
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	43.4	22.2	7.4	9.1	15.0	1.7
LOS	D	C	A	A	B	A
Approach Delay	41.2			9.0	11.8	
Approach LOS	D			A	B	
Queue Length 50th (ft)	210	19	5	121	81	0
Queue Length 95th (ft)	281	40	m10	192	188	32
Internal Link Dist (ft)	1648			4332	2689	
Turn Bay Length (ft)		150	200			200
Base Capacity (vph)	649	580	505	2143	1829	1422
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.61	0.08	0.06	0.64	0.34	0.14

## Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 90

Offset: 13 (14%), Referenced to phase 2:NBT and 6:NBSB, Start of Green

Natural Cycle: 55

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 0.81

Intersection Signal Delay: 15.2

Intersection LOS: B

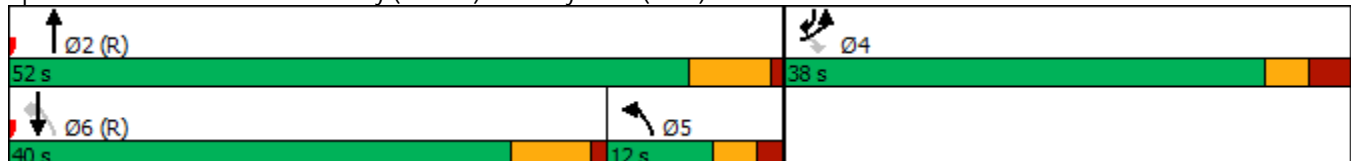
Intersection Capacity Utilization 62.4%

ICU Level of Service B

Analysis Period (min) 15

m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 1: Caratoke Hwy (NC 168) &amp; Survey Road (West)



Flora Farms TIA  
2: Caratoke Hwy (NC 168) & Survey Road (East)

Build (2026) AM with Improvements

08/20/2021



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations		↗	↘	↕↕	↕↕	↗
Traffic Volume (vph)	0	113	136	1248	533	37
Future Volume (vph)	0	113	136	1248	533	37
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	200			100
Storage Lanes	0	1	1			1
Taper Length (ft)	100		100			
Satd. Flow (prot)	0	1596	1612	3505	3343	1583
Flt Permitted			0.950			
Satd. Flow (perm)	0	1596	1612	3505	3343	1583
Link Speed (mph)	35			55	55	
Link Distance (ft)	328			1116	4412	
Travel Time (s)	6.4			13.8	54.7	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles (%)	2%	3%	12%	3%	8%	2%
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	126	151	1387	592	41
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	0			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
Intersection Summary						
Area Type:	Other					
Control Type: Unsignalized						
Intersection Capacity Utilization 37.8%				ICU Level of Service A		
Analysis Period (min) 15						

Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)



Flora Farms TIA  
2: Caratoke Hwy (NC 168) & Survey Road (East)

Build (2026) AM with Improvements

08/20/2021











Intersection						
Int Delay, s/veh	1.3					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations		↗	↘	↗↗	↗↗	↗
Traffic Vol, veh/h	0	113	136	1248	533	37
Future Vol, veh/h	0	113	136	1248	533	37
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	0	200	-	-	100
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	3	12	3	8	2
Mvmt Flow	0	126	151	1387	592	41
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	-	296	633	0	-	0
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	6.96	4.34	-	-	-
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	3.33	2.32	-	-	-
Pot Cap-1 Maneuver	0	697	881	-	-	-
Stage 1	0	-	-	-	-	-
Stage 2	0	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	-	697	881	-	-	-
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	11.3	1		0		
HCM LOS	B					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	881	-	697	-	-	
HCM Lane V/C Ratio	0.172	-	0.18	-	-	
HCM Control Delay (s)	9.9	-	11.3	-	-	
HCM Lane LOS	A	-	B	-	-	
HCM 95th %tile Q(veh)	0.6	-	0.7	-	-	

Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)

Flora Farms TIA  
3: Caratoke Hwy (NC 168) & Guinea Road

Build (2026) AM with Improvements

08/20/2021

						
Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (vph)	16	79	1210	22	47	649
Future Volume (vph)	16	79	1210	22	47	649
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0		0	100	
Storage Lanes	1	0		0	1	
Taper Length (ft)	100				100	
Satd. Flow (prot)	1615	0	3457	0	1770	3343
Flt Permitted	0.992				0.950	
Satd. Flow (perm)	1615	0	3457	0	1770	3343
Link Speed (mph)	55		55			55
Link Distance (ft)	1144		980			859
Travel Time (s)	14.2		12.1			10.6
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles (%)	2%	4%	4%	11%	2%	8%
Shared Lane Traffic (%)						
Lane Group Flow (vph)	106	0	1368	0	52	721
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Right	Left	Left
Median Width(ft)	12		12			12
Link Offset(ft)	0		0			0
Crosswalk Width(ft)	16		16			16
Two way Left Turn Lane			Yes			Yes
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9		9	15	
Sign Control	Stop		Free			Free
Intersection Summary						
Area Type:	Other					
Control Type: Unsignalized						
Intersection Capacity Utilization 51.5%			ICU Level of Service A			
Analysis Period (min) 15						





Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)



Flora Farms TIA  
3: Caratoke Hwy (NC 168) & Guinea Road

Build (2026) AM with Improvements

08/20/2021

Intersection						
Int Delay, s/veh	1.4					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	16	79	1210	22	47	649
Future Vol, veh/h	16	79	1210	22	47	649
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	100	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	4	4	11	2	8
Mvmt Flow	18	88	1344	24	52	721
Major/Minor	Minor1	Major1		Major2		
Conflicting Flow All	1821	684	0	0	1368	0
Stage 1	1356	-	-	-	-	-
Stage 2	465	-	-	-	-	-
Critical Hdwy	6.84	6.98	-	-	4.14	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.34	-	-	2.22	-
Pot Cap-1 Maneuver	69	386	-	-	498	-
Stage 1	205	-	-	-	-	-
Stage 2	599	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	62	386	-	-	498	-
Mov Cap-2 Maneuver	157	-	-	-	-	-
Stage 1	205	-	-	-	-	-
Stage 2	537	-	-	-	-	-
Approach	WB	NB		SB		
HCM Control Delay, s	22.5	0		0.9		
HCM LOS	C					
Minor Lane/Major Mvmt	NBT	NBRWBLn1		SBL	SBT	
Capacity (veh/h)	-	- 310		498	-	
HCM Lane V/C Ratio	-	- 0.341		0.105	-	
HCM Control Delay (s)	-	- 22.5		13.1	-	
HCM Lane LOS	-	- C		B	-	
HCM 95th %tile Q(veh)	-	- 1.5		0.3	-	

Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)






## Flora Farms TIA

## Build (2026) AM with Improvements

## 4: Eagle Creek Road/Survey Road (West) &amp; Survey Road (East)

08/20/2021



Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (vph)	38	208	115	45	171	56
Future Volume (vph)	38	208	115	45	171	56
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	75	0		0	200	
Storage Lanes	1	1		0	1	
Taper Length (ft)	45				100	
Satd. Flow (prot)	1641	1538	1753	0	1703	1845
Flt Permitted	0.950				0.950	
Satd. Flow (perm)	1641	1538	1753	0	1703	1845
Link Speed (mph)	35		25			35
Link Distance (ft)	198		1362			1728
Travel Time (s)	3.9		37.1			33.7
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles (%)	10%	5%	2%	10%	6%	3%
Shared Lane Traffic (%)						
Lane Group Flow (vph)	42	231	178	0	190	62
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Right	Left	Left
Median Width(ft)	12		12			12
Link Offset(ft)	0		0			0
Crosswalk Width(ft)	16		16			16
Two way Left Turn Lane						
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9		9	15	
Sign Control	Stop		Free			Free
Intersection Summary						
Area Type:	Other					
Control Type: Unsignalized						
Intersection Capacity Utilization 31.6%				ICU Level of Service A		
Analysis Period (min) 15						








## Flora Farms TIA

## Build (2026) AM with Improvements

## 4: Eagle Creek Road/Survey Road (West) &amp; Survey Road (East)

08/20/2021

Intersection						
Int Delay, s/veh	6.5					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	38	208	115	45	171	56
Future Vol, veh/h	38	208	115	45	171	56
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	75	0	-	-	200	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	10	5	2	10	6	3
Mvmt Flow	42	231	128	50	190	62
Major/Minor	Minor1	Major1	Major2			
Conflicting Flow All	595	153	0	0	178	0
Stage 1	153	-	-	-	-	-
Stage 2	442	-	-	-	-	-
Critical Hdwy	6.5	6.25	-	-	4.16	-
Critical Hdwy Stg 1	5.5	-	-	-	-	-
Critical Hdwy Stg 2	5.5	-	-	-	-	-
Follow-up Hdwy	3.59	3.345	-	-	2.254	-
Pot Cap-1 Maneuver	454	885	-	-	1374	-
Stage 1	856	-	-	-	-	-
Stage 2	631	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	391	885	-	-	1374	-
Mov Cap-2 Maneuver	391	-	-	-	-	-
Stage 1	856	-	-	-	-	-
Stage 2	544	-	-	-	-	-
Approach	WB	NB	SB			
HCM Control Delay, s	11.2	0	6.1			
HCM LOS	B					
Minor Lane/Major Mvmt	NBT	NBRWBLn1WBLn2	SBL	SBT		
Capacity (veh/h)	-	- 391 885 1374	-			
HCM Lane V/C Ratio	-	- 0.108 0.261 0.138	-			
HCM Control Delay (s)	-	- 15.3 10.5 8	-			
HCM Lane LOS	-	- C B A	-			
HCM 95th %tile Q(veh)	-	- 0.4 1 0.5	-			

Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)

Flora Farms TIA  
5: Caratoke Hwy (NC 168) & Fost Boulevard

Build (2026) AM with Improvements

08/20/2021



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (vph)	208	144	87	1201	550	96
Future Volume (vph)	208	144	87	1201	550	96
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	250	200			150
Storage Lanes	1	1	1			1
Taper Length (ft)	100		100			
Satd. Flow (prot)	1770	1583	1770	3539	3539	1583
Flt Permitted	0.950		0.950			
Satd. Flow (perm)	1770	1583	1770	3539	3539	1583
Right Turn on Red		No				No
Satd. Flow (RTOR)						
Link Speed (mph)	25			55	55	
Link Distance (ft)	557			859	1116	
Travel Time (s)	15.2			10.6	13.8	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Shared Lane Traffic (%)						
Lane Group Flow (vph)	231	160	97	1334	611	107
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Number of Detectors	1	1	1	2	2	1
Detector Template	Left	Right	Left	Thru	Thru	Right
Leading Detector (ft)	20	20	20	100	100	20
Trailing Detector (ft)	0	0	0	0	0	0
Detector 1 Position(ft)	0	0	0	0	0	0
Detector 1 Size(ft)	20	20	20	6	6	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel						
Detector 1 Extend (s)	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0
Detector 2 Position(ft)				94	94	
Detector 2 Size(ft)				6	6	
Detector 2 Type				Cl+Ex	Cl+Ex	
Detector 2 Channel						
Detector 2 Extend (s)				0.0	0.0	
Turn Type	Prot	pm+ov	Prot	NA	NA	pm+ov
Protected Phases	4	5	5	2	6	4
Permitted Phases		4				6
Detector Phase	4	5	5	2	6	4
Switch Phase						
Minimum Initial (s)	7.0	7.0	7.0	14.0	14.0	7.0
Minimum Split (s)	14.0	14.0	14.0	21.0	21.0	14.0

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Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)



Flora Farms TIA  
5: Caratoke Hwy (NC 168) & Fost Boulevard

Build (2026) AM with Improvements

08/20/2021



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Total Split (s)	30.0	17.0	17.0	60.0	43.0	30.0
Total Split (%)	33.3%	18.9%	18.9%	66.7%	47.8%	33.3%
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0	-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag		Lead	Lead		Lag	
Lead-Lag Optimize?		Yes	Yes		Yes	
Recall Mode	None	None	None	C-Min	C-Min	None
Act Effect Green (s)	18.9	36.2	12.3	61.1	43.8	67.7
Actuated g/C Ratio	0.21	0.40	0.14	0.68	0.49	0.75
v/c Ratio	0.62	0.25	0.40	0.56	0.36	0.09
Control Delay	39.2	17.4	39.7	9.2	10.5	1.8
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	39.2	17.4	39.7	9.2	10.5	1.8
LOS	D	B	D	A	B	A
Approach Delay	30.3			11.3	9.2	
Approach LOS	C			B	A	
Queue Length 50th (ft)	120	59	51	179	86	11
Queue Length 95th (ft)	179	83	94	288	64	9
Internal Link Dist (ft)	477			779	1036	
Turn Bay Length (ft)		250	200			150
Base Capacity (vph)	491	653	260	2402	1753	1297
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.47	0.25	0.37	0.56	0.35	0.08

## Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 90

Offset: 73 (81%), Referenced to phase 2:NBT and 6:SBT, Start of Green

Natural Cycle: 50

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 0.62

Intersection Signal Delay: 13.6

Intersection LOS: B

Intersection Capacity Utilization 53.1%

ICU Level of Service A

Analysis Period (min) 15

Splits and Phases: 5: Caratoke Hwy (NC 168) &amp; Fost Boulevard























## Flora Farms TIA

## Build (2026) AM with Improvements

## 6: Future Access #1/Future Access #2 &amp; Survey Road (East)

08/20/2021

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	9	4	74	74	4	19	104	4	46	23	4	23
Future Volume (vph)	9	4	74	74	4	19	104	4	46	23	4	23
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	100		100	100		0	100		0	0		0
Storage Lanes	1		1	1		0	1		0	0		0
Taper Length (ft)	100			100			100			100		
Satd. Flow (prot)	1770	1863	1583	1770	1628	0	1770	1604	0	0	1705	0
Flt Permitted	0.950			0.950			0.950				0.977	
Satd. Flow (perm)	1770	1863	1583	1770	1628	0	1770	1604	0	0	1705	0
Link Speed (mph)		35			35			25			25	
Link Distance (ft)		2903			390			327			235	
Travel Time (s)		56.6			7.6			8.9			6.4	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Shared Lane Traffic (%)												
Lane Group Flow (vph)	10	4	82	82	25	0	116	55	0	0	56	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Free			Free			Stop			Stop	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	28.4%											
Analysis Period (min)	15											
	ICU Level of Service A											

Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)











## Flora Farms TIA

## Build (2026) AM with Improvements

## 6: Future Access #1/Future Access #2 &amp; Survey Road (East)

08/20/2021

Intersection												
Int Delay, s/veh	7.1											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	9	4	74	74	4	19	104	4	46	23	4	23
Future Vol, veh/h	9	4	74	74	4	19	104	4	46	23	4	23
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	100	-	100	100	-	-	100	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	10	4	82	82	4	21	116	4	51	26	4	26

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	25	0	0	86	0	0	218	213	4	272	285	15
Stage 1	-	-	-	-	-	-	24	24	-	179	179	-
Stage 2	-	-	-	-	-	-	194	189	-	93	106	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1589	-	-	1510	-	-	738	684	1080	680	624	1065
Stage 1	-	-	-	-	-	-	994	875	-	823	751	-
Stage 2	-	-	-	-	-	-	808	744	-	914	807	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1589	-	-	1510	-	-	683	643	1080	615	587	1065
Mov Cap-2 Maneuver	-	-	-	-	-	-	683	643	-	615	587	-
Stage 1	-	-	-	-	-	-	988	870	-	818	710	-
Stage 2	-	-	-	-	-	-	741	704	-	861	802	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.8	5.7	10.5	10.1
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	683	1024	1589	-	-	1510	-	-	760
HCM Lane V/C Ratio	0.169	0.054	0.006	-	-	0.054	-	-	0.073
HCM Control Delay (s)	11.3	8.7	7.3	-	-	7.5	-	-	10.1
HCM Lane LOS	B	A	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0.6	0.2	0	-	-	0.2	-	-	0.2

Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)

Flora Farms TIA  
1: Caratoke Hwy (NC 168) & Survey Road (West)

Build (2026) PM with Improvements

08/20/2021



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (vph)	197	32	27	738	1560	338
Future Volume (vph)	197	32	27	738	1560	338
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	150	200			200
Storage Lanes	1	1	1			1
Taper Length (ft)	100		100			
Satd. Flow (prot)	1752	1509	1770	3438	3505	1583
Flt Permitted	0.950		0.073			
Satd. Flow (perm)	1752	1509	136	3438	3505	1583
Right Turn on Red		No				No
Satd. Flow (RTOR)						
Link Speed (mph)	35			55	55	
Link Distance (ft)	1728			4412	2769	
Travel Time (s)	33.7			54.7	34.3	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles (%)	3%	7%	2%	5%	3%	2%
Shared Lane Traffic (%)						
Lane Group Flow (vph)	219	36	30	820	1733	376
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	24			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Number of Detectors	1	1	1	2	2	1
Detector Template	Left	Right	Left	Thru	Thru	Right
Leading Detector (ft)	20	20	20	100	100	20
Trailing Detector (ft)	0	0	0	0	0	0
Detector 1 Position(ft)	0	0	0	0	0	0
Detector 1 Size(ft)	20	20	20	6	6	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel						
Detector 1 Extend (s)	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0
Detector 2 Position(ft)				94	94	
Detector 2 Size(ft)				6	6	
Detector 2 Type				Cl+Ex	Cl+Ex	
Detector 2 Channel						
Detector 2 Extend (s)				0.0	0.0	
Turn Type	Prot	Perm	D.P+P	NA	NA	pm+ov
Protected Phases	4		5	2	6	4
Permitted Phases		4	6			6
Detector Phase	4	4	5	2	6	4
Switch Phase						
Minimum Initial (s)	7.0	7.0	7.0	14.0	14.0	7.0

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Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)



Flora Farms TIA  
1: Caratoke Hwy (NC 168) & Survey Road (West)

Build (2026) PM with Improvements

08/20/2021



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Minimum Split (s)	12.9	12.9	11.9	20.4	20.4	12.9
Total Split (s)	23.0	23.0	11.9	67.0	55.1	23.0
Total Split (%)	25.6%	25.6%	13.2%	74.4%	61.2%	25.6%
Yellow Time (s)	3.0	3.0	3.0	5.4	5.4	3.0
All-Red Time (s)	2.9	2.9	1.9	1.0	1.0	2.9
Lost Time Adjust (s)	-0.9	-0.9	0.1	-1.4	0.0	-0.9
Total Lost Time (s)	5.0	5.0	5.0	5.0	6.4	5.0
Lead/Lag			Lead		Lag	
Lead-Lag Optimize?			Yes		Yes	
Recall Mode	None	None	None	C-Min	C-Min	None
Act Effect Green (s)	14.8	14.8	62.2	65.2	56.7	79.9
Actuated g/C Ratio	0.16	0.16	0.69	0.72	0.63	0.89
v/c Ratio	0.76	0.15	0.14	0.33	0.79	0.27
Control Delay	52.8	32.0	7.3	5.0	18.1	2.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	52.8	32.0	7.3	5.0	18.1	2.1
LOS	D	C	A	A	B	A
Approach Delay	49.9			5.1	15.2	
Approach LOS	D			A	B	
Queue Length 50th (ft)	119	18	3	62	411	37
Queue Length 95th (ft)	191	43	m16	116	#629	59
Internal Link Dist (ft)	1648			4332	2689	
Turn Bay Length (ft)		150	200			200
Base Capacity (vph)	350	301	219	2491	2207	1413
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.63	0.12	0.14	0.33	0.79	0.27

## Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 90

Offset: 34 (38%), Referenced to phase 2:NBT and 6:NBSB, Start of Green

Natural Cycle: 80

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 0.79

Intersection Signal Delay: 15.3

Intersection LOS: B

Intersection Capacity Utilization 63.5%

ICU Level of Service B

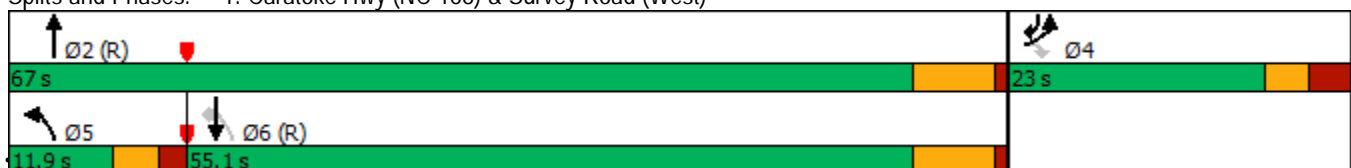
Analysis Period (min) 15

# 95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 1: Caratoke Hwy (NC 168) &amp; Survey Road (West)



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Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)

Flora Farms TIA  
2: Caratoke Hwy (NC 168) & Survey Road (East)

Build (2026) PM with Improvements

08/20/2021



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations		↗	↘	↑↑	↑↑	↗
Traffic Volume (vph)	0	98	132	773	1622	46
Future Volume (vph)	0	98	132	773	1622	46
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	200			100
Storage Lanes	0	1	1			1
Taper Length (ft)	100		100			
Satd. Flow (prot)	0	1611	1719	3505	3539	1583
Flt Permitted			0.950			
Satd. Flow (perm)	0	1611	1719	3505	3539	1583
Link Speed (mph)	35			55	55	
Link Distance (ft)	328			1116	4412	
Travel Time (s)	6.4			13.8	54.7	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles (%)	2%	2%	5%	3%	2%	2%
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	109	147	859	1802	51
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	0			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
Intersection Summary						
Area Type:	Other					
Control Type: Unsignalized						
Intersection Capacity Utilization 58.8%						
ICU Level of Service B						
Analysis Period (min) 15						

Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)



Flora Farms TIA  
2: Caratoke Hwy (NC 168) & Survey Road (East)

Build (2026) PM with Improvements

08/20/2021

Intersection						
Int Delay, s/veh	2.3					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations		↗	↘	↗↘	↗↘	↗
Traffic Vol, veh/h	0	98	132	773	1622	46
Future Vol, veh/h	0	98	132	773	1622	46
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	0	200	-	-	100
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	5	3	2	2
Mvmt Flow	0	109	147	859	1802	51
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	-	901	1853	0	-	0
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	6.94	4.2	-	-	-
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	3.32	2.25	-	-	-
Pot Cap-1 Maneuver	0	281	311	-	-	-
Stage 1	0	-	-	-	-	-
Stage 2	0	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	-	281	311	-	-	-
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	25.7	3.9		0		
HCM LOS	D					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	311	-	281	-	-	
HCM Lane V/C Ratio	0.472	-	0.388	-	-	
HCM Control Delay (s)	26.5	-	25.7	-	-	
HCM Lane LOS	D	-	D	-	-	
HCM 95th %tile Q(veh)	2.4	-	1.8	-	-	





Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)

Flora Farms TIA  
3: Caratoke Hwy (NC 168) & Guinea Road

Build (2026) PM with Improvements

08/20/2021



Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (vph)	23	64	869	12	108	1528
Future Volume (vph)	23	64	869	12	108	1528
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0		0	100	
Storage Lanes	1	0		0	1	
Taper Length (ft)	100				100	
Satd. Flow (prot)	1632	0	3465	0	1770	3539
Flt Permitted	0.987				0.950	
Satd. Flow (perm)	1632	0	3465	0	1770	3539
Link Speed (mph)	55		55			55
Link Distance (ft)	1144		980			859
Travel Time (s)	14.2		12.1			10.6
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles (%)	5%	3%	4%	2%	2%	2%
Shared Lane Traffic (%)						
Lane Group Flow (vph)	97	0	979	0	120	1698
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Right	Left	Left
Median Width(ft)	12		12			12
Link Offset(ft)	0		0			0
Crosswalk Width(ft)	16		16			16
Two way Left Turn Lane			Yes			Yes
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9		9	15	
Sign Control	Stop		Free			Free
Intersection Summary						
Area Type:	Other					
Control Type: Unsignalized						
Intersection Capacity Utilization 54.1%				ICU Level of Service A		
Analysis Period (min) 15						

Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)







Flora Farms TIA  
3: Caratoke Hwy (NC 168) & Guinea Road

Build (2026) PM with Improvements

08/20/2021

## Intersection

Int Delay, s/veh 1.2

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	23	64	869	12	108	1528
Future Vol, veh/h	23	64	869	12	108	1528
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	100	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	5	3	4	2	2	2
Mvmt Flow	26	71	966	13	120	1698

Major/Minor	Minor1	Major1	Major2
Conflicting Flow All	2062	490	0
Stage 1	973	-	-
Stage 2	1089	-	-
Critical Hdwy	6.9	6.96	-
Critical Hdwy Stg 1	5.9	-	-
Critical Hdwy Stg 2	5.9	-	-
Follow-up Hdwy	3.55	3.33	-
Pot Cap-1 Maneuver	46	521	-
Stage 1	320	-	-
Stage 2	278	-	-
Platoon blocked, %		-	-
Mov Cap-1 Maneuver	38	521	-
Mov Cap-2 Maneuver	139	-	-
Stage 1	320	-	-
Stage 2	230	-	-

Approach	WB	NB	SB
HCM Control Delay, s	22.4	0	0.7
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	302	701
HCM Lane V/C Ratio	-	-	0.32	0.171
HCM Control Delay (s)	-	-	22.4	11.2
HCM Lane LOS	-	-	C	B
HCM 95th %tile Q(veh)	-	-	1.3	0.6

Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)






## Flora Farms TIA

## Build (2026) PM with Improvements

## 4: Eagle Creek Road/Survey Road (West) &amp; Survey Road (East)

08/20/2021



Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (vph)	33	118	91	48	144	208
Future Volume (vph)	33	118	91	48	144	208
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	75	0		0	200	
Storage Lanes	1	1		0	1	
Taper Length (ft)	45				100	
Satd. Flow (prot)	1719	1583	1771	0	1687	1863
Flt Permitted	0.950				0.950	
Satd. Flow (perm)	1719	1583	1771	0	1687	1863
Link Speed (mph)	35		25			35
Link Distance (ft)	198		1362			1728
Travel Time (s)	3.9		37.1			33.7
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Heavy Vehicles (%)	5%	2%	2%	3%	7%	2%
Shared Lane Traffic (%)						
Lane Group Flow (vph)	37	131	154	0	160	231
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Right	Left	Left
Median Width(ft)	12		12			12
Link Offset(ft)	0		0			0
Crosswalk Width(ft)	16		16			16
Two way Left Turn Lane						
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9		9	15	
Sign Control	Stop		Free			Free
Intersection Summary						
Area Type:	Other					
Control Type: Unsignalized						
Intersection Capacity Utilization 29.0%				ICU Level of Service A		
Analysis Period (min) 15						

Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)








## Flora Farms TIA

## Build (2026) PM with Improvements

## 4: Eagle Creek Road/Survey Road (West) &amp; Survey Road (East)

08/20/2021

Intersection						
Int Delay, s/veh	4.3					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	33	118	91	48	144	208
Future Vol, veh/h	33	118	91	48	144	208
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	75	0	-	-	200	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	5	2	2	3	7	2
Mvmt Flow	37	131	101	53	160	231
Major/Minor	Minor1	Major1	Major2			
Conflicting Flow All	679	128	0	0	154	0
Stage 1	128	-	-	-	-	-
Stage 2	551	-	-	-	-	-
Critical Hdwy	6.45	6.22	-	-	4.17	-
Critical Hdwy Stg 1	5.45	-	-	-	-	-
Critical Hdwy Stg 2	5.45	-	-	-	-	-
Follow-up Hdwy	3.545	3.318	-	-	2.263	-
Pot Cap-1 Maneuver	413	922	-	-	1396	-
Stage 1	890	-	-	-	-	-
Stage 2	571	-	-	-	-	-
Platoon blocked, %			-	-		
Mov Cap-1 Maneuver	366	922	-	-	1396	-
Mov Cap-2 Maneuver	366	-	-	-	-	-
Stage 1	890	-	-	-	-	-
Stage 2	505	-	-	-	-	-
Approach	WB	NB	SB			
HCM Control Delay, s	11	0	3.2			
HCM LOS	B					
Minor Lane/Major Mvmt	NBT	NBRWBLn1WBLn2	SBL	SBT		
Capacity (veh/h)	-	- 366 922 1396	-	-		
HCM Lane V/C Ratio	-	- 0.1 0.142 0.115	-	-		
HCM Control Delay (s)	-	- 15.9 9.6 7.9	-	-		
HCM Lane LOS	-	- C A A	-	-		
HCM 95th %tile Q(veh)	-	- 0.3 0.5 0.4	-	-		

Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)

Flora Farms TIA  
5: Caratoke Hwy (NC 168) & Fost Boulevard

Build (2026) PM with Improvements

08/20/2021



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (vph)	142	106	153	780	1544	175
Future Volume (vph)	142	106	153	780	1544	175
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	250	200			150
Storage Lanes	1	1	1			1
Taper Length (ft)	100		100			
Satd. Flow (prot)	1770	1583	1770	3539	3539	1583
Flt Permitted	0.950		0.950			
Satd. Flow (perm)	1770	1583	1770	3539	3539	1583
Right Turn on Red		No				No
Satd. Flow (RTOR)						
Link Speed (mph)	25			55	55	
Link Distance (ft)	586			859	1116	
Travel Time (s)	16.0			10.6	13.8	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Shared Lane Traffic (%)						
Lane Group Flow (vph)	158	118	170	867	1716	194
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Number of Detectors	1	1	1	2	2	1
Detector Template	Left	Right	Left	Thru	Thru	Right
Leading Detector (ft)	20	20	20	100	100	20
Trailing Detector (ft)	0	0	0	0	0	0
Detector 1 Position(ft)	0	0	0	0	0	0
Detector 1 Size(ft)	20	20	20	6	6	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel						
Detector 1 Extend (s)	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0	0.0	0.0	0.0
Detector 2 Position(ft)				94	94	
Detector 2 Size(ft)				6	6	
Detector 2 Type				Cl+Ex	Cl+Ex	
Detector 2 Channel						
Detector 2 Extend (s)				0.0	0.0	
Turn Type	Prot	pm+ov	Prot	NA	NA	pm+ov
Protected Phases	4	5	5	2	6	4
Permitted Phases		4				6
Detector Phase	4	5	5	2	6	4
Switch Phase						
Minimum Initial (s)	7.0	7.0	7.0	14.0	14.0	7.0
Minimum Split (s)	14.0	14.0	14.0	21.0	21.0	14.0

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Kimley-Horn

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Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)



Flora Farms TIA  
5: Caratoke Hwy (NC 168) & Fost Boulevard

Build (2026) PM with Improvements

08/20/2021



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Total Split (s)	18.0	17.0	17.0	72.0	55.0	18.0
Total Split (%)	20.0%	18.9%	18.9%	80.0%	61.1%	20.0%
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0	-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag		Lag	Lag		Lead	
Lead-Lag Optimize?		Yes	Yes		Yes	
Recall Mode	None	None	None	C-Min	C-Min	None
Act Effect Green (s)	12.5	29.3	11.8	67.5	50.7	68.2
Actuated g/C Ratio	0.14	0.33	0.13	0.75	0.56	0.76
v/c Ratio	0.65	0.23	0.73	0.33	0.86	0.16
Control Delay	49.7	23.2	57.2	4.2	10.3	1.6
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	49.7	23.2	57.2	4.2	10.3	1.6
LOS	D	C	E	A	B	A
Approach Delay	38.4			12.9	9.4	
Approach LOS	D			B	A	
Queue Length 50th (ft)	86	48	94	71	52	8
Queue Length 95th (ft)	#153	90	#188	93	76	m15
Internal Link Dist (ft)	506			779	1036	
Turn Bay Length (ft)		250	200			150
Base Capacity (vph)	255	500	236	2655	1994	1191
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.62	0.24	0.72	0.33	0.86	0.16

## Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 90

Offset: 8 (9%), Referenced to phase 2:NBT and 6:SBT, Start of Green

Natural Cycle: 65

Control Type: Actuated-Coordinated

Maximum v/c Ratio: 0.86

Intersection Signal Delay: 13.0

Intersection LOS: B

Intersection Capacity Utilization 71.5%

ICU Level of Service C

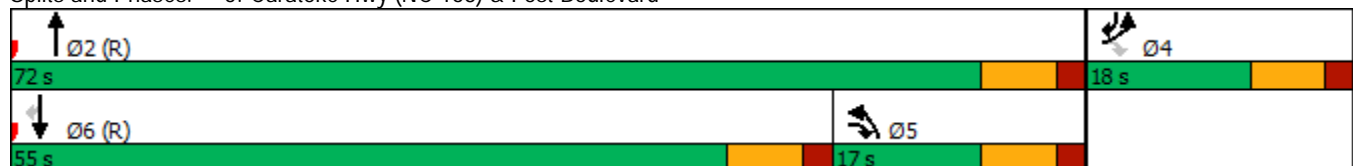
Analysis Period (min) 15

# 95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 5: Caratoke Hwy (NC 168) &amp; Fost Boulevard























## Flora Farms TIA

## Build (2026) PM with Improvements

## 6: Future Access #1/Future Access #2 &amp; Survey Road (East)

08/20/2021

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	10	4	77	77	4	30	56	4	25	21	4	19
Future Volume (vph)	10	4	77	77	4	30	56	4	25	21	4	19
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	100		100	100		0	100		0	0		0
Storage Lanes	1		1	1		0	1		0	0		0
Taper Length (ft)	100			100			100			100		
Satd. Flow (prot)	1770	1863	1583	1770	1613	0	1770	1619	0	0	1713	0
Flt Permitted	0.950			0.950			0.950				0.977	
Satd. Flow (perm)	1770	1863	1583	1770	1613	0	1770	1619	0	0	1713	0
Link Speed (mph)		35			35			25			25	
Link Distance (ft)		2916			377			351			255	
Travel Time (s)		56.8			7.3			9.6			7.0	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Shared Lane Traffic (%)												
Lane Group Flow (vph)	11	4	86	86	37	0	62	32	0	0	48	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Free			Free			Stop			Stop	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	26.8%											
Analysis Period (min)	15											
	ICU Level of Service A											

Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)











## Flora Farms TIA

## Build (2026) PM with Improvements

## 6: Future Access #1/Future Access #2 &amp; Survey Road (East)

08/20/2021

Intersection												
Int Delay, s/veh	5.9											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	10	4	77	77	4	30	56	4	25	21	4	19
Future Vol, veh/h	10	4	77	77	4	30	56	4	25	21	4	19
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	100	-	100	100	-	-	100	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	11	4	86	86	4	33	62	4	28	23	4	21

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	37	0	0	90	0	0	231	235	4	278	305	21
Stage 1	-	-	-	-	-	-	26	26	-	193	193	-
Stage 2	-	-	-	-	-	-	205	209	-	85	112	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1574	-	-	1505	-	-	724	666	1080	674	608	1056
Stage 1	-	-	-	-	-	-	992	874	-	809	741	-
Stage 2	-	-	-	-	-	-	797	729	-	923	803	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1574	-	-	1505	-	-	671	623	1080	621	569	1056
Mov Cap-2 Maneuver	-	-	-	-	-	-	671	623	-	621	569	-
Stage 1	-	-	-	-	-	-	985	868	-	803	699	-
Stage 2	-	-	-	-	-	-	732	687	-	888	797	-

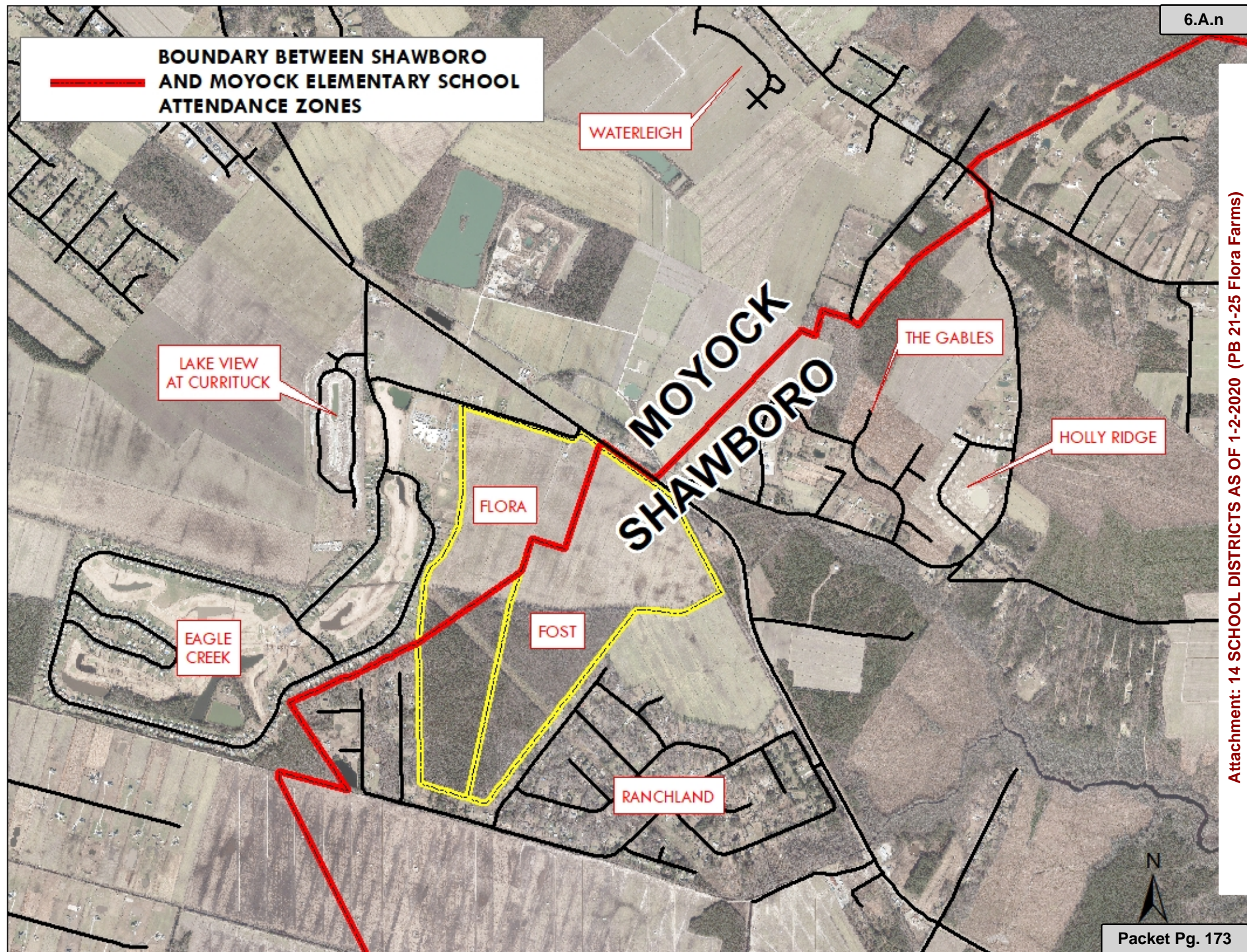
Approach	EB	WB	NB	SB
HCM Control Delay, s	0.8	5.2	10.2	10.1
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	671	981	1574	-	-	1505	-	-	748
HCM Lane V/C Ratio	0.093	0.033	0.007	-	-	0.057	-	-	0.065
HCM Control Delay (s)	10.9	8.8	7.3	-	-	7.5	-	-	10.1
HCM Lane LOS	B	A	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0.3	0.1	0	-	-	0.2	-	-	0.2

Attachment: 13 Flora - Traffic Impact Memo 8-24-21 (PB 21-25 Flora Farms)



**BOUNDARY BETWEEN SHAWBORO  
AND MOYOCK ELEMENTARY SCHOOL  
ATTENDANCE ZONES**





# U.S. ARMY CORPS OF ENGINEERS WILMINGTON DISTRICT

Action Id. SAW-2019-00619 County: Currituck U.S.G.S. Quad: Lambs Corner NE

## NOTIFICATION OF JURISDICTIONAL DETERMINATION

**Property Owner/Applicant:** Mary Flora Brumsey  
**Address:** 196 Ed Brumsey Lane  
 Currituck, North Carolina 27929  
**Telephone Number:** 252-232-3005

Size (acres) 111.7- acres  
 Nearest Waterway Roland Creek  
 USGS HUC 03010205

Nearest Town Snowden  
 River Basin Albemarle-Chowan  
 Coordinates Latitude: 36.490988 N  
 Longitude: -76.156546 W

**Location description:** Property is an approximate 111.7-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 42-acre wooded area immediately adjacent to the existing agricultural fields on the property. Currituck County Parcel No. 8031-61-2088. Deed Book 1230. Page 398.

### Indicate Which of the Following Apply:

#### A. Preliminary Determination

- PAF* ☒ 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-2019-00619 Brumsey  
Corps Regulatory Official:

R. N. S.

Date: March 8, 2019 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](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0).

Copy Furnished: CESAW/RG-W/Bland

Attachment: 15 JD for Brumsey tract (PB 21-25 Flora Farms)

SAW-2019-00619 Brumsey

**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 5<sup>th</sup> 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:
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**For appeals on Initial Proffered Permits send this form to:**

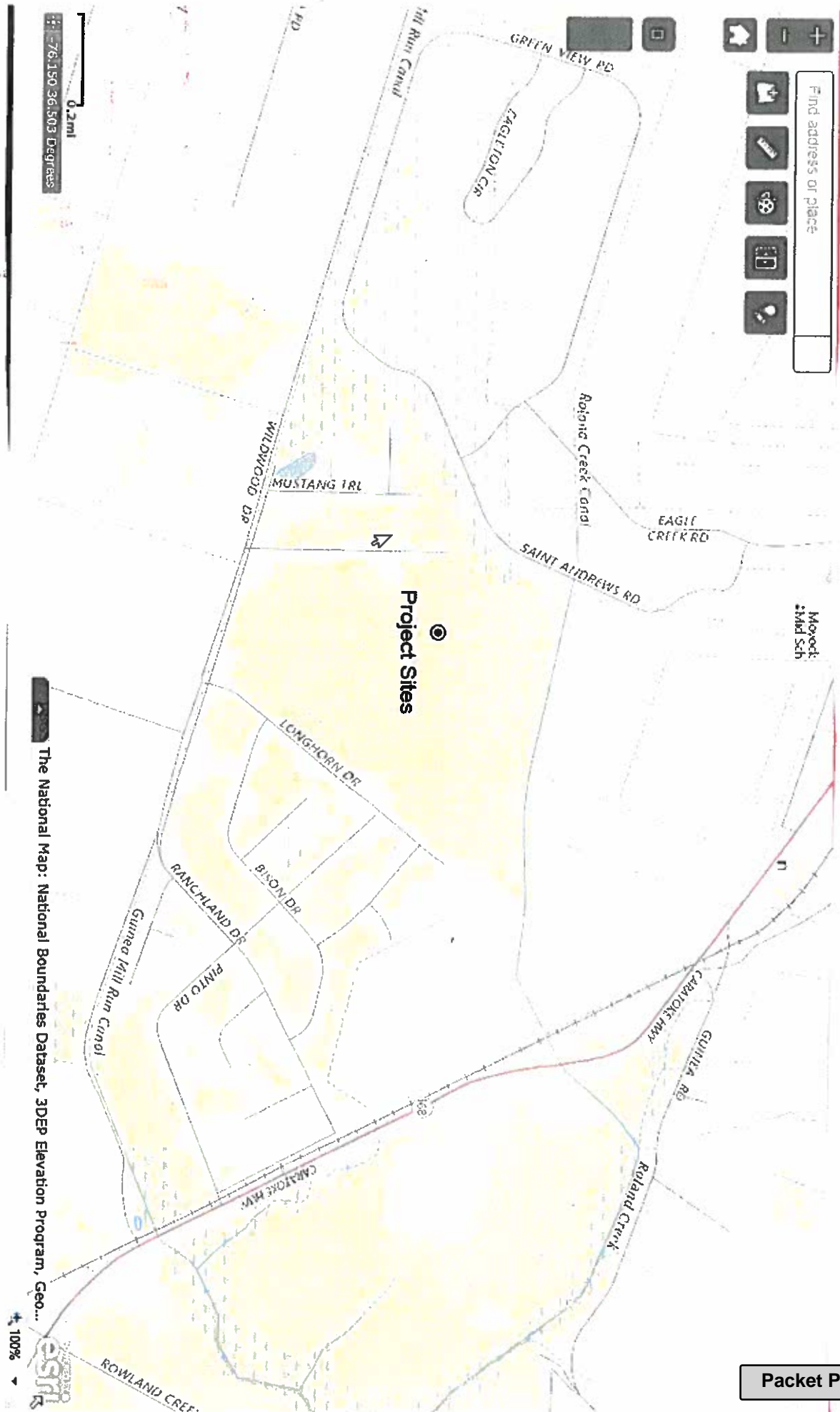
**District Engineer, Wilmington Regulatory Division, Raleigh W. Bland, PWS, 2407 West 5<sup>th</sup> Street  
Washington, North Carolina 27889**

**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**

Attachment: 15 JD for Brumsey tract (PB 21-25 Flora Farms)





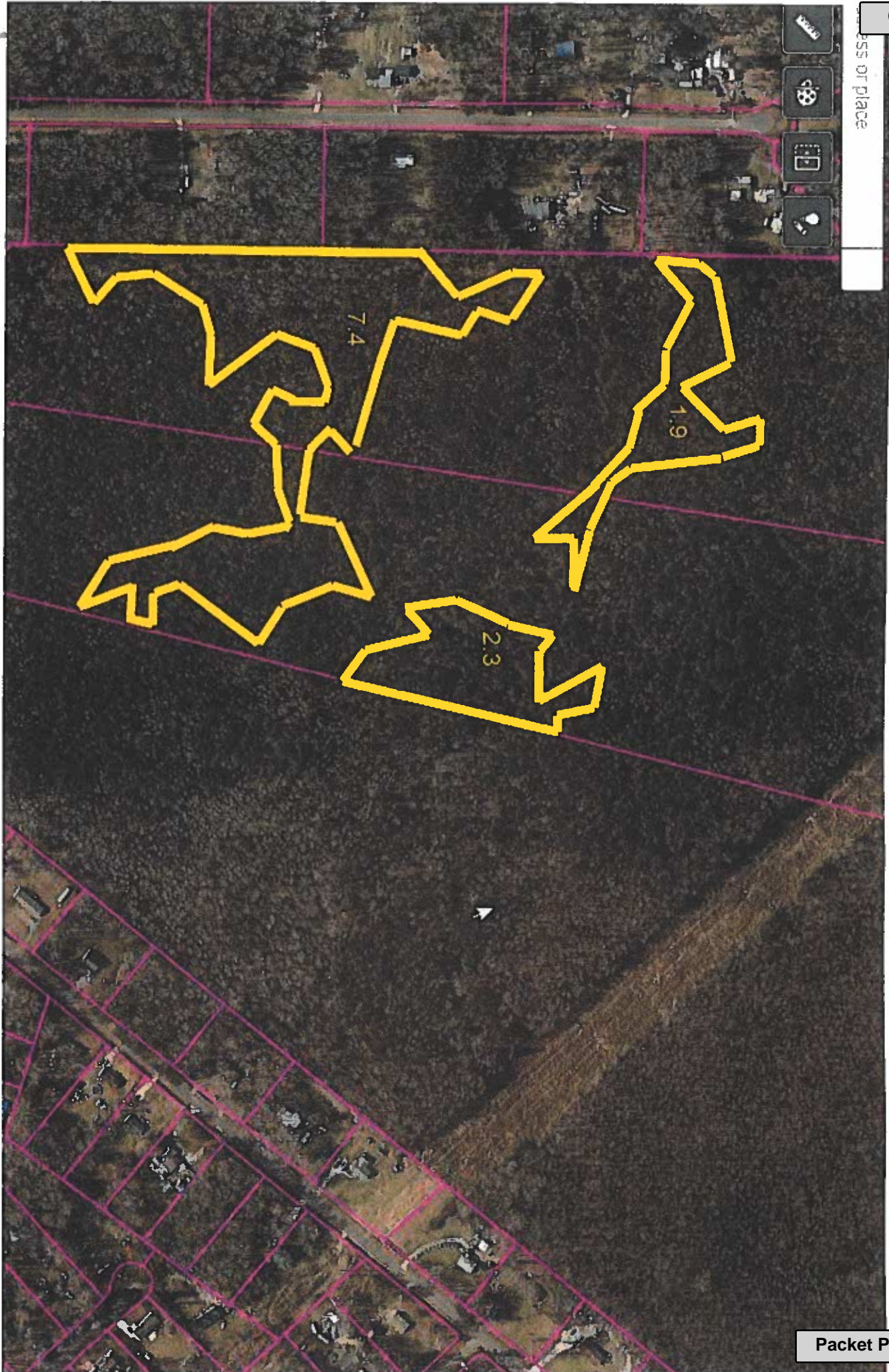




Attachment: 15 JD for Brumsey tract (PB 21-25 Flora Farms)



SS of place



Attachment: 15 JD for Brumsey tract (PB 21-25 Flora Farms)

# WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Brumsey Tract City/County: Moyock / Currituck Sampling Date: March 1, 2019  
 Applicant/Owner: Mary Brumsey 196 Ed Brumsey Road Currituck NC 27929 State: NC Sampling Point: WM-1  
 Investigator(s): R. Bland / USACE RG-W Section, Township, Range: Snowden – Lambs Corner NE  
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): None Slope (%): 0-2 %  
 Subregion (LRR or MLRA): USDA LRR-T Lat: 36.490988 N Long: -76.156546 W Datum: NAD 83  
 Soil Map Unit Name: Mapped as Ws – Wasda muck NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐

Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Hydric Soil Present? Wetland	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Hydrology Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Remarks: All 3 required parameters are satisfied per the Corps of Engineers 1987 Manual and the Atlantic and Gulf Coastal Plain Regional Supplement.		

## HYDROLOGY

<b>Wetland Hydrology Indicators:</b> <b>Primary Indicators (minimum of one is required; check all that apply)</b> <input type="checkbox"/> Surface Water (A1) <input checked="" type="checkbox"/> High Water Table (A2) <input checked="" type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input checked="" type="checkbox"/> Water-Stained Leaves (B9)		<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input checked="" type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Sphagnum moss (D8) (LRR T, U)
<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>&lt; 14 inch</u> Saturation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>&lt; 8 inch</u> (includes capillary fringe)		Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: Aerial photography reveals field ditches on both ends of woods area and subdivision bordering other sides.		
Remarks: Drainage ditches evident throughout the immediate geographic area.		

Attachment: 15 JD for Brumsey tract (PB 21-25 Flora Farms)



## VEGETATION (Four Strata) – Use scientific names of plants.

Sampling Point: WM-1

Tree Stratum (Plot size: 30 ft)		Absolute % Cover	Dominant Species?	Indicator Status
1.	<i>Pinus taeda</i>	60	<input checked="" type="checkbox"/>	FAC
2.	<i>Acer rubrum</i>	10	<input type="checkbox"/>	FAC
3.	<i>Liquidambar styraciflua</i>	10	<input type="checkbox"/>	FAC
4.	<i>Quercus alba</i>	5	<input type="checkbox"/>	FACU
5.			<input type="checkbox"/>	
6.			<input type="checkbox"/>	
7.			<input type="checkbox"/>	
8.			<input type="checkbox"/>	
		85 % = Total Cover		
50% of total cover: 42.5		20% of total cover: 17		

Sapling/Shrub Stratum (Plot size: 30 ft)		Absolute % Cover	Dominant Species?	Indicator Status
1.	<i>Ilex opaca</i>	40	<input checked="" type="checkbox"/>	FACW
2.	<i>Cornus florida</i>	10	<input type="checkbox"/>	FACU
3.	<i>Ilex coriacea</i>	5	<input type="checkbox"/>	FAC
4.	<i>Phytolacca americana</i>	5	<input type="checkbox"/>	FACU
5.			<input type="checkbox"/>	
6.			<input type="checkbox"/>	
7.			<input type="checkbox"/>	
8.			<input type="checkbox"/>	
		60 % = Total Cover		
50% of total cover: 30		20% of total cover: 12		

Herb Stratum (Plot size: 30 ft)		Absolute % Cover	Dominant Species?	Indicator Status
1.	<i>Arundinaria gigantea</i>	20	<input checked="" type="checkbox"/>	FAC
2.	<i>Euthamia spp</i>	5	<input type="checkbox"/>	FAC
3.			<input type="checkbox"/>	
4.			<input type="checkbox"/>	
5.			<input type="checkbox"/>	
6.			<input type="checkbox"/>	
7.			<input type="checkbox"/>	
8.			<input type="checkbox"/>	
9.			<input type="checkbox"/>	
10.			<input type="checkbox"/>	
11.			<input type="checkbox"/>	
12.			<input type="checkbox"/>	
		25 % = Total Cover		
50% of total cover: 12.5		20% of total cover: 5		

Woody Vine Stratum (Plot size: 30 ft)		Absolute % Cover	Dominant Species?	Indicator Status
1.	<i>Smilax glauca</i>	5	<input type="checkbox"/>	FAC
2.	<i>Smilax rotundifolia</i>	5	<input type="checkbox"/>	FAC
3.			<input type="checkbox"/>	
4.			<input type="checkbox"/>	
5.			<input type="checkbox"/>	
		10 % = Total Cover		
50% of total cover: 5		20% of total cover: 2		

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

**Prevalence Index worksheet:**

Total % Cover of: Multiply by:

OBL species x 1 =

FACW species x 2 =

FAC species x 3 =

FACU species x 4 =

UPL species x 5 =

Column Totals: (A) (B)

Prevalence Index = B/A =

**Hydrophytic Vegetation Indicators:**

☐ 1 - Rapid Test for Hydrophytic Vegetation

☒ 2 - Dominance Test is >50%

☐ 3 - Prevalence Index is ≤3.0<sup>1</sup>

☐ Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Four Vegetation Strata:**

**Tree** – Woody plants, excluding vines, 3 in. (7.6 cm) or larger in diameter at breast height (DBH), regardless of height.

**Sapling/Shrub** – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft. (1m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vine** – All woody vines, greater than 3.28 ft. in height.

**Hydrophytic Vegetation Present?** Yes ☒ No ☐

Remarks: (If observed, list morphological adaptations below).

Majority of project consists of mature timber with little evidence of timber activities.

## SOIL

Sampling Point: WM-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-6 inch	10 YR 2/1	100					muck	
6-14 inch	5 YR 2/2	100						
14-20 inch	10 YR 4/2	100					loam	
20-35 inch	10 YR 5/2	90	10 YR 4/1	10	C	M		mottles

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

## Hydric Soil Indicators:

- ☐ Histosol (A1)  
☐ Histic Epipedon (A2)  
☐ Black Histic (A3)  
☐ Hydrogen Sulfide (A4)  
☐ Stratified Layers (A5)  
☐ Organic Bodies (A6) (LRR P, T, U)  
☐ 5 cm Mucky Mineral (A7) (LRR P, T, U)  
☒ Muck Presence (A8) (LRR U)  
☐ 1 cm Muck (A9) (LRR P, T)  
☐ Depleted Below Dark Surface (A11)  
☒ Thick Dark Surface (A12)  
☐ Coast Prairie Redox (A16) (MLRA 150A)  
☐ Sandy Mucky Mineral (S1) (LRR O, S)  
☐ Sandy Gleyed Matrix (S4)  
☐ Sandy Redox (S5)  
☐ Stripped Matrix (S6)  
☐ Dark Surface (S7) (LRR P, S, T, U)

- ☐ Polyvalue Below Surface (S8) (LRR S, T, U)  
☐ Thin Dark Surface (S9) (LRR S, T, U)  
☐ Loamy Mucky Mineral (F1) (LRR O)  
☐ Loamy Gleyed Matrix (F2)  
☒ Depleted Matrix (F3)  
☐ Redox Dark Surface (F6)  
☐ Depleted Dark Surface (F7)  
☐ Redox Depressions (F8)  
☐ Marl (F10) (LRR U)  
☐ Depleted Ochric (F11) (MLRA 151)  
☐ Iron-Manganese Masses (F12) (LRR O, P, T)  
☐ Umbric Surface (F13) (LRR P, T, U)  
☐ Delta Ochric (F17) (MLRA 151)  
☐ Reduced Vertic (F18) (MLRA 150A, 150B)  
☐ Piedmont Floodplain Soils (F19) (MLRA 149A)  
☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)

Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ 1 cm Muck (A9) (LRR O)  
☐ 2 cm Muck (A10) (LRR S)  
☐ Reduced Vertic (F18) (outside MLRA 150A,B)  
☐ Piedmont Floodplain Soils (F19) (LRR P, S, T)  
☐ Anomalous Bright Loamy Soils (F20) (MLRA 153B)  
☐ Red Parent Material (TF2)  
☐ Very Shallow Dark Surface (TF12)  
☐ Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

## Restrictive Layer (if observed):

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present?

Yes ☒No ☐

## Remarks:

Matches USDA-NCSS Soil Web Network Link Profile Mapping for Wasda muck.

Attachment: 15 JD for Brumsey tract (PB 21-25 Flora Farms)



# WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Brumsey Tract City/County: Moyock / Currituck Sampling Date: March 1, 2019  
 Applicant/Owner: Mary Brumsey 196 Ed Brumsey Road Currituck NC 27929 State: NC Sampling Point: CF-1  
 Investigator(s): R. Bland / USACE RG-W Section, Township, Range: Snowden – Lambs Corner NE  
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): None Slope (%): 0-2 %  
 Subregion (LRR or MLRA): USDA LRR-T Lat: 36.490988 N Long: -76.156546 W Datum: NAD 83  
 Soil Map Unit Name: Mapped as Ca – Cape Fear loam NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐

Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☒ No ☐  
 Hydric Soil Present? Yes ☒ No ☐  
 Hydrology Present? Yes ☐ No ☒

Is the Sampled Area  
within a Wetland?

Yes ☐ No ☒

### Remarks:

All 3 required parameters are NOT satisfied per the Corps of Engineers 1987 Manual and the Atlantic and Gulf Coastal Plain Regional Supplement.

## HYDROLOGY

### Wetland Hydrology Indicators:

#### Primary Indicators (minimum of one is required; check all that apply)

- |                                                                    |                                                                     |
|--------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Surface Water (A1)                        | <input type="checkbox"/> Aquatic Fauna (B13)                        |
| <input type="checkbox"/> High Water Table (A2)                     | <input type="checkbox"/> Marl Deposits (B15) (LRR U)                |
| <input type="checkbox"/> Saturation (A3)                           | <input type="checkbox"/> Hydrogen Sulfide Odor (C1)                 |
| <input type="checkbox"/> Water Marks (B1)                          | <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) |
| <input type="checkbox"/> Sediment Deposits (B2)                    | <input type="checkbox"/> Presence of Reduced Iron (C4)              |
| <input type="checkbox"/> Drift Deposits (B3)                       | <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) |
| <input type="checkbox"/> Algal Mat or Crust (B4)                   | <input type="checkbox"/> Thin Muck Surface (C7)                     |
| <input type="checkbox"/> Iron Deposits (B5)                        | <input type="checkbox"/> Other (Explain in Remarks)                 |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) |                                                                     |
| <input type="checkbox"/> Water-Stained Leaves (B9)                 |                                                                     |

#### Secondary Indicators (minimum of two required)

- ☐ Surface Soil Cracks (B6)  
☐ Sparsely Vegetated Concave Surface (B8)  
☐ Drainage Patterns (B10)  
☐ Moss Trim Lines (B16)  
☐ Dry-Season Water Table (C2)  
☐ Crayfish Burrows (C8)  
☐ Saturation Visible on Aerial Imagery (C9)  
☐ Geomorphic Position (D2)  
☐ Shallow Aquitard (D3)  
☒ FAC-Neutral Test (D5)  
☐ Sphagnum moss (D8) (LRR T, U)

### Field Observations:

Surface Water Present? Yes ☐ No ☒ Depth (inches): \_\_\_\_\_  
 Water Table Present? Yes ☒ No ☐ Depth (inches): >36 inch  
 Saturation Present? Yes ☒ No ☐ Depth (inches): >25 inch  
 (includes capillary fringe)

Wetland Hydrology Present? Yes ☐ No ☒

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: Aerial photography reveals field ditches on both ends of woods area and subdivision bordering other sides.

### Remarks:

Drainage ditches evident throughout the immediate geographic area and some areas on this property are subject to those effects.

Attachment: 15 JD for Brumsey tract (PB 21-25 Flora Farms)

## VEGETATION (Four Strata) – Use scientific names of plants.

Sampling Point: CF-1

Tree Stratum (Plot size: <u>30 ft</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. <i>Pinus taeda</i>	60	<input checked="" type="checkbox"/>	FAC	Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A)
2. <i>Acer rubrum</i>	10	<input type="checkbox"/>	FAC	
3. <i>Liquidambar styraciflua</i>	10	<input type="checkbox"/>	FAC	Total Number of Dominant Species Across All Strata: <u>3</u> (B)
4. <i>Quercus alba</i>	5	<input type="checkbox"/>	FACU	Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
5. _____	_____	<input type="checkbox"/>	_____	
6. _____	_____	<input type="checkbox"/>	_____	Prevalence Index worksheet:
7. _____	_____	<input type="checkbox"/>	_____	
8. _____	_____	<input type="checkbox"/>	_____	<div> <div>Total % Cover of:</div> <div>Multiply by:</div> </div>
85 % = Total Cover 50% of total cover: <u>42.5</u> 20% of total cover: <u>17</u>				OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B)
Sapling/Shrub Stratum (Plot size: <u>30 ft</u> )				Prevalence Index = B/A = _____
1. <i>Ilex opaca</i>	40	<input checked="" type="checkbox"/>	FACW	Hydrophytic Vegetation Indicators:
2. <i>Cornus florida</i>	10	<input type="checkbox"/>	FACU	
3. <i>Ilex coriacea</i>	5	<input type="checkbox"/>	FAC	<input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
4. <i>Phytolacca americana</i>	5	<input type="checkbox"/>	FACU	
5. _____	_____	<input type="checkbox"/>	_____	<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
6. _____	_____	<input type="checkbox"/>	_____	
7. _____	_____	<input type="checkbox"/>	_____	Definitions of Four Vegetation Strata:
8. _____	_____	<input type="checkbox"/>	_____	
60 % = Total Cover 50% of total cover: <u>30</u> 20% of total cover: <u>12</u>				<b>Tree</b> – Woody plants, excluding vines, 3 in. (7.6 cm) or larger in diameter at breast height (DBH), regardless of height. <b>Sapling/Shrub</b> – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft. (1m) tall. <b>Herb</b> – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. <b>Woody vine</b> – All woody vines, greater than 3.28 ft. in height.
Herb Stratum (Plot size: <u>30 ft</u> )				Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1. <i>Arundinaria gigantea</i>	20	<input checked="" type="checkbox"/>	FAC	
2. <i>Euthamia spp</i>	5	<input type="checkbox"/>	FAC	
3. _____	_____	<input type="checkbox"/>	_____	
4. _____	_____	<input type="checkbox"/>	_____	
5. _____	_____	<input type="checkbox"/>	_____	
6. _____	_____	<input type="checkbox"/>	_____	
7. _____	_____	<input type="checkbox"/>	_____	
8. _____	_____	<input type="checkbox"/>	_____	
9. _____	_____	<input type="checkbox"/>	_____	
10. _____	_____	<input type="checkbox"/>	_____	
11. _____	_____	<input type="checkbox"/>	_____	
12. _____	_____	<input type="checkbox"/>	_____	
25 % = Total Cover 50% of total cover: <u>12.5</u> 20% of total cover: <u>5</u>				
Woody Vine Stratum (Plot size: <u>30 ft</u> )				
1. <i>Smilax glauca</i>	5	<input type="checkbox"/>	FAC	
2. <i>Smilax rotundifolia</i>	5	<input type="checkbox"/>	FAC	
3. _____	_____	<input type="checkbox"/>	_____	
4. _____	_____	<input type="checkbox"/>	_____	
5. _____	_____	<input type="checkbox"/>	_____	
10 % = Total Cover 50% of total cover: <u>5</u> 20% of total cover: <u>2</u>				

Remarks: (If observed, list morphological adaptations below).

Majority of project consists of mature timber with little evidence of timber activities. Understory is very clean and sparse.

Attachment: 15 JD for Brumsey tract (PB 21-25 Flora Farms)



## SOIL

Sampling Point: CF-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-15 inch	10 YR 2/1	100					loam	
15-22	10 YR 4/1	90	10 YR 3/2	10	C	M	Clay loam	
22-36+	10 YR 5/1	90	10 YR 3/2	10	C	M	clay	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

## Hydric Soil Indicators:

- ☐ Histosol (A1)  
☐ Histic Epipedon (A2)  
☐ Black Histic (A3)  
☐ Hydrogen Sulfide (A4)  
☐ Stratified Layers (A5)  
☐ Organic Bodies (A6) (LRR P, T, U)  
☐ 5 cm Mucky Mineral (A7) (LRR P, T, U)  
☐ Muck Presence (A8) (LRR U)  
☐ 1 cm Muck (A9) (LRR P, T)  
☐ Depleted Below Dark Surface (A11)  
☒ Thick Dark Surface (A12)  
☐ Coast Prairie Redox (A16) (MLRA 150A)  
☐ Sandy Mucky Mineral (S1) (LRR O, S)  
☐ Sandy Gleyed Matrix (S4)  
☐ Sandy Redox (S5)  
☐ Stripped Matrix (S6)  
☐ Dark Surface (S7) (LRR P, S, T, U)
- ☐ Polyvalue Below Surface (S8) (LRR S, T, U)  
☐ Thin Dark Surface (S9) (LRR S, T, U)  
☐ Loamy Mucky Mineral (F1) (LRR O)  
☐ Loamy Gleyed Matrix (F2)  
☒ Depleted Matrix (F3)  
☐ Redox Dark Surface (F6)  
☐ Depleted Dark Surface (F7)  
☐ Redox Depressions (F8)  
☐ Marl (F10) (LRR U)  
☐ Depleted Ochric (F11) (MLRA 151)  
☐ Iron-Manganese Masses (F12) (LRR O, P, T)  
☐ Umbric Surface (F13) (LRR P, T, U)  
☐ Delta Ochric (F17) (MLRA 151)  
☐ Reduced Vertic (F18) (MLRA 150A, 150B)  
☐ Piedmont Floodplain Soils (F19) (MLRA 149A)  
☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)

Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ 1 cm Muck (A9) (LRR O)  
☐ 2 cm Muck (A10) (LRR S)  
☐ Reduced Vertic (F18) (outside MLRA 150A,B)  
☐ Piedmont Floodplain Soils (F19) (LRR P, S, T)  
☐ Anomalous Bright Loamy Soils (F20) (MLRA 153B)  
☐ Red Parent Material (TF2)  
☐ Very Shallow Dark Surface (TF12)  
☐ Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

## Restrictive Layer (if observed):

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present?

Yes ☒No ☐

## Remarks:

Matches USDA-NCSS Soil Web Network Link Profile Mapping for Cape Fear loam.

Attachment: 15 JD for Brumsey tract (PB 21-25 Flora Farms)

# WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Brumsey Tract City/County: Moyock / Currituck Sampling Date: March 1, 2019  
 Applicant/Owner: Mary Brumsey 196 Ed Brumsey Road Currituck NC 27929 State: NC Sampling Point: WM-2U  
 Investigator(s): R. Bland / USACE LRR-W Section, Township, Range: Snowden – Lambs Corner NE  
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): None Slope (%): 0-2 %  
 Subregion (LRR or MLRA): USDA LRR-T Lat: 36.490988 N Long: -76.156546 W. Datum: NAD 83  
 Soil Map Unit Name: Mapped as Ws – Wasda muck NW1 classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed?

Are "Normal Circumstances" present? Yes ☒ No ☐

Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic?

(If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☒ No ☐  
 Hydric Soil Present? Wetland Yes ☒ No ☐  
 Hydrology Present? Yes ☐ No ☒

Is the Sampled Area  
within a Wetland?

Yes ☐ No ☒

### Remarks:

All 3 required parameters are NOT satisfied per the Corps of Engineers 1987 Manual and the Atlantic and Gulf Coastal Plain Regional Supplement.

## HYDROLOGY

### Wetland Hydrology Indicators:

#### Primary Indicators (minimum of one is required; check all that apply)

- |                                                                    |                                                                     |
|--------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Surface Water (A1)                        | <input type="checkbox"/> Aquatic Fauna (B13)                        |
| <input type="checkbox"/> High Water Table (A2)                     | <input type="checkbox"/> Marl Deposits (B15) (LRR U)                |
| <input type="checkbox"/> Saturation (A3)                           | <input type="checkbox"/> Hydrogen Sulfide Odor (C1)                 |
| <input type="checkbox"/> Water Marks (B1)                          | <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) |
| <input type="checkbox"/> Sediment Deposits (B2)                    | <input type="checkbox"/> Presence of Reduced Iron (C4)              |
| <input type="checkbox"/> Drift Deposits (B3)                       | <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) |
| <input type="checkbox"/> Algal Mat or Crust (B4)                   | <input type="checkbox"/> Thin Muck Surface (C7)                     |
| <input type="checkbox"/> Iron Deposits (B5)                        | <input type="checkbox"/> Other (Explain in Remarks)                 |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) |                                                                     |
| <input type="checkbox"/> Water-Stained Leaves (B9)                 |                                                                     |

#### Secondary Indicators (minimum of two required)

- |                                                                    |
|--------------------------------------------------------------------|
| <input type="checkbox"/> Surface Soil Cracks (B6)                  |
| <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)   |
| <input type="checkbox"/> Drainage Patterns (B10)                   |
| <input type="checkbox"/> Moss Trim Lines (B16)                     |
| <input type="checkbox"/> Dry-Season Water Table (C2)               |
| <input type="checkbox"/> Crayfish Burrows (C8)                     |
| <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) |
| <input type="checkbox"/> Geomorphic Position (D2)                  |
| <input type="checkbox"/> Shallow Aquitard (D3)                     |
| <input checked="" type="checkbox"/> FAC-Neutral Test (D5)          |
| <input type="checkbox"/> Sphagnum moss (D8) (LRR T, U)             |

### Field Observations:

Surface Water Present? Yes ☐ No ☒ Depth (inches): \_\_\_\_\_  
 Water Table Present? Yes ☒ No ☐ Depth (inches): >20 inch  
 Saturation Present? Yes ☒ No ☐ Depth (inches): >16 inch  
 (includes capillary fringe)

Wetland Hydrology Present? Yes ☐ No ☒

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: Aerial photography reveals field ditches on both ends of woods area and subdivision bordering other sides.

### Remarks:

Drainage ditches evident throughout the immediate geographic area and some areas on this property are subject to those effects.

Attachment: 15 JD for Brumsey tract (PB 21-25 Flora Farms)

## VEGETATION (Four Strata) – Use scientific names of plants.

Sampling Point: WM-2U

Tree Stratum (Plot size: 30 ft)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. Pinus taeda	60	<input checked="" type="checkbox"/>	FAC	Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
2. Acer rubrum	10	<input type="checkbox"/>	FAC	
3. Liquidambar styraciflua	10	<input type="checkbox"/>	FAC	
4. Quercus alba	5	<input type="checkbox"/>	FACU	
5.		<input type="checkbox"/>		<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
6.		<input type="checkbox"/>		
7.		<input type="checkbox"/>		
8.		<input type="checkbox"/>		
85 % = Total Cover 50% of total cover: <u>42.5</u> 20% of total cover: <u>17</u>				<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
<b>Sapling/Shrub Stratum (Plot size: 30 ft)</b>				<b>Definitions of Four Vegetation Strata:</b> <b>Tree</b> – Woody plants, excluding vines, 3 in. (7.6 cm) or larger in diameter at breast height (DBH), regardless of height. <b>Sapling/Shrub</b> – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft. (1m) tall. <b>Herb</b> – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. <b>Woody vine</b> – All woody vines, greater than 3.28 ft. in height.
1. Ilex opaca	40	<input checked="" type="checkbox"/>	FACW	
2. Cornus florida	10	<input type="checkbox"/>	FACU	
3. Ilex coriacea	5	<input type="checkbox"/>	FAC	
4. Phytolacca americana	5	<input type="checkbox"/>	FACU	<b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
5.		<input type="checkbox"/>		
6.		<input type="checkbox"/>		
7.		<input type="checkbox"/>		
8.		<input type="checkbox"/>		
60 % = Total Cover 50% of total cover: <u>30</u> 20% of total cover: <u>12</u>				
<b>Herb Stratum (Plot size: 30 ft)</b>				
1. Arundinaria gigantea	20	<input checked="" type="checkbox"/>	FAC	
2. Euthamia spp	5	<input type="checkbox"/>	FAC	
3.		<input type="checkbox"/>		
4.		<input type="checkbox"/>		
5.		<input type="checkbox"/>		
6.		<input type="checkbox"/>		
7.		<input type="checkbox"/>		
8.		<input type="checkbox"/>		
9.		<input type="checkbox"/>		
10.		<input type="checkbox"/>		
11.		<input type="checkbox"/>		
12.		<input type="checkbox"/>		
25 % = Total Cover 50% of total cover: <u>12.5</u> 20% of total cover: <u>5</u>				
<b>Woody Vine Stratum (Plot size: 30 ft)</b>				
1. Smilax glauca	5	<input type="checkbox"/>	FAC	
2. Smilax rotundifolia	5	<input type="checkbox"/>	FAC	
3.		<input type="checkbox"/>		
4.		<input type="checkbox"/>		
5.		<input type="checkbox"/>		
10 % = Total Cover 50% of total cover: <u>5</u> 20% of total cover: <u>2</u>				
<b>Remarks: (If observed, list morphological adaptations below).</b> Majority of project consists of mature timber with little evidence of timber activities. Understory is very clean and sparse.				

Attachment: 15 JD for Brumsey tract (PB 21-25 Flora Farms)



## SOIL

Sampling Point: WM-2U

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-6 inch	10 YR 2/1	100					muck	
6-14 inch	5 YR 2/2	100						
14-20 inch	10 YR 4/2	100					loam	
20-35 inch	10 YR 5/2	90	10 YR 4/1	10	C	M		mottles

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

## Hydric Soil Indicators:

- ☐ Histosol (A1)  
☐ Histic Epipedon (A2)  
☐ Black Histic (A3)  
☐ Hydrogen Sulfide (A4)  
☐ Stratified Layers (A5)  
☐ Organic Bodies (A6) (LRR P, T, U)  
☐ 5 cm Mucky Mineral (A7) (LRR P, T, U)  
☒ Muck Presence (A8) (LRR U)  
☐ 1 cm Muck (A9) (LRR P, T)  
☐ Depleted Below Dark Surface (A11)  
☒ Thick Dark Surface (A12)  
☐ Coast Prairie Redox (A16) (MLRA 150A)  
☐ Sandy Mucky Mineral (S1) (LRR O, S)  
☐ Sandy Gleyed Matrix (S4)  
☐ Sandy Redox (S5)  
☐ Stripped Matrix (S6)  
☐ Dark Surface (S7) (LRR P, S, T, U)
- ☐ Polyvalue Below Surface (S8) (LRR S, T, U)  
☐ Thin Dark Surface (S9) (LRR S, T, U)  
☐ Loamy Mucky Mineral (F1) (LRR O)  
☐ Loamy Gleyed Matrix (F2)  
☒ Depleted Matrix (F3)  
☐ Redox Dark Surface (F6)  
☐ Depleted Dark Surface (F7)  
☐ Redox Depressions (F8)  
☐ Marl (F10) (LRR U)  
☐ Depleted Ochric (F11) (MLRA 151)  
☐ Iron-Manganese Masses (F12) (LRR O, P, T)  
☐ Umbric Surface (F13) (LRR P, T, U)  
☐ Delta Ochric (F17) (MLRA 151)  
☐ Reduced Vertic (F18) (MLRA 150A, 150B)  
☐ Piedmont Floodplain Soils (F19) (MLRA 149A)  
☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)

Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ 1 cm Muck (A9) (LRR O)  
☐ 2 cm Muck (A10) (LRR S)  
☐ Reduced Vertic (F18) (outside MLRA 150A,B)  
☐ Piedmont Floodplain Soils (F19) (LRR P, S, T)  
☐ Anomalous Bright Loamy Soils (F20) (MLRA 153B)  
☐ Red Parent Material (TF2)  
☐ Very Shallow Dark Surface (TF12)  
☐ Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

## Restrictive Layer (if observed):

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present?

Yes ☒No ☐

## Remarks:

Matches USDA-NCSS Soil Web Network Link Profile Mapping for Wasda muck.

Attachment: 15 JD for Brumsey tract (PB 21-25 Flora Farms)

# U.S. ARMY CORPS OF ENGINEERS WILMINGTON DISTRICT

Action Id. SAW-2019-00618 County: Currituck U.S.G.S. Quad: Lambs Corner NE

## NOTIFICATION OF JURISDICTIONAL DETERMINATION

**Property Owner/Applicant:** John J. Flora III  
**Address:** Post Office Box 369  
 Moyock, North Carolina 27958  
**Telephone Number:** 252-232-3005

Size (acres) 108.9 acres  
 Nearest Waterway Roland Creek  
 USGS HUC 03010205

Nearest Town Snowden  
 River Basin Albemarle-Chowan  
 Coordinates Latitude: 36.489537 N  
 Longitude: -76.154810 W

**Location description:** Property is an approximate 108.9-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 48-acre wooded area immediately adjacent to the existing agricultural fields on the property. Currituck County Parcel No. 8031-71-1141. Deed Book 1230. Page 402.

### Indicate Which of the Following Apply:

#### A. Preliminary Determination

- AMB X** 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-2019-00618 FloraCorps Regulatory Official: Robert W. Bland, P.W.S.Date: March 8, 2019Expiration 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](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0).

Copy Furnished: CESAW/RG-W/Bland

Attachment: 16 JD for Flora tract (PB 21-25 Flora Farms)



SAW-2019-00618 Flora

**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 5<sup>th</sup> 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:
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**For appeals on Initial Proffered Permits send this form to:**

**District Engineer, Wilmington Regulatory Division, Raleigh W. Bland, PWS, 2407 West 5<sup>th</sup> 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**

Attachment: 16 JD for Flora tract (PB 21-25 Flora Farms)

## WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Flora Tract City/County: Moyock / Currituck Sampling Date: March 1, 2019  
 Applicant/Owner: John J. Flora POB 369 Moyock NC 27958 State: NC Sampling Point: WM-1  
 Investigator(s): R. Bland / USACE RG-W Section, Township, Range: Snowden – Lambs Corner NE  
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): None Slope (%): 0-2 %  
 Subregion (LRR or MLRA): USDA LRR-T Lat: 36.489537 N Long: -76.154810 W Datum: NAD 83  
 Soil Map Unit Name: Mapped as Ws – Wasda muck NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐

Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Hydric Soil Present? Wetland	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Hydrology Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Remarks: All 3 required parameters are satisfied per the Corps of Engineers 1987 Manual and the Atlantic and Gulf Coastal Plain Regional Supplement.			

## HYDROLOGY

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one is required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Aquatic Fauna (B13) <input checked="" type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Marl Deposits (B15) (LRR U) <input checked="" type="checkbox"/> Saturation (A3) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input checked="" type="checkbox"/> Water-Stained Leaves (B9)		<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input checked="" type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Sphagnum moss (D8) (LRR T, U)	
<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>&lt; 14 inch</u> Saturation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>&lt; 8 inch</u> (includes capillary fringe)		<b>Wetland Hydrology Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: Aerial photography reveals field ditches on both ends of woods area and subdivision bordering other sides.			
Remarks: Drainage ditches evident throughout the immediate geographic area.			

Attachment: 16 JD for Flora tract (PB 21-25 Flora Farms)

## VEGETATION (Four Strata) – Use scientific names of plants.

Sampling Point: WM-1

Tree Stratum (Plot size: 30 ft)	Absolute % Cover	Dominant Species?	Indicator Status
1. Pinus taeda	60	<input checked="" type="checkbox"/>	FAC
2. Acer rubrum	10	<input type="checkbox"/>	FAC
3. Liquidambar styraciflua	10	<input type="checkbox"/>	FAC
4. Quercus alba	5	<input type="checkbox"/>	FACU
5.		<input type="checkbox"/>	
6.		<input type="checkbox"/>	
7.		<input type="checkbox"/>	
8.		<input type="checkbox"/>	

85 % = Total Cover  
50% of total cover: 42.5 20% of total cover: 17

Sapling/Shrub Stratum (Plot size: 30 ft)	Absolute % Cover	Dominant Species?	Indicator Status
1. Ilex opaca	40	<input checked="" type="checkbox"/>	FACW
2. Cornus florida	10	<input type="checkbox"/>	FACU
3. Ilex coriacea	5	<input type="checkbox"/>	FAC
4. Phytolacca americana	5	<input type="checkbox"/>	FACU
5.		<input type="checkbox"/>	
6.		<input type="checkbox"/>	
7.		<input type="checkbox"/>	
8.		<input type="checkbox"/>	

60 % = Total Cover  
50% of total cover: 30 20% of total cover: 12

Herb Stratum (Plot size: 30 ft)	Absolute % Cover	Dominant Species?	Indicator Status
1. Arundinaria gigantea	20	<input checked="" type="checkbox"/>	FAC
2. Euthamia spp	5	<input type="checkbox"/>	FAC
3.		<input type="checkbox"/>	
4.		<input type="checkbox"/>	
5.		<input type="checkbox"/>	
6.		<input type="checkbox"/>	
7.		<input type="checkbox"/>	
8.		<input type="checkbox"/>	
9.		<input type="checkbox"/>	
10.		<input type="checkbox"/>	
11.		<input type="checkbox"/>	
12.		<input type="checkbox"/>	

25 % = Total Cover  
50% of total cover: 12.5 20% of total cover: 5

Woody Vine Stratum (Plot size: 30 ft)	Absolute % Cover	Dominant Species?	Indicator Status
1. Smilax glauca	5	<input type="checkbox"/>	FAC
2. Smilax rotundifolia	5	<input type="checkbox"/>	FAC
3.		<input type="checkbox"/>	
4.		<input type="checkbox"/>	
5.		<input type="checkbox"/>	

10 % = Total Cover  
50% of total cover: 5 20% of total cover: 2

## Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

## Prevalence Index worksheet:

Total % Cover of: Multiply by:

OBL species x 1 =

FACW species x 2 =

FAC species x 3 =

FACU species x 4 =

UPL species x 5 =

Column Totals: (A) (B)

Prevalence Index = B/A =

## Hydrophytic Vegetation Indicators:

- ☐ 1 - Rapid Test for Hydrophytic Vegetation
- ☒ 2 - Dominance Test is >50%
- ☐ 3 - Prevalence Index is ≤3.0<sup>1</sup>
- ☐ Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

## Definitions of Four Vegetation Strata:

**Tree** – Woody plants, excluding vines, 3 in. (7.6 cm) or larger in diameter at breast height (DBH), regardless of height.

**Sapling/Shrub** – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft. (1m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vine** – All woody vines, greater than 3.28 ft. in height.

Hydrophytic Vegetation Present?

Yes ☒ No ☐

Remarks: (If observed, list morphological adaptations below).

Majority of project consists of mature timber with little evidence of timber activities.

Attachment: 16 JD for Flora tract (PB 21-25 Flora Farms)



## SOIL

Sampling Point: WM-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-6 inch	10 YR 2/1	100					muck	
6-14 inch	5 YR 2/2	100						
14-20 inch	10 YR 4/2	100					loam	
20-35 inch	10 YR 5/2	90	10 YR 4/1	10	C	M		mottles

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

## Hydric Soil Indicators:

- ☐ Histosol (A1)  
☐ Histic Epipedon (A2)  
☐ Black Histic (A3)  
☐ Hydrogen Sulfide (A4)  
☐ Stratified Layers (A5)  
☐ Organic Bodies (A6) (LRR P, T, U)  
☐ 5 cm Mucky Mineral (A7) (LRR P, T, U)  
☒ Muck Presence (A8) (LRR U)  
☐ 1 cm Muck (A9) (LRR P, T)  
☐ Depleted Below Dark Surface (A11)  
☒ Thick Dark Surface (A12)  
☐ Coast Prairie Redox (A16) (MLRA 150A)  
☐ Sandy Mucky Mineral (S1) (LRR O, S)  
☐ Sandy Gleyed Matrix (S4)  
☐ Sandy Redox (S5)  
☐ Stripped Matrix (S6)  
☐ Dark Surface (S7) (LRR P, S, T, U)

- ☐ Polyvalue Below Surface (S8) (LRR S, T, U)  
☐ Thin Dark Surface (S9) (LRR S, T, U)  
☐ Loamy Mucky Mineral (F1) (LRR O)  
☐ Loamy Gleyed Matrix (F2)  
☒ Depleted Matrix (F3)  
☐ Redox Dark Surface (F6)  
☐ Depleted Dark Surface (F7)  
☐ Redox Depressions (F8)  
☐ Marl (F10) (LRR U)  
☐ Depleted Ochric (F11) (MLRA 151)  
☐ Iron-Manganese Masses (F12) (LRR O, P, T)  
☐ Umbic Surface (F13) (LRR P, T, U)  
☐ Delta Ochric (F17) (MLRA 151)  
☐ Reduced Vertic (F18) (MLRA 150A, 150B)  
☐ Piedmont Floodplain Soils (F19) (MLRA 149A)  
☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)

Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ 1 cm Muck (A9) (LRR O)  
☐ 2 cm Muck (A10) (LRR S)  
☐ Reduced Vertic (F18) (outside MLRA 150A,B)  
☐ Piedmont Floodplain Soils (F19) (LRR P, S, T)  
☐ Anomalous Bright Loamy Soils (F20) (MLRA 153B)  
☐ Red Parent Material (TF2)  
☐ Very Shallow Dark Surface (TF12)  
☐ Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

## Restrictive Layer (if observed):

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present?

Yes ☒No ☐

## Remarks:

Matches USDA-NCSS Soil Web Network Link Profile Mapping for Wasda muck.

Attachment: 16 JD for Flora tract (PB 21-25 Flora Farms)

## WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Flora Tract City/County: Moyock / Currituck Sampling Date: March 1, 2019  
 Applicant/Owner: John J. Flora POB 369 Moyock NC 27958 State: NC Sampling Point: WM-2U  
 Investigator(s): R. Bland / USACE RG-W Section, Township, Range: Snowden – Lambs Corner NE  
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): None Slope (%): 0-2 %  
 Subregion (LRR or MLRA): USDA LRR-T Lat: 36.489537 N Long: -76.154810 W Datum: NAD 83  
 Soil Map Unit Name: Mapped as Ws – Wasda muck NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐

Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present? Wetland	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Hydrology Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Remarks: All 3 required parameters are NOT satisfied per the Corps of Engineers 1987 Manual and the Atlantic and Gulf Coastal Plain Regional Supplement.		

## HYDROLOGY

<b>Wetland Hydrology Indicators:</b> <b>Primary Indicators (minimum of one is required; check all that apply)</b> <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Marl Deposits (B15) (LRR U) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Water-Stained Leaves (B9)		<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input checked="" type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Sphagnum moss (D8) (LRR T, U)
<b>Field Observations:</b> Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>&gt;20 inch</u> Saturation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>&gt;16 inch</u> (includes capillary fringe)		Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: Aerial photography reveals field ditches on both ends of woods area and subdivision bordering other sides.		
Remarks:  Drainage ditches evident throughout the immediate geographic area and some areas on this property are subject to those effects.		

## VEGETATION (Four Strata) – Use scientific names of plants.

Sampling Point: WM-2U

Tree Stratum (Plot size: 30 ft)	Absolute % Cover	Dominant Species?	Indicator Status
1. Pinus taeda	60	<input checked="" type="checkbox"/>	FAC
2. Acer rubrum	10	<input type="checkbox"/>	FAC
3. Liquidambar styraciflua	10	<input type="checkbox"/>	FAC
4. Quercus alba	5	<input type="checkbox"/>	FACU
5. _____	_____	<input type="checkbox"/>	_____
6. _____	_____	<input type="checkbox"/>	_____
7. _____	_____	<input type="checkbox"/>	_____
8. _____	_____	<input type="checkbox"/>	_____

85 % = Total Cover  
50% of total cover: 42.5 20% of total cover: 17

Sapling/Shrub Stratum (Plot size: 30 ft)	Absolute % Cover	Dominant Species?	Indicator Status
1. Ilex opaca	40	<input checked="" type="checkbox"/>	FACW
2. Cornus florida	10	<input type="checkbox"/>	FACU
3. Ilex coriacea	5	<input type="checkbox"/>	FAC
4. Phytolacca americana	5	<input type="checkbox"/>	FACU
5. _____	_____	<input type="checkbox"/>	_____
6. _____	_____	<input type="checkbox"/>	_____
7. _____	_____	<input type="checkbox"/>	_____
8. _____	_____	<input type="checkbox"/>	_____

60 % = Total Cover  
50% of total cover: 30 20% of total cover: 12

Herb Stratum (Plot size: 30 ft)	Absolute % Cover	Dominant Species?	Indicator Status
1. Arundinaria gigantea	20	<input checked="" type="checkbox"/>	FAC
2. Euthamia spp	5	<input type="checkbox"/>	FAC
3. _____	_____	<input type="checkbox"/>	_____
4. _____	_____	<input type="checkbox"/>	_____
5. _____	_____	<input type="checkbox"/>	_____
6. _____	_____	<input type="checkbox"/>	_____
7. _____	_____	<input type="checkbox"/>	_____
8. _____	_____	<input type="checkbox"/>	_____
9. _____	_____	<input type="checkbox"/>	_____
10. _____	_____	<input type="checkbox"/>	_____
11. _____	_____	<input type="checkbox"/>	_____
12. _____	_____	<input type="checkbox"/>	_____

25 % = Total Cover  
50% of total cover: 12.5 20% of total cover: 5

Woody Vine Stratum (Plot size: 30 ft)	Absolute % Cover	Dominant Species?	Indicator Status
1. Smilax glauca	5	<input type="checkbox"/>	FAC
2. Smilax rotundifolia	5	<input type="checkbox"/>	FAC
3. _____	_____	<input type="checkbox"/>	_____
4. _____	_____	<input type="checkbox"/>	_____
5. _____	_____	<input type="checkbox"/>	_____

10 % = Total Cover  
50% of total cover: 5 20% of total cover: 2

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

**Prevalence Index worksheet:**

Total % Cover of: Multiply by:

OBL species x 1 = \_\_\_\_\_

FACW species x 2 = \_\_\_\_\_

FAC species x 3 = \_\_\_\_\_

FACU species x 4 = \_\_\_\_\_

UPL species x 5 = \_\_\_\_\_

Column Totals: (A) (B)

Prevalence Index = B/A = \_\_\_\_\_

**Hydrophytic Vegetation Indicators:**

☐ 1 - Rapid Test for Hydrophytic Vegetation

☒ 2 - Dominance Test is >50%

☐ 3 - Prevalence Index is ≤3.0<sup>1</sup>

☐ Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Four Vegetation Strata:**

**Tree** – Woody plants, excluding vines, 3 in. (7.6 cm) or larger in diameter at breast height (DBH), regardless of height.

**Sapling/Shrub** – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft. (1m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft. tall.

**Woody vine** – All woody vines, greater than 3.28 ft. in height.

**Hydrophytic Vegetation Present?** Yes ☒ No ☐

Remarks: (If observed, list morphological adaptations below).

Majority of project consists of mature timber with little evidence of timber activities. Understory is very clean and sparse.

Attachment: 16 JD for Flora tract (PB 21-25 Flora Farms)



## SOIL

Sampling Point: WM-2U

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-6 inch	10 YR 2/1	100					muck	
6-14 inch	5 YR 2/2	100						
14-20 inch	10 YR 4/2	100					loam	
20-35 inch	10 YR 5/2	90	10 YR 4/1	10	C	M		mottles

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

## Hydric Soil Indicators:

- ☐ Histosol (A1)  
☐ Histic Epipedon (A2)  
☐ Black Histic (A3)  
☐ Hydrogen Sulfide (A4)  
☐ Stratified Layers (A5)  
☐ Organic Bodies (A6) (LRR P, T, U)  
☐ 5 cm Mucky Mineral (A7) (LRR P, T, U)  
☒ Muck Presence (A8) (LRR U)  
☐ 1 cm Muck (A9) (LRR P, T)  
☐ Depleted Below Dark Surface (A11)  
☒ Thick Dark Surface (A12)  
☐ Coast Prairie Redox (A16) (MLRA 150A)  
☐ Sandy Mucky Mineral (S1) (LRR O, S)  
☐ Sandy Gleyed Matrix (S4)  
☐ Sandy Redox (S5)  
☐ Stripped Matrix (S6)  
☐ Dark Surface (S7) (LRR P, S, T, U)
- ☐ Polyvalue Below Surface (S8) (LRR S, T, U)  
☐ Thin Dark Surface (S9) (LRR S, T, U)  
☐ Loamy Mucky Mineral (F1) (LRR O)  
☐ Loamy Gleyed Matrix (F2)  
☒ Depleted Matrix (F3)  
☐ Redox Dark Surface (F6)  
☐ Depleted Dark Surface (F7)  
☐ Redox Depressions (F8)  
☐ Marl (F10) (LRR U)  
☐ Depleted Ochric (F11) (MLRA 151)  
☐ Iron-Manganese Masses (F12) (LRR O, P, T)  
☐ Umbric Surface (F13) (LRR P, T, U)  
☐ Delta Ochric (F17) (MLRA 151)  
☐ Reduced Vertic (F18) (MLRA 150A, 150B)  
☐ Piedmont Floodplain Soils (F19) (MLRA 149A)  
☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)

Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ 1 cm Muck (A9) (LRR O)  
☐ 2 cm Muck (A10) (LRR S)  
☐ Reduced Vertic (F18) (outside MLRA 150A,B)  
☐ Piedmont Floodplain Soils (F19) (LRR P, S, T)  
☐ Anomalous Bright Loamy Soils (F20) (MLRA 153B)  
☐ Red Parent Material (TF2)  
☐ Very Shallow Dark Surface (TF12)  
☐ Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

## Restrictive Layer (if observed):

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present?

Yes ☒ No ☐

## Remarks:

Matches USDA-NCSS Soil Web Network Link Profile Mapping for Wasda muck.

Attachment: 16 JD for Flora tract (PB 21-25 Flora Farms)

## WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Flora Tract City/County: Moyock / Currituck Sampling Date: March 1, 2019  
 Applicant/Owner: John J. Flora POB 369 Moyock NC 27958 State: NC Sampling Point: CF-1  
 Investigator(s): R. Bland / USACE RG-W Section, Township, Range: Snowden – Lambs Corner NE  
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): None Slope (%): 0-2 %  
 Subregion (LRR or MLRA): USDA LRR-T Lat: 36.489537 N Long: -76.154810 W Datum: NAD 83  
 Soil Map Unit Name: Mapped as Ca – Cape Fear loam NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐

Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Hydrology Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Remarks: All 3 required parameters are NOT satisfied per the Corps of Engineers 1987 Manual and the Atlantic and Gulf Coastal Plain Regional Supplement.			

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b>		<b>Secondary Indicators (minimum of two required)</b>	
<b>Primary Indicators (minimum of one is required; check all that apply)</b>			
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Surface Soil Cracks (B6)	
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Marl Deposits (B15) (LRR U)	<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Drainage Patterns (B10)	
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Moss Trim Lines (B16)	
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Crayfish Burrows (C8)	
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Geomorphic Position (D2)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		<input type="checkbox"/> Shallow Aquitard (D3)	
<input type="checkbox"/> Water-Stained Leaves (B9)		<input checked="" type="checkbox"/> FAC-Neutral Test (D5)	
		<input type="checkbox"/> Sphagnum moss (D8) (LRR T, U)	
<b>Field Observations:</b>		<b>Wetland Hydrology Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Depth (inches): _____		
Water Table Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Depth (inches): <u>&gt;36 inch</u>		
Saturation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Depth (inches): <u>&gt;25 inch</u>		
(includes capillary fringe)			
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: Aerial photography reveals field ditches on both ends of woods area and subdivision bordering other sides.			
Remarks: Drainage ditches evident throughout the immediate geographic area and some areas on this property are subject to those effects.			

## VEGETATION (Four Strata) – Use scientific names of plants.

Sampling Point: CF-1

Tree Stratum (Plot size: 30 ft)	Absolute % Cover	Dominant Species?	Indicator Status
1. Pinus taeda	60	<input checked="" type="checkbox"/>	FAC
2. Acer rubrum	10	<input type="checkbox"/>	FAC
3. Liquidambar styraciflua	10	<input type="checkbox"/>	FAC
4. Quercus alba	5	<input type="checkbox"/>	FACU
5. _____	_____	<input type="checkbox"/>	_____
6. _____	_____	<input type="checkbox"/>	_____
7. _____	_____	<input type="checkbox"/>	_____
8. _____	_____	<input type="checkbox"/>	_____

85 % = Total Cover  
50% of total cover: 42.5 20% of total cover: 17

Sapling/Shrub Stratum (Plot size: 30 ft)	Absolute % Cover	Dominant Species?	Indicator Status
1. Ilex opaca	40	<input checked="" type="checkbox"/>	FACW
2. Cornus florida	10	<input type="checkbox"/>	FACU
3. Ilex coriacea	5	<input type="checkbox"/>	FAC
4. Phytolacca americana	5	<input type="checkbox"/>	FACU
5. _____	_____	<input type="checkbox"/>	_____
6. _____	_____	<input type="checkbox"/>	_____
7. _____	_____	<input type="checkbox"/>	_____
8. _____	_____	<input type="checkbox"/>	_____

60 % = Total Cover  
50% of total cover: 30 20% of total cover: 12

Herb Stratum (Plot size: 30 ft)	Absolute % Cover	Dominant Species?	Indicator Status
1. Arundinaria gigantea	20	<input checked="" type="checkbox"/>	FAC
2. Euthamia spp	5	<input type="checkbox"/>	FAC
3. _____	_____	<input type="checkbox"/>	_____
4. _____	_____	<input type="checkbox"/>	_____
5. _____	_____	<input type="checkbox"/>	_____
6. _____	_____	<input type="checkbox"/>	_____
7. _____	_____	<input type="checkbox"/>	_____
8. _____	_____	<input type="checkbox"/>	_____
9. _____	_____	<input type="checkbox"/>	_____
10. _____	_____	<input type="checkbox"/>	_____
11. _____	_____	<input type="checkbox"/>	_____
12. _____	_____	<input type="checkbox"/>	_____

25 % = Total Cover  
50% of total cover: 12.5 20% of total cover: 5

Woody Vine Stratum (Plot size: 30 ft)	Absolute % Cover	Dominant Species?	Indicator Status
1. Smilax glauca	5	<input type="checkbox"/>	FAC
2. Smilax rotundifolia	5	<input type="checkbox"/>	FAC
3. _____	_____	<input type="checkbox"/>	_____
4. _____	_____	<input type="checkbox"/>	_____
5. _____	_____	<input type="checkbox"/>	_____

10 % = Total Cover  
50% of total cover: 5 20% of total cover: 2

## Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

## Prevalence Index worksheet:

Total % Cover of: Multiply by:

OBL species \_\_\_\_\_ x 1 = \_\_\_\_\_

FACW species \_\_\_\_\_ x 2 = \_\_\_\_\_

FAC species \_\_\_\_\_ x 3 = \_\_\_\_\_

FACU species \_\_\_\_\_ x 4 = \_\_\_\_\_

UPL species \_\_\_\_\_ x 5 = \_\_\_\_\_

Column Totals: \_\_\_\_\_ (A) \_\_\_\_\_ (B)

Prevalence Index = B/A =

## Hydrophytic Vegetation Indicators:

- ☐ 1 - Rapid Test for Hydrophytic Vegetation
- ☒ 2 - Dominance Test is >50%
- ☐ 3 - Prevalence Index is ≤3.0<sup>1</sup>
- ☐ Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

## Definitions of Four Vegetation Strata:

**Tree** – Woody plants, excluding vines, 3 in. (7.6 cm) or larger in diameter at breast height (DBH), regardless of height.

**Sapling/Shrub** – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft. (1m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vine** – All woody vines, greater than 3.28 ft. in height.

Hydrophytic Vegetation Present?

Yes ☒ No ☐

Remarks: (If observed, list morphological adaptations below).

Majority of project consists of mature timber with little evidence of timber activities. Understory is very clean and sparse.



## SOIL

Sampling Point: CF-1

Profile Description: (Describe to the depth needed to document the Indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-15 Inch	10 YR 2/1	100					loam	
15-22	10 YR 4/1	90	10 YR 3/2	10	C	M	Clay loam	
22-36+	10 YR 5/1	90	10 YR 3/2	10	C	M	clay	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

## Hydric Soil Indicators:

- ☐ Histosol (A1)  
☐ Histic Epipedon (A2)  
☐ Black Histic (A3)  
☐ Hydrogen Sulfide (A4)  
☐ Stratified Layers (A5)  
☐ Organic Bodies (A6) (LRR P, T, U)  
☐ 5 cm Mucky Mineral (A7) (LRR P, T, U)  
☐ Muck Presence (A8) (LRR U)  
☐ 1 cm Muck (A9) (LRR P, T)  
☐ Depleted Below Dark Surface (A11)  
☒ Thick Dark Surface (A12)  
☐ Coast Prairie Redox (A16) (MLRA 150A)  
☐ Sandy Mucky Mineral (S1) (LRR O, S)  
☐ Sandy Gleyed Matrix (S4)  
☐ Sandy Redox (S5)  
☐ Stripped Matrix (S6)  
☐ Dark Surface (S7) (LRR P, S, T, U)
- ☐ Polyvalue Below Surface (S8) (LRR S, T, U)  
☐ Thin Dark Surface (S9) (LRR S, T, U)  
☐ Loamy Mucky Mineral (F1) (LRR O)  
☐ Loamy Gleyed Matrix (F2)  
☒ Depleted Matrix (F3)  
☐ Redox Dark Surface (F6)  
☐ Depleted Dark Surface (F7)  
☐ Redox Depressions (F8)  
☐ Marl (F10) (LRR U)  
☐ Depleted Ochric (F11) (MLRA 151)  
☐ Iron-Manganese Masses (F12) (LRR O, P, T)  
☐ Umbric Surface (F13) (LRR P, T, U)  
☐ Delta Ochric (F17) (MLRA 151)  
☐ Reduced Vertic (F18) (MLRA 150A, 150B)  
☐ Piedmont Floodplain Soils (F19) (MLRA 149A)  
☐ Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)

Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ 1 cm Muck (A9) (LRR O)  
☐ 2 cm Muck (A10) (LRR S)  
☐ Reduced Vertic (F18) (outside MLRA 150A,B)  
☐ Piedmont Floodplain Soils (F19) (LRR P, S, T)  
☐ Anomalous Bright Loamy Soils (F20) (MLRA 153B)  
☐ Red Parent Material (TF2)  
☐ Very Shallow Dark Surface (TF12)  
☐ Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

## Restrictive Layer (if observed):

Type: \_\_\_\_\_

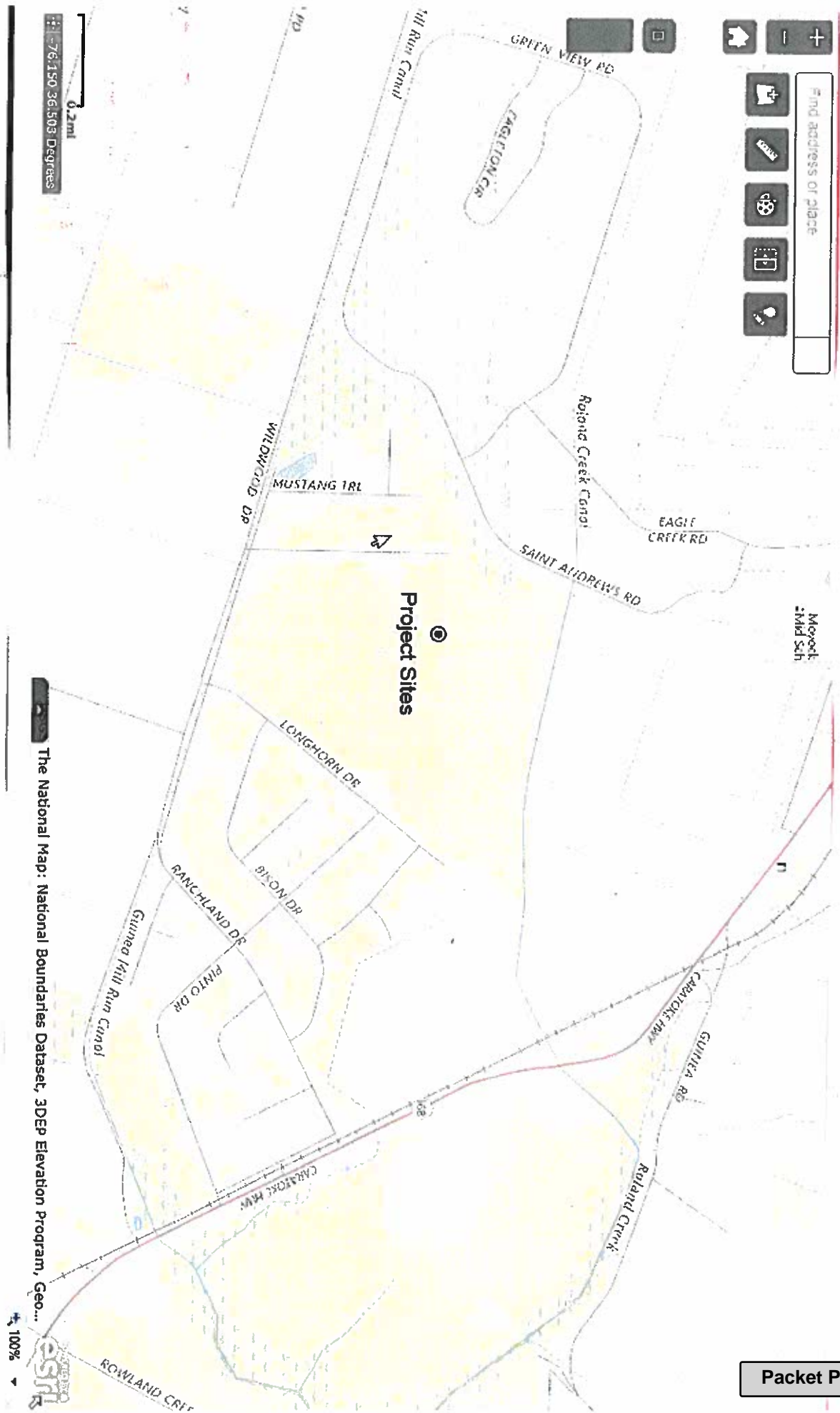
Depth (inches): \_\_\_\_\_

Hydric Soil Present?

Yes ☒ No ☐

## Remarks:

Matches USDA-NCSS Soil Web Network Link Profile Mapping for Cape Fear loam.







SSURGO | nc139, nc029, nc053 | 0.29 seconds | 0.69 cache ratio | BBOX:(-76.1688, 36.4776) (-76.1343, 36.5018) | 2059 acres

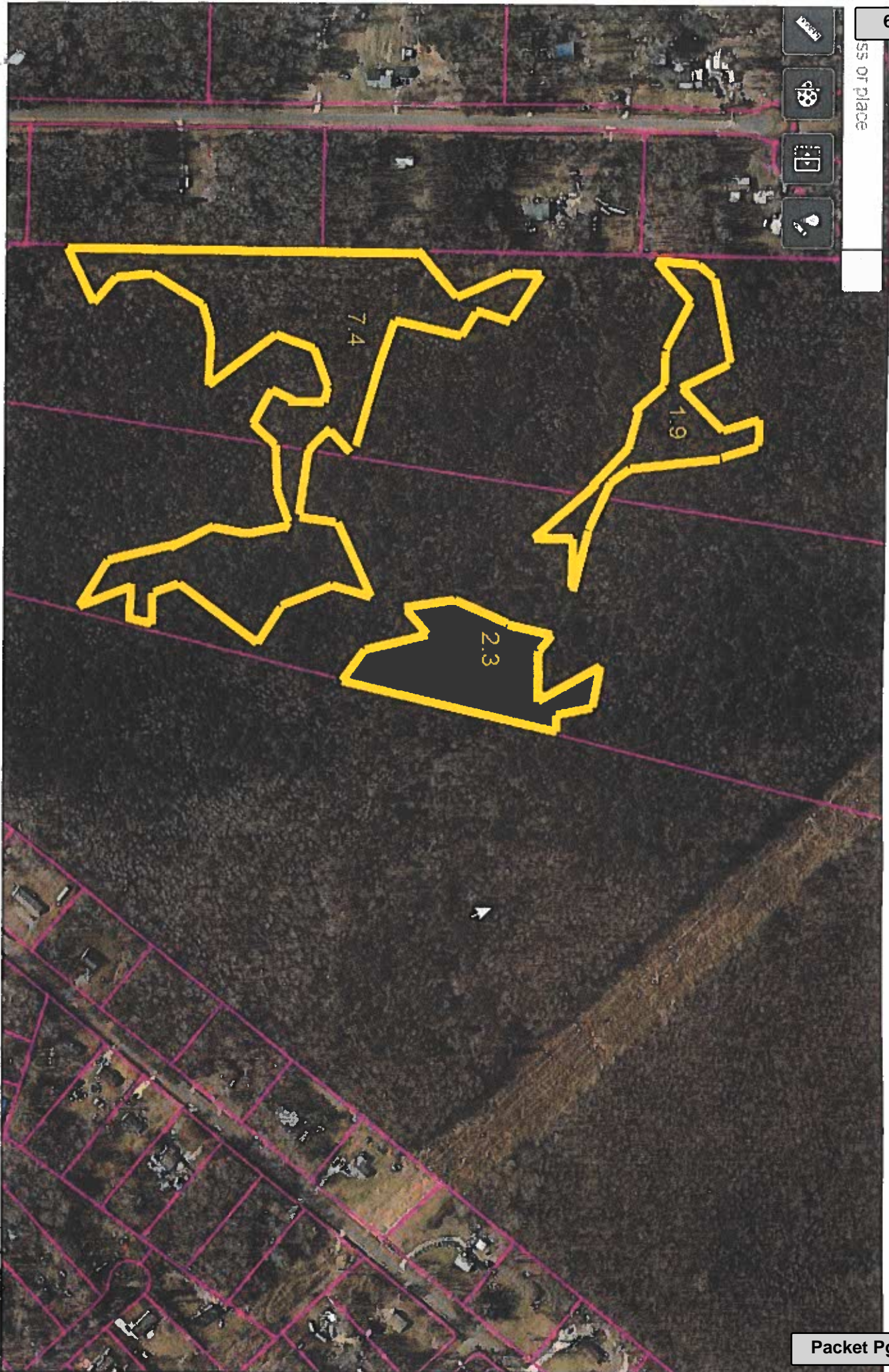


Attachment: 16 JD for Flora tract (PB 21-25 Flora Farms)





SS of place



Attachment: 16 JD for Flora tract (PB 21-25 Flora Farms)

## ADEQUATE PUBLIC FACILITIES ORDINANCE HISTORY

- **August 1994** – Anne Mackin, then Moyock Elementary School principal, sent a memo (see attached memo dated August 29, 1994) to Ronnie Capps, Currituck County School Superintendent, stating that with increased enrollment “Facilities, programs, and equipment need to be added and supported yearly to provide sufficient services for our student population. She noted the addition of mobile classrooms and the student crowding in restrooms, cafeteria, and library. She also noted that ‘all support services (counseling, special education, chapter 1) needed special attention to accommodate student numbers.’ Principal Mackin also itemized the additional staff, copy machines, instructional supplies, consumable materials, furniture textbooks, library materials, computers, and additional bus routes necessary to service the 713 students enrolled at Moyock Elementary. She said ‘Overall the increase in enrollment has required Currituck County School System to redesign facilities and programs.’
- **September 1994** – Ronnie Capps, Currituck County School Superintendent, approached the Planning Board (see attached memo dated September 13, 1994) regarding the “residential development having dramatic impact on each of our schools during recent years.” Superintendent Capps detailed the increase in attendance in his memo. He also noted the 38 mobile classroom units installed at schools to accommodate growth of the student population. The memo encourages the Planning Board and the Board of Commissioners to review options relative to the rate of residential development so all county agencies, including the schools, might respond to growth in a timely and positive manner. Superintendent Capps encourage the boards to be proactive instead of reactive to accommodate growth in the student population. Superintendent Capps noted the proposed subdivision “The Plantations” (now Eagle Creek) with 601 residential lots in the Moyock Township and its effect on the school district.
- **September 13, 1994** – Jack Simoneau Planning and Inspections Director, presented PB 94-42 Currituck County text amendment (attached) to the Planning Board to address adequate public facilities. The language read:
  2. Even if the permit issuing board finds that the application complies with all other provisions of this Ordinance, it may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:
    - e. **Will 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 Planning Board minutes for September 13, 1994 are attached for reference. The Planning Board unanimously approved the text amendment.

- **October 3, 1994** – BOC held a public hearing on the proposed text amendment. (Minutes Attached)
- **October 17, 1994** – BOC unanimously approved the text amendment. (Minutes attached)
- **February 6, 1995** – BOC unanimously denied a special use permit for Tate Terrace Realty Investors Inc. request for a 601 lot subdivision (now Eagle Creek) based solely upon the provisions of the above noted text amendment to UDO Section 1402(2)(e). It is important to note that a prior property owner (Moyock Investment Group) received vesting approval to develop at 429 lots on this property.



9/13/94 PB MTG: Page 1

**CURRITUCK COUNTY PLANNING BOARD**

September 13, 1994

7:30 p.m.

The Currituck County Planning Board met at the Currituck County Courthouse on September 13, 1994. The following members were present: Walter Jones, Jimmy Waterfield, Aubrey Dowdy, Owen Etheridge, Marguerite Hogge, Shirley Falls, Nolan Alcock, La Ree Lynn, and Walter Banks. Jack Simoneau, Planning and Inspections Director, and H.B. Briggs, Chief Planner were also present.

Mr. Etheridge called the meeting to order and announced a quorum had been met.

Ms. Falls asked if the board wanted her to vote on the Duck Ridge item since her daughter worked for Hearndon Construction. The board agreed that Ms. Falls could vote on this item since she said that her daughter's employment would not bias her opinion.

Mr. Etheridge welcomed Mr. Jimmy Waterfield to the board.

**APPROVAL OF AUGUST 9, 1994, MINUTES**

Mr. Lynn motioned to approve the August 9, 1994 minutes as presented. Mr. Jones seconded the motion and the motion passed unanimously.

**RESOLUTION OF APPRECIATION FOR MR. LUTHER CROCKETT**

The board presented the following resolution of appreciation to Mr. Crockett:

RESOLUTION  
OF  
APPRECIATION

WHEREAS, Mr. Luther Crockett has faithfully served as a member of Currituck County's Planning Board from January, 1994 until July, 1994; and,

WHEREAS, Mr. Crockett has devoted numerous hours and energies to serve in this capacity; and,

WHEREAS, Mr. Crockett has served as an integral part in shaping the future of Currituck County; and,

WHEREAS, Mr. Crockett always acted in the best interests of the Citizens of Currituck County as a member of the Planning Board; and,

Attachment: 18 9-13-1994 PB Minutes APFO (PB 21-25 Flora Farms)



Currituck County Board of Commissioners, shall be from \_\_\_\_ a. m. to \_\_\_\_ p. m.; and,

15. Should any conditions within this permit conflict with any other permit issued for this activity, then the more restrictive condition shall prevail.

Ms. Hogge seconded with Mr. Waterfield, Mr. Lynn, Mr. Alcock, and Mr. Jones voting no. (Mr. Etheridge asked for a show of hands to ~~determine those voting in opposition~~)

**DISCUSSION ON IMPACT OF GROWTH INCLUDING ITS IMPACT ON THE SCHOOL SYSTEM BY BOARD OF EDUCATION REPRESENTATIVE**

Mr. Ronnie Capps, Ms. Janet Taylor, and Mr. Skip Saunders appeared before the board.

Mr. Capps presented memo to the board with different charts and graphs to show the impact that increased development is having on the school system (see Attachment 1)

Mr. Capps expressed a concern that the county needs to plan better for development. He said that within 3 to 5 years, all of Currituck's public facilities will be overburdened.

Mr. Alcock asked what we had to do now to have the developers start paying for some of the impact they have on the county facilities.

Mr. Simoneau said that you must have a capital improvements plan, establish a level of service standard, compare estimates with proposed development, and to come up with a formula to require developers to pay their fair share of facility cost. He said that this is in the works now, but it will take about 2 - 3 years to get a system in place.

Ms. Taylor explained a problem teachers have in the mobile units. She said that a teacher cannot leave the trailer to take a student to the office for anything (including nurse) since there is not another teacher in the trailer to watch the students. She said this is not fair to the teacher nor the student and that the county should speed up the process in order to get more schools.

Mr. Saunders said that the expense of bringing new trailers was astronomical since special attention has to be given to the electrical requirements, water pressure, meeting handicap regulations, etc. He also said that each school is running out of room for trailers.

Ms. Taylor explained that there is no place for the students in the trailers to hold a fire drill since they have to go

Attachment: 18 9-13-1994 PB Minutes APFO (PB 21-25 Flora Farms)

inside and "crouch" against a wall and all of the walls were filled with the students who are in the school already.

Mr. Banks asked about moving the boundary line that said which school a child went to and move more from Moyock to Central, a less crowded school.

Mr. Capps said that this would only move trailers from one school to another and would not solve the problem.

Mr. Simoneau presented the following amendment as requested by the Planning Board at the August meeting as one mean to slow growth as well as a means for determining impact of development:

**Currituck County** requests the following amendment to the Currituck County Unified Development Ordinance:

PB 94-42 CURRITUCK COUNTY request amendments to Article 14 Section 1402, Articles 9, 10, and 11 Section IV, to provide adequate public facility regulations

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Part I. That the following section be amended:

Article 14 Section 1402 (2)

(d) will not be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the board; or,

(e) will 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.

Articles 9, 10, and 11 Sections 903, 1003, and 1103

	SKETCH PLAT	PRELIMINARY PLAT	FINAL PLAT
<b>IV. DEVELOPMENT IMPACT STATEMENT</b>			
1. Physical Analysis (type units expected incl. number of bedrooms; projected value; size and timing of phases, etc.)	X		
2. Housing Market Analysis (delimit market area; project demand, supply and unmet demand; determine net			

capture; identify development profile)	X		
3. Environmental Impact (water consumption estimated per unit type, hydrological report by a licensed engineer identifying available water resources, report outlining sewer generation and means of disposal)	X		
4. Fiscal Analysis (estimated real property valuation, estimated personal property valuation, estimated annual land transfer tax value)	X		
5. Traffic Analysis (estimated number of trips generated, volume of existing traffic on roads adjacent to and within 1/2 mile of tract, directional distribution of traffic, capacity analysis)	X		

Part II. This ordinance amendment shall be in effect from and after the \_\_\_\_ day of \_\_\_\_, 1994.

\_\_\_\_\_  
B.U. Evans, Chairman

Attest:

\_\_\_\_\_  
Gwen Tatem,  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_

MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_

SECONDED BY COMMISSIONER: \_\_\_\_\_

VOTE:        \_ AYES        \_ NAYES

Mr. Etheridge asked if the school system says that a development will overburden their system, does this mean that the development could be denied?

Mr. Simoneau that if the school system said that a proposed development would overburden their facilities, then according to the above amendment the Board of Commissioners could deny the request. It was not know if the courts would uphold such a decision.

Attachment: 18 9-13-1994 PB Minutes APFO (PB 21-25 Flora Farms)



**PLANNING BOARD ACTION**

Mr. Alcock motioned to approve the above amendment request. Mr. Banks seconded the motion and the motion passed unanimously.

~~PB 94-40 CURRITUCK COUNTY: REQUEST AMENDMENTS TO ARTICLE 9 SECTION 914, ARTICLE 10 SECTION 1013 AND ARTICLE 11 SECTION 1113 OF THE UDO TO DELETE SURETY BONDS AND ADD DEED OF TRUST AND BOND AS ACCEPTABLE BOND TERMS AND METHODS.~~

Mr. Briggs presented the following memo to the board:

**MEMORANDUM**

TO: Board of Commissioners  
FROM: H. B. Briggs, Jr., Chief Planner  
DATE: September 2, 1994  
SUBJECT: Proposed Amendment to the UDO

Staff has been directed to prepare the attached amendment for presentation to the Planning Board. The purpose of this amendment is two-fold: (1) to add Deeds of Trust and Bonds as acceptable bonding forms and methods; and, (2) to delete the utilization of Surety Bonds by a licensed surety bond company.

**HISTORY of DEEDS of TRUST**

Prior to and included within adoption of the Unified Development Ordinance on April 2, 1989, Deeds of Trust were an acceptable form of guarantee for Maintenance or Performance Bonds. However, when the UDO was updated in November, 1992, the county attorney at the time requested that Deeds of Trust be deleted as an acceptable form of guarantee.

**ADVANTAGES of DEEDS of TRUST**

The main advantage in allowing the use of Deeds of Trust for guarantee purposes is that it allows the developer to "put-up" a portion of the development to insure items will be installed as required (Performance Bond) or that maintenance will be performed as required (Maintenance Bond).

**DISADVANTAGES of DEEDS of TRUST**

- (1) although appraisals will be required, market cycles could cause an inflated value on the property, ie. appraisal done during high property values, at selling point property values low;

Attachment # 1



Public Schools  
Post Office Box 40  
Currituck, North Carolina 27929

Office of Superintendent

919-232-2223

MEMO

TO: Planning Board Members  
Currituck County

FROM: Ronnie Capps *WCC*  
Superintendent of Schools

DATE: September 13, 1994

SUBJECT: Impact of Residential Development on the Public Schools

Residential development has had a dramatic impact on each of our schools during recent years. I will briefly summarize the consequences of this growth.

<u>SCHOOL</u>	<u>9th Month</u> 93/94 ADM	<u>Enrollment</u> 9/1/94	<u>Increase</u>
Moyock	686	715	29
Griggs	444	472	28
Knotts Island	149	168	19
Knapp	419	437	18
Central	338	360	22
CCHS	692	778	
Extended Day	40	32	
	<u>732</u>	<u>810</u>	78
	2768	2962	+194

Attachment: 18 9-13-1994 PB Minutes APFO (PB 21-25 Flora Farms)

MEMO

Page 2

September 13, 1994

As you can see, since school ended in June, our enrollment has increased by 194 students. The four elementary schools and junior high school have each gained the equivalent of an additional class. The high school has gained the equivalent of three additional classes.

Based upon the initial enrollment this school year, our student population has increased by 476 pupils over the last four years.

Currently, the school district is using 38 mobile classroom units to accommodate growth of the student population. These units are assigned to the schools as follows:

<u>School</u>	<u>Number of Mobile Units</u>
Moyock	8
Central	4
Knapp	8
Currituck High	<u>18</u>
	38

Four of these units were sited this summer. Two double-wide units were placed at Moyock Elementary School and two single-wide units were located at the high school.

Moyock Elementary School is virtually at capacity in terms of parking space and locations to site additional mobile classrooms.

Low-flow rest room fixtures are being installed at Central School and Moyock School to maintain design standards for wastewater systems.

Based upon figures supplied by the State Treasurer in April, 1994, the cost of growth in the student population can be illustrated dramatically. The per student county expenditure for capital and operating costs during the 1992-93 school year was \$2,193.67. The costs per student have, of course, increased since the 1992-93 fiscal year, but by extending this cost data to the 194 students enrolled during the summer of 1994 we incur an additional expense of \$425,571.98 given the level of local support provided.

Outside of adding additional mobile classrooms, the overcrowding of our schools will not be relieved until the beginning of the 1996-97 school year when the new high school is completed.

Attachment: 18 9-13-1994 PB Minutes APFO (PB 21-25 Flora Farms)



MEMO

Page 3

September 13, 1994

Maintaining quality instructional programs and student safety are our primary concerns. Our schools have received high marks in both areas, but our rapid growth makes the job more difficult.

We encourage the Planning Board and the Board of Commissioners to review options relative to the rate of residential development so all county agencies, including the schools, might respond to growth in a timely and positive manner. In recent years, the schools have had to be reactive rather than pro-active to accommodate growth in the student population. By way of example, I received in my office last week the sketch plan for The Plantations, a proposed subdivision of 601 residential lots to be located in Moyock Township. You can imagine the impact this single subdivision will have on the school district. Though the long-range school facility plan prepared by the Board of Education proposed construction of a second school in Moyock Township, funds for this project were not included on the bond referendum and are not currently anticipated from other revenue sources. Assuming this subdivision receives eventual approval, we will find our schools and community in the reactive posture to which we have become accustomed.

WRC/dbs

Attachments:

cc: Board of Education  
Bill Richardson

Attachment: 18 9-13-1994 PB Minutes APFO (PB 21-25 Flora Farms)

COUNTY - CURRITUCK  
POPULATION - 14,566

YEAR	A RESTRICTED PORTION OF ARTICLE 40 - 1/2 CENT SALES TAX (60% OF RECEIPTS)	B RESTRICTED PORTION OF ARTICLE 42 - 1/2 CENT SALES TAX	C ANNUAL SCHOOL DEBT SERVICE PAYMENTS	ANNUAL DEBT		D ON SCHOOL DEBT ISSUED IN 5 YEARS PRIOR TO ARTICLE 42	E CURRENT YEAR SCHOOL CAPITAL OUTLAY	F CHANGE IN SCHOOL CAPITAL RESERVE	TOTAL COUNTY		H COUNTY APPROPRIATIONS TO SCHOOL LOCAL CURRENT EXPENSE FUND	I FINES AND FORFEITURES	J CURRENT SCHOOL TAX COLLECTED (SEPARATELY LEVIED)	K TOTAL COUNTY REVENUES FROM ALL SOURCES FOR ALL PURPOSES
				SERVICE PAYMENTS	ON SCHOOL DEBT				FUNDING SUBJECT	TO MAINTENANCE OF				
1993	139,489	278,973	213,751	0	3,434,729	(640,536)	2,794,193	3,024,649	125,372	0	20,906,659	0	20,906,659	
1993*	0.67	1.33	1.02	0.00	16.43	(3.06)	13.37	14.47	0.60	0.00	100.00	0.00	100.00	
1992	134,977	269,856	199,148	0	1,650,882	(311,595)	1,339,287	3,599,324	122,476	0	16,038,561	0	16,038,561	
1992*	0.84	1.68	1.24	0.00	10.29	(1.94)	8.35	22.44	0.76	0.00	100.00	0.00	100.00	
1991	137,320	274,886	199,072	0	1,201,211	520,291	1,721,502	3,179,498	117,231	0	15,266,684	0	15,266,684	
1991*	0.90	1.80	1.30	0.00	7.87	3.41	11.28	20.83	0.77	0.00	100.00	0.00	100.00	
1990	133,037	265,268	198,979	0	1,854,442	699,452	2,553,894	2,764,257	127,329	0	15,857,067	0	15,857,067	
1990*	0.84	1.67	1.25	0.00	11.69	4.41	16.10	17.43	0.80	0.00	100.00	0.00	100.00	
1989	124,977	249,063	199,056	0	470,079	49,368	519,447	2,208,700	0	0	11,522,248	0	11,522,248	
1989*	1.08	2.16	1.73	0.00	4.08	0.43	4.51	19.17	0.00	0.00	100.00	0.00	100.00	
5 Year	57,778	0	199,490	0	122,864	(9,919)	112,945	1,260,765	44,557	0	4,386,504	0	4,386,504	
Base	1.32	0.00	4.55	0.00	2.80	(0.23)	2.57	28.74	1.02	0.00	100.00	0.00	100.00	

L 1992-93 AVERAGE DAILY MEMBERSHIP	M PER STUDENT COUNTY EXPENDITURES	N CAPITAL OPERATING	O PER CAPITA COUNTY EXPENDITURES	P SCHOOL CAPITAL FUNDING AS A % OF CURRENT PROPERTY TAX COLLECTIONS	Q 1992-93 SCHOOL CAPITAL FUNDING AS A % OF CURRENT PROPERTY TAX COLLECTIONS	R 1991-92 COUNTY FUND BALANCE AVAILABLE	S 1991-92 COUNTY FUND BALANCE AS A % OF GENERAL FUND EXPENDITURES	T LAST YEAR OF REVALUATION FOR COUNTY	U JANUARY 1, 1992 COUNTY ASSESSED VALUATION	V 1992-93 COUNTY TAX RATE	W 1992-93 COUNTY TAX COLLECTION RATE	X 1992 COUNTY UNEMPLOYMENT RATE	Y COUNTY PER CAPITA PERSONAL INCOME (1991)	Z SCHOOL CAPITAL FACILITY NEEDS PER 1993 SURVEY
2,750	1,093.80	1,099.87	206.50	207.65	38.14	5,599,500	49.79	1989	1,408,483,015	0.5600	94.11	3.3	14,658	23,480

6.A.r

# Moyock Elementary School

Post Office Box 160  
Moyock, North Carolina 27958  
"Success . . . Children First"

9-435-6521

To: Ronnie Capps

From: Anne Mackin *am*

RE: Enrollment

Date : August 29, 1994

Moyock Elementary has been experiencing increased enrollment over the past three years. Presently, Moyock has an enrollment of 713 students. Facilities, programs, and equipment need to be added and supported yearly to provide sufficient services for our student population.

Mobile units have been added to our campus in order to provide adequate instructional and storage space. Currituck County is still trying to provide appropriate student/teacher ratio which requires more classroom units.

Suitable schedule changes needed to be designed to reduce student crowding in restrooms, cafeteria, and library. All support services (counseling, special education, chapter 1) locations needed special attention to accommodate student numbers.

Moyock Elementary had to increase the professional staff to accommodate student growth. A counselor, Chapter 1 instructor, Special Education instructor, classroom instructors, and office personnel had to be supplemented to provide significant services. Additional materials and equipment needed to be purchased to cope with normal daily demands. The items purchased are as follows: copy machines, instructional supplies, consumable materials, furniture, textbooks, library materials, and computers.

Several changes have been made in bus routes to accommodate new building developments. Additional buses have been added to provide sufficient and timely transportation for all students.

Overall the increase in enrollment has required Currituck County School System to redesign facilities and programs.

Attachment: 18 9-13-1994 PB Minutes APFO (PB 21-25 Flora Farms)



Currituck County  
North Carolina  
October 17, 1994

The Currituck County Board of Commissioners met in a work session prior to the regular scheduled meeting to discuss the Cooperative Extension Legislative Grants.

The Currituck County Board of Commissioners met at 8:00 PM in regular session on October 17, 1994, in the Currituck County Courthouse with the following members present: Vice-Chairman Wright, Commissioners Gregory, Bowden, and Askew. Chairman Evans was absent.

Vice Chairman Wright called the meeting to order at 8:00 PM.

#### **Invocation**

Vice Chairman Wright called for a moment of silence.

#### **Approval of Agenda**

Vice Chairman Wright moved to amend the agenda as follows: move Item 14 to 5B, move Item 19 to 5C and add Consideration of library bids for furnishings. Commissioner Gregory seconded the motion. Motion carried unanimously.

#### **Approval of September 6 and September 19, 1994 Minutes.**

Commissioner Askew moved to approve the minutes of September 6 and September 19, 1994. Commissioner Gregory seconded the motion. Motion carried unanimously.

#### **Public Comments**

Vice Chairman Wright opened the public comment period.

Jan Smith, with the Humane Society, read a letter that all Board members had received by registered mail. The letter listed various questions and concerns regarding the animal shelter.

There being no further comments, Vice Chairman Wright closed the public comment period.

**Public Hearing and Action on PB 94-44  
COROLLA FIRE AND RESCUE: special use  
permit for an addition to the fire and**

rescue building located at 827 Whalehead Drive (intersection of Whalehead Drive and Dolphin Street) in Whalehead Subdivision in Corolla, Tax Map 115A, Section 13, Parcel 35A, Poplar Branch Township.

Jack Simoneau, Planning and Inspections Director, and Marshall Cherry were sworn in prior to giving testimony.

Jack Simoneau reviewed the following case analysis: The applicant is requesting a Special Use Permit (classification #13.200) for two additions to the existing fire station building. Proposed additions will add 2050 s.f. to the existing building. The additions will be used to house additional fire equipment. Property is shown on Tax Map 115A, lot 35A, Poplar Branch Township. Property is located on the northeast corner of Whalehead Drive and Dolphin Street in Whalehead Subdivision near Corolla

#### STAFF FINDINGS

**Criteria:** (a) Does the applicant meet the standards established in the Unified Development Ordinance (UDO) for the proposed use?

**Findings:** The applicant proposes an addition to the existing fire station building (Use Classification #13.200) which is a permitted use in a R01 (Outer Banks Standard Residential) zoned area with a Special Use Permit.

Adjacent Property Owner's Notifications were mailed 9/30/94; property was posted on 10/4/94.

The proposed addition meets setback requirements.

All required parking, vehicle accomodation areas, screening requirements, shading, etc. will be met by applicant.

**Criteria:** (b) Will the proposed use materially endanger the public health or safety?

**Findings:** The nearest residential dwellings to the site are located across Whalehead Drive and across Dolphin Street. Limited ingress/egress to site insures safe traffic movements.

**Criteria:** (c) Will the proposed use substantially injure the value of adjoining or abutting property?

**Findings:** The property is surrounded by the following land uses:

North: Vacant lot - zoned R01  
 South: Residential - zoned R01  
 East: Vacant lot - zoned R01  
 West: Residential - zoned R01

**Criteria:** (d) Will the proposed use be in harmony with the particular neighborhood or area in which it is to be located?

**Findings:** See the findings listed under Criteria "a", "b" and "c" above.

**Criteria:** (e) Will the proposed use be in general conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the board?

**Findings:** The 1990 Land Use Plan classifies this land as "Limited Transition". The purpose of the limited transition classification is to provide for Development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class, and/or are geographically remote from existing towns and municipalities.

The site is located along SR 1420 (Whalehead Drive) which is a Local road according to the 1988 Thoroughfare Plan.

#### **STAFF RECOMMENDATION**

Staff recommends **approval** of this request as presented.

#### **PLANNING BOARD RECOMMENDATION**

On October 11, 1994, the Planning Board voted to recommend approval of this request as presented.

Vice Chairman Wright opened the public hearing.

Marshall Cherry, Corolla Fire Chief, stated that they were adding 3 additional bays to house their equipment.



There being no further comments, Vice Chairman Wright closed the public hearing.

Commissioner Bowden moved to grant the Special Use Permit. Commissioner Gregory seconded the motion. Motion carried unanimously.

Public Hearing and Action on PB 94-45 LOWER  
CURRITUCK VOLUNTEER FIRE DEPARTMENT,  
INC.: special use permit for an addition to  
the fire department building located in Grandy on  
the east side of US 158 approximately  
550 feet south of the intersection of SR 1129  
(McHorney Road), Tax Map 94, Parcel 136,  
Poplar Branch Township.

Jack Simoneau, Planning and Inspections Director and Tommy Brothers were sworn in prior to giving testimony.

Jack Simoneau, reviewed the following case analysis: The applicant is requesting a Special Use Permit (classification #13.200) for an addition to the existing fire station building. The proposed addition will add 2273 s.f. to the existing building. The addition will be used to house additional fire equipment. Property is shown on Tax Map 94, lot 136, Poplar Branch Township. Property is located on the east side of US 158 across from E & S General Merchandise in Grandy.

#### STAFF FINDINGS

**Criteria:** (a) Does the applicant meet the standards established in the Unified Development Ordinance (UDO) for the proposed use?

**Findings:** The applicant proposes an addition to the existing fire station building (Use Classification #13.200) which is a permitted use in both a A (Agricultural) and GB (General Business) zoned area with a Special Use Permit.

Adjacent Property Owner's Notifications were mailed 9/30/94; property was posted on 10/4/94.

The proposed addition meets setback requirements.

All required parking, vehicle accomodation areas, screening requirements, shading, etc. will be met by applicant.

**Criteria:** (b) Will the proposed use materially endanger the public health or safety?

**Findings:** According to county tax maps, the nearest residential dwelling to the site is located directly to the northwest approximately 140'+/-. Limited ingress/egress to site insures safe traffic movements.

**Criteria:** (c) Will the proposed use substantially injure the value of adjoining or abutting property?

**Findings:** The property is surrounded by the following land uses:

North: Woodlands/Residential - zoned GB & A  
 South: Vacant lot/Residential - zoned GB & A  
 East: Residential - zoned A  
 West: Commercial (E & S Gen. Mdse.) - zoned GB

**Criteria:** (d) Will the proposed use be in harmony with the particular neighborhood or area in which it is to be located?

**Findings:** See the findings listed under Criteria "a", "b" and "c" above.

**Criteria:** (e) Will the proposed use be in general conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the board?

**Findings:** The 1990 Land Use Plan classifies this land as "Limited Transition". The purpose of the limited transition classification is to provide for Development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class, and/or are geographically remote from existing towns and municipalities.

The site is located along US 158 which is a Minor Arterial road according to the 1988 Thoroughfare Plan.

#### **STAFF RECOMMENDATION**

Staff recommends **approval** of this request as presented.

#### **PLANNING BOARD RECOMMENDATION**

On October 11, 1994, the Planning Board voted to recommend approval of this request as presented.

Vice Chairman Wright opened the public hearing.

Tommy Brothers, Lower Currituck Fire Department, was present to answer questions.

There being no further comments, Vice Chairman Wright closed the public hearing.

Commissioner Bowden moved to grant special use permit. Commissioner Gregory seconded the motion. Motion carried unanimously.

**Action on: PB 94-42 CURRITUCK COUNTY: request amendments to Article 14 Section 1402, Articles 9, 10 and 11 Section IV, to provide adequate public facility regulations.**

Commissioner Gregory moved to adopt the following ordinance and change the number of lots where impact statements are required, from 20 to 50 lots and the final number be determined when impact study is complete. Commissioner Bowden seconded the motion. Motion carried unanimously. Chairman Evans was absent.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Part I. That the following section be amended:

Article 14 Section 1402 (2)

(d) will not be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the board; or,

(e) will 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.

Part II. That Articles 9, 10, and 11, Sections 903, 1003, and 1103 be amended by adding the following provisions:

For subdivisions containing twenty (20) or more lots, the following information shall be provided.



	SKETCH PLAT	PRELIMINARY PLAT	FINAL PLAT
<b>IV. DEVELOPMENT IMPACT STATEMENT</b>			
1. Physical Analysis (type units expected incl. number of bedrooms; projected value; size and timing of phases, etc.)	X		
2. Housing Market Analysis (delimit market area; project demand, supply and unmet demand; determine net capture; identify development profile)	X		
3. Environmental Impact (water consumption estimated per unit type, hydrological report by a licensed engineer identifying available water resources, report outlining sewer generation and means of disposal)	X		
4. Fiscal Analysis (estimated real property valuation, estimated personal property valuation, estimated annual land transfer tax value)	X		
5. Traffic Analysis (estimated number of trips generated, volume of existing traffic on roads adjacent to and within 1/2 mile of tract, directional distribution of traffic, capacity analysis)	X		

Action on: ALOYSIUS AND JANE KREMPEL request  
to rename Ninth Street in Point Harbour Beach  
Subdivision, Poplar Branch Township.  
Proposed Name: Rose Lane

Commissioner Bowden moved to approve request to rename  
street. Commissioner Gregory seconded the motion. Motion  
carried unanimously. Chairman Evans was absent.

Action on PB 94-37 ACEY COMMERCIAL  
PROPERTIES: rezone 18.7 acres from A  
(Agricultural) to GB (General Business)  
located in Moyock on the southwest side of NC

168 approximately 1364' south of SR 1216 (Puddin Ridge Road), Tax Map 15, Parcel 75A, Moyock Township.

Commissioner Bowden moved to approve the request to rezone from A to GB. Commissioner Gregory seconded the motion. Motion carried unanimously. Chairman Evans was absent.

Action on PB 94-38 C. W. BRYANT AND C. H. BRYANT: special use permit to expand an existing sand mining operation on property located on the east side of NC 168 at the North Carolina/Virginia state line, Tax Map 8, Parcels 15 and 17 and Tax Map 9, Parcels 1 and 2, Moyock Township.

Vice Chairman Wright moved to approve special use permit and hours will be from 7a.m. to 6p.m. Commissioner Gregory seconded the motion. Motion carried unanimously.

Action on: PB 88-62 THE PLANTATIONS (formerly Country Side): sketch plan approval of a 601-lot common open space subdivision located on SR 1215 (Survey Road) in Moyock, Tax Map 15, Parcel 84, Moyock Township.

This item was continued until next meeting at the request of the applicant.

Action on PB 94-40 CURRITUCK COUNTY: request amendments to Article 9 Section 914, Article 10 Section 1013 and Article 11 Section 1113 of the UDO to delete Surety Bonds and add Deed of Trust and Bond as acceptable bond terms and methods.

Vice Chairman moved to table until Chairman Evans was present. Commissioner Gregory seconded the motion. Motion carried unanimously.

CURRITUCK COUNTY: request to name an unnamed lane off of Barnard Road which services the Ezra and Lisa Graley Subdivision in Poplar Branch. Proposed Name: Graley Lane.

Jack Simoneau, Planning and Inspections Director, reviewed the proposed name change. He advised the Board that the two

property owners could not agree on the original name (Tanners Way) so the staff recommended Graley Lane, the subdivision name.

Commissioner Gregory moved to approve the road name. Commissioner Bowden seconded the motion. Motion carried unanimously.

**Chiefs and Captains Advisory Board to discuss permits for bonfires on the beach.**

Marshall Cherry, Corolla Fire Department, requests that the Board consider a beach fire notice. Mr. Cherry stated that they had several serious incidents with beach fires this summer and would like some way to the Corolla Fire Dept. could be notified in advance. This is needed only in the RO-1 district.

Commissioner Gregory moved to direct the staff to review proposal for bonfires and bring a recommendation back to the Board. Commissioner Askew seconded the motion. Motion carried unanimously.

**Consideration of Legislative Grants for Cooperative Extension.**

Rodney Sawyer, Cooperative Extension Director, was present to review legislative grants.

Vice Chairman Wright commended Mr. Sawyer and his staff on the enormous amount of work they have put into writing these grants.

Commissioner Gregory moved to endorse the legislative grants and provide space for additional staff. Commissioner Askew seconded the motion. Motion carried unanimously.

**Consideration of DOT Agreement for restoration of the Whalehead footbridge.**

Vice Chairman Wright moved to approve the DOT agreement for \$58,000. Commissioner Gregory seconded the motion. Motion carried unanimously.

**Appointment to Whalehead Board of Trustees.**

Vice Chairman Wright moved to appoint Rhett White to fill the unexpired term of John Wilson. Commissioner Gregory seconded the motion. Motion carried unanimously.



**Consideration of Application for Archives and History Grant.**

Commissioner Bowden moved to approve grant of \$100,000 for the Whalehead Club. Commissioner Gregory seconded the motion. Motion carried unanimously. The project will be assigned to the Whalehead Board of Trustees.

**Discussion on proposed service district for northern Currituck Banks.**

Bill Romm, County Attorney, reviewed the process for a proposed service district for street maintenance.

Commissioner Bowden stated that the mere creation of a District would not increase taxes.

Vice Chairman Wright moved to take no action at this time and direct staff to gather information to be presented to the new board in December. Commissioner Gregory seconded the motion. Motion carried unanimously.

**Appointments to Land Transfer Tax Appeals Board.**

Commissioner Bowden moved to appoint Gary Montalbaum and reappoint John Whitehurst and Bob Henley. Commissioner Gregory seconded the motion. Motion carried unanimously.

**Release of taxes From September 12 through September 30, 1994.**

Commissioner Bowden moved to release the following taxes. Commissioner Gregory seconded the motion. Motion carried unanimously.

Quality Oil	\$194.22
James Cooper	133.92
Thomas Clark	211.50
Cordelia Mack	117.42
James Smith	101.70

**Consideration of Resolution to change Board meeting time.**

Commissioner Bowden moved to adopt the following resolution. Commissioner Gregory seconded the motion. Motion carried unanimously.

**RESOLUTION**

WHEREAS, North Carolina General Statutes 153A-40, authorizes a County Board of Commissioners to fix the time and place of its regular meeting, and

WHEREAS, the Board of Commissioners of the County of Currituck finds that it is desirable to change its regular meeting time from 8:00 p.m. on the first and third Monday of each Monday to 7:00 p.m. on the first and third Monday of each month.

NOW, THEREFORE BE IT RESOLVED,

1. The regular meeting of the Board of Commissioners of Currituck shall be held at 7:00 p.m. on the first and third Monday of each month;
2. That the Clerk to the Board is instructed to post a copy of this Resolution on the Courthouse bulletin board and to cause a summary of this Resolution to be published.

#### Consideration of Library furnishing bids.

Commissioner Gregory moved to accept bid from Chesson's Business Interiors in the amount of \$55,597.52. Commissioner Askew seconded the motion. Motion carried unanimously.

#### Executive Session to discuss a property matter.

Vice Chairman Wright moved to go into executive session to discuss a property matter. Commissioner Gregory seconded the motion. Motion carried unanimously.

#### AMOUNT

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	DEBIT	CREDIT
10-330-486-00	Americorp Grant		\$5,036
10-640-327-00	Americorps	\$5,036	

#### AMOUNT

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	DEBIT	CREDIT
10-330-487-00	Support our Students		\$75,000
10-641-020-00	Salaries - Regular	\$23,400	
10-641-050-00	FICA Expense	1,790	
10-641-060-00	Insurance Expense	2,025	
10-641-070-00	Retirement Expense	2,181	
10-641-110-00	Telephone & Postage	600	

10-641-115-00	Printing	500
10-641-140-00	Travel	1,044
10-641-142-00	Transportation	2,240
10-641-145-00	Training & Education	1,766
10-641-210-00	Rent	1,500
10-641-320-00	Supplies	4,626
10-641-450-00	Contracted Services	17,975
10-641-540-00	Insurance & Bonds	2,223
10-641-890-00	Miscellaneous	2,880
10-641-900-00	Capital Outlay	10,250

### Adjourn

After reconvening from executive session no action was taken. There being no further business the meeting adjourned at 10:50 p.m.



Currituck County  
 North Carolina  
 February 6, 1995  
 Work Sessions held on  
 January 19, 1995 and January 31, 1995

The Currituck County Board of Commissioners met in a work session on January 19, 1995 at 7:00 p.m. with the School Board to discuss the High School bids and other related school projects. The following members were present: Chairman Bowden, Commissioners Gregory, Miller, O'Neal and Etheridge.

Chairman Bowden read the following statement:

- The Board of Commissioners does not intend to provide funding above the current project sheet estimates of \$19,400,000 for the five bond funded capital projects that are specified below:

New High School-	Professional Services	\$ 981,149
	Construction	12,264,363
	Furnishing	<u>750,000</u>
		\$ 13,995,512
Central Renovations-	Professional Services	\$ 65,983
	Construction	824,785
	Furnishings	<u>87,381</u>
		\$ 978,149
"Existing" High School Roof Replacement		\$ 200,000
School Site North		\$ 200,000
New Elem. School-	Professional Services	\$ 258,640
	Construction	3,233,000
	Furnishings	<u>467,675</u>
		\$ 3,959,315

- After cutting the project to the greatest extent possible, the Board of Education is requested to re-bid the new high school.
- The County will be a party to the high school construction contract in order to receive sales tax revenue needed for the bond projects.
- The five capital projects are requested to be placed on a five-year building/funding schedule.

**13. Within sixty (60) days from the date of its first review of the sketch plan, the Planning Board will forward the plat along with its recommendations, including any conditions or modifications, to the Board of Commissioners. Failure to forward the plat within the allotted time shall have the same effect as a recommendation for approval.**

**14. During the first regularly scheduled monthly meeting of the Board of Commissioners following recommendation by the Planning Board, the Board of Commissioners will hold a public hearing to hear any and all remarks presented by the subdivider/developer, Staff comments and recommendations, Technical Staff comments and others.**

15. The subdivider/developer or his agent must attend the Board of Commissioners and all subsequent Board meetings for presentation of the application to the appropriate Board and to answer any questions by Board members and others.

16. The Board of Commissioners shall discuss with the subdivider/developer or his agent changes deemed advisable, if any, and the kind and extent of improvements to be made by him.

17. Upon conclusion of the public hearing, the Board of Commissioners may approve, approve conditionally, disapprove or table the request as set forth in the Board of Commissioner's Rules of Procedures and by State law. Because of the conceptual presentation involved, this shall not constitute an official action of approval of the subdivision for recordation. The reasons for a conditional approval or disapproval shall be placed in the record of the minutes of the proceedings.

18. Receiving approval from the Board of Commissioners shall allow the subdivider/developer to proceed with submission of all materials and information required for the preliminary plat review process and to seek all permits as required under this Article.

Part IV. This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 1995.

Chairman Bowden opened the public hearing. There being no comments, Chairman Bowden closed the public hearing.

Action on PB 94-48 DOVE ROOST: special use permit/sketch plan approval of a 48 lot major subdivision located in Moyock at the southern end of SR 1216 (Puddin' Ridge Road), Tax Map 11, Parcel 2, Moyock Township.

This item was tabled at the request of the developer, James Ferebee, Jr.

Action on: PB 88-62 THE PLANTATIONS (formerly Country Side): sketch plan approval of a 601-lot common open space subdivision located on SR 1215 (Survey Road)

in Moyock, Tax Map 15, Parcel 84, Moyock Township.

Hood Ellis, Attorney, stated that the developer has met all the requirements of the UDO and complied with terms.

Commissioner Gregory moved to deny request as follows. Commissioner O'Neal seconded the motion. Motion carried unanimously.

**MOTION FOR DENIAL BASED ON THE FOLLOWING:**

The proposed 601 lot development fails to meet the provisions of Section 1402(2)(e) of the UDO because it exceeds the county's ability to provide adequate public school facilities based on evidence presented during the public hearings as stated below.

**FINDINGS:**

1. The 1992 School Facilities Needs Analysis and Long Range Capital Improvement Plan indicated that the then enrollment of 576 students in Moyock Elementary School required an additional 14,626 square feet of floor space to meet state school facility standards.
2. The 1994 school enrollment in Moyock Elementary School is 715 students.
3. The state standard for elementary school sites is 10 acres plus 1 acre for every 100 students in membership. The Moyock Elementary School is on a 10 acre site of which only 5.8 acres of the site is usable when utility and drainage areas are removed.
4. According to school enrollment figures for 1994, Quail Run, North Point, Quail Point, Moyock Meadows, Duck Ridge, and Old South Landing averaged the following number of students per home: .46 elementary school; .09 junior high school; .14 high school. Assuming these figures hold true for the Plantations subdivision, 601 single-family dwellings will generate 280 elementary students; 54 junior high school students; and 84 high school students at full buildout.
5. According to school officials, plans are that by September 1996, Knapp Jr. High will have been converted to an elementary school which will optimally accommodate up to 350 students; Moyock Elementary will optimally accommodate 450 students; and Central Elementary will optimally accommodate up to 375 students (1,175 total elementary students). Based on Planning staff estimates, under a high growth scenario, there will be 1,215 elementary students in



Moyock & Crawford Townships. Under a medium growth scenario, there will be 1,185 elementary students in Moyock and Crawford Townships.

6. According to Planning and Inspections, there are nearly 3,000 lots ready for development or having approval for development on the Currituck Mainland, Gibbs Woods and Knotts Island.
7. Based on the last 3 years, student enrollment at Moyock Elementary School has increased by 46 students per year.

Action on PB 94-49 THE CURRITUCK ASSOCIATES, RESIDENTIAL PARTNERSHIP AND THE CURRITUCK ASSOCIATES, GOLF PARTNERSHIP: rezone 586.7 acres from RO1 (Outer Banks Standard Residential) to Planned Unit Development RO1 (Outer Banks Standard Residential) and LBH (Limited Business, hotels allowed) located in Corolla on the west side of NC 12 (Ocean Trail) across from Ocean Sands, PUD, Tax Map 117, Parcel 1A, Poplar Branch Township.

This item was continued until the February 20, 1995 meeting.

Action on PB 94-49 THE CURRITUCK CLUB: sketch plan/special use permit for a planned unit development to contain: 476 single family lots, 104 golf course villas, 56 patio homes, 2 commercial areas and 4 employee housing units located in Corolla on the west side of NC 12 extending from northern property lines Pine Island, PUD, and National Audubon Society, Inc. to southern property lines of Ocean Sands, sections X and Y, Tax Map 117, parcel 1A, Poplar Branch Township.

This item was continued until the February 20, 1995 meeting.

Public Hearing on PB 94-51 CURRITUCK COUNTY: request amendments to the UDO in order to establish an expiration date on subdivision plats approved prior to April 2, 1989 where no work has begun; to increase the lot size in agricultural zoning districts to 3 acres and all other zoning districts except RO1 and RO2 to 40,000 sq. ft., to delete multi-family dwellings as permitted uses in the agricultural district; to increase the



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 3299

**Agenda Item Title:** PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit:

**Submitted By:** Tammy Glave – Planning & Community Development

**Item Type:** Quasi-Judicial

**Presenter of Item:** Tammy Glave

**Board Action:** Action

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**Brief Description of Agenda Item:**

178 dwelling units located in Moyock on the west side of Caratoke Highway across from Guinea Road, Tax Map 15, Lot 86, Moyock Township.

**Planning Board Recommendation:**

**Staff Recommendation:**

**TRC Recommendation:**



**STAFF REPORT  
PB 18-23 FOST TRACT  
PRELIMINARY PLAT/  
SPECIAL USE PERMIT,  
PHASES 6-9  
BOARD OF COMMISSIONERS  
DECEMBER 20, 2021**

Attachment: 1 Fost PPUP P6-9 Staff Report 12-20-2021 (PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit)

### APPLICATION SUMMARY

<b>Property Owner:</b> Moyock Development LLC 417-D Caratoke Hwy Moyock NC 27958	<b>Applicant:</b> Moyock Development LLC 417-D Caratoke Hwy Moyock NC 27958
<b>Case Number:</b> PB 18-23	<b>Application Type:</b> Preliminary Plat/Special Use Permit
<b>Parcel Identification Number:</b> 0015-000-0086-0000	<b>Existing Use:</b> Planned Development under construction
<b>Land Use Plan Classification:</b> Full Service	<b>Parcel Size (Acres):</b> 91.10
<b>Moyock Small Area Plan Classification:</b> Limited Service	<b>Zoning:</b> PD-R
<b>Number of Units:</b> 178	<b>Overall Project Density (units/acre):</b> 2.19
<b>Required Open Space (Acres):</b> 27.33	<b>Provided Open Space (Acres):</b> 39.07

### SURROUNDING PARCELS

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

### STAFF ANALYSIS

The Board of Commissioners approved the original Master Plan (PD-R) for this development on May 6, 2019 and three subsequent amendments thereafter. The developer notes that the goal of Phases 6-9 is to continue building 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 Board of Commissioners approved the below phasing plan as part of the project. The phasing plan remains valid:



SCHEDULE B							
PHASING SCHEDULE							
PHASE	AREA (AC.)	DEVELOPMENT INTENSITY (D.U./AC.)	TND T.H.	TND S.F.	CONV. S.F.	TOTAL	OTHER IMPROVEMENTS
1	39.7	1.79	25	12	34	71	Rowland Creek 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	
TOTALS	228.8	2.09	126	59	294	479	

The Phased Recording Schedule estimates earliest recording dates as shown below for Phases 6-9:

Phase Numbers	Number of Dwelling Units	ESTIMATED EARLIEST RECORDING DATE
6	79	August 2022
7	61	February 2023
8	19	August 2024
9	19	August 2024

INFRASTRUCTURE	
<b>Water</b>	Public
<b>Sewer</b>	Private Centralized System (connecting to Eagle Creek WWTP)
<b>Transportation</b>	<p>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.</p> <p>Connectivity Score: Minimum = 1.6 Proposed = 1.67</p> <ul style="list-style-type: none"> <li>• One Connection to Caratoke Highway (Main entrance)</li> <li>• One Connection to Moyock Farms (proposed development to the Southeast)</li> <li>• Four connections to Flora Farm (proposed development to the West)</li> </ul>
<b>Stormwater/Drainage</b>	See attached map for required stormwater/drainage improvements (PB 18-23 Fost PD-R Rezoning Stormwater Conditions dated 7/2019 prepared by engineering staff)
<b>Design Standards</b>	Multi-family design standards apply to the townhomes.
<b>Lighting</b>	Street lights are proposed and must be full cut-off fixtures
<b>Landscaping</b>	Farmland buffers, street trees, major arterial screening, and site landscaping are required
<b>Compatibility</b>	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.
<b>Recreation and Park Area Dedication</b>	The applicant will be paying approximately \$15,978.64 as a fee-in-lieu of recreation and park area dedication for these phases.
<b>Riparian Buffers</b>	Required for the wetlands in these phases.

## COMMUNITY MEETING

The developer held a community meeting on March 23, 2021, at the Eagle Creek Pavilion. There were approximately seven people in attendance. Most of the questions were regarding drainage, traffic, fire hydrants, and wastewater. A community meeting summary prepared by the applicant is attached to this staff report.

## SCHOOLS

There are Adequate Public Facility concerns that Shawboro Elementary is at 100% *Actual Capacity* for this school year, as per superintendent Dr. Lutz at the October 2, 2021, BOC meeting. This development is in the Shawboro Elementary School district and has not started sending children to Shawboro Elementary yet. Phases 6-9 being will send an additional 44 elementary students to Shawboro Elementary. When the complete, the overall development will send approximately 119 elementary students to Shawboro Elementary. These numbers were generated using the Tischler Study. The board should also be aware that Moyock Middle School is at 94% *actual capacity* for this school year and this development would send approximately 38 additional students to Moyock Middle School.

**ADEQUATE PUBLIC FACILITIES – SCHOOLS<sup>1</sup>**

School	2021-2022 Actual Capacity <sup>2</sup>	Committed Capacity <sup>3</sup>	Proposed Capacity Changes
			Number of Students (Phases 6-9)
Moyock Elementary	128%	131%	+44
Shawboro Elementary	99%		
Central Elementary	96%		
Moyock Middle	94%	92%	+14
Currituck Middle	62%		
Currituck High	88%	105%	+24
JP Knapp Early College	86%		

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

<sup>2</sup>Capacity percentages are based on 2021-2022 school year classroom standards and Sep 2021 ADM

<sup>3</sup>Capacity percentages are based on the 2021-2022 school year classroom standards and Sep 2021 ADM

Based upon questions at a previous meeting regarding school capacity and the adequate public facilities ordinance, a brief history of the adequate public facilities ordinance and its application is attached for your review.

**STORMWATER**

The stormwater/drainage improvements required as shown on the attached “PB 18-23 Fost PD-R Rezoning Stormwater Conditions dated 7/2019” prepared by engineering staff remain unchanged. On-site stormwater will be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes, and open vegetated swales.

**TRANSPORTATION**

The main subdivision entrance will connect directly to NC 168 (Caratoke Highway). Deceleration and acceleration lanes will be provided in accordance with NCDOT Standards and have been approved by NCDOT. Connectivity will be provided to the proposed development to the southeast, Moyock Farms, and to the proposed development to the west, Flora Farm. According to the application, streets 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 North Carolina Fire Code.

**WASTEWATER**

The developer proposes to connect to the Eagle Creek wastewater treatment plant (WWTP). Currituck Water and Sewer, LLC (CWS) Major Utility operates the WWTP and is the process of acquiring ownership of the entire wastewater system (collection systems, treatment plant, etc.) from Sandler Utilities Company. A force main is being installed to connect the collection system in Fost development to the Eagle Creek WWTP. A wastewater collection system will be constructed by the developer for the entire Fost development and managed by Currituck Water and Sewer. The utility will be regulated by the North Carolina Utilities Commission and the North Carolina Department of Environmental Quality. CWS has begun the process with state regulatory agencies for this transference.



## STAFF REVIEW

### TECHNICAL REVIEW COMMITTEE

The Technical Review Committee (TRC) reviewed the application and provided the following comments:

1. The applicant has not demonstrated that the proposed use will meet the special use permit review standards of the UDO including adequate public facilities (LUP Policy PP2 Adequate Public Facilities) and public health and safety (LUP Purpose of the Plan).
2. Noted plan deficiencies:
  - a. Alleys shall only intersect with streets (not other alleys) and shall not have a pavement width more than 16'.
  - b. The Recreation and Parkland fee-in-lieu dedication is incorrect. The fee due prior to final plat approval for these phases is \$134,288.27. The fee is calculated based on the tax value of the land at subdivision submittal (preliminary plat/SUP). The value of the land based on "pre-closing value" as you requested to make the calculation is not relevant to determining the fee amount. Pre-closing value is typically based upon the then use of the land, often farmland, with a deferred tax value. The Recreation and Parkland fee-in-lieu is not calculated at conditional zoning approval because it is not required for the rezoning, but rather for the subdivision of property.
  - c. Add a note to the plan that the 'Reserved as effluent disposal area' is not permitted, an amended plan is required that must be approved by the BOC, and the BOC must approve the amended plan prior to any land disturbance for any part of the on-site effluent disposal system.

Other staff concerns:

1. The performance of the Eagle Creek WWTP is under evaluation by NCDEW DWR for non-compliance with the permit standards. Staff has concerns about allowing additional lots from other subdivisions to connect to the Eagle Creek WWTP with the known performance problems of the plant. On August 10, 2021, NCDEQ Division of Water Resources issued a Wastewater Collection Extension Permit for 60,000 gallons per day for 92 four-bedroom homes and 44 three-bedroom townhouses for Fost Phase 1A. On September 17, 2021, NCDEQ Division of Water Resources issued a letter stating "the WWTP must demonstrate consistent performance achieving permit treatment requirements, prior to submittal of a sewer extension permit application. WWTP performance must be satisfactory for approval of any potential sewer extension permits." County staff **has not received** notification that these permit requirements have been met and a sewer extension permit for additional lots will be issued. (LUP Purpose of the Plan – public health, safety, and welfare)
2. CWS is in the process with the NC Utilities Commission to acquire the Eagle Creek WWTP and collection system, and to establish a sewer service district and rate structure for the Fost development. There are concerns about the impact of the Consent Judgement on the process with the NCUC for creating the sewer district and applying a rate structure. Please see the Consent Judgement issued by the Superior Court on June 23, 2021 attached to this staff report for more detailed information (North Carolina Division of Environmental Quality v. Sandler Utilities at Mill Run, LLC). The Court ordered Sandler Utilities at Mill Run, LLC to complete a system upgrade plan, and then a timetable to implement the upgrade plan. The timetable to implement the upgrade plan has not been shared by NCDEQ DWR staff due to the legal proceedings. For the protection of the existing users of the system and future users, staff recommends the requirements of the Consent Order be met and certified by NCDEQ and the sewer district established by NCUC approval prior to approving additional lots to be created in

PB 18-23 Fost Tract, Phases 6-9  
Preliminary Plat/Special Use Permit  
Page 5 of 11

Attachment: 1 Fost PPUP P6-9 Staff Report 12-20-2021 (PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit)

the yet-to-be-established sewer district. (LUP Purpose of the Plan – public health, safety, and welfare)

#### 2006 Land Use Plan and Moyock Small Area Plan

The 2006 Land Use Plan classifies the site as Full Service within the Moyock subarea. The Moyock Small Area Plan classifies the property as Limited Service. At its May 6, 2019, meeting, the BOC determined 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; *(Staff Addition: Potential LUP Policy WQ8)*
- b. The PDR is compatible with existing Moyock Township subdivisions. *(Staff Addition: Potential LUP Policy HN1)*

#### SPECIAL USE PERMIT REVIEW STANDARDS

Following an evidentiary hearing, the board shall decide if the application is in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.6.D, Special Use Permit Review Standards. It is the burden of the applicant to provide evidence to address the Review Standards. The applicant's findings can be found in the "Attachment to application for preliminary plat/special use permit approval for Fost Phases 6-9."

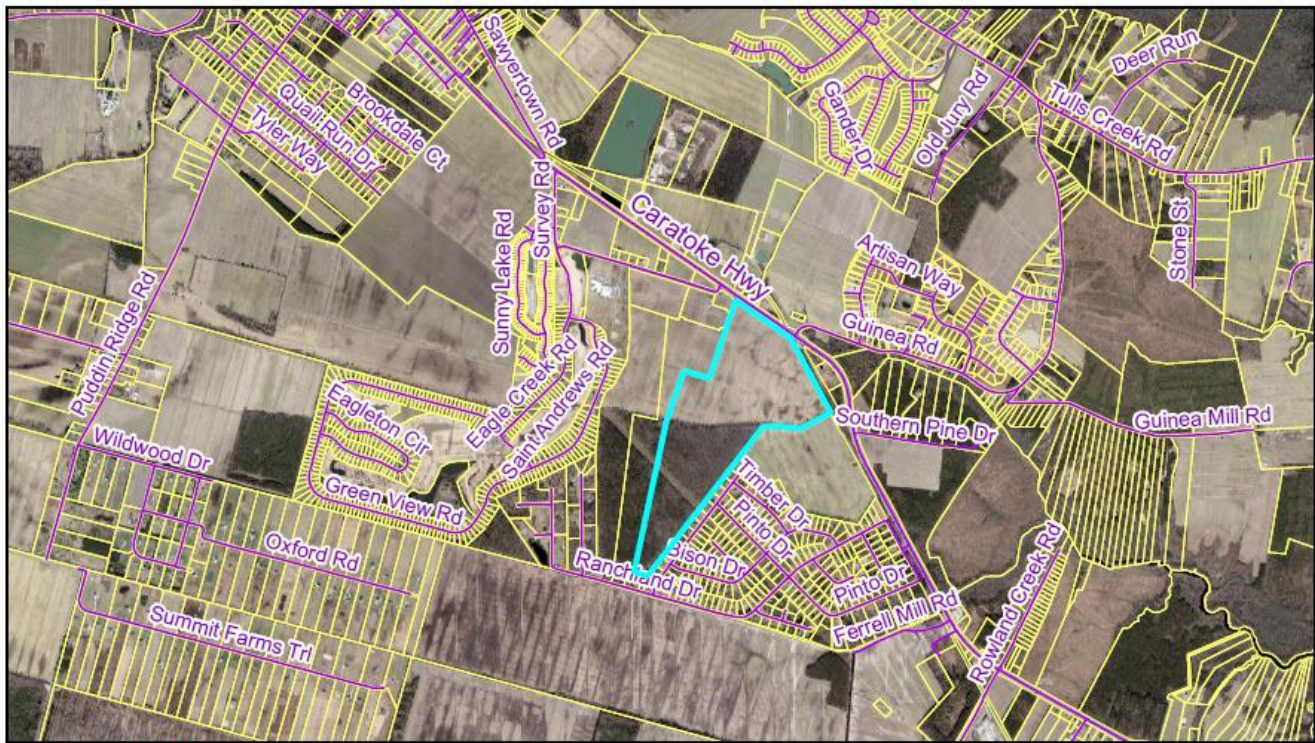
#### Special Use Permit Review Standards

A special use permit shall be approved on a finding that the applicant demonstrates the proposed use will:

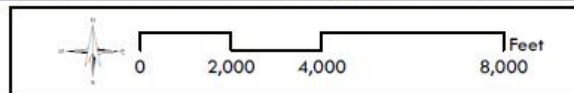
1. Not endanger the public health or safety.
2. Not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
3. Be in conformity with the Land Use Plan or other officially adopted plan.
4. Not exceed the county's ability to provide adequate public facilities, 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 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](http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm)

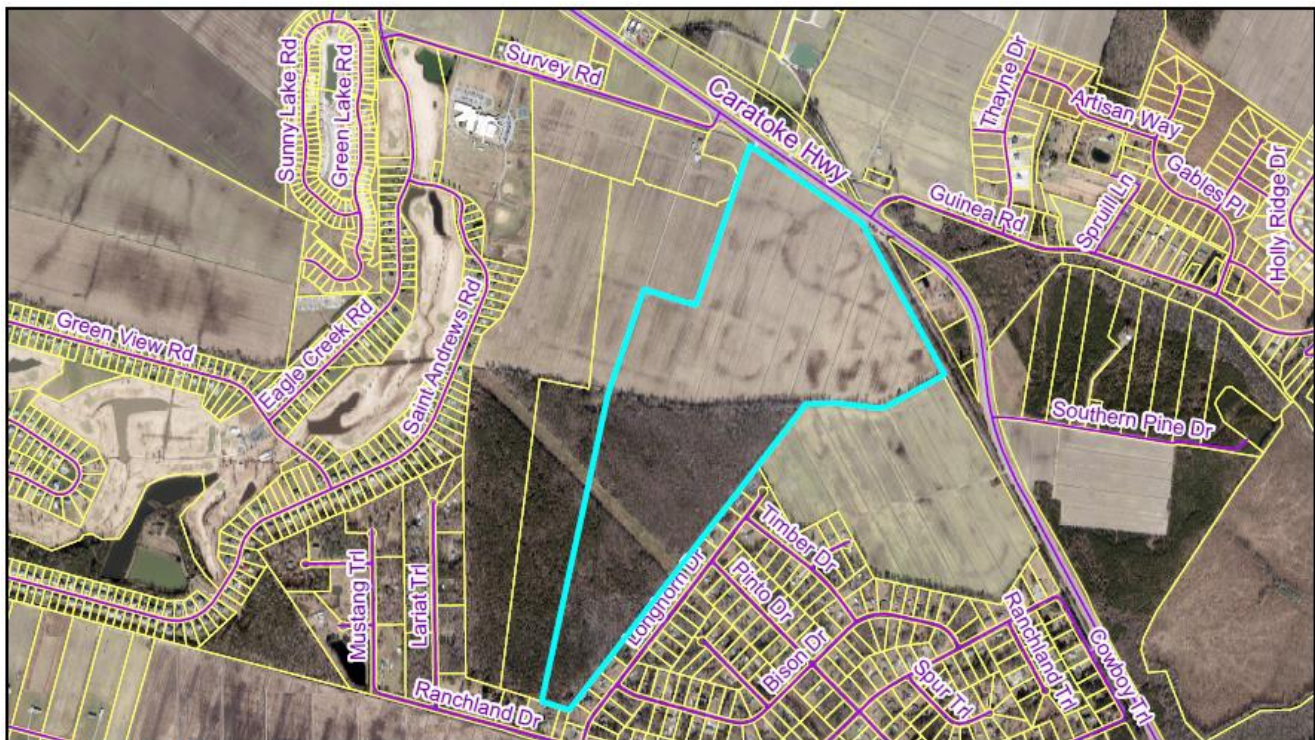




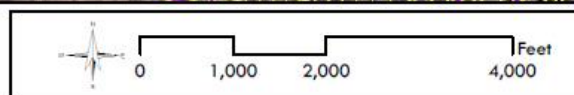
PB 18-23 Fost, Phases 6-9  
Preliminary Plat/Use Permit  
Context Map



Currituck County  
Planning and  
Community Development



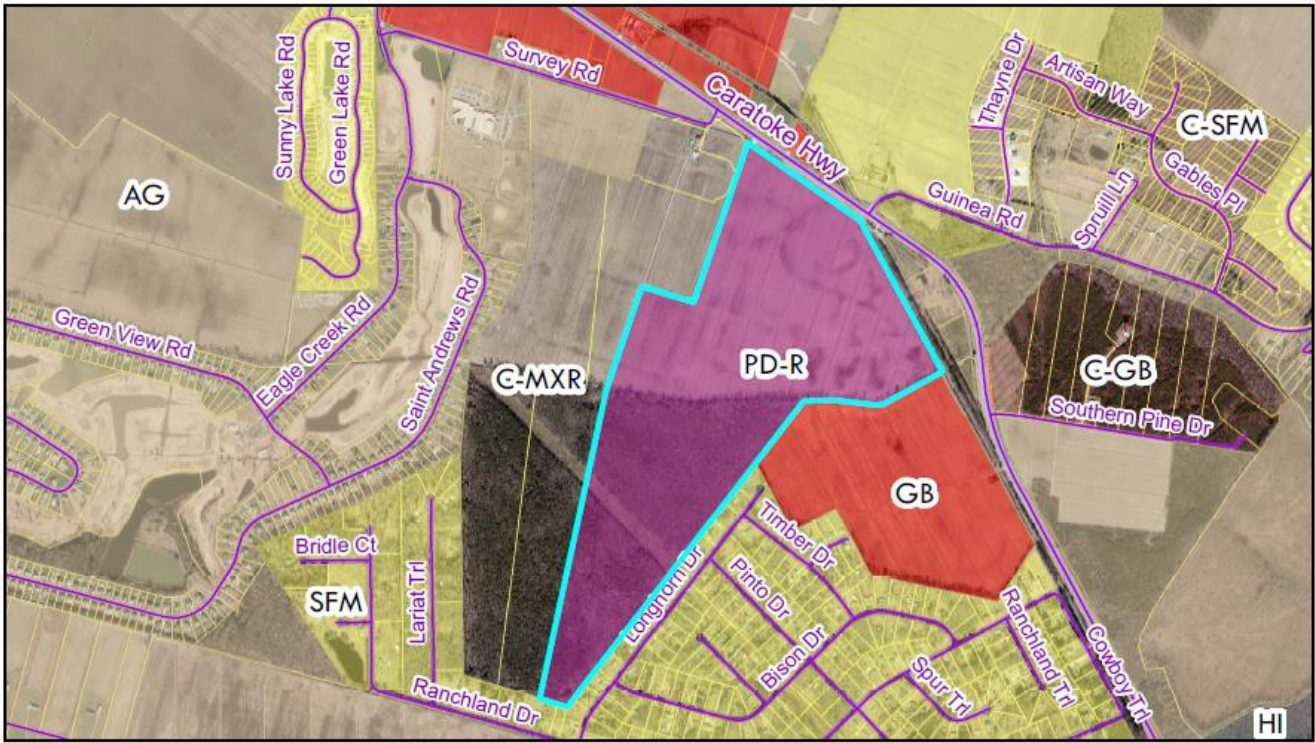
PB 18-23 Fost, Phases 6-9  
Preliminary Plat/Use Permit  
2016 Aerial Photography



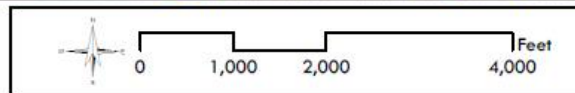
Currituck County  
Planning and  
Community Development

PB 18-23 Fost Tract, Phases 6-9  
Preliminary Plat/Special Use Permit  
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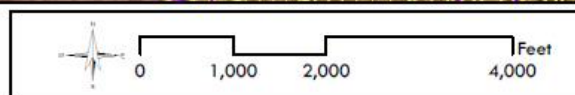
PB 18-23 Fost, Phases 6-9  
Preliminary Plat/Use Permit  
Zoning



Currituck County  
Planning and  
Community Development



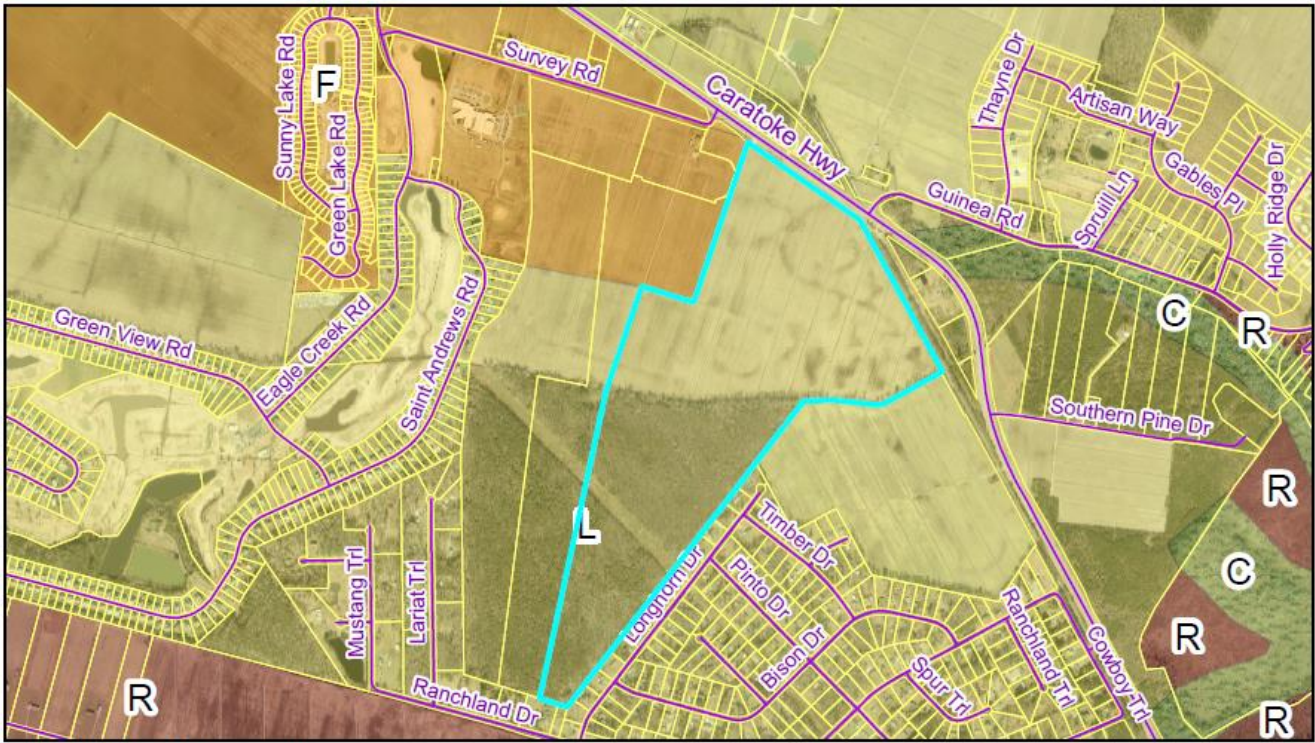
PB 18-23 Fost, Phases 6-9  
Preliminary Plat/Use Permit  
LUP Classification



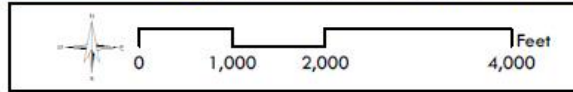
Currituck County  
Planning and  
Community Development

PB 18-23 Fost Tract, Phases 6-9  
Preliminary Plat/Special Use Permit  
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PB 18-23 Fost, Phases 6-9  
Preliminary Plat/Use Permit  
Moyock SAP Classification

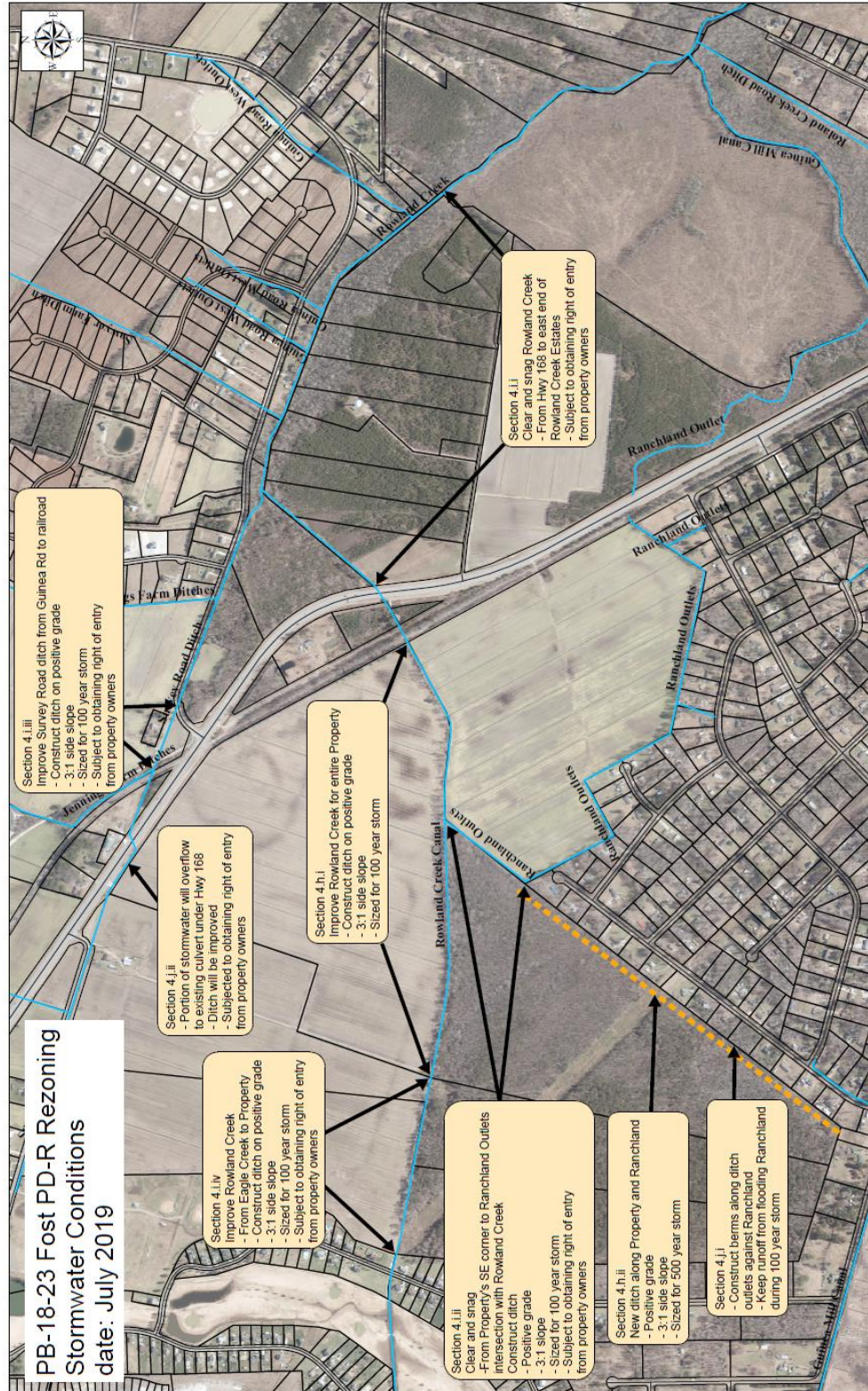


Currituck County  
Planning and  
Community Development

## 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%





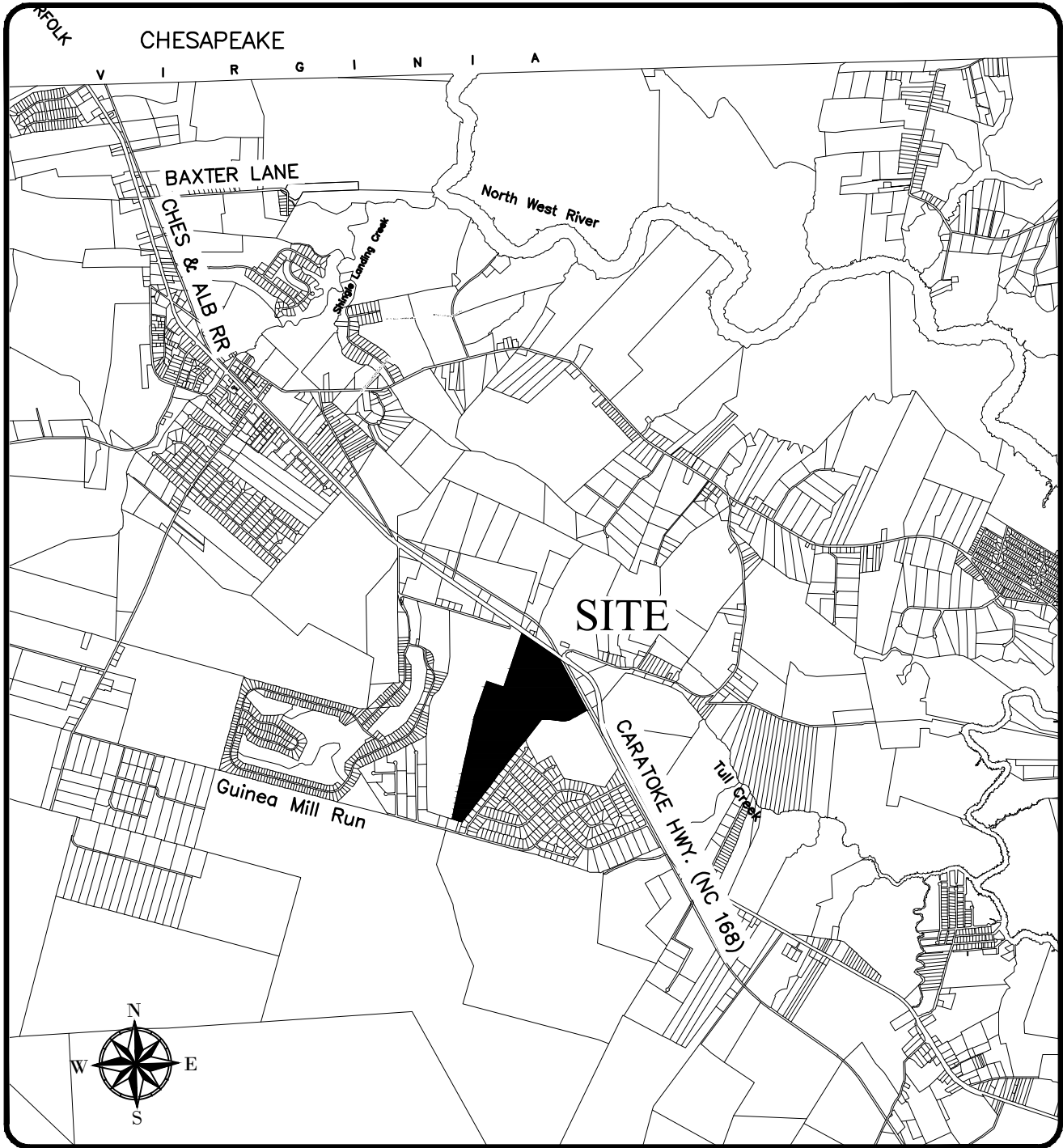
Prepared by Currituck County Engineering Staff



# THE FOST TRACT

## MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

### PHASES 6-9



VICINITY MAP SCALE: 1" = 5,000'

**OWNERSHIP AND DEDICATION CERTIFICATE**

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF CURRITUCK COUNTY, THAT I HEREBY FREELY ADOPT THIS PLAT OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREA SHOWN ON THIS PLAT AS STREETS, UTILITIES, ALLEYS, WALKS, RECREATION AND PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE AND 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 PLAT 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.

DATE \_\_\_\_\_ OWNER \_\_\_\_\_  
I, \_\_\_\_\_, A NOTARY PUBLIC  
OF \_\_\_\_\_ COUNTY, NORTH CAROLINA, DO HEREBY CERTIFY THAT  
\_\_\_\_\_ PERSONALLY  
APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGED THE DUE EXECUTION OF  
THE FOREGOING CERTIFICATE.  
WITNESS MY HAND AND OFFICIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
20\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

**PRIVATE STREETS OWNER CERTIFICATE**

I HEREBY CERTIFY THAT THE PRIVATE STREETS SHOWN ON THIS PLAT 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 \_\_\_\_\_

**SURVEYOR'S CERTIFICATION**

I, 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-1AND FURTHER THAT IT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600)."

THIS IS TO CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
SIGNATURE L-1756

**GENERAL NOTES:**

- PROJECT NAME: THE FOST TRACT
- APPLICANT: MOYOCK DEVELOPMENT, LLC  
OWNERS: MOYOCK DEVELOPMENT, LLC  
417-D CARATOKE HIGHWAY  
MOYOCK, NC 27958
- 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)
- 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.
- THIS PROPERTY CONTAINS ACOE "404" JURISDICTIONAL WETLANDS AS SHOWN AND CONFIRMED BY USACE ACTION ID# SAW 2018-00836, DATED APRIL 30, 2018, AND MAY REQUIRE U.S. CORP OF ENGINEERS APPROVAL PRIOR TO DEVELOPMENT OF THE PROPERTY.
- 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. ALL DRAINAGE EASEMENTS ARE HEREBY DEDICATED TO CURRITUCK COUNTY.  
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.
- EXISTING CONDITION INFORMATION BASED ON A COMBINATION OF THE FOLLOWING:
  - 2012 AERIAL IMAGERY OBTAINED FROM NCONEMAP.COM
  - FIELD TOPOGRAPHIC SURVEY DATA BY BISSELL PROFESSIONAL GROUP.
  - ELEVATIONS ARE REFERENCED TO NAVD 1988 VERTICAL DATUM.
- SECTION 7.6.5 OF THE CURRITUCK U.D.O. SUBSTANTIALLY RESTRICTS DEVELOPMENT WITHIN A 30' RIPARIAN BUFFER.
- ALL UTILITIES ARE TO BE UNDERGROUND.
- 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.
- THERE IS A 50' FARM BUFFER IN ALL AREAS ADJOINING ACTIVE FARM LANDS.
- 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.

**ZONING CONDITIONS:**

SEE SHEET 18

**LOT DEVELOPMENT CONFIGURATION:**

LOT AREAS: VARY FROM 1,809 TO 18,051 SQUARE FEET.

**RECREATIONAL AND PARK LAND FEE-IN-LIEU CALCULATION:**

REQUIRED UPLAND RECREATION/PARKLAND DEDICATION ACREAGE = 4.539 AC. (178 LOTS \* 0.0255AC./LOT)  
CURRENT PROPERTY ACCESSED VALUE (LAND ONLY) = \$793,300 OR \$3,520.30/AC. (\$793,300/225.35 AC.)  
FEE-IN-LIEU IS \$15,978.64 (4.539 AC \* \$3,520.30/AC.)

PHASES 1-9 STREET CONNECTIVITY INDEX = 89 LINKS/53 NODES = 1.68

**DEVELOPMENT NOTES:**

TRACT SUMMARY:

TOTAL AREA OF TRACT:	228.28 AC.
PHASES 1-5 AREA:	137.18 AC.
PHASES 6-9 AREA	91.10 AC.
TOTAL DEVELOPED AREA PHASES 1-9	228.28 AC.

PHASES 6-9 DEVELOPMENT AREA SUMMARY:

PROPOSED LOT AREA:	39.66 AC.
PUBLIC PROPOSED R/W AREA:	11.13 AC.
PRIVATE PROPOSED R/W AREA:	1.24 AC.
REQUIRED OPEN SPACE TOTAL=30% (0.3*91.10):	27.33 AC.
OPEN SPACE PROVIDED:	39.07 AC. (42.9%)
# OF PROPOSED LOTS:	178 (1.95 LOTS/ACRE)
OPEN SPACE PROVIDED PHASES 1-9	83.86 AC. (36.7%)

PROPOSED RIGHT-OF-WAY WIDTHS (FT.): SEE SHEET 20  
PROPOSED PAVED ROADWAY WIDTH: SEE SHEET 20  
PHASES 6-9 LINEAR FOOTAGE PUBLIC & PRIVATE ROADWAY: 9,657 L.F.±

**SHEET INDEX**

Sheet Number	Sheet Title
1	COVER SHEET, DEVELOPMENT NOTES AND SITE LOCATION
2	EXISTING CONDITIONS AND SITE FEATURES PLAN
3	OVERALL PHASING PLAN
4	OVERALL DRAINAGE AND UTILITY PLAN
5	OVERALL HARDSCAPING PLAN
6	LANDSCAPING, LIGHTING, BUFFERING AND SIGNAGE PLAN
7	OVERALL PRELIMINARY PLAT
8-16	DETAILED PRELIMINARY PLAT SHEETS
17	LINE AND CURVE TABLES
18	ZONING TERMS & CONDITIONS
19-20	DETAILS

**LEGEND**

	DELINEATED WETLANDS
	EXISTING DITCH CENTERLINE
	EXISTING DITCH TOP OF BANK
	PROPOSED SWALE W/ FLOW ARROW
	PROPOSED SWALE HIGH POINT
	EXISTING 404 BOUNDARY
	EXISTING GRADE CONTOUR
	30' UNDISTURBED BUFFER (COUNTY)
	EXISTING WATER LINE
	PROPOSED WATER LINE (SIZE AS NOTED)
	PROPOSED FIRE HYDRANT
	EXISTING FIRE HYDRANT
	EXISTING WATER VALVE
	PROPOSED FORCE MAIN SANITARY SEWER (SIZE AS NOTED)
	EXISTING FORCE MAIN SAN. SEWER
	PROPOSED GRAVITY SANITARY SEWER (SIZE AS NOTED)
	EXISTING GRAVITY SAN. SEWER
	PROPOSED SANITARY SEWER MANHOLE
	EXISTING SANITARY SEWER MANHOLE
	PROPOSED CATCH BASIN
	EXISTING CATCH BASIN
	PROPOSED STORM SEWER PIPE
	EXISTING STORM SEWER PIPE
	PROPOSED EDGE OF WATER
	EXISTING EDGE OF WATER
	PROPOSED SIDEWALK
	EXISTING SIDEWALK
	PROPOSED EDGE OF PAVEMENT & BACK OF CURB
	EXISTING EDGE OF PAVEMENT & BACK OF CURB
	EXISTING OVERHEAD ELECTRIC LINE
	EXISTING UTILITY POLE
	BACK OF CURB
	EDGE OF PAVEMENT
	EXISTING
	PRIVATE

**STORMWATER STATEMENT**

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 SWIMMING POOLS. THIS COVENANT IS INTENDED TO ENSURE COMPLIANCE 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 PERSON. THE LOT COVERAGE ALLOWANCE PROVIDED IN THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE MAY BE DIFFERENT THAN THE NC STATE STORMWATER PERMIT. THE MOST RESTRICTIVE LOT COVERAGE SHALL APPLY.

**REVIEW OFFICER CERTIFICATE**

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 \_\_\_\_\_

**PUBLIC STREETS DIVISION OF HIGHWAY DISTRICT ENGINEER CERTIFICATE**

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 \_\_\_\_\_

**APPROVAL CERTIFICATE**

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 \_\_\_\_\_

**REVIEW OFFICER CERTIFICATE**

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 \_\_\_\_\_

**REQUIRED IMPROVEMENTS CERTIFICATE**

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 \_\_\_\_\_

Bissell Professional Group  
Firm License # C-956  
Professional Engineer  
Kathy Bissell, North Carolina 27149  
P.O. Box 1069  
Kitty Hawk, North Carolina 27149  
FAX (252) 381-1760

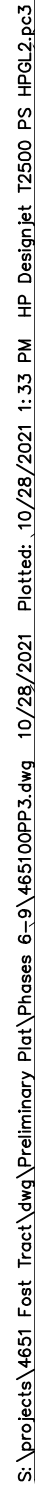
COVER SHEET  
PRELIMINARY PLANS & PLAT

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

PROJECT NO.		MC	
REVISIONS			
NO.	DATE	BY	DESCRIPTION
	4/28/21	KW	TIRC COMMENTS
</			





	USDA SOILS DELINEATION LINE
<b>Ca</b>	CAPE FEAR LOAM
<b>Ro</b>	ROANOKE FINE SANDY LOAM
<b>Ws</b>	WASADA MUCK

[illegible]

PROJECT	<b>THE FOST TRACT PD-R</b>		<b>EXISTING CONDITIONS</b>  <b>PRELIMINARY PLANS</b>
	MOYOCK TOWNSHIP  CURRITUCK COUNTY	NORTH CAROLINA	
<b>PRELIMINARY SUBDIVISION PLANS</b>			

**BISSELL**  
PROFESSIONAL GROUP

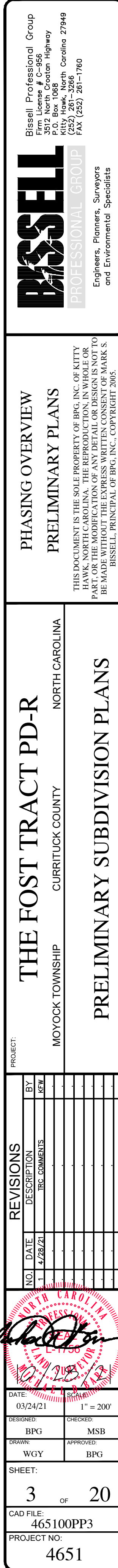
Engineers, Planners, Surveyors  
and Environmental Specialists

Bissell Professional Group  
Firm License # C-906  
10000 Peachtree Highway  
P.O. Box 1068  
Kitty Hawk, North Carolina 27449  
Tel (919) 499-1100  
Fax (252) 261-1960

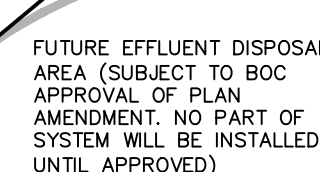
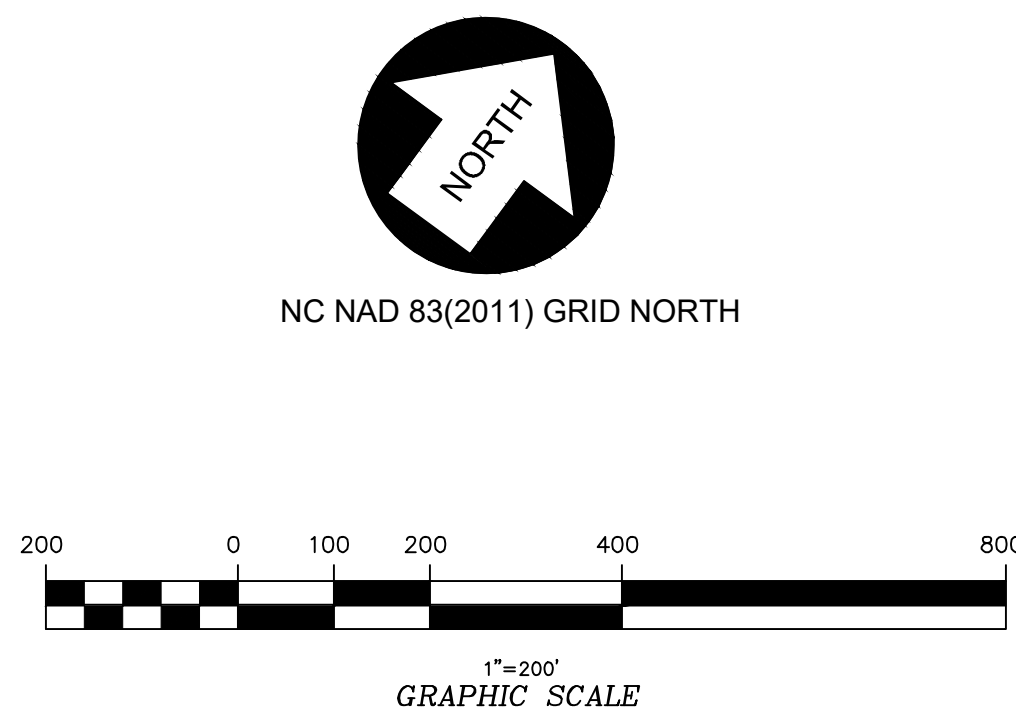
Attachment: 2 10-28-21 Fost Preliminary Plat 6-9 (PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit)



PHASE RECORDING SCHEDULE	
PHASE	ESTIMATED EARLIEST RECORDING DATE
6	AUGUST, 2022
7	FEBRUARY, 2023
8	AUGUST, 2024
9	AUGUST, 2024









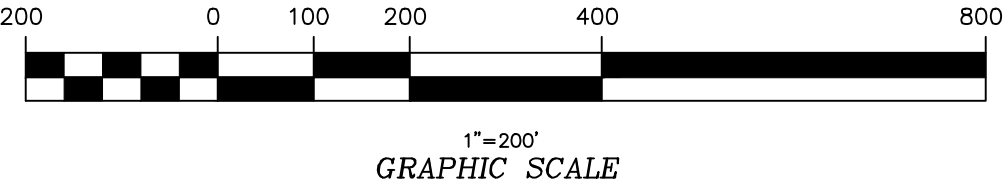
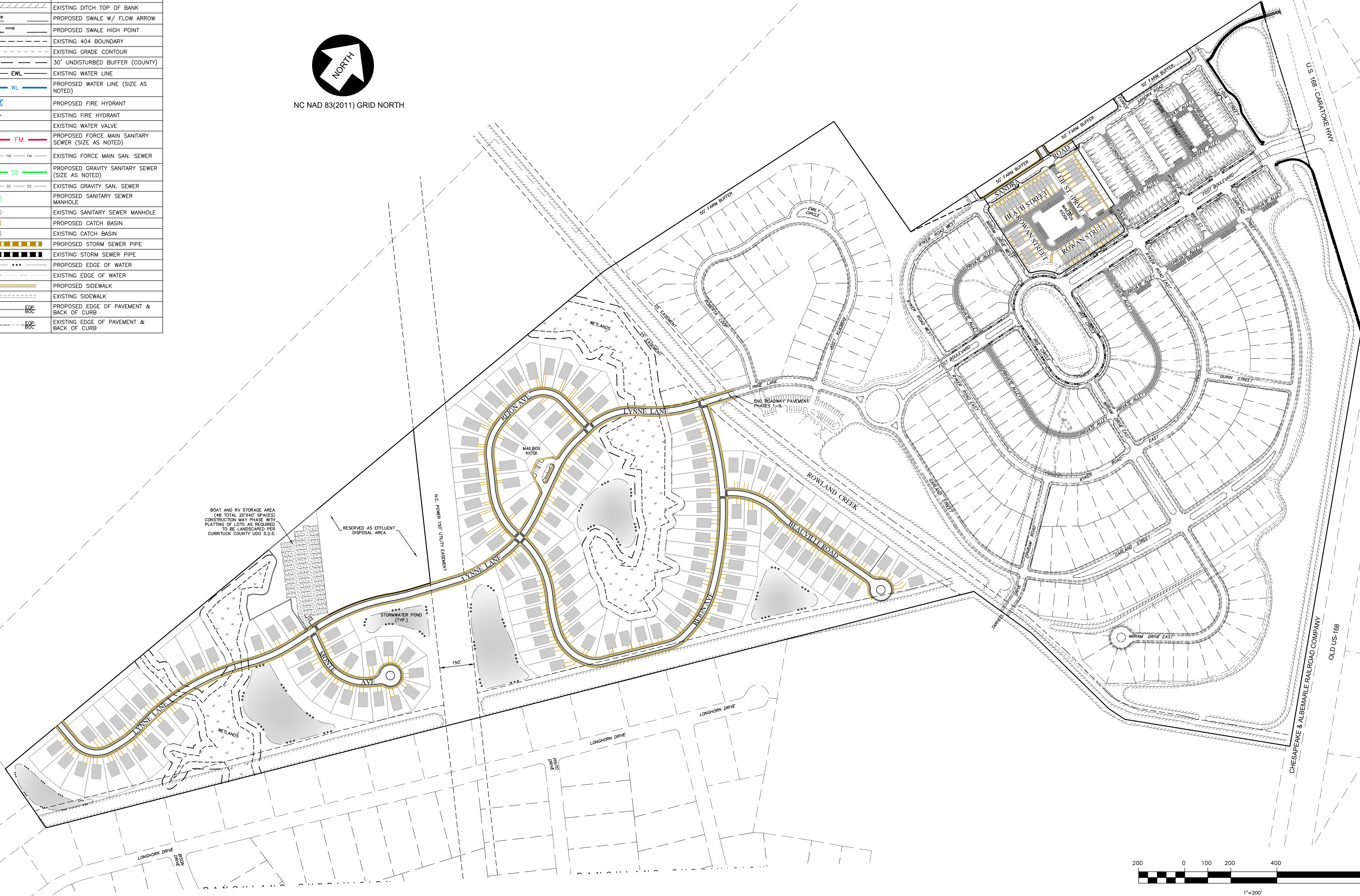
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LEGEND	
	DELINEATED WETLANDS
	EXISTING DITCH CENTERLINE
	EXISTING DITCH TOP OF BANK
	PROPOSED SWALE W/ FLOW ARROW
	PROPOSED SWALE HIGH POINT
	EXISTING 404 BOUNDARY
	EXISTING GRADE CONTOUR
	30' UNDISTURBED BUFFER (COUNTY)
	EXISTING WATER LINE
	PROPOSED WATER LINE (SIZE AS NOTED)
	PROPOSED FIRE HYDRANT
	EXISTING FIRE HYDRANT
	EXISTING WATER VALVE
	PROPOSED FORCE MAIN SANITARY SEWER (SIZE AS NOTED)
	EXISTING FORCE MAIN SAN. SEWER
	PROPOSED GRAVITY SANITARY SEWER (SIZE AS NOTED)
	EXISTING GRAVITY SAN. SEWER
	PROPOSED SANITARY SEWER MANHOLE
	EXISTING SANITARY SEWER MANHOLE
	PROPOSED CATCH BASIN
	EXISTING CATCH BASIN
	PROPOSED STORM SEWER PIPE
	EXISTING STORM SEWER PIPE
	PROPOSED EDGE OF WATER
	EXISTING EDGE OF WATER
	PROPOSED SIDEWALK
	EXISTING SIDEWALK
	PROPOSED EDGE OF PAVEMENT & BACK OF CURB
	EXISTING EDGE OF PAVEMENT & BACK OF CURB

NOTE: ALL ALLEY RIGHTS OF WAY ARE TO BE PRIVATELY HELD. ALL OTHER RIGHTS OF WAY ARE TO BE DEDICATED TO THE PUBLIC.



NC NAD 83(2011) GRID NORTH



Bissell Professional Group  
P.O. Box 108  
Cary, NC 27513  
Tel: (919) 261-1760  
Fax: (919) 261-1760

**HARDSCAPING OVERVIEW**

**PRELIMINARY PLANS**

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**THE FOST TRACT PD-R**

MOYOCK TOWNSHIP  
CURRITUCK COUNTY  
NORTH CAROLINA

**PRELIMINARY SUBDIVISION PLANS**

NO.	DATE	DESCRIPTION	BY	CHK
1	03/24/21	DESIGN	BPG	MSB
2	03/24/21	DESIGN	BPG	MSB
3	03/24/21	DESIGN	BPG	MSB
4	03/24/21	DESIGN	BPG	MSB
5	03/24/21	DESIGN	BPG	MSB
6	03/24/21	DESIGN	BPG	MSB
7	03/24/21	DESIGN	BPG	MSB
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16	03/24/21	DESIGN	BPG	MSB
17	03/24/21	DESIGN	BPG	MSB
18	03/24/21	DESIGN	BPG	MSB
19	03/24/21	DESIGN	BPG	MSB
20	03/24/21	DESIGN	BPG	MSB

DATE: 03/24/21 SCALE: 1" = 200'

DESIGNED: BPG CHECKED: MSB

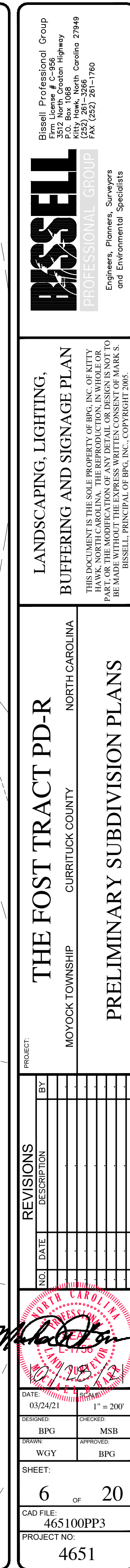
DRAWN: WGY APPROVED: BPG

SHEET: 5 OF 20

CAD FILE: 465100PP3

PROJECT NO: 4651







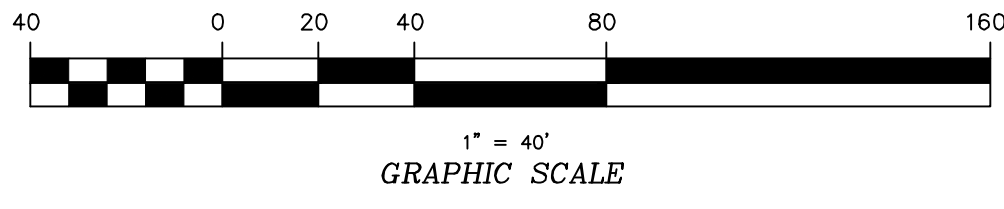
\* ADJUSTED FROM THE AREA SHOWN ON THE PRELIMINARY PLAT FOR PHASES 1-5 TO ALLOW FOR THE RIGHTS OF WAY OF BOTH LYNNE LANE AND ATLAS WAY.

CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C676	42.37	30.00	38.94	N16° 30' 44"E	80°55'35"
C677	31.50	30.00	30.07	N47° 42' 45"E	60°09'33"
C678	41.73	380.01	41.71	N38° 24' 42"E	61°17'31"
C679	357.57	864.00	355.02	S29° 42' 06"W	23°42'43"
C1060	23.56	15.00	21.21	N26° 23' 23"E	90°00'00"
C1061	15.51	15.00	14.39	N47° 17' 03"E	92°50'53"
C1062	112.36	150.28	109.76	S54° 32' 41"W	42°50'17"
C1063	19.76	15.00	18.36	N70° 52' 15"E	75°29'24"
C1064	23.56	15.00	21.21	S26° 23' 03"E	90°00'00"



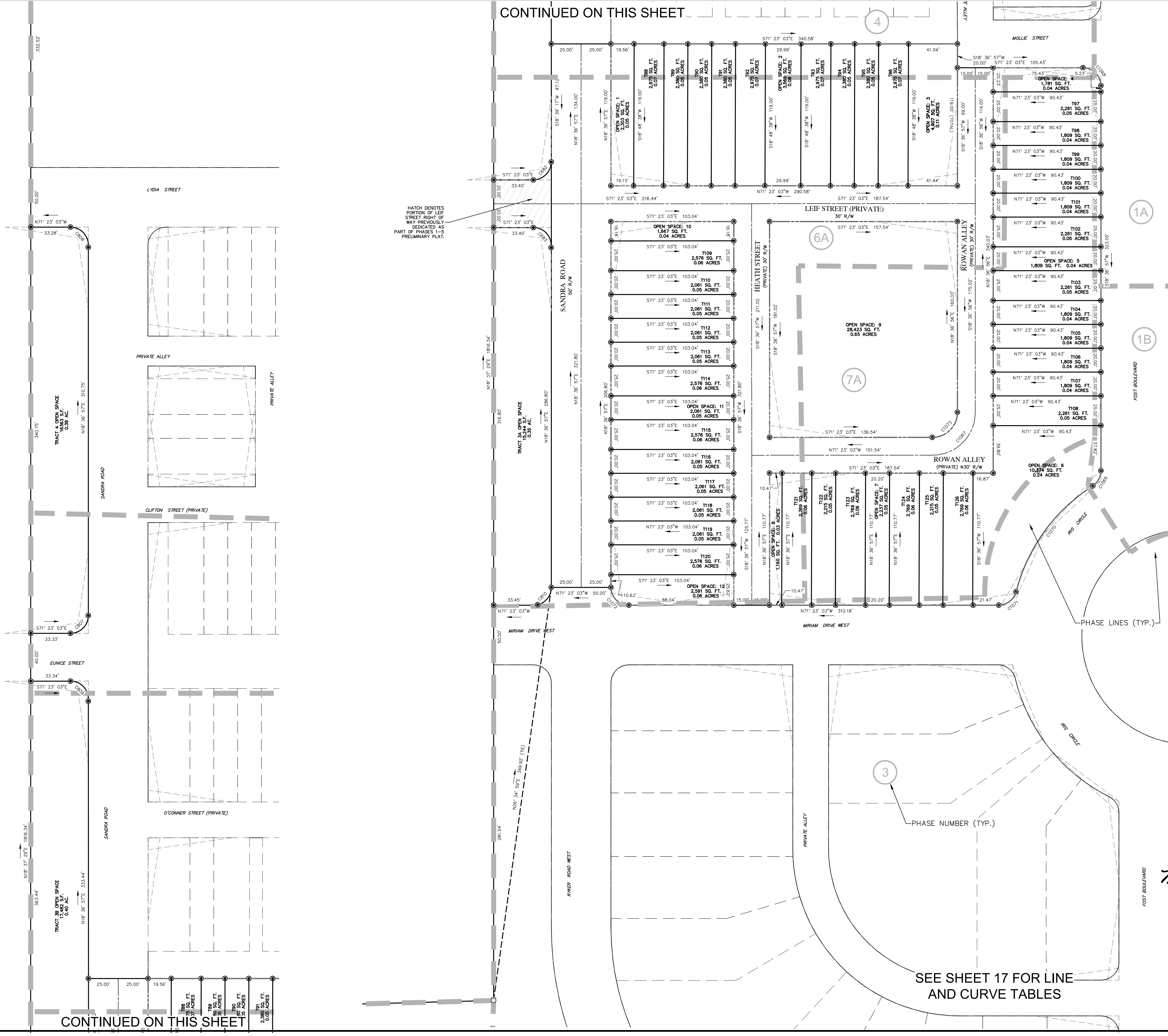


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NC NAD 83(2011) GRID NORTH

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
	CALCULATED POINT
N/F	NOW OR FORMERLY
TWP.	TOWNSHIP
P.C.	PLAT CABINET
SL	SLIDE
D.B.	DEED BOOK
M.B.	MAP BOOK
P.G.	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



Bissell Professional Group  
Firm License # C-906  
P.O. Box 1068  
Cary, NC 27513  
Phone: (919) 232-1700  
Fax: (919) 232-1700

PLAT SHEET 8  
PRELIMINARY PLAT

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

PRELIMINARY SUBDIVISION PLANS

NO. DATE DESCRIPTION

REVISIONS

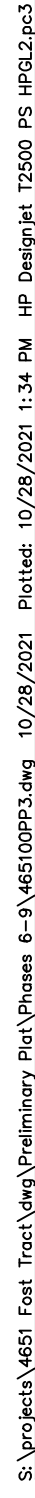
DATE: 03/24/21  
DESIGNED: BPG  
DRAWN: WGY  
SHEET: 8 OF 20

CAD FILE: 465100PP3  
PROJECT NO: 4651

Attachment: 2 10-28-21 Fost Preliminary Plat 6-9 (PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit)

Packet Pg. 250

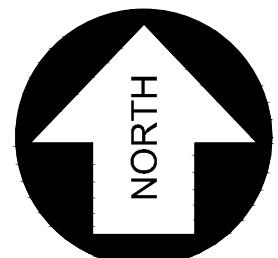








SEE SHEET 17 FOR LINE AND CURVE TABLES



NC NAD 83(2011) GRID NORTH



1" = 40'  
GRAPHIC SCALE

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
	CALCULATED POINT
	TOWNSHIP
	NOW OR FORMERLY
	PLAT CABINET
	SLIDE
	DEED BOOK
	MAP BOOK
	PAGE
	SQUARE FEET
	MAXIMUM BUILDING LINE
	AC or AC.
	P/O
	TYP.
	NOT TO SCALE
	OPEN SPACE
	RIGHT-OF-WAY

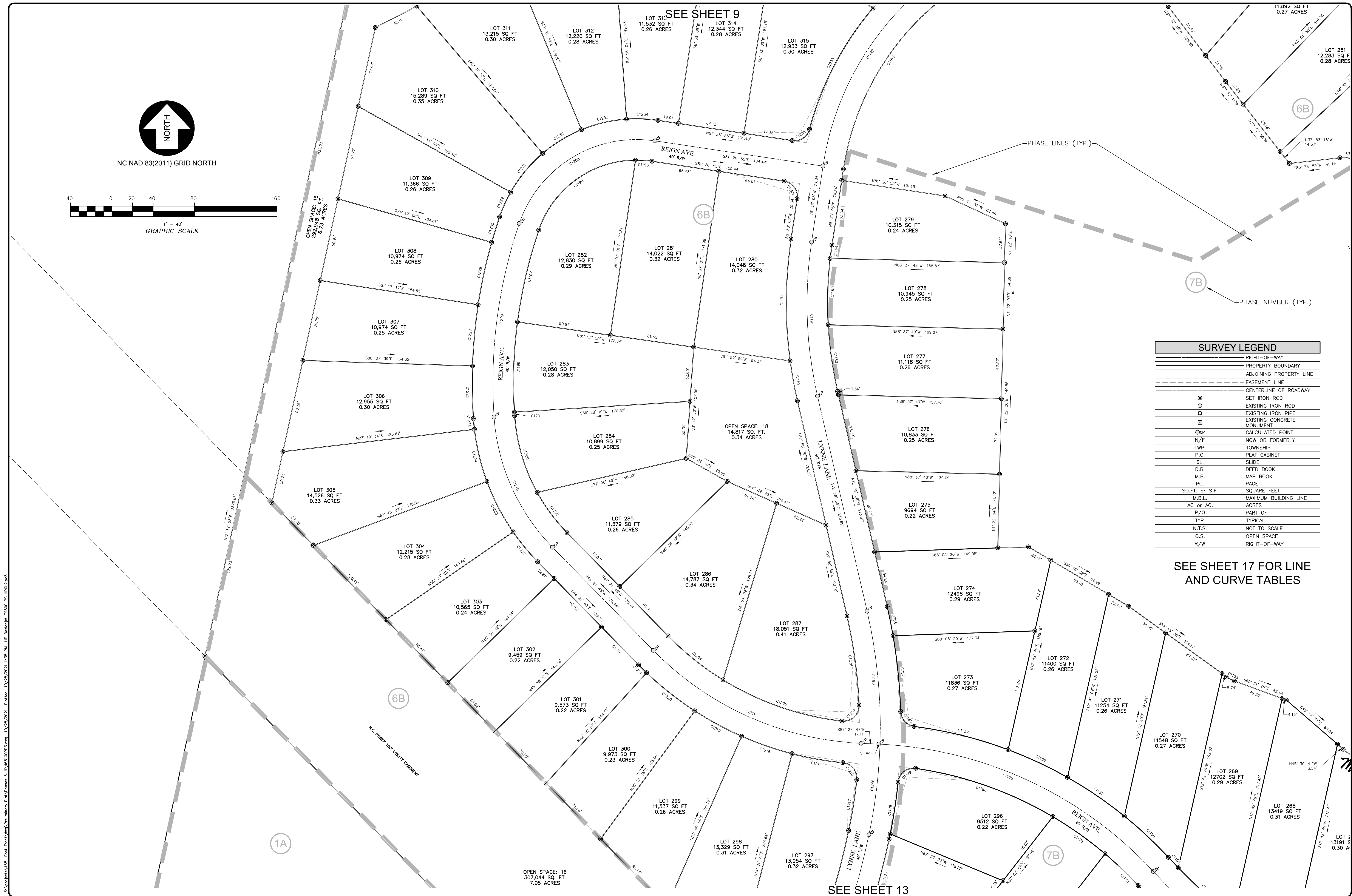
**BISSELL**  
PROFESSIONAL GROUP  
Engineers, Planners, Surveyors  
and Environmental Specialists

PLAT SHEET 10  
PRELIMINARY PLAT  
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THE FOST TRACT PD-R  
NORTH CAROLINA  
CURRITUCK COUNTY  
MOYOCK TOWNSHIP  
PRELIMINARY SUBDIVISION PLANS

REVISIONS	
NO.	DATE
1	03/24/21
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443	03/24/21
444	03/24/2





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
□	CALCULATED POINT
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

SEE SHEET 17 FOR LINE  
AND CURVE TABLES

[illegible]

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PLAT SHEET 11

PRELIMINARY PLAT

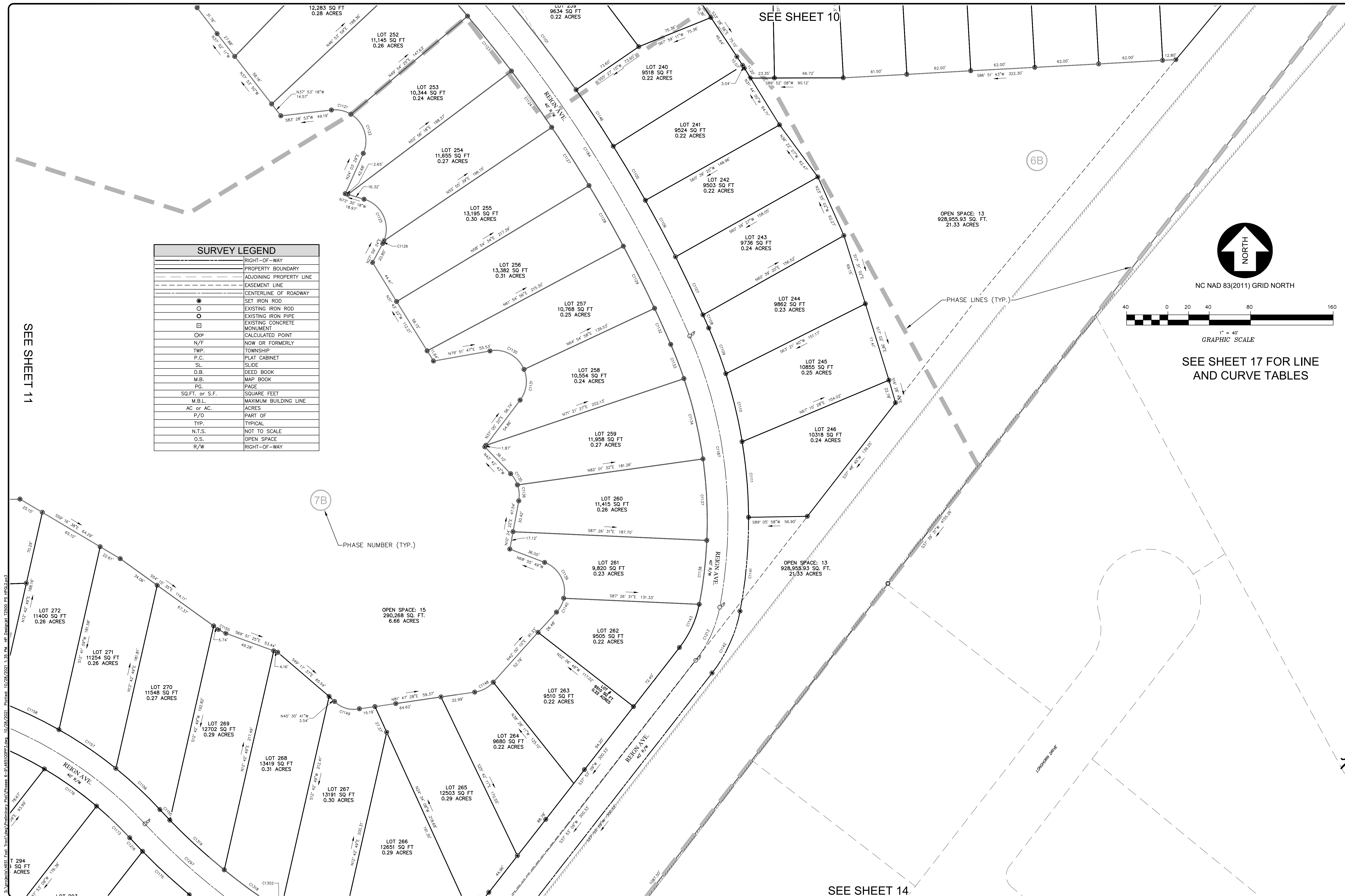
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THE FOST TRACT 'D'-K  
SEE SHEET 12

DOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

PRELIMINARY SUBDIVISION PLANS





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
□	CALCULATED POINT
N/F	NOW OR FORMERLY
TWP.	TOWNSHIP
P.C.	PLAT CABINET
SL	SLIDE
D.B.	DEED BOOK
M.B.	MAP BOOK
P.G.	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

[illegible]

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FAX (501) 261-1780

PLAT SHEET 12

PRELIMINARY PLAT

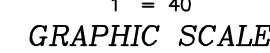
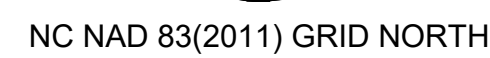
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**THE FOST TRACT PD-R**

**PRELIMINARY SUBDIVISION PLANS**

ROCK TOWNSHIP      CURRITUCK COUNTY      NORTH CAROLINA





PHASE NUMBER (TYP.)

—PHASE LINES (TYP.)—

OPEN SPACE: 17  
112,538 SQ. FT.  
2.58 ACRES

SEE SHEET 15

6B

7B

8

THE FOST TRACT PD-K  
NORTH CAROLINA  
CURRITUCK COUNTY  
WNSHIP  
SEE SHEET 14

PLAT SHEET 13  
PRELIMINARY PLAT

THE FOST TRACT 'D'-K  
SHEET 14

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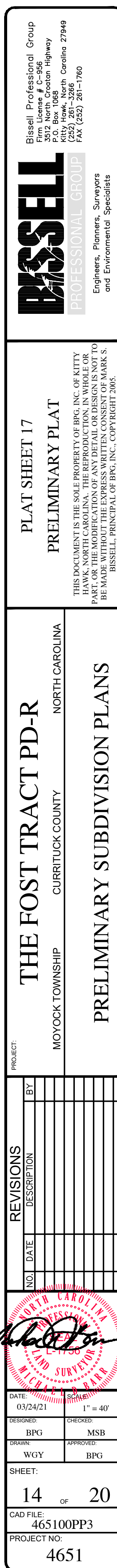
PLAT SHEET 13

PRELIMINARY PLAT

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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
○CP	CALCULATED POINT
N/F	NOW OR FORMERLY
TWP.	TOWNSHIP
P.C.	PLAT CABINET
SL	SLIDE
D.B.	DEED BOOK
M.B.	MAP BOOK
PG.	PAGE
SQ.F.T. 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

[illegible]

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

PLAT SHEET 15  
PRELIMINARY PLAT

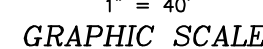
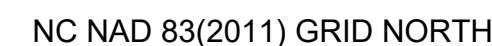
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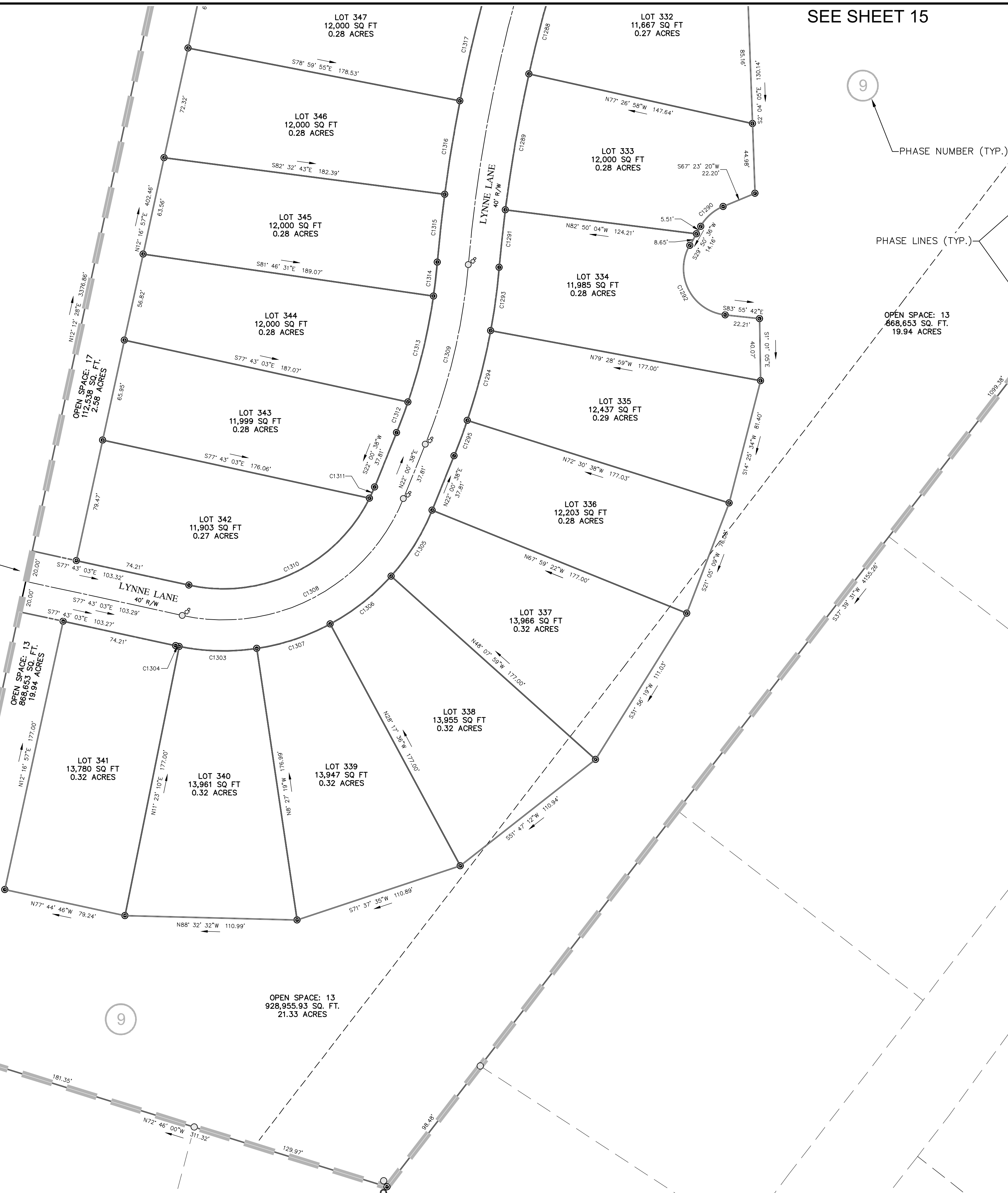




SEE SHEET 17 FOR LINE  
AND CURVE TABLES

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
○CP	CALCULATED POINT
N/F	NOW OR FORMERLY
TWP.	TOWNSHIP
P.C.	PLAT CABINET
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M.B.	MAP BOOK
P.G.	PAGE
SQ.F. or S.F.	SQUARE FEET
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AC or A.	ACRES
P/O	PART OF
TYP.	TYPICAL
N.T.S.	NOT TO SCALE
O.S.	OPEN SPACE
R/W	RIGHT-OF-WAY

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



SEE SHEET 15

\PHASE NUMBER (TYP.)

PHASE LINES (TYP.)

OPEN SPACE: 13  
868,653 SQ. FT.  
19.94 ACRES

SEE SHEET 7

[illegible]

SEE SHEET 41 LEHS  
THE FOST TRACT PD-K

NORTH CAROLINA

BRITUCK COUNTY

MOYOCK TOWNSHIP

# PRELIMINARY SUBDIVISION PLANS

PLAT SHEET 16  
PRELIMINARY PLAT

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CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C757	73.88	520.00	73.82	S5° 44' 20"E	8°08'27"
C758	28.75	520.00	28.74	S11° 23' 35"E	3°10'02"
C770	39.32	420.00	39.31	S10° 17' 39"E	5°21'53"
C875	150.98	1326.00	150.90	S46° 04' 43"E	6°31'25"
C1076	24.32	15.00	21.74	S11° 00' 14"E	92°53'36"
C1079	40.18	305.00	40.15	S54° 32' 51"W	7°32'52"
C1080	22.62	15.00	20.54	S86° 01' 17"E	86°24'35"
C1081	150.98	1326.00	150.90	N46° 04' 43"W	6°31'25"
C1082	50.99	278.42	50.92	S63° 14' 27"W	10°29'38"
C1083	52.48	286.51	52.40	S72° 42' 11"W	10°29'38"
C1084	55.78	305.00	55.70	S82° 59' 52"W	10°28'44"
C1085	49.04	305.00	48.98	N87° 08' 31"W	9°12'43"
C1086	19.02	971.57	19.02	N83° 29' 49"W	1°07'19"
C1087	64.63	550.00	64.59	S87° 53' 32"E	6°43'58"
C1088	64.63	550.00	64.59	S87° 53' 32"E	6°43'58"
C1089	18.04	550.00	18.04	N87° 48' 06"E	1°52'46"
C1090	242.71	285.00	235.44	S73° 04' 01"W	48°47'40"
C1091	105.47	570.00	105.32	S87° 50' 13"E	10°36'07"
C1092	18.86	25.00	18.42	N65° 15' 03"E	43°13'20"
C1093	31.60	50.00	31.08	N61° 44' 45"E	36°12'44"
C1095	34.32	50.10	33.65	N80° 33' 30"W	39°14'50"
C1096	106.65	50.00	87.55	N39° 45' 53"E	122°12'31"
C1097	51.39	590.00	51.38	N89° 21' 27"E	4°59'27"
C1098	57.78	590.00	57.76	S85° 20' 30"E	5°36'41"
C1099	73.91	265.00	73.67	S89° 28' 28"W	15°58'45"
C1100	79.26	265.00	78.97	S72° 54' 58"W	17°08'16"
C1101	116.13	1260.90	116.09	N37° 18' 51"W	5°16'37"
C1102	23.87	15.00	21.43	S5° 46' 07"W	9°10'09"
C1103	60.07	265.00	59.94	S57° 51' 14"W	12°59'13"
C1105	60.92	1326.00	60.92	S30° 39' 38"E	2°37'57"
C1106	62.02	1326.00	62.02	S28° 00' 16"E	2°40'48"
C1107	62.16	1326.00	62.15	S25° 19' 17"E	2°41'09"
C1108	13.85	1326.00	13.85	S23° 40' 46"E	0°35'54"
C1109	47.35	470.00	47.33	S20° 29' 39"E	5°46'19"
C1110	67.69	470.00	67.64	S13° 28' 56"E	8°15'08"
C1111	73.55	470.00	73.47	N4° 52' 23"W	8°57'57"
C1112	120.77	620.00	120.58	N41° 01' 23"E	11°09'39"
C1113	22.76	15.00	20.64	S78° 54' 59"W	86°56'50"
C1114	50.47	1286.00	50.46	N56° 29' 09"W	2°14'54"
C1115	71.48	1286.00	71.47	N53° 46' 10"W	3°11'04"
C1116	8.32	30.00	8.29	N45° 20' 28"W	15°52'59"
C1117	66.95	1286.00	66.95	N50° 41' 08"W	2°58'59"
C1118	68.69	1286.00	68.68	N47° 39' 50"W	3°03'37"
C1119	68.09	1286.00	68.08	N44° 37' 01"W	3°02'01"
C1120	67.50	1286.00	67.49	N41° 35' 48"W	3°00'26"
C1121	19.66	30.00	19.31	N77° 44' 35"W	37°33'04"
C1122	43.47	30.00	39.77	N17° 27' 17"W	83°01'32"
C1123	68.04	1286.00	68.03	N38° 34' 38"W	3°01'54"
C1124	67.09	1286.00	67.08	N35° 34' 01"W	2°59'20"
C1125	50.30	30.00	44.61	N25° 28' 22"W	96°03'51"
C1126	2.84	30.00	2.84	N25° 16' 29"E	5°25'51"
C1127	66.93	1286.00	66.93	N32° 34' 53"W	2°58'56"
C1128	67.47	1286.00	67.46	N29° 35' 15"W	3°00'21"
C1129	67.35	1286.00	67.34	N26° 35' 03"W	3°00'03"
C1130	40.48	30.00	37.48	N61° 29' 06"W	77°18'14"
C1131	31.33	30.00	29.93	N7° 05' 11"E	59°50'19"
C1132	38.24	1286.00	38.24	N24° 13' 55"W	1°42'13"
C1133	35.55	430.00	35.54	N21° 00' 41"W	4°44'15"
C1134	80.06	430.00	79.95	N13° 18' 31"W	10°40'05"
C1135	12.71	30.00	12.61	N31° 34' 30"W	24°16'26"
C1136	15.63	30.00	15.45	N4° 30' 58"W	29°50'39"
C1137	79.05	430.00	78.93	N2° 42' 29"W	10°31'57"
C1138	62.40	430.00	62.35	N6° 42' 56"E	8°18'54"
C1139	42.79	30.00	39.25	N28° 04' 16"W	81°42'57"
C1140	15.30	30.04	15.13	N27° 24' 00"E	29°01'17"
C1141	91.46	470.00	91.32	N5° 11' 05"E	11°08'59"
C1142	66.28	140.00	65.66	N24° 19' 22"E	27°07'34"
C1143	46.49	100.00	46.07	S24° 34' 00"W	26°38'17"
C1145	40.47	50.00	39.38	N37° 43' 29"W	46°22'39"
C1146	85.46	1182.57	85.45	S33° 23' 28"E	3°10'17"
C1148	20.83	30.00	20.42	N61° 53' 49"E	39°47'18"
C1149	25.96	28.42	24.93	S73° 39' 35"E	56°17'48"
C1155	13.70	586.00	13.70	N43° 23' 04"W	1°20'23"
C1155	8.17	30.00	8.14	S62° 03' 30"E	15°35'50"
C1156	58.76	405.00	58.71	N46° 52' 15"W	8°18'45"

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1163	64.47	380.00	64.39	S1° 43' 39"W	9°43'12"
C1164	13.02	380.00	13.02	S7° 34' 10"W	1°57'49"
C1165	221.81	260.00	215.15	S32° 59' 30"W	48°52'51"
C1168	76.13	140.00	75.19	N53° 27' 49"E	31°09'20"
C1169	106.52	220.00	105.48	S83° 18' 59"W	27°44'32"
C1170	52.97	220.00	52.85	S75° 54' 52"E	13°47'47"
C1171	45.34	220.00	45.26	S63° 06' 44"E	11°48'27"
C1172	17.12	626.00	17.12	S56° 25' 30"E	1°34'02"
C1173	28.39	365.00	28.38	N44° 56' 34"W	4°27'25"
C1174	61.53	626.00	61.50	S52° 49' 32"E	5°37'54"
C1175	61.75	626.00	61.73	S47° 11' 01"E	5°39'08"
C1176	62.13	365.00	62.06	N54° 34' 42"W	9°45'12"
C1177	72.82	667.86	72.78	N14° 29' 53"E	6°14'49"
C1178	50.81	521.68	50.79	N8° 39' 57"E	5°34'49"
C1179	24.20	15.00	21.66	S52° 05' 30"W	92°26'33"
C1180	141.63	365.00	140.74	N70° 34' 16"W	22°13'56"
C1183	404.29	1306.00	402.68	N50° 11' 55"W	17°44'12"
C1184	409.16	1306.00	407.48	N32° 21' 19"W	17°57'01"
C1185	39.89	50.00	38.84	N56° 16' 42"W	45°42'19"
C1186	31.27	30.00	29.87	N63° 16' 54"W	59°42'45"
C1187	268.13	450.00	264.18	N6° 18' 37"W	34°08'23"
C1188	300.69	385.00	293.11	N65° 05' 20"W	44°44'55"
C1189	1.10	385.00	1.10	N87° 22' 53"W	0°09'48"
C1190	129.70	500.00	129.34	N5° 32' 43"W	14°51'45"
C1191	150.29	400.00	149.41	S2° 12' 45"E	21°31'41"
C1192	238.88	280.00	231.70	S32° 59' 30"W	48°52'51"
C1193	230.27	600.00	228.86	N46° 26' 15"E	21°59'22"
C1194	118.48	420.00	118.09	S0° 28' 11"W	16°09'48"
C1195	23.56	15.00	21.21	N36° 26' 55"W	90°00'00"
C1196	16.05	100.00	16.04	N86° 02' 51"W	9°11'51"
C1197	91.43	460.00	91.28	S13° 03' 42"W	11°23'18"
C1198	123.22	100.00	115.57	S54° 03' 17"W	70°35'53"
C1199	87.49	460.00	87.36	S1° 55' 06"W	10°53'52"
C1200	78.07	180.00	77.46	S16° 23' 21"E	24°50'57"
C1201	3.46	460.00	3.46	S3° 44' 45"E	0°25'50"
C1202	48.85	180.00	48.70	S36° 35' 18"E	15°32'59"
C1203	68.18	280.00	68.01	S51° 20' 21"E	13°57'05"
C1204	68.18	280.00	68.01	S51° 20' 21"E	13°57'05"
C1205	122.77	280.00	121.79	S70° 52' 34"E	25°07'21"
C1206	87.25	480.00	87.13	N7° 46' 08"W	10°24'55"
C1207	25.95	15.00	22.83	N47° 00' 03"E	99°07'26"
C1208	167.12	120.00	153.94	S58° 39' 13"W	79°47'44"
C1209	190.29	480.00	189.05	S7° 23' 55"W	22°42'52"
C1210	141.04	200.00	138.13	S24° 09' 39"E	40°24'17"
C1211	225.67	300.00	220.39	S65° 54' 48"E	43°05'59"
C1212	130.98	808.00	130.84	N16° 40' 52"E	9°17'16"
C1213	56.81	120.00	56.28	N24° 19' 22"E	27°07'34"
C1214	50.09	320.00	50.04	S79° 57' 23"E	8°58'08"
C1215	23.70	15.00	21.31	N39° 10' 21"W	90°32'13"
C1216	17.95	626.00	17.95	S43° 32' 10"E	1°38'36"
C1217	49.75	480.00	49.73	N9° 03' 55"E	5°56'17"
C1218	51.61	320.00	51.56	S70° 51' 05"E	9°14'28"
C1219	51.61	320.00	51.56	S61° 36' 37"E	9°14'28"
C1220	59.60	320.00	59.51	S51° 39' 15"E	10°40'16"
C1221	10.92	320.00	10.92	S45° 20' 28"E	1°57'19"
C1222	37.45	220.00	37.41	S39° 29' 11"E	9°45'13"
C1223	55.14	220.00	55.00	S27° 25' 44"E	14°21'41"
C1224	52.12	220.00	52.00	S13° 27' 39"E	13°34'28"
C1225	50.86	500.00	50.84	S1° 02' 31"E	5°49'43"
C1226	10.45	220.00	10.45	S5° 18' 48"E	2°43'15"
C1227	59.68	500.00	59.65	S5° 17' 32"W	6°50'22"
C1228	61.84	500.00	61.80	S12° 15' 18"W	7°05'11"
C1229	26.13	140.00	26.09	S24° 06' 07"W	10°41'31"
C1230	25.81	500.00	25.81	S17° 16' 37"W	2°57'27"
C1231	48.95	140.00	48.70	S39° 27' 51"W	20°01'58"
C1232	44.36	140.00	44.18	S58° 33' 29"W	18°09'18"
C1233	44.95	140.00	44.76	S76° 50' 00"W	18°23'45"
C1234	30.59	140.00	30.53	N87° 42' 31"W	12°31'12"
C1235	133.58	300.00	132.48	S27° 41' 13"W	25°30'44"
C1236	21.89	15.00	20.00	N56° 44' 28"E	83°37'14"
C1238	90.70	380.00	90.48	N28° 25' 41"E	13°40'31"
C1239	41.73	380.00	41.71	N38° 24' 42"E	6°17'31"
C1240	357.57	864.00	355.02	S29° 42' 06"W	23°42'43"
C1241	31.50	30.00	30.07	N47° 42' 45"W	60°09'33"
C1242	42.37	30.00	38.94	N16° 30' 44"E	80°55'35"

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1249	46.12	420.00	46.10	N38° 24' 42"E	6°17'31"
C1250	349.29	844.00	346.80	S29° 42' 06"W	23°42'43"
C1251	327.56	824.00	325.41	S30° 10' 10"W	22°46'35"
C1252	21.45	15.00	19.67	S22° 11' 00"E	81°55'44"
C1253	137.53	740.72	137.33	S23° 33' 41"W	10°38'17"
C1254	31.06	180.00	31.02	N68° 05' 27"W	9°53'12"
C1255	168.04	180.00	162.00	N80° 13' 16"E	53°29'21"
C1256	65.25	120.00	64.45	N53° 27' 49"E	31°09'20"
C1257	30.77	25.00	28.87	N11° 36' 02"E	70°31'44"
C1258	35.34	50.00	34.61	N3° 25' 01"W	40°29'37"
C1259	42.72	50.00	41.43	S41° 18' 15"W	48°56'55"
C1260	41.22	50.00	40.07	N89° 23' 53"E	47°14'22"
C1261	39.71	50.00	38.68	N44° 13' 42"W	45°30'27"
C1262	36.59	50.00	35.78	N0° 30' 43"W	41°55'31"
C1263	49.17	50.00	47.21	N48° 37' 16"E	56°20'27"
C1264	13.06	25.00	12.91	S61° 49' 42"W	25°55'35"
C1265	20.77	180.00	20.70	N50° 10' 15"E	6°36'42"
C1266	244.30	220.00	229.39	N81° 51' 31"E	69°59'15"
C1267	55.47	220.00	55.32	S54° 05' 17"E	14°26'47"
C1268	56.99	220.00	56.83	S68° 43' 58"W	14°50'34"
C1269	56.99	220.00	56.83	S83° 34' 32"W	14°50'34"
C1270	56.99	220.00	56.83	S81° 34' 53"E	14°50'34"
C1271	187.62	200.00	188.04	S84° 05' 01"E	53°45'00"
C1272	117.09	620.00	116.91	N32° 12' 37"E	10°49'13"
C1273	81.92	620.00	81.86	N23° 00' 55"E	7°34'14"
C1274	14.97	620.00	14.97	N18° 32' 03"E	17°30'11"
C1275	25.92	15.00	22.81	S67° 20' 57"W	99°00'24"
C1277	222.91	940.00	221.78	N27° 49' 25"E	19°57'20"
C1279	554.90	660.00	547.31	S21° 21' 13"E	32°54'34"
C1282	66.54	986.50	66.53	S26° 05' 20"W	3°51'53"
C1283	75.94	986.50	75.92	S30° 13' 35"E	4°24'38"
C1284	9.48	300.00	9.44	S59° 17' 26"W	18°06'12"
C1285	7.06	300.00	7.04	S71° 03' 17"E	13°28'30"
C1286	65.87	986.50	65.86	S22° 14' 37"W	3°49'33"
C1288	58.08	946.50	58.07	S14° 18' 31"W	3°30'57"
C1289	88.96	946.50	88.99	S9° 51' 29"W	5°23'06"
C1290	19.66	300.00	19.31	S48° 36' 58"W	37°32'44"
C1291	37.33	946.50	37.33	S6° 02' 09"E	21°5'35"
C1292	59.57	300.00	50.26	S27° 02' 33"W	113°46'18"
C1293	41.93	420.00	41.12	N7° 42' 41"E	5°36'40"
C1294	59.12	420.00	59.87	N12° 31' 04"E	8°01'29"
C1295	24.33	420.00	24.32	N20° 21' 16"E	3°19'07"
C1296	68.55	1188.61	68.54	N19° 16' 30"E	3°16'16"
C1297	153.30	1000.00	152.89	S49° 57' 42"E	14°29'39"
C1298	27.19	100.00	27.10	S45° 40' 29"W	15°34'40"
C1299	27.19	100.00	27.10	S61° 15' 09"W	15°34'40"
C1300	101.55	180.00	101.20	S85° 12' 15"W	32°19'33"
C1301	63.04	180.00	62.72	S68° 36' 00"E	20°04'00"
C1302	4.27	180.00	4.27	N57° 53' 15"W	1°21'29"
C1303	50.25	145.00	50.00	S88° 32' 32"E	19°51'23"
C1304	2.27	145.00	2.27	S78° 09' 07"E	0°53'47"
C1305	50.25	145.00	50.00	N31° 56' 19"E	19°51'23"
C1306	50.21	145.00	49.96	N51° 47' 12"E	19°50'23"
C1307	50.17	145.00	49.96	N71° 37' 05"E	19°49'23"
C1308	175.13	125.00	161.15	N62° 08' 47"E	80°16'10"
C1309	119.41	100.00	118.97	N13° 27' 29"E	17°06'17"
C1310	139.15	105.00	129.19	N64° 19' 05"E	75°55'44"
C1311	7.96	105.00	7.96	N24° 10' 55"E	4°20'35"
C1312	21.12	380.00	21.11	N20° 25' 07"E	3°11'02"
C1313	70.31	380.00	70.21	N13° 31' 32"E	10°36'07"
C1314	22.01	380.00	22.01	N6° 33' 55"E	3°19'08"
C1315	43.89	986.50	43.88	S6° 10' 49"W	2°32'56"
C1316	61.06	986.50	61.05	S9° 13' 41"W	3°32'47"
C1317	72.13	986.50	72.11	S13° 05' 45"W	4°11'21"
C1318	63.09	586.00	63.06	N54° 07' 28"W	6°10'07"
C1319	71.45	586.00	71.40	N47° 32' 50"W	6°59'09"
C1320	42.28	220.00	42.22	S68° 39' 14"E	11°00'45"
C1321	146.76	660.00	146.46	N31° 25' 52"E	12°44'27"
C1322	83.11	660.00	83.05	N21° 27' 12"E	7°12'54"
C1323	359.05	946.50	358.90	S26° 56' 20"E	21°40'40"



S:\projects\4651\_Fost\_Trac\Draw\Preliminary\_Plan\Phases 6-9\MSB\00PP3.dwg, 11/18/2021, 1:36 PM HP Desktop T2050 PS HPGL2.epl3

SCHEDULE B							
PHASING SCHEDULE							
PHASE	APPROX. AREA (AC.)	DEVELOPMENT INTENSITY (D.U./AC.)	TND T.H.	TND S.F.	CONV. S.F.	TOTAL	OTHER IMPROVEMENTS
1A	18.3	2.3	25	1	16	42	Rowland Creek Improvements
1B	13.0	2.23	0	11	18	29	
SUBTOT PH1	31.3	2.27	25	12	34	71	
2	31.5	2.06	19	16	30	65	Main Lake (Completion)
3	26.6	1.92	16	14	21	51	Village Green & Clubhouse
4	24.7	3.12	27		50	77	Multi-Use Path
5	14.9	2.48		17	20	37	Swimming Pool
6	35.0	2.26	21		58	79	MAIL AREA
7	23.8	2.56	18		43	61	Up to 22,000 SF Neighborhood Commercial
8	18.6	1.02			19	19	
9	13.7	1.39			19	19	
Effluent & RV	8.18	0					
TOTALS	228.28	2.10	126	59	294	479	

ZONING TERMS AND 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") OR NORTH CAROLINA DEPARTMENT OF HEALTH & HUMAN SERVICES ("NCDHHS") 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 ATTACHED 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: DEVELOPER INTENDS TO CONNECT TO A MAJOR UTILITY, OFF-SITE, OWNED BY CURRITUCK WATER & SEWER, LLC. FOR WASTEWATER TREATMENT AND DISPOSAL. A WASTEWATER COLLECTION SYSTEM WILL BE CONNECTED BY THE DEVELOPER AND MANAGED BY A WASTEWATER UTILITY. THE UTILITY WILL BE REGULATED BY THE NORTH CAROLINA UTILITIES COMMISSION.
- 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:
- 1.1. 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.

- 1.2. 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.
- 1.3. 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:
- 1.1. CLEAR AND SNAG ROWLAND CREEK FROM N. C. HIGHWAY 168 TO THE EAST END OF ROWLAND CREEK ESTATES SUBDIVISION (ADJACENT TO PIN 0022000088M0000)
- 1.2. CLEAR AND SNAG THE RANCHLAND OUTLETS DITCH FROM THE PROPERTY'S SOUTHEAST CORNER ADJACENT TO RANCHLAND SUBDIVISION (ADJACENT TO PIN 0238000004201F2) 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.
- 1.3. 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.
- 1.4. IMPROVE ROWLAND CREEK FROM THE EASTERN BOUNDARY OF EAGLE CREEK (ADJACENT TO PIN 015A000009880000) 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
- 1.5. 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.
- 1.6. 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:
- 1.1. THE DEVELOPER SHALL CONSTRUCT BERMS ALONG DITCH OUTLETS AGAINST RANCHLAND TO KEEP PROPOSED DEVELOPMENT'S RUNOFF FROM FLOODING RANCHLAND DURING A 100-YEAR STORM.
- 1.2. 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:
- 1.1. 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.
- 1.2. 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.
- 1.3. 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.
- 1.4. 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.
- 1.5. 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.

ADDITIONAL CONDITIONS OF APPROVAL MADE ON DECEMBER 7, 2020:

- m. ROWLAND CREEK NEAR THE SOUTH OF THE PROPERTY MUST BE CLEARED AND SNAGGED AS SOON AS POSSIBLE.
- n. STORMWATER MANAGEMENT ON ROWLAND CREEK AND AREAS DOWNSTREAM NORTH AND EAST OF THE RAILROAD TRACK ARE WITHIN CAMA JURISDICTION, REQUIRE A 30' SETBACK, AND CAMA PERMITTING IS REQUIRED.
- o. DRAINAGE AND UTILITY REQUIREMENTS IN THE JUNE 24, 2019 APPROVED ORDER REMAIN UNCHANGED.

SCHEDULE C ROADWAY STANDARDS		
TYPE	R/W WIDTH	PAV' T. WIDTH (B-B)
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'
Private Street	30'	20'
Boulevard w/out bike lane	80'	16' each way

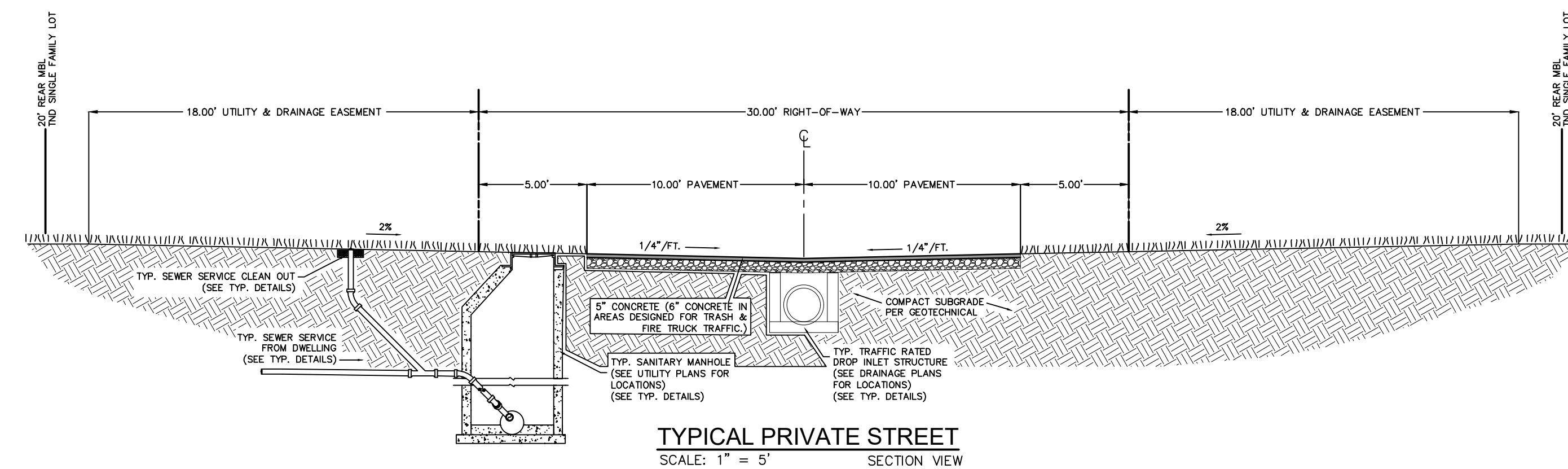
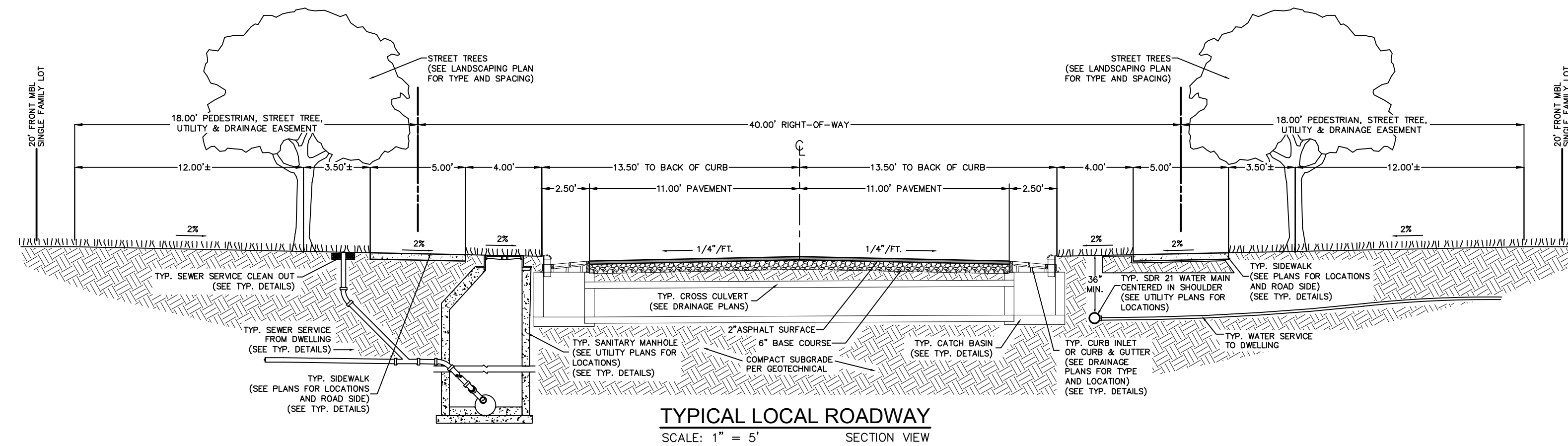
DEVELOPMENT STANDARDS & SETBACKS			
STYLE			
	TND T.H.	TND S.F. LOT	CONV. S.F. LOT
MIN. LOT SIZE	1,800 SF	6,900 SF	9,500 SF
TYPICAL LOT SIZE	1,800 – 3,000 SF	7,000 – 9,000 SF	10,000 – 15,000 SF
MIN. LOT WIDTH	20'	35'	35'
TYPICAL LOT WIDTH	20' – 25'	50' – 60'	62'
FRONT SETBACK	15'	20'	20'
SIDE SETBACK	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%

Blisgill Professional Group Firm License # C-195 301 North Gordon Highway Pittsboro, North Carolina 27169 Patty Howe, North Carolina FAX (252) 281-1790	
<b>RUSSELL</b> PROFESSIONAL GROUP	
Engineers, Planners, Surveyors and Environmental Specialists	
ZONING TERMS & CONDITIONS PRELIMINARY PLAT	
THIS DOCUMENT IS THE SOLE PROPERTY OF BRG, INC. OF KITT PATENT RIGHTS ARE RESERVED. NO PART OF THIS DOCUMENT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE EXPRESS WRITTEN CONSENT OF MARK S. RUSSELL, PRINCIPAL OF BRG, INC., COPYRIGHT 2006.	
THE FOST TRACT PD-R PROJECT: MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA	
PRELIMINARY SUBDIVISION PLANS	
REVISIONS	BY
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**BISSELL**  
PROFESSIONAL GROUP

Engineers, Planners,  
and Environmental Specialists

Bissell Professional Group  
Firm License # C-956  
2700 Northampton Highway  
P.O. Box 1098  
Kitty Hawk, North Carolina 27949  
(252) 261-3266  
FAX (252) 261-1760

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

[illegible]



## 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:** October 14, 2021

**Subject:** PB 18-23 Fost, Preliminary Plat/Special Use Permit, Phases 6-9

The following comments have been received for the October 13, 2021 TRC meeting for Fost, Preliminary Plat/Special Use Permit, Phases 6-9. In order to be scheduled for the November 15, 2021 Board of Commissioners meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on October 25, 2021. TRC comments are valid for six months from the date of the TRC meeting.

#### **Planning (Tammy Glave, 252-232-6025)**

##### **Denied:**

- Staff has concerns about the availability of elementary school capacity for the students this development is projected to generate. This development is districted to Shawboro Elementary that has zero % capacity and no plans for expansion. Without school capacity, a finding should not be made that the special use permit review standard of not exceeding the county's ability to provide adequate public facilities is met. (UDO Sections 2.4.6.D and 6.3.6) Section 6.6 of the UDO requires that all required public facilities shall be in place or programmed to be in place within two years after the initial approval of the special use permit. It should also be noted that the high schools are at 99% committed capacity.

2021-2022 Shawboro Elementary School Capacity	622 Students
10-4-2021 School Enrollment	622 Students
% Capacity Available	0%
Fost Phases 6-9 Proposed Capacity Changes	+44 Students



<b>ADEQUATE PUBLIC FACILITIES – SCHOOLS<sup>1</sup></b>			
<b>School</b>	<b>2021-2022 Actual Capacity<sup>2</sup></b>	<b>Committed Capacity<sup>3</sup></b>	<b>Proposed Capacity Changes</b>
			<b>Number of Students</b>
Moyock Elementary	128%	131%	+44
Shawboro Elementary	99%		
Central Elementary	96%		
Moyock Middle	94%	92%	+14
Currituck Middle	62%		
Currituck High	88%	105%	+24
JP Knapp Early College	86%		

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

<sup>2</sup>Capacity percentages are based on 2021-2022 school year classroom standards and Sep 2021 ADM

<sup>3</sup>Capacity percentages are based on the 2021-2022 school year classroom standards and Sep 2021 ADM

2. While regulated by the NCDEQ Division of Water Resources, staff has concerns about connecting any dwelling units to the WWTP at Eagle Creek until the system is compliant with State standards.
3. Please fix the word 'southern' on Sheet 18, k-1.4.
4. UDO Section 6.2.1.H Alleys states that alleys shall only intersect with streets (not other alleys) and shall not have a pavement width more than 16'. This was discovered after the preliminary plat approval of previous phases.
5. Please verify your calculations for Recreational and Parkland Fee-in-lieu. Staff's calculations are much higher than those shown on Sheet 1. Current property access value (land only) = \$3,942,400 with a resultant fee-in-lieu of \$134,288.27 as opposed to the \$15,978.64 as shown. (UDO Section 6.5)
6. Please confirm that the area marked as 'Reserved as effluent disposal area' is not counted as open space. (UDO Section 7.1.3.D)
7. Please note on the plan that on-site effluent disposal is not permitted, an amended plan is required that must be approved by the BOC, and the BOC must approve the amended plan prior to any land disturbance for any part of the on-site effluent disposal system.
8. Please indicate that drainage easements are dedicated to Currituck County. (UDO Section 7.3.4)

**Currituck County Chief Building Inspector/Fire Official (Bill Newns, 252-232-6023)**

Approved without comment.

**Currituck County Economic Development (Larry Lombardi, 252-232-6015)**

Reviewed without comment.

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

1. Addresses will be assigned by GIS during final plat review.

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

Reviewed without comment.

**Currituck County Soil and Stormwater (Dylan Lloyd, 252-232-3360)**

Reviewed without comment.

**Currituck County Utilities Director (Will Rumsey, 252-232-2769)/Water Department – Distribution Supervisor (Dave Spence, 252-232-2769)**

Reviewed without comment.

**Currituck County Public Utilities/Backflow (Chas Sawyer, 252-232-6060 ext. 4221)**

Reviewed without comment.

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

Reviewed without comment.

**NC Department of Transportation – District Engineer (David Otts, 252-331-4860)**

Reviewed without comment.

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

Previous comments for this subdivision apply.

**US Army Corps of Engineers (Anthony Scarbraugh, 910-251-4619)**

No new comments.

**The following items are necessary for resubmittal:**

- 3 - full size copies of revised plans
- 1 – 8.5 x 11" reduced copy
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- Required Presentation by Applicant or Authorized Agent (20-25 minutes)
  - Applicant to Present Findings of Fact
- Public Comment Period (typically 3 minutes each)
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- BOC Deliberation & Decision



**Kim Mason, NC Area Director**

[kmason@mediacomcc.com](mailto:kmason@mediacomcc.com)

216 B Shannonhouse Road

Edenton NC, 27932

Edenton: 252-482-5583

Plymouth: 252-793-2491

Mobile: 252-497-0328

RE: New Build & Development

Dear Development manager;

As you know the key need for all homes in this 21<sup>st</sup> Century is a solid internet connection, be it for business, education or entertainment, the public demand is here.

With this in mind, as you plan for your development and build out, we would like to encourage you to reach out to us, as you do for other essential utilities. It is most economical and reasonable for you to work with us and have this valuable infrastructure in advance of selling and building the homes. Any build out costs can easily be recouped as the lots are developed and make your neighborhoods more appealing to families and professionals.

We invite, you to partner with us and contact us locally. We will process a ROI for your location to determine partnership feasibility and estimated cost to ensure your development has access to the best internet services available.

Our key contacts are, Kim Mason, Director for North Carolina – information above and our construction coordinator Nathaniel Harris at 252- 793-5256 or 252-339-9375.

Mediacom launched 1-Gig broadband speeds in the following areas of North Carolina and operates customer service offices in Edenton and Plymouth.

<b>Bertie County</b>	<b>Martin County</b>	<b>Chowan County</b>	<b>Perquimans County</b>
Colerain	Jamesville	Arrowhead / Chowan Beach	Hertford
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Lewiston	Conway	<b>Currituck County</b>	<b>Tyrrell County</b>
Powellsville	Galatia	Barco	Columbia
Roxobel	Jackson	Currituck	<b>Washington County</b>
Windsor	Rich Square	Grandy	Creswell
<b>Camden County</b>	Seaboard	Moyock	Plymouth
Camden	Severn	Point Harbor	Roper
Shiloh	Woodland	Poplar Branch	
South Mills		Tulls Bay	

**About Mediacom Communications**

Mediacom Communications Corporation is the 5<sup>th</sup> largest cable operator in the U.S. serving over 1.3 million customers in smaller markets primarily in the Midwest and Southeast. Mediacom offers a wide array of information, communications and entertainment services to households and businesses, including video, high-speed data, phone, and home security and automation. Through Mediacom Business, the company provides innovative broadband solutions to commercial and public sector customers of all sizes and sells advertising and production services under the OnMedia brand. More information about Mediacom is available at [www.mediacomcable.com](http://www.mediacomcable.com).

We look forward to partnering with you to ensure your projects are successful and your development has the best services available for your buyers.

Best regards,

*Kim Mason*

Kim Mason

Operations Director, North Carolina







## 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:** October 14, 2021 **10-28-21 Response to TRC Comments**

**Subject:** PB 18-23 Fost, Preliminary Plat/Special Use Permit, Phases 6-9

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3. Please fix the word 'southern' on Sheet 18, k-1.4.
4. UDO Section 6.2.1.H Alleys states that alleys shall only intersect with streets (not other alleys) and shall not have a pavement width more than 16'. This was discovered after the preliminary plat approval of previous phases. The alleys were designed with a 20' width as required for fire department access, and have a 30' right-of-way width. UDO Section 6.2.1.D has a standard for a local road in a PD-R calling for a 20' pavement width in a 30' right-of-way, so it appears that an easy solution to this problem is to reclassify these streets from alleys to private streets. This appears to solve the problem, so we have assigned street names to these former alleys.
5. Please verify your calculations for Recreational and Parkland Fee-in-lieu. Staff's calculations are much higher than those shown on Sheet 1. Current property access value (land only) = \$3,942,400 with a resultant fee-in-lieu of \$134,288.27 as opposed to the \$15,978.64 as shown. (UDO Section 6.5) It is our understanding that the land value was established at the time of preliminary plat approval for the first phases, which should continue through the remaining phases. We have not previously had a request to change to an updated valuation in the middle of implementing a development phasing plan. It does not seem reasonable to require a fee that is more than 8 times what was budgeted based on the first phases, using an increased value that is based on the developer's purchase of the property, but we believe it should instead be based on the pre-closing value and fee schedule that had already been established at the time of the original approvals and budgeting.
6. Please confirm that the area marked as 'Reserved as effluent disposal area' is not counted as open space. (UDO Section 7.1.3.D) This area has not been counted as open space.

7. Please note on the plan that on-site effluent disposal is not permitted, an amended plan is required that must be approved by the BOC, and the BOC must approve the amended plan prior to any land disturbance for any part of the on-site effluent disposal system. **A note has been added to the plan on sheet 5.**
8. Please indicate that drainage easements are dedicated to Currituck County. (UDO Section 7.3.4) **The notation has been added to sheet 1.**

**Currituck County Chief Building Inspector/Fire Official (Bill Newns, 252-232-6023)**

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Powellsville	Galatia	Barco	Columbia
Roxobel	Jackson	Currituck	<b>Washington County</b>
Windsor	Rich Square	Grandy	Creswell
<b>Camden County</b>	Seaboard	Moyock	Plymouth
Camden	Severn	Point Harbor	Roper
Shiloh	Woodland	Poplar Branch	
South Mills		Tulls Bay	

**About Mediacom Communications**

Mediacom Communications Corporation is the 5<sup>th</sup> largest cable operator in the U.S. serving over 1.3 million customers in smaller markets primarily in the Midwest and Southeast. Mediacom offers a wide array of information, communications and entertainment services to households and businesses, including video, high-speed data, phone, and home security and automation. Through Mediacom Business, the company provides innovative broadband solutions to commercial and public sector customers of all sizes and sells advertising and production services under the OnMedia brand. More information about Mediacom is available at [www.mediacomcable.com](http://www.mediacomcable.com).

We look forward to partnering with you to ensure your projects are successful and your development has the best services available for your buyers.

Best regards,

*Kim Mason*

Kim Mason

Operations Director, North Carolina







## Major Subdivision Application

**OFFICIAL USE ONLY:**

Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

**Contact Information**
**APPLICANT:**

 Name: Moyock Development, LLC

 Address: 417 Caratoke Hwy., Unit D  
Moyock, NC 27958

 Telephone: 252-453-2718

 E-Mail Address: jold@qhoc.com
**PROPERTY OWNER:**

 Name: Same

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Same

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: \_\_\_\_\_

**Request**

 Physical Street Address: Caratoke Highway

 Parcel Identification Number(s): 0015-000-0086-0000

 Subdivision Name: The Fost Tract

 Number of Lots or Units: 178

Phase: \_\_\_\_\_

**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\*
3-15-21  
 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: \_\_\_\_\_

**ATTACHMENT TO APPLICATION FOR PRELIMINARY PLAT/USE PERMIT APPROVAL for FOST Phases 6-9****Purpose of the Use Permit and Project Narrative**

The goal is to continue building 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.

**USE PERMIT CRITERIA:****1. 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:

- a. Transportation: The main subdivision entrance will be connected directly to NC 168 (Caratoke Highway). Deceleration and acceleration lanes will be provided in accordance with NCDOT Standards and have been approved by NCDOT. Connectivity will be provided to the existing farmland to the southeast (Moyock Farms) and to the west (Flora Farm).

Roadways have been 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.

- b. 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.
- c. Wastewater: A centralized off-site wastewater treatment and disposal facility will be utilized (Currituck Water & Sewer Major Utility), and connected by running a force main from the Fost Tract to the treatment facility at Eagle Creek. A wastewater collection system will be constructed by the Developer and managed by the same wastewater utility. The utility will be regulated by the North Carolina Utilities Commission.
- d. 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 Moyock Farms property, and to excavate a new ditch that would be available to Ranchland along the common property line from the Moyock Farms site to south of the power easement. 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 to determine improvements that are needed 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.

**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.**

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 Caratoke Highway is commercial, land to the east is currently farmland, which has been approved for residential development, and existing 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 to existing farmland; however, the adjacent Flora farm has now been rezoned to C-MXR for compatible residential development.
- b. To the north (Caratoke Highway): A berm is being provided along the highway along with stormwater ponds flanking the main entrance road. The nearest dwelling unit will be set back at least 175 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 (which has been approved for residential development); 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.
- d. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line. The buffer may contain a pond.
- e. Limited commercial development is 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's proposed stormwater improvements will 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.

**3. 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 2.1 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 that 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 has conducted 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 stormwater. 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 applicant is proposing to connect to an off-site wastewater treatment and disposal facility. This will give the existing system 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. The applicant is also setting aside land to receive effluent and/or groundwater from the off-site facility.

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 to connect to a privately developed major sewer utility to avoid strain on County infrastructure, since private central sewer is existing in the area and available. Because the wastewater system will be a central sewer system, and the 2.1 units/acre is well 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 2.1 units per acre, which is below 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 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 the Flora Farm and to Moyock Farms, as appropriate. The applicant has studied 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 168 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.*



**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, 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 off-site and will not burden the county's wastewater system. The Development will not exceed the County's ability to provide adequate public facilities with respect to schools because the site is entirely in the Shawboro Elementary school district. In 2020, school capacity in this district was already allocated to students generated by this development, and these students have been included in the County's committed capacity tool. At the time of the hearing on this matter, there will be actual capacity in this district, and the County is expected to have a program in place for expansion of other nearby schools in the district which will deliver additional capacity to the elementary and middle school in this area within 2 years of approval.

## The Fost Tract - Phases 6-9

**March 23, 2021**

**Scheduled Time/Place: 6:00PM at Eagle Creek Event Pavilion**

**The meeting began at 6:00PM/Meeting Ended: at approximately 6:40PM**

**Attendees:** (See attached sign-in sheets)

**Also:** Jeannie Turner, Currituck County  
Justin Old, Developer  
Mark Bissell, Engineer

Comments from the Community	How Addressed
Will the project tie in to Guinea Mill canal and will it be part of the Guinea Mill tax district?	No, the property drains away from Guinea Mill to Rowland Creek and 168. It will not be included in the drainage district
Will there be a traffic light and can Ranchland connect to it to get out to 168 at a light?	There will be a traffic signal at the main entrance to Fost. The timing for its installation will be up to NCDOT based on traffic counts. The Moyock Farms community will connect to Fost and be able to utilize the light, but the Ranchland property that borders Moyock Farms is all privately owned and the key will be finding a way to get a road connected from Ranchland to Moyock Farms.
Concerning the new ditch along Ranchland: where will it stop? Will it turn at the end?	The ditch will run to the end of the development and stop without turning.
Will it connect to Guinea Mill?	There are developed lots in between Guinea Mill and this property and all drainage will be in the opposite direction (toward Rowland).
There is a pile of dirt bermed up adjacent to the new ditch. Will that impede the drainage?	That is a temporary stockpile during the construction of the ditch. Any berming will be done on the Fost side of the Ranchland ditch so that Ranchland can benefit from it as much as possible.
How is it designed and how do you know what direction it will drain?	It was engineered and placed on a positive grade to drain toward Rowland Creek.
How will wastewater be handled?	A pump station will pump wastewater from Fost to the Eagle Creek wastewater treatment

Attachment: 7 Community Meeting (PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit)

	plant where it will be treated. Some of the clean water will be disposed of at Eagle Creek and eventually some of it will be returned to the Fost Tract and disposed of on a site that has been set aside for the purpose.
Who owns the wastewater system?	A privately owned public utility company is in the process of acquiring the Eagle Creek facility, and will own and operate it.
How many lots will there be?	479 including townhomes.
Will there be fire hydrants? And who maintains the hydrants?	There will be fire hydrants and they will be maintained by the County water department.
I heard that no one is in charge of the water department at this point.	Will Rumsey is the utilities director in charge of both water and sewer for the county, and Dave Spence is the water distribution supervisor.
Will there be dry hydrants for when the hydrants run dry?	There will not be dry hydrants, but there will be fire hydrants located throughout the subdivision which should not run dry.
I understand that the BOC is amending the ordinance to keep new development from raising lot elevations.	We have not heard of any such proposal. The lot grades in Fost will be raised, but the berming and ditching is being provided to protect Ranchland and other adjacent properties.

**Summary:**

Four residents from Ranchland were in attendance along with the developer, a representative from Currituck County, and the Engineer. Several people stayed to talk informally and look at the development plan. The meeting was adjourned at approximately 6:40PM.



**Community Meeting Sign-In Sheet**  
**The Fost Tract**  
**March 23, 2021**  
**6:00PM**

NAME	ADDRESS	TELEPHONE	E-MAIL
Mark Bissell	PO 1068 K.H	(252) 261-3266	mark@bissellprofessionalgroup
Justin	131 Springle Ln	(252) 435-2718	Jola @ Q Holic on
Jennie Turner	Currituck County	(252) 232-6031	jennie.turner@currituckcountyneg
Jeff Dixon	121 Pinto Dr	252-435-9201	
Don Dixon	114 Longhorn Dr	435 9318	
Myra Frasier	133 Pinto Dr	252-43-6089	moyockked@yahoo.com
Brian Pettet	129 Longhorn Dr	757-681-2330	gsbuckbrian@yahoo.com

2021-5

STATE OF NORTH CAROLINA  
COUNTY OF CURRITUCK

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
21 CVS 78

STATE OF NORTH CAROLINA, *ex rel.*,  
NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENTAL QUALITY,

Plaintiff,

v.

SANDLER UTILITIES AT MILL RUN,  
LLC,

Defendant.

CONSENT JUDGMENT

FILED  
2021 JUL -1 P 1:13  
CURRITUCK CO., C.S.C.  
BY JCT

Plaintiff, the State of North Carolina, by and through the North Carolina Department of Environmental Quality ("Plaintiff" or "DEQ"), and Defendant Sandler Utilities at Mill Run, LLC ("Defendant") hereby agree to the entry of this Consent Judgment in order to resolve the matters in controversy between Plaintiff and Defendant.

The Court makes, and Plaintiff and Defendant (collectively "the Parties") hereby stipulate to, the following findings of fact and conclusions of law:

#### **FINDINGS OF FACT**

1. Plaintiff is the sovereign State of North Carolina. This action was brought on the relation of the North Carolina Department of Environmental Quality ("DEQ"), the State agency established pursuant to N.C. Gen. Stat. § 143B-279.1 *et seq.*, and vested with the statutory authority to enforce the State's environmental pollution laws, including laws enacted to protect the water quality of the State. The Division of Water Resources ("DWR") is a division within DEQ and all actions taken by DWR are necessarily actions of the Plaintiff.

2. Defendant is a limited liability corporation formed in North Carolina with its principal office in Virginia and doing business in North Carolina. Defendant is the owner and operator of the wastewater collection system serving the Eagle Creek Subdivision, Eagle Creek Golf Club, and Moyock Middle School in Moyock, Currituck County, North Carolina ("Collection System").

3. The Eagle Creek Subdivision is a development in Moyock, Currituck County, North Carolina. The development includes approximately 420 single-family homes and is generally situated between Roland Creek Canal to the north and Guinea Mill Run Canal to the south. Stormwater swales run beside the roadways in the development and between homes. Those swales drain to the Roland Creek Canal to the north and Guinea Mill Run Canal to the south of the development.

4. On May 2, 2013, DWR issued non-discharge permit number WQCS00290 ("Permit") to Defendant for operation of the Collection System.

5. The Collection System consists of 4.8 miles of vacuum sewer and utilizes vacuum pumps to maintain a constant negative pressure within the sewer pipes. Domestic waste from individual homes connected to the system collects in containment vessels, commonly referred to as "pits," with each pit serving two homes. When the level of waste within the pit reaches a determined level, pneumatic pressure triggers the opening of a valve to the piping connected to the sewer line. The vacuum withdraws waste and wastewater from the pit into the sewer line. When the waste level within the pit drops, the valve connecting the pit to the sewer line is closed, allowing waste to again collect within the pit and maintaining the vacuum in the sewer line.

6. Wastewater from the Collection System is conveyed to the Sandler Utilities Wastewater Treatment Plant for treatment and disposal as authorized by a separate permit,

*Description  
of vacuum  
system*



WQ0014306.

7. A release of wastewater from a wastewater collection system such as Defendant's is referred to as a sanitary sewer overflow or "SSO."

8. Condition I.2 of the Permit requires that the Collection System "shall be effectively managed, maintained and operated at all times so that there is no SSO to land or surface waters, nor any contamination of groundwater." In the event of a system failure, the permittee is required to "take immediate corrective actions, including actions that may be required by [DWR] such as the construction of additional or replacement sewer lines and/or equipment."

9. Condition II.5 of the Permit provides that "for each pump station without pump reliability...at least one fully operational spare pump capable of pumping peak flow shall be maintained on hand."

10. Condition II.11 of the Permit provides that, if an SSO occurs, Defendant "shall restore the system operation, remove visible solids and paper, sanitize any ground area and restore the surroundings."

11. Condition IV.2 of the Permit provides that SSOs of over 1,000 gallons and any SSO that reaches surface waters, must be verbally reported to DWR as soon as possible, but no later than "24 hours following the occurrence or first knowledge of the occurrence."

12. On September 29, 2020, DWR's Washington Regional Office began receiving complaints from Eagle Creek residents indicating that the Collection System was not operating properly at homes throughout Eagle Creek.

13. On September 30, 2020, DWR inspectors Sarah Toppen and Victoria Herdt from the Washington Regional Office conducted a site inspection to investigate the complaints. DWR's investigation confirmed that the system had not been operating properly since September 27, 2020

due to failure of one of the two vacuum pumps. The vacuum pump failure caused SSOs that drained into stormwater swales in front of and between homes.

14. Upon learning of the incident, Defendant called in technical support from Airvac, the initial pump supplier, to assist in bringing the Collection System back on line. Due to insufficient replacement parts available on site, Defendant purchased replacement parts for the vacuum pumps and mechanical equipment located in the pits to address the reported issues.

15. Defendant provided cleanup and lime application at any location showing evidence of overflow and in all roadside ditches around October 9, 2021. Performance issues in the Collection System were resolved by October 11, 2020.

16. On October 26, 2020, the Washington Regional Office again began receiving complaints indicating that the Collection System was experiencing further performance issues resulting in SSOs.

17. On October 27, 2020, Ms. Toppen and another DWR inspector, Allen Stewart, conducted a site inspection to investigate the complaints and learned that a high water alarm within the Collection System had failed, causing the water to overflow and flood both of the system's vacuum pumps, taking them offline. The vacuum pumps' failure resulted in SSOs, and a water sample from the stormwater swale at 125 Eagleton Circle contained fecal coliform (bacteria from fecal matter) that were too numerous to count.

18. In response to this incident, Defendant requested assistance from technicians from Airvac and FloVac (another vacuum system supplier), and the vacuum pumps were restored and fully operational by October 29, 2020. Among other equipment and parts, Defendant ordered new parts for the malfunctioning high water alarm, which were installed on November 5, 2020.

19. On November 13, 2020, the Washington Regional Office began receiving new

complaints stating that, beginning on or around November 11, 2020, the Collection System was not operating properly causing SSOs.

20. On November 14, 2020, David May, DWR Regional Supervisor for the Washington Regional Office, conducted a site visit to investigate the complaints. DWR's investigation confirmed the Collection System was experiencing performance issues resulting in SSOs. A substantial number of houses and customers remained without functional sewer service through at least November 16, 2020.

21. Complaints to the Washington Regional Office recommenced on November 20, 2020. Residents indicated that the Collection System was not functioning properly, that residents were once again without sewer service due to vacuum leaks disrupting operation of the Collection System, and that some pits were overflowing. A number of houses remained without functional sewer service or sporadic sewer service through about November 25, 2020.

22. On December 16, 2020, the Washington Regional Office once again received complaints from Eagle Creek residents regarding disruption of sewer service and SSOs. DWR's investigation suggested that the problem was limited to one section of the Eagle Creek development due to a disconnected line in a pit and sustained rainfall. Residences affected by the disconnected line remained without functional sewer service or sporadic sewer service through approximately December 18, 2020.

23. Additional complaints to the Washington Regional Office were received on January 26, 2021, with residents complaining that they lacked sewer service and describing other performance issues including SSOs.

24. Defendant has been subject to various enforcement actions by the DWR related to the Permit as a result of the incidents described above.



25. On October 7, 2020, DWR issued a Notice of Violation and Notice of Intent to Enforce ("First NOV") to Defendant pertaining to SSOs and system failures occurring from September 27, 2020 and ongoing as of the date the NOV was issued. The First NOV alleged the following violations:

- a. Violation of Permit Condition I.2 for failure to effectively manage, maintain and operate the Collection System at all times so there are no SSOs to land or surface waters;
- b. Violation of Permit Condition II.11 for failure to restore the system operation, remove visible solids and paper, sanitize any ground area and restore surroundings after an SSO;
- c. Violation of Permit Condition IV.2 for failure to properly report SSOs.

26. In a letter dated October 27, 2020, Defendant responded to the First NOV. Defendant stated that replacement parts for the failed vacuum pumps were not readily available, causing a delay in fixing the Collection System. Once the vacuum pump was replaced, Defendant noted that two sewage pumps malfunctioned, forcing the entire system offline again for cleaning. Defendant acknowledged that its operator's personnel resources were stretched during the event limiting the ability to address the Collection System problems in a timely manner and that additional support from a vacuum sewer specialist was called in. Defendant stated that cleanup of any discharges was performed and the System was ultimately repaired.

27. DWR assessed a civil penalty of \$62,517.96 against Defendant arising out of the allegations in the First NOV on December 10, 2020 ("Civil Penalty") for fifteen violations of Permit Condition I.2 between September 27, 2020 and October 11, 2020.

28. On November 23, 2020, DWR issued a Second Notice of Violation and Notice of

Intent to Enforce (“Second NOV”) to Defendant pertaining to SSOs and system failures occurring during the period from October 26, 2020 through November 5, 2020. In addition to alleging violations of Permit Conditions I.2, II.11 and IV.2, the Second NOV alleged violations of Permit Condition II.5<sup>1</sup> for failure to maintain operational replacement pumps for stations without pump reliability and N.C. Gen. Stat. § 143-215.1(a)(1) for making an outlet into waters of the State without a permit.

29. In a letter dated December 15, 2020, Defendant responded to the Second NOV. Defendant stated that a “very large investment has been made into new equipment and parts” and that new equipment and parts were ordered. Defendant also stated that spills were addressed with lime application and solid waste overflow was physically removed. In response to the incident, Defendant installed a new vacuum pump and motor, acquired a spare vacuum pump and motor, purchased a new sewer pump, and replaced multiple controllers and valves within individual pits. Defendant further replaced parts needed to ensure functionality of the high-level alarm (which was the precipitating cause of this incident) to alleviate water intake into the vacuum sewer pumps causing failure.

30. On December 16, 2020, DWR issued a Third Notice of Violation and Notice of Intent to Enforce (“Third NOV”) to Defendant pertaining to SSOs and system failures occurring during the period from November 11, 2020 through November 16, 2020. The Third NOV alleged violations of Conditions I.2, II.11, and IV.2 as well as N.C. Gen. Stat. § 143-215.1(a)(1).

31. On January 14, 2021, DWR issued a Fourth Notice of Violation and Notice of Intent to Enforce (“Fourth NOV”) to Defendant pertaining to SSOs and system failures occurring during the period from November 20 through November 25, 2020. The Fourth NOV alleged violations

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<sup>1</sup> A typographical error in the Second NOV identifies a violation of Permit Condition II.6, not II.5. The narrative description of the violation refers to Permit Condition II.5, however.

of Conditions I.2, II.11, and IV.2 as well as N.C. Gen. Stat. § 143-215.1(a)(1).

32. DEQ filed the instant action on March 4, 2021, seeking injunctive relief for existing or threatened violations of various laws and rules governing the protection of water quality pursuant to N.C. Gen. Stat. § 143-215.6C.

33. The Parties have reached a mutually agreeable and reasonable resolution of the injunctive relief sought by DEQ through this suit which they seek to memorialize in this Consent Judgment.

34. The Court has reviewed the pleadings and supporting materials in this matter. Counsel for the Parties have represented to the Court that their respective clients have reviewed and approved the substance of the proposed Consent Judgment and that the Parties supported a request that this Court approve a Consent Judgment embodying their agreement.

#### CONCLUSIONS OF LAW

1. This matter is properly before this Court, which has jurisdiction over the Parties and subject matter of this action pursuant to N.C. Gen. Stat. § 143-215.6C and other provisions of law.

2. Venue is proper pursuant to under N.C. Gen. Stat. §§ 1-79 and 143-215.6C.

3. Defendant is subject to non-discharge collection system permit number WQCS00290. Pursuant to that permit, as well as North Carolina laws and regulations, Defendant is expressly prohibited from discharging collected sewage and wastewater to land and waters of the State. *See* 15A NCAC subchapter 2T (“Waste Not Discharged to Surface Waters”); N.C. Gen. Stat. § 143-215.1(a)(1) (disallowing any person from making “any outlets into waters of the State” without receiving a permit to do so).

4. Whenever DEQ has reasonable cause to believe that any person has violated or is



threatening to violate any of the provisions of the State's environmental laws or administrative rules, including State water quality laws and rules, DEQ is authorized to "request the Attorney General to institute a civil action in the name of the State upon the relation of [DEQ] for injunctive relief to restrain the violation or threatened violation." N.C. Gen. Stat. § 143-215.6C. That section further provides that "[u]pon a determination by the court that the alleged violation of the provisions of this Part or the regulations of the Commission has occurred or is threatened, the court shall grant the relief necessary to prevent or abate the violation or threatened violation." N.C. Gen. Stat. § 143-215.6C.

5. As of the date of entry of this Consent Judgment, Defendant has repeatedly violated the conditions of its Permit and North Carolina's water quality laws, including, but not limited to, failing to properly manage, maintain and operate the Collection System to prevent SSOs, failing to maintain replacement equipment to prevent SSOs, and failure to restore consistent service to Eagle Creek residents.

6. The current state of the Collection System presents an ongoing threat that the Eagle Creek Development will continue to experience performance issues and SSOs into nearby surface water in violation of the Collection System Permit, and in violation of N.C. Gen. Stat. § 143-215.1(a)(1).

7. The State is entitled to permanent injunctive relief against Defendant to abate the repeated previous violations and prevent the threatened violations set forth in the Complaint pursuant to N.C. Gen. Stat. § 143-215.6C.

8. Based on the Court's review of the pleadings and materials submitted, the Court has concluded that the relief reflected in the Consent Judgment represents a lawful, fair, and reasonable resolution of this matter, consistent with the purposes of N.C. Gen. Stat. § 143-215.1,

and this Court further concludes that it is fully authorized and justified in entering this Consent Judgment.

9. The Parties expressly waive any argument that the recitation of the above Findings of Fact and Conclusions of Law is insufficient to support the injunctive relief ordered below.

Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** as follows:

Defendant is ordered to do the following:

1. Fully comply with all terms and conditions of the Permit and State water quality laws, including by maintaining the Collection System in a manner that prevents the discharge of waste onto to land or into surface waters;
2. Report to a DWR staff member as soon as possible but in no case more than 24 hours following knowledge of the occurrence of any material equipment failure, any material system failure, and any SSO regardless of volume and file a written report within five days outlining actions taken or proposed to address the equipment failure, system failure, and SSO and prevent recurrence. An equipment or system failure shall be considered material if there is any SSO associated with the failure or the failure affects four or more residences in the Eagle Creek Development. The reports referenced in this subparagraph shall be submitted to the following email address:

David May, DWR  
[david.may@ncdenr.gov](mailto:david.may@ncdenr.gov)

3. Within 30 calendar days of entry of this Consent Judgment:
  - a. Secure all pits to ensure only Defendant and its operators have pit access;

- b. Submit to DWR for approval (which may include conditions) a plan for Defendant's operators to receive any necessary training in operating and maintaining the Collection System, including specialized training in vacuum system operation, or provide documentation that such training has been received ("Operator Training Plan");
  - c. Submit to DWR for review and approval (which may include conditions) a plan to prevent future SSOs, restore and sanitize areas impacted by prior SSOs, and expeditiously restore and maintain service to homeowners in the event of any system failures pending an engineering evaluation of the Collection System ("Interim Service and Restoration Plan");
  - d. Provide to DWR a complete engineering evaluation detailing actions necessary to prevent future SSOs and system failures, including but not limited to necessary upgrades to the design and physical infrastructure of the Collection System ("Engineering Evaluation").
4. Within 60 calendar days of entry of this Consent Judgment:
- a. Submit to DWR for review and approval (which may include conditions) a plan with actions to be taken to address necessary and proposed upgrades included in the Engineering Evaluation ("System Upgrade Plan"). The System Upgrade Plan must include a proposed schedule with dates by which each activity will be completed and, as appropriate, the frequency with which those activities will be repeated.
5. If DWR requires plan revisions in order for any of the plans listed above to be approved, Defendant shall resubmit the plan incorporating said revisions within 15 days of written



notification by DWR that such revisions are required. DWR's discretion to require plan revisions shall be limited to revisions necessary to ensure compliance with North Carolina's water quality laws and regulations including provisions applicable to wastewater collection systems.

6. Once each submission is approved (the Operator Training Plan, the Interim Service and Restoration Plan, and the System Upgrade Plan) including any conditions added by DWR to each, Defendant shall execute each plan in accordance with the dates included therein.
7. Once the work set forth in the approved System Upgrade Plan, including any conditions added by DWR, is completed, Defendant shall submit a final report documenting the results of the activities set forth in each respective plan. The final report shall include a certification from a licensed professional engineer.
8. Unless otherwise indicated, Defendant shall submit all plans and reports referenced above to:  
  
David May, DWR  
[david.may@ncdenr.gov](mailto:david.may@ncdenr.gov)
9. It is further ordered that this Consent Judgment shall take effect immediately and shall remain in effect until the Permittee can adequately demonstrate that the collection system can operate in a reliable manner and maintain compliance with North Carolina water quality laws and regulations on a consistent basis. The Defendant may request termination of this Consent Judgment by the Court at no time sooner than one year following submittal of the final report described in Paragraph 7 above and subsequent approval by DWR. The Parties shall comply with all terms of this Consent Judgment.
10. This Consent Judgment shall be binding upon Defendant's successors and assigns.

Defendant shall not transfer any of the assets that are the subject of the Complaint, including the Permit or the Collection System, unless and until Defendant moves to join the transferee as a defendant in this case such that this Consent Judgment shall be binding upon the transferee and the Court issues an order granting such motion. DEQ agrees that it will not oppose dismissal of Defendant in the event the assets that are the subject of the Complaint have been transferred and the transferee has been added as a defendant in this case and is bound by this Consent Judgment. Nothing in this Consent Judgment relieves Defendant of its duty to abide by the terms of the Permit and State water quality law. DEQ retains its authority, in accordance with applicable law, to initiate any and all enforcement actions that would otherwise be available to it in the absence of this Consent Judgment.

11. The Court shall retain continuing jurisdiction in this case to enforce the terms and conditions of this Consent Order, to modify this Consent Order, and to resolve disputes arising under this Consent Order until all parties have complied with all provisions of this Consent Judgment.
12. The contempt provisions of Article 2, Chapter 5A of North Carolina General Statutes shall be available to enforce this Consent Judgment.
13. This Consent Judgment may be signed out-of-court, out-of-term, out-of-county, and may be signed in multiple counterpart originals, all of which, taken together, shall be considered one and the same document. Facsimile or scanned signatures will be sufficient to render this Consent Judgment effective. Original signatures will be substituted at a later date.
14. Each undersigned representative of a party to this Consent Judgment certifies that the

representative is authorized to enter into the terms and conditions of this Consent Judgment, and to execute and legally bind such party to this Consent Judgment.

This the 23<sup>rd</sup> day of JUNE, 2021.

  
Superior Court Judge  
Currituck County

[ADDITIONAL SIGNATURES ON FOLLOWING PAGES]

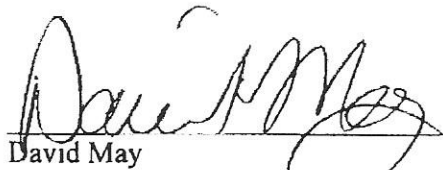
Attachment: 8 Consent Judgment 7-1-2021 (PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit)



CONSENTED TO BY:

NORTH CAROLINA DEPARTMENT  
OF ENVIRONMENTAL QUALITY

By:



David May

Regional Supervisor, Washington Regional Office, Division of Water Resources

Attachment: 8 Consent Judgment 7-1-2021 (PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit)

CONSENTED TO BY:

SANDLER UTILITIES AT MILL RUN, LLC

By:

  
Raymond Gottlieb  
Manager

Attachment: 8 Consent Judgment 7-1-2021 (PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit)

# SANDLER UTILITIES AT MILL RUN, LLC

April 1, 2021

Mr. William Grantmyre  
Staff Attorney  
North Carolina Public Staff Utilities Commission  
4326 Mail Service Center  
Raleigh, NC 27699-4300

Re: Docket No. W-1130, Sub 8  
Eagle Creek Subdivision

Dear Mr. Grantmyre:

Sandler Utilities at Mill Run, LLC ("Sandler Utilities") sincerely regrets the recent wastewater system backups into the homes of customers caused by controller and valve failures due to water intrusion into the valve pit packages of the Eagle Creek Vacuum System ("Vacuum System"). As discussed in our January 22, 2021 letter, Sandler Utilities performed substantial capital improvements to the Vacuum System since the Commission's Recommended Order Granting Rate Increase, Requiring Refund, and Customer Notice was issued on December 11, 2015. As discussed in detail on our January 22, 2012 letter, more recently, Sandler Utilities (i) retained the services of FloVac to provide expert recommendations about how to address and correct the problems with the Vacuum System; (ii) enlisted FloVac's assistance in training the operator of the system, Envirolink, Inc. ("Envirolink"), as to how to prevent water ingestion in the system; (iii) installed 120 new controllers from October 12, 2020 through November 23, 2020 that are capable of processing small amounts of water and being submerged up to five feet with no impact to performance; (iv) performed proper installation of in-sump breather hoses on several valve pits; and (v) installed one new valve pit in December 2020. Also, Sandler Utilities has requested recommendations from FloVac about whether to install a monitoring system at each valve pit so that the operator of the system can timely respond to any issues with the system.

In addition to those actions and capital improvements, Sandler has performed, or will be performing, further remedial actions and improvements to the system to reduce rainwater intrusion and minimize flooding of the valve pits. Below is a list of the actions items and completion date for the additional improvements to reduce rainwater intrusion and minimize flooding of the valve pits.

Action Item	Recommended Response	Completion Schedule for Remedial Action
<u>Rainwater intrusion.</u> Reduce rainwater intrusion and minimize flooding in valve pits. Most rainwater intrusion is believed to be caused by I&I from the homeowners' laterals causing vacuum systems to struggle with inundation during heavy rain.	Install a monitoring system to detect in real time issues, such as missing clean out caps that the homeowners may have removed to relieve wastewater system back-ups. It will also alleviate time spent searching for leaks in the system, and response time is critical to keep problems from escalating.	FloVac has submitted proposals for the monitoring system to both Sandler Utilities and Envirolink, the potential purchaser of the Vacuum System. Sandler Utilities and Envirolink are reviewing FloVac's proposal, and determining the most effective method of addressing the problems with the system.

448 Viking Drive, Suite 220, Virginia Beach, Virginia 23452  
Mailing Address: Post Office Box 8790, Virginia Beach, Virginia 23450  
Telephone 757-463-5000 / Telefax 757-463-3358



April 1, 2021  
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<u>Continuous operation of vacuum pump.</u> The vacuum pump frequently operates continuously during periods of high water levels within the vacuum holding tank, and the continuous operation of the vacuum pump creates the potential for motor failure.	Repair high-level lock-out valve.	This repair was completed in December 2020.
<u>System monitoring.</u> Appropriate and effective system monitoring during off-hours has been accomplished.	Sandler Utilities is committed to ensuring that Envirolink is appropriately staffed so that any required service to the system will be performed timely. Sandler Utilities has instructed Envirolink to have a 24/7 presence at the plant. Envirolink's 24/7 presence at the plant will address previous issues of response time, such as when issues occurred during weekends when Envirolink was not physically on-site.	At the instruction of Sandler Utilities, effective on 3/19/2021, Envirolink has a physical presence at the site for 7-day, 20-hour shifts. Also, Envirolink will have at least two technicians on call during the remaining 4 hours of the day in which the plant is not physically staffed by an operator. During projected wet weather events, Sandler Utilities will be proactive and request that Envirolink ensure that 24-7 physical coverage is maintained until the wet weather event has subsided.
<u>Outsource controllers.</u> Outsource controllers and valves to be rebuilt so fully functional ones are available when needed.	37 controllers that had been waiting for technician repair were delivered to FloVac for repair and rebuilding by their expert technicians. FloVac repaired the controllers and delivered them to the Eagle Creek plant.	The repairs to the controllers were completed in December 2021. In the event that Envirolink has a back-log for repair of the controllers in the future, Sandler Utilities has informed Envirolink to deliver the controllers to FloVac for repair.
<u>Controller failure.</u> Controller failure from water ingestion was the result of new controllers being properly fitted to the valves within the collection network.	Envirolink technicians were trained about the proper procedure for removing water from the valve upper before fitting a new controller to prevent water ingestion.	FloVac provided training to Envirolink during the week beginning November 20, 2020.
<u>Operator's technical experience.</u>	Envirolink has been gaining experience and expertise in operating a vacuum wastewater system since the EnviroTech team who had previously operated the system left in	In November 2002, Sandler Utilities hired a former EnviroTech employee with experience in operating vacuum systems. This former EnviroTech employee is leading operations at the facility, and he has been

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April 1, 2021  
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	September 2020. Training in vacuum systems for all technicians who work at or will potentially work at this plant is critical.	instrumental in leading his team to detect and address potential issues. Also, Sandler Utilities has requested that Envirolink continue a training regimen with its operators to ensure that the operators will be proficient with the vacuum system. Mike Myers with Envirolink has that training has occurred and that additional training by a technician who leads training efforts with both AirVac and FloVac will be scheduled.
<u>Extended outages.</u> A delay in receipt of the initial vacuum pump replacement caused an extended outage that resulted serious problems to the system. The ongoing disassembly and reassembly of the valve pit by pump truck operators to clear the pits left the valve pits vulnerable to failures.	Once the system was stabilized, technicians analyzed each valve pit, and tested, repaired, reconnected, and replaced items as necessary. During this analysis, a technician discovered that a valve pit had collapsed. Therefore, a new valve pit was ordered and installed to replace the failed valve pit.	The analysis of each valve pit was conducted and completed during December 2020. As a result of the analysis, most of the valve pits that had sustained damage during the September and October outages were repaired. For example, each valve was fired multiple times by hand and then analyzed for hose orientation and correct hose connection and timing.
<u>Problem identification.</u> Identify problems early that cannot be readily observed.	Envirolink operators are required to record daily run times during their daily station "walk-through."	An example of a log and recording document was provided to Envirolink in November 2020 to use as an example. This document is now utilized as part of Envirolink's daily protocol.
<u>Pump station alarm.</u> The excessive pump run alarm is the most effective warning to keep the system from collapsing and causing a complete failure. Therefore, the pump alarm must be operating properly at all times.	Envirolink is required to check the pump alarm on a weekly basis, and check the control panel and sensors associated with all alarm systems at the plant on a weekly basis.	Since January 2021, Envirolink has been inspecting these systems to make sure they are operating properly. By the end of 2021, Sandler Utilities plans to provide and overhaul the control panel.
<u>Couplings wearing prematurely to the motor of the sewer pumps.</u>	Alignment of the motor on the pumps has been checked.	Pearson pumps completed this work during their repair and replacement efforts in November 2020.
<u>Nonoperational check valves on the vacuum main.</u>	Replace or repair as needed.	Valves are exercised weekly and are all currently in working order.

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<u>Inadequate stock levels.</u>	Ensure multiple spare parts are available at all times.	From October 2020 through January 2021, numerous controllers, valves, pumps, motors, and valve pits have been ordered and kept on-site for Envirolink to use when needed.
<u>Excessive activations caused by inflow and infiltration from the homeowners' gravity laterals.</u>	Install a monitoring system to identify locations of excessive activations.	In December 2020, FloVac submitted proposals for a monitoring system to Sandler Utilities and Envirolink. Sandler Utilities and Envirolink are considering the proposals.
<u>The length of time it takes Envirolink to identify the location of a valve that is stuck open.</u>	Install a monitoring system to eliminate the need for this search.	In December 2020, FloVac submitted proposals for a monitoring system to Sandler Utilities and Envirolink. Sandler Utilities and Envirolink are considering the proposals.
<u>Short cycling of sewage pumps likely caused by debris in the vacuum collection tanks.</u>	Clean and inspect the collection tank thoroughly.	The vacuum tank was cleaned and thoroughly inspected in October 2020.

Sandler Utilities is committed to ensuring that the wastewater system for the Eagle Creek Subdivision is both safe and reliable. We are continuing our efforts to ensuring that the problems with the Vacuum System are satisfactorily addressed.

If you have any question about our plan to address the problems with the system, please let me know.

Sincerely,



Brittney M. Willis – Project Manager  
Sandler Utilities at Mill Run, LLC

448 Viking Drive, Suite 220, Virginia Beach, Virginia 23452  
Mailing Address: Post Office Box 8790, Virginia Beach, Virginia 23450  
Telephone 757-463-5000 / Telefax 757-463-3358



Currituck Water & Sewer, LLC  
4700 Homewood Ct., Suite 108  
Raleigh, North Carolina 27609

March 25, 2021

Mr. Justin Olds  
Allied Properties, LLC  
417 Caratoke Hwy., Unit D  
Moyock, NC 27958

Re: Fost PD-R, Phases 6-9, Moyock North Carolina  
Sanitary Sewer Utility, Willingness to Serve

To Whom it May Concern,

Currituck Water & Sewer (CWS) is currently working through the regulatory approvals to allow to acquire the Eagle Creek Wastewater Treatment Facility serving the Eagle Creek community. CWS intends to provide wastewater services to surrounding developments as approved by the County. We understand the project to include 139 residential dwelling units, 39 Town homes and approximately 22,000 square feet of commercial for an estimated 45,000 gpd of sewer flow. The Eagle Creek WWTP has capacity and is able to adequately treat wastewater from this project.

Upon approval by Currituck County, Currituck Water and Sewer, LLC intends to provide sanitary sewer utility services to the 479 residential dwelling units known as the Fost Project.

Should you have any questions, please do not hesitate to contact me directly at (252) 235-4900 or by email at [mmyers@envirolinkinc.com](mailto:mmyers@envirolinkinc.com).

Thank you for your attention to this matter.

  
Sincerely,  
Currituck Water and Sewer, LLC

Attachment: 10 Sewer Capacity Letter (PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit)

**Currituck Water & Sewer, LLC**  
 4700 Homewood Ct., Suite 108  
 Raleigh, North Carolina 27609

August 26, 2021

Mr. Justin Olds  
 Allied Properties, LLC  
 417 Caratoke Hwy, Unit D  
 Moyock, NC 27958

Re: Flora Farm Phases 1-5  
 Sanitary Sewer Utility, Willingness to Serve

To Whom it may Concern,

Currituck Water & Sewer (CWS) is currently working through the regulatory approvals to acquire Eagle Creek Wastewater Treatment Facility serving the Eagle Creek community. CWS intends to provide wastewater service to the Fost Development. We understand the project to include 277 residential dwelling units and approximately 7,500 square feet of commercial for an estimated 62,847 gpd.

Eagle Creek WWTP has a NC DEQ approved 321,000 gpd of permitted capacity with actual plant capacity of 175,000 gpd and annual average flow of 53,917 gpd. In accordance with NC DEQ regulation, CWS will expand the capacity from 175,000 gpd on or before the annual average flow exceeds 157,500 gpd.

The following summarizes the capacity commitments for the Eagle Creek Wastewater Treatment System.

Description	Allocation	Remaining Permitted Capacity	Plant Capacity
Permitted Capacity		321,000 gpd	175,000 gpd
Eagle Creek Community	53,917 gpd	267,083 gpd	121,083 gpd
Golf Club	1,462 gpd	265,621 gpd	119,621 gpd
Moyock Middle School	3,546.91 gpd	262,074 gpd	116,047 gpd
Fost, phase 1-5	63,511 gpd	198,563 gpd	52,563 gpd
Fost, phase 6-9	37,758 gpd	160,805 gpd	14,805 gpd
Additional 175,000 gpd capacity			189,805 gpd
Flora	62,847 gpd	97,958 gpd	316,763 gpd
<b>Total</b>	<b>223,042 gpd</b>		

Prior to submitting for an NC DEQ collection system permit, CWS anticipates completion of the expansion from 175,000 gpd to 350,000 gpd.

As such upon approval by Currituck County, Currituck Water & Sewer, LLC intends to provide sanitary sewer service to Fost phases 6-9 and Flora.

Should you have any questions, please do not hesitate to contact me directly at 252-235-4900 or email at [mmyers@envirolinkinc.com](mailto:mmyers@envirolinkinc.com)

Sincerely



Michael Myers



**Currituck Water & Sewer, LLC**  
 4700 Homewood Ct., Suite 108  
 Raleigh, North Carolina 27609

August 26, 2021

Mr. Justin Olds  
 Allied Properties, LLC  
 417 Caratoke Hwy, Unit D  
 Moyock, NC 27958

Re: Fost PD-R, Phases 6-9  
 Sanitary Sewer Utility, Willingness to Serve

To Whom it may Concern,

Currituck Water & Sewer (CWS) is currently working through the regulatory approvals to acquire Eagle Creek Wastewater Treatment Facility serving the Eagle Creek community. CWS intends to provide wastewater service to the Fost Development. We understand the project to include 139 residential dwelling units, 39 Town homes and approximately 22,000 square feet of commercial for an estimated 37,758 gpd.

Eagle Creek WWTP has a NC DEQ approved 321,000 gpd of permitted capacity with actual plant capacity of 175,000 gpd and annual average flow of 53,917 gpd. In accordance with NC DEQ regulation, CWS will expand the capacity from 175,000 gpd on or before the annual average flow exceeds 157,500 gpd.

The following summarizes the capacity commitments for the Eagle Creek Wastewater Treatment System.

Description	Allocation	Remaining Permitted Capacity	Plant Capacity
Permitted Capacity		321,000 gpd	175,000 gpd
Eagle Creek Community	53,917 gpd	267,083 gpd	121,083 gpd
Golf Club	1,462 gpd	265,621 gpd	119,621 gpd
Moyock Middle School	3,546.91 gpd	262,074 gpd	116,047 gpd
Fost, phase 1-5	63,511 gpd	198,563 gpd	52,563 gpd
Fost, phase 6-9	37,758 gpd	160,805 gpd	14,805 gpd
Additional 175,000 gpd capacity			189,805 gpd
Flora	62,847 gpd	97,958 gpd	316,763 gpd
<b>Total</b>	<b>223,042 gpd</b>		

Prior to submitting for an NC DEQ collection system permit for Fost Phases 6 -9, CWS anticipates completion of the expansion from 175,000 gpd to 350,000 gpd.

As such upon approval by Currituck County, Currituck Water & Sewer, LLC intends to provide sanitary sewer service to Fost phases 6-9 and Flora.

Should you have any questions, please do not hesitate to contact me directly at 252-235-4900 or email at [mmyers@envirolinkinc.com](mailto:mmyers@envirolinkinc.com)

Sincerely



Michael Myers

## SANDLER UTILITIES AT MILL RUN, LLC

Michael Myers

Currituck Water & Sewer, LLC

4700 Homewood Ct., Suite 108

Raleigh, NC 27609

Re: Acceptance of Additional Flow, Fost Tract

Dear Mr. Myers,

Sandler Utilities at Mill Run, LLC ("Sandler Utilities") provides this written confirmation that the wastewater agreement permits the acceptance of the flow from the Fost project.

The current capacity of our plant is 175,000 gpd with permitted disposal capacity of 350,000 gpd. Our actual average inflow is 52,695 gpd, leaving remaining capacity of 122,305 gpd prior to expansion of the facility. As such, we have the ability to accept 104,805 gpd of flow prior to expansion to 350,000 gpd. The Fost Tract is only expected to generate 57,480 gpd of flow.

As you are aware, Sandler Utility and Currituck Water & Sewer are in the process of transferring the Eagle Creek wastewater system, so responsibility for expansion will be on Currituck Water & Sewer.

Sincerely,



Brittney M. Willis – Project Manager  
Sandler Utilities at Mill Run, LLC

Attachment: 13 Sandlers Utility (PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit)

9/2/2021



## Conceptual Drainage Plan Narrative

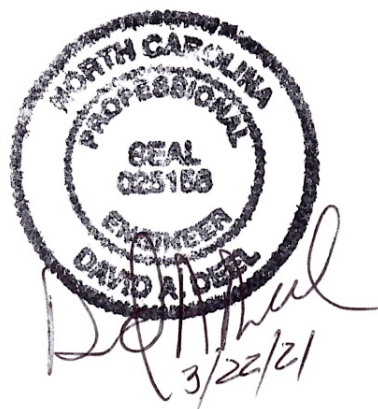
The Fost Tract PD-R – Permitting Phases 6-9

Planned Residential Development

Moyock

Currituck County Submittal

March 22, 2021



## General

The Fost Tract PD-R project is a proposed Residential Development to be located on a (+/-) 225.35 acre parcel located on the west side of NC 168 to the southwest of the intersection of Survey Road and NC 168 in Moyock, NC. The development is segregated into North and South "Project Areas" by Rowland Creek, which flows in an west-east direction and bisects the property. Additionally, the survey road ditch to the north and a NC 168 culvert located at the northeast corner of the Ranchland Subdivision to the south serve as interconnected outfalls.

The North Project Area contains the densest development within the project and, accordingly, an NCDEQ High Density Stormwater Permit is being pursued for the North Project Area.

The South Project Area contains lower density single family residential development and accordingly, an NCDEQ Low Density Stormwater Permit is being pursued for the South Project Area.

To meet Currituck County's peak flow mitigation requirements, a stormwater management system consisting of multiple interconnected wet ponds and multiple outlet control structures draining to the multiple existing outfalls has been designed which will mitigate post-construction peak flows from the developed area.

## Summary of Existing Conditions

The project site consists of a 225.35 acre parcel located on the west side of NC 168 to the southwest of the intersection of Survey Road and NC 168 in Moyock, NC. Before construction started, the North Project Area consisted of farm fields planted in row crops and the South Project Area consisted primarily of woods. A series of ditches drained the farm field to the Survey Road Ditch to the north and to the Rowland Creek Canal to the south. And a single ditch on the east side of the South Project Area drains the Project as well as a significant portion of the Ranchland Subdivision. This ditch will be referred to as the Ranchland Ditch from this point forward. There is an interconnected ditch that flows from the Ranchland Ditch to an outfall culvert located at the northeast corner of the Ranchland Subdivision – from this point forward, this culvert will be referred to as the "Ranchland Outfall Culvert." Therefore, the three outfalls that drain this project site are the Survey Road Ditch, Rowland Creek, and the Ranchland Outfall Culvert.

Development of the project has started under a phased development approach. The bulk of the proposed development within the North Project Area is currently underway whereas the South Project Area remains largely undeveloped, except for the installation of a trailer Parking Area and wastewater infrastructure.

## Improvements to Existing Common Drainage Features

At the request of Currituck County, improvements are being made to Rowland Creek and to the Ranchland Ditch in order to improve drainage conveyance for off-site, upstream properties. These drainage improvements are included in the phase of construction currently underway.

## Summary of Proposed Conditions – Phases 6-9

Phases 6-9 represent ultimate build-out of the proposed Master Plan, consisting of the installation of townhomes within the North Project Area and Single Family Residential Lots within the South Project Area. These phases will install drainage infrastructure in the North Project Area adequate to drain the proposed townhome sections to the Pond Infrastructure installed with earlier phases. Within the south project area, an additional series of wet ponds and drainage infrastructure will be installed to mitigate peak flows from the proposed residential subdivision.

For each outfall, post-construction runoff resulting from a 10-yr, 24 hr storm event will be retained and released at a peak flow rate which does not exceed the 2-yr, 24 hr peak runoff rate for the site in a theoretical wooded pre-development condition. Post-construction runoff resulting from a 100-yr, 24 hr storm event will be retained and released at a peak flow rate which does not exceed the actual calculated pre-construction 100-yr, 24 hr peak runoff rate for the site.

## Stormwater Collection, Treatment, Storage and Disposal

The topography of the drainage area, existence of low permeability soils, clearance to groundwater, and peak flow mitigation requirement indicate that wet ponds would be the preferable BMP to specify for this site. Runoff will be collected and treated in multiple wet ponds, with control structures located at the connection of the system with the existing outfalls.

### **Collection**

The stormwater runoff will be collected and directed to the wet ponds via a combination of site grading, curb & gutter, storm piping, and conveyance swales.

### **Treatment**

The proposed system will offer several methods of stormwater runoff treatment prior to release. The majority of runoff from developed areas will flow overland to the collection system, providing initial filtration and opportunities for infiltration. The collection system is designed such that runoff is conveyed through vegetated swales either upstream or downstream of piped conveyances, providing treatment of runoff within the swales. The large pond system provides an additional treatment opportunity which is not typical of low-density designs. The primary purpose of the pond system is peak flow mitigation, but considerable water quality treatment will occur within the pond system prior to any runoff being allowed to leave the site.

### **Storage**

Currituck County's Stormwater Ordinance requires that the runoff rate from the 10-yr, 24-hr storm in the post-construction condition not exceed the runoff rate from the 2-yr, 24-hr storm in the pre-construction, theoretical fully wooded condition.

## Disposal

A small amount of the runoff will be infiltrated or be disposed of via infiltration and evapotranspiration. The primary source of disposal, however, will be via discharge to the four outfalls via the Outlet Control Structures.

## Soils

Information collected on site indicates that the soils found throughout this site are composed primarily of sandy loam. These soil types will have slow permeability. These findings generally correlate with the description mapped and discussed in the United States Department of Agriculture, Soil Conservation Service, Soil Survey of Currituck County, North Carolina, which map the soil for this site as follows:

RoA – Roanoke silt loam, Permeability is very low to moderately high

Ca – Cape Fear loam, Permeability is moderately low to moderately high

Ws – Wada muck, Permeability is low

A soils report has been included in the appendix of this narrative. Water levels in the proposed Wet Ponds will be regulated via the weir structures.

## Conclusions

The proposed stormwater management plan for this site will be designed to handle the difference in runoff between the pre-development 2-yr, 24hr and the post-development 10-yr, 24 hr storm events, as prescribed in the Currituck County Stormwater Management Ordinance. Additionally, the design mitigates peak flows from the 100-yr, 24 hr storm events and provides treatment of the NCDEQ required water quality volume. This proposed system will be designed to more than adequately serve the stormwater management requirements of this site.



LEGEND

EIP - EXISTING IRON PIPE  
EIR - EXISTING IRON REBAR  
EMN - EXISTING MAGNETIC NAIL  
EPK - EXISTING PARKER-KALON NAIL  
NMP - NON-MONUMENTED POINT  
MBL - MINIMUM BUILDING LINE  
D.E. - DRAINAGE EASEMENT  
U.E. - UTILITY EASEMENT  
+00.00 - EXISTING GRADE ELEVATION  
NAD - NORTH AMERICAN DATUM  
NAVD - NORTH AMERICAN VERTICAL DATUM  
75'C.A.M.A. A.E.C. - 75' COASTAL AREA  
MANAGEMENT ACT AREA OF ENVIRONMENTAL CONCERN

LINES NOT SUEVEYED - - - - -

I, HERBERT J.NOBLER,JR.,CERTIFY  
THAT THIS PLAT WAS DRAWN BY ME  
FROM AN ACTUAL SURVEY MADE BY ME  
FROM DESCRIPTION FOUND IN DEED  
BOOK 482 PAGE 537 AND MAP IN  
PLAT CABINET D SLIDE 315

CURRITUCK COUNTY REGISTER OF DEEDS.  
THAT THE BOUNDARIES NOT SURVEYED  
ARE CLEARLY INDICATED AS DRAWN  
FROM INFORMATION FOUND IN  
PLAT CABINET D SLIDE 315

THAT THE RATIO OF PRECISION AS  
CALCULATED IS 1:10000

THIS MAP WAS PREPARED IN  
ACCORDANCE WITH G.S.47-30 AS  
AMENDED. WITNESS MY ORIGINAL  
SIGNATURE, REGISTRATION NUMBER  
AND SEAL, THIS DAY OF  
2018.

PROFESSIONAL LAND SURVEYOR  
LICENSE NUMBER L-2703

I, HERBERT J.NOBLER,JR., CERTIFY THAT THIS PLAT  
IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS  
OF LAND OR ONE OR MORE EXISTING EASEMENTS AND  
DOES NOT CREATE A NEW STREET OR CHANGE AN  
EXISTING STREET.

THIS PROPERTY IS LOCATED WITHIN ZONES AE & X  
(BASE FLOOD ELEVATION 5') MAP NUMBERS 3721803100  
3721803000J, 3721804000, DEC.16, 2005

DEED REFERENCE: DEED BOOK 482 PAGE 537  
MAP REFERENCE: PLAT CABINET D PAGE 315

ALL DISTANCES SHOWN ARE HORIZONTAL GROUND  
MEASUREMENTS.

COURSE	"G" - BEARING	"H" DISTANCE
60	N65°26'11"E	208.16'
61	S73°23'01"E	105.89'
62	S74°55'03"E	136.94'
63	S45°31'22"E	157.05'
64	S53°16'57"E	198.30'
65	S37°23'58"E	136.01'
66	S37°53'18"E	117.59'
67	N83°28'53"E	66.04'
68	S24°03'29"W	61.48'
69	S29°08'58"E	21.90'
70	S73°30'18"E	35.52'
71	S27°59'24"W	38.07'
72	S31°43'22"E	149.82'
73	N79°51'47"E	75.92'
74	S37°00'20"W	82.23'
75	S43°42'43"E	61.59'
76	S10°24'22"W	72.42'
77	S68°55'49"E	60.93'

COURSE	"H" - BEARING	"I" DISTANCE
78	S42°00'10"W	91.33'
79	S81°47'28"W	112.80'
80	N49°06'39"W	78.35'
81	N69°51'25"W	58.93'
82	N54°15'35"W	117.20'
83	N06°25'00"W	51.91'
84	N79°23'40"E	49.14'
85	S70°59'43"E	90.11'
86	N78°43'55"E	41.01'
87	S20°25'36"W	24.68'
88	N56°48'32"E	67.28'
89	N16°26'49"W	73.11'
90	N27°07'13"W	102.47'
91	N51°50'11"W	78.71'
92	N39°01'02"W	175.05'
93	S60°35'26"W	53.19'
94	N08°14'26"W	58.12'
95	S75°47'45"W	112.72'
96	N65°17'52"W	60.99'

COURSE	"J" - BEARING	"F" DISTANCE
97	N23°04'37"E	147.45'
98	N41°22'43"W	88.72'
99	S81°33'35"W	51.15'
100	N39°38'07"W	75.99'
101	N45°52'40"W	50.04'
102	S76°17'54"W	58.46'
103	N02°54'54"E	35.91'
104	S69°21'52"W	57.90'
105	S23°50'34"W	59.11'
106	N68°05'35"W	51.67'
107	N82°57'57"W	73.68'
108	S46°05'41"W	70.88'
109	S55°26'14"W	100.19'

COURSE	"C" - BEARING	"D" DISTANCE
25	S75°41'28"E	64.67'
26	S89°12'39"E	31.43'
27	N35°18'42"E	26.12'
28	S64°19'02"E	58.43'
29	S79°18'31"E	62.75'
30	N65°34'14"E	70.45'
31	S84°19'44"E	47.88'
32	N00°50'05"W	36.24'
33	N14°54'34"E	90.87'
34	N04°52'44"W	57.00'
35	N03°44'59"W	26.97'
36	N57°28'52"W	67.64'
37	N71°09'27"W	58.80'
38	N68°20'32"W	137.30'
39	N03°42'21"E	67.15'
40	N15°20'16"E	80.01'
41	N13°34'03"E	209.06'

"B" - BEARING	"C" DISTANCE
N12°17'55"E	17.62'

O

GAIL A.  
ROMICH  
DEED BOOK 798  
PAGE 98

MARGARET L.  
GREER  
DEED BOOK 288  
PAGE 354

COURSE	BEARING	DISTANCE
1	N30°18'00"W	48.51'
2	N70°09'36"W	47.69'
3	S49°36'05"W	58.02'
4	S54°07'39"W	92.16'
5	S19°26'52"W	31.08'
6	S10°04'36"E	43.86'
7	S12°29'20"W	53.54'
8	N04°54'03"W	47.24'
9	N10°01'55"W	70.48'
10	S68°56'30"W	34.20'
11	N83°55'42"W	28.84'
12	N29°50'36"E	14.16'

"A" - "B"

COURSE	BEARING	DISTANCE
13	N67°23'20"E	59.96'
14	N59°31'39"E	56.60'
15	N32°16'01"W	26.01'
16	N18°04'57"E	29.00'
17	N50°03'06"E	43.40'
18	N79°28'54"W	58.92'
19	N45°55'28"W	83.93'
20	N64°51'49"W	75.38'
21	S67°30'50"W	97.31'
22	N81°03'06"W	89.78'
23	N64°42'06"W	78.05'
24	N73°15'47"W	59.01'

NCGS MONUMENT "SURVEY" - PID#: DE6465  
NORTHING: 1013492.16 US SURVEY FEET NAD 83(2011)  
EASTING: 2838182.96 US SURVEY FEET NAD 83(2011)  
ELEVATION: 6.65 US SURVEY FEET NAVD 88

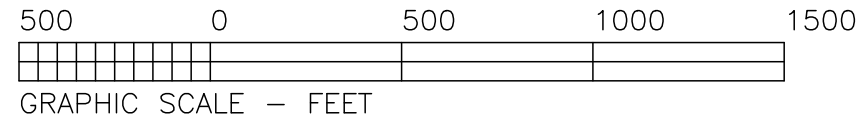
JOHN J. FLORA III  
DEED BOOK 1230 PAGE 402  
TAX PARCEL NUMBER: 0015000085B0000



ROWLAND CANAL

WATERS OF THE US

EAGLE AUCTION INC  
DEED BOOK 846 PAGE 39  
TAX PARCEL NUMBER: 002300000070000



DELINEATION SURVEY  
**JUSTIN M. OLD**

CURRENT OWNER: SANDRA DAVIS FOST ET AL

PROPERTY ADDRESS: CARATOKE HIGHWAY  
MOYOCK, NORTH CAROLINA 27958

DEED REFERENCE: DEED BOOK 482 PAGE 537

MAP REFERENCE: PLAT CABINET D PAGE 315

TAX PARCEL NUMBER: 001500000860000

MOYOCK TOWNSHIP CURRITUCK COUNTY NC

HERBERT J.NOBLER,JR.  
PROFESSIONAL LAND SURVEYOR - L-2703  
186 CAMPEN ROAD  
BAYBORO, NORTH CAROLINA 28515  
(252) 626-8634

SCALE: 1' = 500'

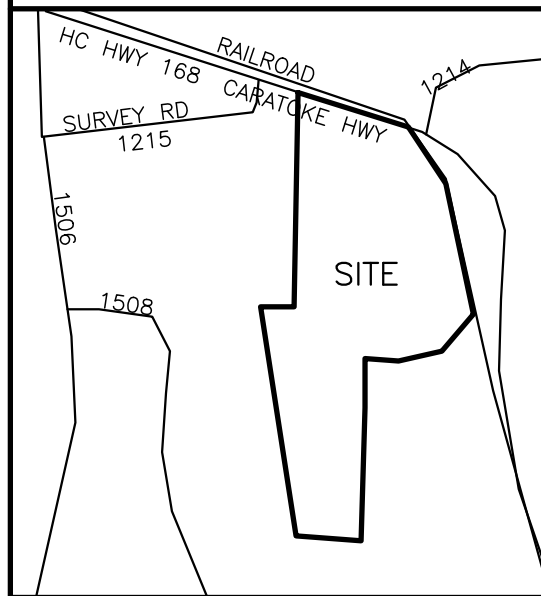
PROJECT NO. 2018-13

PLOT NAME: OLDWET1

DATE:  
04-25-2018

SHEET 1 OF 1

VICINITY SKETCH



# 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

- AMF* ☒ 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](mailto: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](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0).

Copy Furnished: CESA/RG-W/Bland

Attachment: 16 4-30-18 SAW-00838 JD (PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit)

### NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: <b>Fost Farm</b>	File Number: <b>SAW 2018-00838</b>	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.

**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 5<sup>th</sup> 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 5<sup>th</sup> 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**



## ADEQUATE PUBLIC FACILITIES ORDINANCE HISTORY

- **August 1994** – Anne Mackin, then Moyock Elementary School principal, sent a memo (see attached memo dated August 29, 1994) to Ronnie Capps, Currituck County School Superintendent, stating that with increased enrollment “Facilities, programs, and equipment need to be added and supported yearly to provide sufficient services for our student population. She noted the addition of mobile classrooms and the student crowding in restrooms, cafeteria, and library. She also noted that ‘all support services (counseling, special education, chapter 1) needed special attention to accommodate student numbers.’ Principal Mackin also itemized the additional staff, copy machines, instructional supplies, consumable materials, furniture textbooks, library materials, computers, and additional bus routes necessary to service the 713 students enrolled at Moyock Elementary. She said ‘Overall the increase in enrollment has required Currituck County School System to redesign facilities and programs.’
- **September 1994** – Ronnie Capps, Currituck County School Superintendent, approached the Planning Board (see attached memo dated September 13, 1994) regarding the “residential development having dramatic impact on each of our schools during recent years.” Superintendent Capps detailed the increase in attendance in his memo. He also noted the 38 mobile classroom units installed at schools to accommodate growth of the student population. The memo encourages the Planning Board and the Board of Commissioners to review options relative to the rate of residential development so all county agencies, including the schools, might respond to growth in a timely and positive manner. Superintendent Capps encourage the boards to be proactive instead of reactive to accommodate growth in the student population. Superintendent Capps noted the proposed subdivision “The Plantations” (now Eagle Creek) with 601 residential lots in the Moyock Township and its effect on the school district.
- **September 13, 1994** – Jack Simoneau Planning and Inspections Director, presented PB 94-42 Currituck County text amendment (attached) to the Planning Board to address adequate public facilities. The language read:
  2. Even if the permit issuing board finds that the application complies with all other provisions of this Ordinance, it may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:
    - e. **Will 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 Planning Board minutes for September 13, 1994 are attached for reference. The Planning Board unanimously approved the text amendment.

- **October 3, 1994** – BOC held a public hearing on the proposed text amendment. (Minutes Attached)
- **October 17, 1994** – BOC unanimously approved the text amendment. (Minutes attached)
- **February 6, 1995** – BOC unanimously denied a special use permit for Tate Terrace Realty Investors Inc. request for a 601 lot subdivision (now Eagle Creek) based solely upon the provisions of the above noted text amendment to UDO Section 1402(2)(e). It is important to note that a prior property owner (Moyock Investment Group) received vesting approval to develop at 429 lots on this property.

9/13/94 PB MTG: Page 1

**CURRITUCK COUNTY PLANNING BOARD**

September 13, 1994

7:30 p.m.

The Currituck County Planning Board met at the Currituck County Courthouse on September 13, 1994. The following members were present: Walter Jones, Jimmy Waterfield, Aubrey Dowdy, Owen Etheridge, Marguerite Hogge, Shirley Falls, Nolan Alcock, La Ree Lynn, and Walter Banks. Jack Simoneau, Planning and Inspections Director, and H.B. Briggs, Chief Planner were also present.

Mr. Etheridge called the meeting to order and announced a quorum had been met.

Ms. Falls asked if the board wanted her to vote on the Duck Ridge item since her daughter worked for Hearndon Construction. The board agreed that Ms. Falls could vote on this item since she said that her daughter's employment would not bias her opinion.

Mr. Etheridge welcomed Mr. Jimmy Waterfield to the board.

**APPROVAL OF AUGUST 9, 1994, MINUTES**

Mr. Lynn motioned to approve the August 9, 1994 minutes as presented. Mr. Jones seconded the motion and the motion passed unanimously.

**RESOLUTION OF APPRECIATION FOR MR. LUTHER CROCKETT**

The board presented the following resolution of appreciation to Mr. Crockett:

RESOLUTION  
OF  
APPRECIATION

WHEREAS, Mr. Luther Crockett has faithfully served as a member of Currituck County's Planning Board from January, 1994 until July, 1994; and,

WHEREAS, Mr. Crockett has devoted numerous hours and energies to serve in this capacity; and,

WHEREAS, Mr. Crockett has served as an integral part in shaping the future of Currituck County; and,

WHEREAS, Mr. Crockett always acted in the best interests of the Citizens of Currituck County as a member of the Planning Board; and,

Attachment: 18 9-13-1994 PB Minutes APFO (PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit)

Currituck County Board of Commissioners, shall be from \_\_\_\_ a. m. to \_\_\_\_ p. m.; and,

15. Should any conditions within this permit conflict with any other permit issued for this activity, then the more restrictive condition shall prevail.

Ms. Hogge seconded with Mr. Waterfield, Mr. Lynn, Mr. Alcock, and Mr. Jones voting no. (Mr. Etheridge asked for a show of hands to ~~determine those voting in opposition~~)

**DISCUSSION ON IMPACT OF GROWTH INCLUDING ITS IMPACT ON THE SCHOOL SYSTEM BY BOARD OF EDUCATION REPRESENTATIVE**

Mr. Ronnie Capps, Ms. Janet Taylor, and Mr. Skip Saunders appeared before the board.

Mr. Capps presented memo to the board with different charts and graphs to show the impact that increased development is having on the school system (see Attachment 1)

Mr. Capps expressed a concern that the county needs to plan better for development. He said that within 3 to 5 years, all of Currituck's public facilities will be overburdened.

Mr. Alcock asked what we had to do now to have the developers start paying for some of the impact they have on the county facilities.

Mr. Simoneau said that you must have a capital improvements plan, establish a level of service standard, compare estimates with proposed development, and to come up with a formula to require developers to pay their fair share of facility cost. He said that this is in the works now, but it will take about 2 - 3 years to get a system in place.

Ms. Taylor explained a problem teachers have in the mobile units. She said that a teacher cannot leave the trailer to take a student to the office for anything (including nurse) since there is not another teacher in the trailer to watch the students. She said this is not fair to the teacher nor the student and that the county should speed up the process in order to get more schools.

Mr. Saunders said that the expense of bringing new trailers was astronomical since special attention has to be given to the electrical requirements, water pressure, meeting handicap regulations, etc. He also said that each school is running out of room for trailers.

Ms. Taylor explained that there is no place for the students in the trailers to hold a fire drill since they have to go



inside and "crouch" against a wall and all of the walls were filled with the students who are in the school already.

Mr. Banks asked about moving the boundary line that said which school a child went to and move more from Moyock to Central, a less crowded school.

Mr. Capps said that this would only move trailers from one school to another and would not solve the problem.

Mr. Simoneau presented the following amendment as requested by the Planning Board at the August meeting as one mean to slow growth as well as a means for determining impact of development:

**Currituck County** requests the following amendment to the Currituck County Unified Development Ordinance:

PB 94-42 CURRITUCK COUNTY request amendments to Article 14 Section 1402, Articles 9, 10, and 11 Section IV, to provide adequate public facility regulations

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Part I. That the following section be amended:

Article 14 Section 1402 (2)

(d) will not be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the board; or,

(e) will 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.

Articles 9, 10, and 11 Sections 903, 1003, and 1103

	SKETCH PLAT	PRELIMINARY PLAT	FINAL PLAT
<b>IV. DEVELOPMENT IMPACT STATEMENT</b>			
1. Physical Analysis (type units expected incl. number of bedrooms; projected value; size and timing of phases, etc.)	X		
2. Housing Market Analysis (delimit market area; project demand, supply and unmet demand; determine net			

capture; identify development profile)	X		
3. Environmental Impact (water consumption estimated per unit type, hydrological report by a licensed engineer identifying available water resources, report outlining sewer generation and means of disposal)	X		
4. Fiscal Analysis (estimated real property valuation, estimated personal property valuation, estimated annual land transfer tax value)	X		
5. Traffic Analysis (estimated number of trips generated, volume of existing traffic on roads adjacent to and within 1/2 mile of tract, directional distribution of traffic, capacity analysis)	X		

Part II. This ordinance amendment shall be in effect from and after the \_\_\_\_ day of \_\_\_\_, 1994.

\_\_\_\_\_  
B.U. Evans, Chairman

Attest:

\_\_\_\_\_  
Gwen Tatem,  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_

MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_

SECONDED BY COMMISSIONER: \_\_\_\_\_

VOTE:        \_ AYES        \_ NAYES

Mr. Etheridge asked if the school system says that a development will overburden their system, does this mean that the development could be denied?

Mr. Simoneau that if the school system said that a proposed development would overburden their facilities, then according to the above amendment the Board of Commissioners could deny the request. It was not know if the courts would uphold such a decision.

**PLANNING BOARD ACTION**

Mr. Alcock motioned to approve the above amendment request. Mr. Banks seconded the motion and the motion passed unanimously.

~~PB 94-40 CURRITUCK COUNTY: REQUEST AMENDMENTS TO ARTICLE 9 SECTION 914, ARTICLE 10 SECTION 1013 AND ARTICLE 11 SECTION 1113 OF THE UDO TO DELETE SURETY BONDS AND ADD DEED OF TRUST AND BOND AS ACCEPTABLE BOND TERMS AND METHODS.~~

Mr. Briggs presented the following memo to the board:

**MEMORANDUM**

TO: Board of Commissioners  
FROM: H. B. Briggs, Jr., Chief Planner  
DATE: September 2, 1994  
SUBJECT: Proposed Amendment to the UDO

Staff has been directed to prepare the attached amendment for presentation to the Planning Board. The purpose of this amendment is two-fold: (1) to add Deeds of Trust and Bonds as acceptable bonding forms and methods; and, (2) to delete the utilization of Surety Bonds by a licensed surety bond company.

**HISTORY of DEEDS of TRUST**

Prior to and included within adoption of the Unified Development Ordinance on April 2, 1989, Deeds of Trust were an acceptable form of guarantee for Maintenance or Performance Bonds. However, when the UDO was updated in November, 1992, the county attorney at the time requested that Deeds of Trust be deleted as an acceptable form of guarantee.

**ADVANTAGES of DEEDS of TRUST**

The main advantage in allowing the use of Deeds of Trust for guarantee purposes is that it allows the developer to "put-up" a portion of the development to insure items will be installed as required (Performance Bond) or that maintenance will be performed as required (Maintenance Bond).

**DISADVANTAGES of DEEDS of TRUST**

- (1) although appraisals will be required, market cycles could cause an inflated value on the property, ie. appraisal done during high property values, at selling point property values low;



Attachment # 1



Public Schools  
Post Office Box 40  
Currituck, North Carolina 27929

Office of Superintendent

919-232-2223

MEMO

TO: Planning Board Members  
Currituck County

FROM: Ronnie Capps *WCC*  
Superintendent of Schools

DATE: September 13, 1994

SUBJECT: Impact of Residential Development on the Public Schools

Residential development has had a dramatic impact on each of our schools during recent years. I will briefly summarize the consequences of this growth.

<u>SCHOOL</u>	<u>9th Month</u> 93/94 ADM	<u>Enrollment</u> 9/1/94	<u>Increase</u>
Moyock	686	715	29
Griggs	444	472	28
Knotts Island	149	168	19
Knapp	419	437	18
Central	338	360	22
CCHS	692	778	
Extended Day	40	32	
	732	810	78
	2768	2962	+194

Attachment: 18 9-13-1994 PB Minutes APFO (PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit)

MEMO

Page 2

September 13, 1994

As you can see, since school ended in June, our enrollment has increased by 194 students. The four elementary schools and junior high school have each gained the equivalent of an additional class. The high school has gained the equivalent of three additional classes.

Based upon the initial enrollment this school year, our student population has increased by 476 pupils over the last four years.

Currently, the school district is using 38 mobile classroom units to accommodate growth of the student population. These units are assigned to the schools as follows:

<u>School</u>	<u>Number of Mobile Units</u>
Moyock	8
Central	4
Knapp	8
Currituck High	<u>18</u>
	38

Four of these units were sited this summer. Two double-wide units were placed at Moyock Elementary School and two single-wide units were located at the high school.

Moyock Elementary School is virtually at capacity in terms of parking space and locations to site additional mobile classrooms.

Low-flow rest room fixtures are being installed at Central School and Moyock School to maintain design standards for wastewater systems.

Based upon figures supplied by the State Treasurer in April, 1994, the cost of growth in the student population can be illustrated dramatically. The per student county expenditure for capital and operating costs during the 1992-93 school year was \$2,193.67. The costs per student have, of course, increased since the 1992-93 fiscal year, but by extending this cost data to the 194 students enrolled during the summer of 1994 we incur an additional expense of \$425,571.98 given the level of local support provided.

Outside of adding additional mobile classrooms, the overcrowding of our schools will not be relieved until the beginning of the 1996-97 school year when the new high school is completed.

Attachment: 18 9-13-1994 PB Minutes APFO (PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit)

MEMO

Page 3

September 13, 1994

Maintaining quality instructional programs and student safety are our primary concerns. Our schools have received high marks in both areas, but our rapid growth makes the job more difficult.

We encourage the Planning Board and the Board of Commissioners to review options relative to the rate of residential development so all county agencies, including the schools, might respond to growth in a timely and positive manner. In recent years, the schools have had to be reactive rather than pro-active to accommodate growth in the student population. By way of example, I received in my office last week the sketch plan for The Plantations, a proposed subdivision of 601 residential lots to be located in Moyock Township. You can imagine the impact this single subdivision will have on the school district. Though the long-range school facility plan prepared by the Board of Education proposed construction of a second school in Moyock Township, funds for this project were not included on the bond referendum and are not currently anticipated from other revenue sources. Assuming this subdivision receives eventual approval, we will find our schools and community in the reactive posture to which we have become accustomed.

WRC/dbs

Attachments:

cc: Board of Education  
Bill Richardson

Attachment: 18 9-13-1994 PB Minutes APFO (PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit)



COUNTY - CURRITUCK  
POPULATION - 14,566

YEAR	A	B	C	D	E	F	G	H	I	J	K
RESTRICTED				ANNUAL DEBT		TOTAL COUNTY			CURRENT		
RESTRICTED	PORTION OF	ANNUAL	SERVICE PAYMENTS	ON SCHOOL DEBT	CURRENT YEAR	CHANGE IN	FUNDING SUBJECT	APPROPRIATIONS	SCHOOL TAX	TOTAL COUNTY	
ARTICLE 40 - 1/2	ARTICLE 42 - 1/2	SCHOOL DEBT	SCHOOL DEBT	ISSUED IN 5	SCHOOL CAPITAL	SCHOOL	TO MAINTENANCE OF	TO SCHOOL	COLLECTED	REVENUES FROM	
CENT SALES TAX	CENT SALES TAX	SERVICE	SERVICE	YEARS PRIOR	OUTLAY	CAPITAL	EFFORT REQUIREMENT	LOCAL CURRENT	(SEPARATELY	ALL SOURCES FOR	
CENT SALES TAX (60% OF RECEIPTS)		PAYMENTS	PAYMENTS	TO ARTICLE 42	EXPENDITURE	RESERVE	OF ARTICLE 42	EXPENSE FUND	LEVIED)	ALL PURPOSES	
1993	139,489	278,973	213,751	0	3,434,729	(640,536)	2,794,193	3,024,649	125,372	0	20,906,659
1993*	0.67	1.33	1.02	0.00	16.43	(3.06)	13.37	14.47	0.60	0.00	100.00
1992	134,977	269,856	199,148	0	1,650,882	(311,595)	1,339,287	3,599,324	122,476	0	16,038,561
1992*	0.84	1.68	1.24	0.00	10.29	(1.94)	8.35	22.44	0.76	0.00	100.00
1991	137,320	274,886	199,072	0	1,201,211	520,291	1,721,502	3,179,498	117,231	0	15,266,684
1991*	0.90	1.80	1.30	0.00	7.87	3.41	11.28	20.83	0.77	0.00	100.00
1990	133,037	265,268	198,979	0	1,854,442	699,452	2,553,894	2,764,257	127,329	0	15,857,067
1990*	0.84	1.67	1.25	0.00	11.69	4.41	16.10	17.43	0.80	0.00	100.00
1989	124,977	249,063	199,056	0	470,079	49,368	519,447	2,208,700	0	0	11,522,248
1989*	1.08	2.16	1.73	0.00	4.08	0.43	4.51	19.17	0.00	0.00	100.00
5 Year	57,778	0	199,490	0	122,864	(9,919)	112,945	1,260,765	44,557	0	4,386,504
Base	1.32	0.00	4.55	0.00	2.80	(0.23)	2.57	28.74	1.02	0.00	100.00

L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
1992-93 AVERAGE DAILY MEMBERSHIP	PER STUDENT COUNTY EXPENDITURES	CAPITAL OPERATING	PER CAPITA COUNTY EXPENDITURES	SCHOOL CAPITAL FUNDING AS A % OF CURRENT PROPERTY TAX COLLECTIONS	1992-93 SCHOOL CAPITAL FUNDING AS A % OF CURRENT PROPERTY TAX COLLECTIONS	1991-92 COUNTY FUND BALANCE AVAILABLE	1991-92 COUNTY FUND BALANCE AS A % OF GENERAL FUND EXPENDITURES	LAST YEAR OF REVALUATION FOR COUNTY	JANUARY 1, 1992 COUNTY ASSESSED VALUATION	1992-93 COUNTY TAX RATE	1992-93 COUNTY TAX COLLECTION RATE	1992 COUNTY UNEM- PLOTTMENT RATE	COUNTY PER CAPITA PERSONAL INCOME (1991)	SCHOOL CAPITAL FACILITY NEEDS PER 1993 SURVEY
2,750	1,093.80	1,099.87	206.50	207.65	38.14	5,599,500	49.79	1969	1,408,483,015	0.5600	94.11	3.3	14,658	23,480

6.B.r

# Moyock Elementary School

Post Office Box 160  
Moyock, North Carolina 27958  
"Success . . . Children First"

9-435-6521

To: Ronnie Capps

From: Anne Mackin *am*

RE: Enrollment

Date : August 29, 1994

Moyock Elementary has been experiencing increased enrollment over the past three years. Presently, Moyock has an enrollment of 713 students. Facilities, programs, and equipment need to be added and supported yearly to provide sufficient services for our student population.

Mobile units have been added to our campus in order to provide adequate instructional and storage space. Currituck County is still trying to provide appropriate student/teacher ratio which requires more classroom units.

Suitable schedule changes needed to be designed to reduce student crowding in restrooms, cafeteria, and library. All support services (counseling, special education, chapter 1) locations needed special attention to accommodate student numbers.

Moyock Elementary had to increase the professional staff to accommodate student growth. A counselor, Chapter 1 instructor, Special Education instructor, classroom instructors, and office personnel had to be supplemented to provide significant services. Additional materials and equipment needed to be purchased to cope with normal daily demands. The items purchased are as follows: copy machines, instructional supplies, consumable materials, furniture, textbooks, library materials, and computers.

Several changes have been made in bus routes to accommodate new building developments. Additional buses have been added to provide sufficient and timely transportation for all students.

Overall the increase in enrollment has required Currituck County School System to redesign facilities and programs.

Attachment: 18 9-13-1994 PB Minutes APFO (PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit)

Currituck County  
North Carolina  
October 17, 1994

The Currituck County Board of Commissioners met in a work session prior to the regular scheduled meeting to discuss the Cooperative Extension Legislative Grants.

The Currituck County Board of Commissioners met at 8:00 PM in regular session on October 17, 1994, in the Currituck County Courthouse with the following members present: Vice-Chairman Wright, Commissioners Gregory, Bowden, and Askew. Chairman Evans was absent.

Vice Chairman Wright called the meeting to order at 8:00 PM.

#### **Invocation**

Vice Chairman Wright called for a moment of silence.

#### **Approval of Agenda**

Vice Chairman Wright moved to amend the agenda as follows: move Item 14 to 5B, move Item 19 to 5C and add Consideration of library bids for furnishings. Commissioner Gregory seconded the motion. Motion carried unanimously.

#### **Approval of September 6 and September 19, 1994 Minutes.**

Commissioner Askew moved to approve the minutes of September 6 and September 19, 1994. Commissioner Gregory seconded the motion. Motion carried unanimously.

#### **Public Comments**

Vice Chairman Wright opened the public comment period.

Jan Smith, with the Humane Society, read a letter that all Board members had received by registered mail. The letter listed various questions and concerns regarding the animal shelter.

There being no further comments, Vice Chairman Wright closed the public comment period.

**Public Hearing and Action on PB 94-44  
COROLLA FIRE AND RESCUE: special use  
permit for an addition to the fire and**



rescue building located at 827 Whalehead Drive (intersection of Whalehead Drive and Dolphin Street) in Whalehead Subdivision in Corolla, Tax Map 115A, Section 13, Parcel 35A, Poplar Branch Township.

Jack Simoneau, Planning and Inspections Director, and Marshall Cherry were sworn in prior to giving testimony.

Jack Simoneau reviewed the following case analysis: The applicant is requesting a Special Use Permit (classification #13.200) for two additions to the existing fire station building. Proposed additions will add 2050 s.f. to the existing building. The additions will be used to house additional fire equipment. Property is shown on Tax Map 115A, lot 35A, Poplar Branch Township. Property is located on the northeast corner of Whalehead Drive and Dolphin Street in Whalehead Subdivision near Corolla

#### STAFF FINDINGS

**Criteria:** (a) Does the applicant meet the standards established in the Unified Development Ordinance (UDO) for the proposed use?

**Findings:** The applicant proposes an addition to the existing fire station building (Use Classification #13.200) which is a permitted use in a R01 (Outer Banks Standard Residential) zoned area with a Special Use Permit.

Adjacent Property Owner's Notifications were mailed 9/30/94; property was posted on 10/4/94.

The proposed addition meets setback requirements.

All required parking, vehicle accomodation areas, screening requirements, shading, etc. will be met by applicant.

**Criteria:** (b) Will the proposed use materially endanger the public health or safety?

**Findings:** The nearest residential dwellings to the site are located across Whalehead Drive and across Dolphin Street. Limited ingress/egress to site insures safe traffic movements.

**Criteria:** (c) Will the proposed use substantially injure the value of adjoining or abutting property?

**Findings:** The property is surrounded by the following land uses:

North: Vacant lot - zoned R01  
 South: Residential - zoned R01  
 East: Vacant lot - zoned R01  
 West: Residential - zoned R01

**Criteria:** (d) Will the proposed use be in harmony with the particular neighborhood or area in which it is to be located?

**Findings:** See the findings listed under Criteria "a", "b" and "c" above.

**Criteria:** (e) Will the proposed use be in general conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the board?

**Findings:** The 1990 Land Use Plan classifies this land as "Limited Transition". The purpose of the limited transition classification is to provide for Development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class, and/or are geographically remote from existing towns and municipalities.

The site is located along SR 1420 (Whalehead Drive) which is a Local road according to the 1988 Thoroughfare Plan.

#### **STAFF RECOMMENDATION**

Staff recommends **approval** of this request as presented.

#### **PLANNING BOARD RECOMMENDATION**

On October 11, 1994, the Planning Board voted to recommend approval of this request as presented.

Vice Chairman Wright opened the public hearing.

Marshall Cherry, Corolla Fire Chief, stated that they were adding 3 additional bays to house their equipment.

There being no further comments, Vice Chairman Wright closed the public hearing.

Commissioner Bowden moved to grant the Special Use Permit. Commissioner Gregory seconded the motion. Motion carried unanimously.

Public Hearing and Action on PB 94-45 LOWER  
CURRITUCK VOLUNTEER FIRE DEPARTMENT,  
INC.: special use permit for an addition to  
the fire department building located in Grandy on  
the east side of US 158 approximately  
550 feet south of the intersection of SR 1129  
(McHorney Road), Tax Map 94, Parcel 136,  
Poplar Branch Township.

Jack Simoneau, Planning and Inspections Director and Tommy Brothers were sworn in prior to giving testimony.

Jack Simoneau, reviewed the following case analysis: The applicant is requesting a Special Use Permit (classification #13.200) for an addition to the existing fire station building. The proposed addition will add 2273 s.f. to the existing building. The addition will be used to house additional fire equipment. Property is shown on Tax Map 94, lot 136, Poplar Branch Township. Property is located on the east side of US 158 across from E & S General Merchandise in Grandy.

#### STAFF FINDINGS

**Criteria:** (a) Does the applicant meet the standards established in the Unified Development Ordinance (UDO) for the proposed use?

**Findings:** The applicant proposes an addition to the existing fire station building (Use Classification #13.200) which is a permitted use in both a A (Agricultural) and GB (General Business) zoned area with a Special Use Permit.

Adjacent Property Owner's Notifications were mailed 9/30/94; property was posted on 10/4/94.

The proposed addition meets setback requirements.

All required parking, vehicle accomodation areas, screening requirements, shading, etc. will be met by applicant.



**Criteria:** (b) Will the proposed use materially endanger the public health or safety?

**Findings:** According to county tax maps, the nearest residential dwelling to the site is located directly to the northwest approximately 140'+/-. Limited ingress/egress to site insures safe traffic movements.

**Criteria:** (c) Will the proposed use substantially injure the value of adjoining or abutting property?

**Findings:** The property is surrounded by the following land uses:

North: Woodlands/Residential - zoned GB & A  
 South: Vacant lot/Residential - zoned GB & A  
 East: Residential - zoned A  
 West: Commercial (E & S Gen. Mdse.) - zoned GB

**Criteria:** (d) Will the proposed use be in harmony with the particular neighborhood or area in which it is to be located?

**Findings:** See the findings listed under Criteria "a", "b" and "c" above.

**Criteria:** (e) Will the proposed use be in general conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the board?

**Findings:** The 1990 Land Use Plan classifies this land as "Limited Transition". The purpose of the limited transition classification is to provide for Development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class, and/or are geographically remote from existing towns and municipalities.

The site is located along US 158 which is a Minor Arterial road according to the 1988 Thoroughfare Plan.

#### STAFF RECOMMENDATION

Staff recommends **approval** of this request as presented.

#### PLANNING BOARD RECOMMENDATION

On October 11, 1994, the Planning Board voted to recommend approval of this request as presented.

Vice Chairman Wright opened the public hearing.

Tommy Brothers, Lower Currituck Fire Department, was present to answer questions.

There being no further comments, Vice Chairman Wright closed the public hearing.

Commissioner Bowden moved to grant special use permit. Commissioner Gregory seconded the motion. Motion carried unanimously.

**Action on: PB 94-42 CURRITUCK COUNTY: request amendments to Article 14 Section 1402, Articles 9, 10 and 11 Section IV, to provide adequate public facility regulations.**

Commissioner Gregory moved to adopt the following ordinance and change the number of lots where impact statements are required, from 20 to 50 lots and the final number be determined when impact study is complete. Commissioner Bowden seconded the motion. Motion carried unanimously. Chairman Evans was absent.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Part I. That the following section be amended:

Article 14 Section 1402 (2)

(d) will not be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the board; or,

(e) will 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.

Part II. That Articles 9, 10, and 11, Sections 903, 1003, and 1103 be amended by adding the following provisions:

For subdivisions containing twenty (20) or more lots, the following information shall be provided.

	SKETCH PLAT	PRELIMINARY PLAT	FINAL PLAT
<b>IV. DEVELOPMENT IMPACT STATEMENT</b>			
1. Physical Analysis (type units expected incl. number of bedrooms; projected value; size and timing of phases, etc.)	X		
2. Housing Market Analysis (delimit market area; project demand, supply and unmet demand; determine net capture; identify development profile)	X		
3. Environmental Impact (water consumption estimated per unit type, hydrological report by a licensed engineer identifying available water resources, report outlining sewer generation and means of disposal)	X		
4. Fiscal Analysis (estimated real property valuation, estimated personal property valuation, estimated annual land transfer tax value)	X		
5. Traffic Analysis (estimated number of trips generated, volume of existing traffic on roads adjacent to and within 1/2 mile of tract, directional distribution of traffic, capacity analysis)	X		

Action on: ALOYSIUS AND JANE KREMPEL request  
to rename Ninth Street in Point Harbour Beach  
Subdivision, Poplar Branch Township.  
Proposed Name: Rose Lane

Commissioner Bowden moved to approve request to rename  
street. Commissioner Gregory seconded the motion. Motion  
carried unanimously. Chairman Evans was absent.

Action on PB 94-37 ACEY COMMERCIAL  
PROPERTIES: rezone 18.7 acres from A  
(Agricultural) to GB (General Business)  
located in Moyock on the southwest side of NC



168 approximately 1364' south of SR 1216 (Puddin Ridge Road), Tax Map 15, Parcel 75A, Moyock Township.

Commissioner Bowden moved to approve the request to rezone from A to GB. Commissioner Gregory seconded the motion. Motion carried unanimously. Chairman Evans was absent.

Action on PB 94-38 C. W. BRYANT AND C. H. BRYANT: special use permit to expand an existing sand mining operation on property located on the east side of NC 168 at the North Carolina/Virginia state line, Tax Map 8, Parcels 15 and 17 and Tax Map 9, Parcels 1 and 2, Moyock Township.

Vice Chairman Wright moved to approve special use permit and hours will be from 7a.m. to 6p.m. Commissioner Gregory seconded the motion. Motion carried unanimously.

Action on: PB 88-62 THE PLANTATIONS (formerly Country Side): sketch plan approval of a 601-lot common open space subdivision located on SR 1215 (Survey Road) in Moyock, Tax Map 15, Parcel 84, Moyock Township.

This item was continued until next meeting at the request of the applicant.

Action on PB 94-40 CURRITUCK COUNTY: request amendments to Article 9 Section 914, Article 10 Section 1013 and Article 11 Section 1113 of the UDO to delete Surety Bonds and add Deed of Trust and Bond as acceptable bond terms and methods.

Vice Chairman moved to table until Chairman Evans was present. Commissioner Gregory seconded the motion. Motion carried unanimously.

CURRITUCK COUNTY: request to name an unnamed lane off of Barnard Road which services the Ezra and Lisa Graley Subdivision in Poplar Branch. Proposed Name: Graley Lane.

Jack Simoneau, Planning and Inspections Director, reviewed the proposed name change. He advised the Board that the two

property owners could not agree on the original name (Tanners Way) so the staff recommended Graley Lane, the subdivision name.

Commissioner Gregory moved to approve the road name. Commissioner Bowden seconded the motion. Motion carried unanimously.

**Chiefs and Captains Advisory Board to discuss permits for bonfires on the beach.**

Marshall Cherry, Corolla Fire Department, requests that the Board consider a beach fire notice. Mr. Cherry stated that they had several serious incidents with beach fires this summer and would like some way to the Corolla Fire Dept. could be notified in advance. This is needed only in the RO-1 district.

Commissioner Gregory moved to direct the staff to review proposal for bonfires and bring a recommendation back to the Board. Commissioner Askew seconded the motion. Motion carried unanimously.

**Consideration of Legislative Grants for Cooperative Extension.**

Rodney Sawyer, Cooperative Extension Director, was present to review legislative grants.

Vice Chairman Wright commended Mr. Sawyer and his staff on the enormous amount of work they have put into writing these grants.

Commissioner Gregory moved to endorse the legislative grants and provide space for additional staff. Commissioner Askew seconded the motion. Motion carried unanimously.

**Consideration of DOT Agreement for restoration of the Whalehead footbridge.**

Vice Chairman Wright moved to approve the DOT agreement for \$58,000. Commissioner Gregory seconded the motion. Motion carried unanimously.

**Appointment to Whalehead Board of Trustees.**

Vice Chairman Wright moved to appoint Rhett White to fill the unexpired term of John Wilson. Commissioner Gregory seconded the motion. Motion carried unanimously.

**Consideration of Application for Archives and History Grant.**

Commissioner Bowden moved to approve grant of \$100,000 for the Whalehead Club. Commissioner Gregory seconded the motion. Motion carried unanimously. The project will be assigned to the Whalehead Board of Trustees.

**Discussion on proposed service district for northern Currituck Banks.**

Bill Romm, County Attorney, reviewed the process for a proposed service district for street maintenance.

Commissioner Bowden stated that the mere creation of a District would not increase taxes.

Vice Chairman Wright moved to take no action at this time and direct staff to gather information to be presented to the new board in December. Commissioner Gregory seconded the motion. Motion carried unanimously.

**Appointments to Land Transfer Tax Appeals Board.**

Commissioner Bowden moved to appoint Gary Montalbaum and reappoint John Whitehurst and Bob Henley. Commissioner Gregory seconded the motion. Motion carried unanimously.

**Release of taxes From September 12 through September 30, 1994.**

Commissioner Bowden moved to release the following taxes. Commissioner Gregory seconded the motion. Motion carried unanimously.

Quality Oil	\$194.22
James Cooper	133.92
Thomas Clark	211.50
Cordelia Mack	117.42
James Smith	101.70

**Consideration of Resolution to change Board meeting time.**

Commissioner Bowden moved to adopt the following resolution. Commissioner Gregory seconded the motion. Motion carried unanimously.

**RESOLUTION**



WHEREAS, North Carolina General Statutes 153A-40, authorizes a County Board of Commissioners to fix the time and place of its regular meeting, and

WHEREAS, the Board of Commissioners of the County of Currituck finds that it is desirable to change its regular meeting time from 8:00 p.m. on the first and third Monday of each Monday to 7:00 p.m. on the first and third Monday of each month.

NOW, THEREFORE BE IT RESOLVED,

1. The regular meeting of the Board of Commissioners of Currituck shall be held at 7:00 p.m. on the first and third Monday of each month;
2. That the Clerk to the Board is instructed to post a copy of this Resolution on the Courthouse bulletin board and to cause a summary of this Resolution to be published.

#### Consideration of Library furnishing bids.

Commissioner Gregory moved to accept bid from Chesson's Business Interiors in the amount of \$55,597.52. Commissioner Askew seconded the motion. Motion carried unanimously.

#### Executive Session to discuss a property matter.

Vice Chairman Wright moved to go into executive session to discuss a property matter. Commissioner Gregory seconded the motion. Motion carried unanimously.

#### AMOUNT

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	DEBIT	CREDIT
10-330-486-00	Americorp Grant		\$5,036
10-640-327-00	Americorps	\$5,036	

#### AMOUNT

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	DEBIT	CREDIT
10-330-487-00	Support our Students		\$75,000
10-641-020-00	Salaries - Regular	\$23,400	
10-641-050-00	FICA Expense	1,790	
10-641-060-00	Insurance Expense	2,025	
10-641-070-00	Retirement Expense	2,181	
10-641-110-00	Telephone & Postage	600	

10-641-115-00	Printing	500
10-641-140-00	Travel	1,044
10-641-142-00	Transportation	2,240
10-641-145-00	Training & Education	1,766
10-641-210-00	Rent	1,500
10-641-320-00	Supplies	4,626
10-641-450-00	Contracted Services	17,975
10-641-540-00	Insurance & Bonds	2,223
10-641-890-00	Miscellaneous	2,880
10-641-900-00	Capital Outlay	10,250

### Adjourn

After reconvening from executive session no action was taken. There being no further business the meeting adjourned at 10:50 p.m.

Currituck County  
 North Carolina  
 February 6, 1995  
 Work Sessions held on  
 January 19, 1995 and January 31, 1995

The Currituck County Board of Commissioners met in a work session on January 19, 1995 at 7:00 p.m. with the School Board to discuss the High School bids and other related school projects. The following members were present: Chairman Bowden, Commissioners Gregory, Miller, O'Neal and Etheridge.

Chairman Bowden read the following statement:

- The Board of Commissioners does not intend to provide funding above the current project sheet estimates of \$19,400,000 for the five bond funded capital projects that are specified below:

New High School-	Professional Services	\$ 981,149
	Construction	12,264,363
	Furnishing	<u>750,000</u>
		\$ 13,995,512
Central Renovations-	Professional Services	\$ 65,983
	Construction	824,785
	Furnishings	<u>87,381</u>
		\$ 978,149
"Existing" High School Roof Replacement		\$ 200,000
School Site North		\$ 200,000
New Elem. School-	Professional Services	\$ 258,640
	Construction	3,233,000
	Furnishings	<u>467,675</u>
		\$ 3,959,315

- After cutting the project to the greatest extent possible, the Board of Education is requested to re-bid the new high school.
- The County will be a party to the high school construction contract in order to receive sales tax revenue needed for the bond projects.
- The five capital projects are requested to be placed on a five-year building/funding schedule.



**13. Within sixty (60) days from the date of its first review of the sketch plan, the Planning Board will forward the plat along with its recommendations, including any conditions or modifications, to the Board of Commissioners. Failure to forward the plat within the allotted time shall have the same effect as a recommendation for approval.**

**14. During the first regularly scheduled monthly meeting of the Board of Commissioners following recommendation by the Planning Board, the Board of Commissioners will hold a public hearing to hear any and all remarks presented by the subdivider/developer, Staff comments and recommendations, Technical Staff comments and others.**

15. The subdivider/developer or his agent must attend the Board of Commissioners and all subsequent Board meetings for presentation of the application to the appropriate Board and to answer any questions by Board members and others.

16. The Board of Commissioners shall discuss with the subdivider/developer or his agent changes deemed advisable, if any, and the kind and extent of improvements to be made by him.

17. Upon conclusion of the public hearing, the Board of Commissioners may approve, approve conditionally, disapprove or table the request as set forth in the Board of Commissioner's Rules of Procedures and by State law. Because of the conceptual presentation involved, this shall not constitute an official action of approval of the subdivision for recordation. The reasons for a conditional approval or disapproval shall be placed in the record of the minutes of the proceedings.

18. Receiving approval from the Board of Commissioners shall allow the subdivider/developer to proceed with submission of all materials and information required for the preliminary plat review process and to seek all permits as required under this Article.

Part IV. This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 1995.

Chairman Bowden opened the public hearing. There being no comments, Chairman Bowden closed the public hearing.

Action on PB 94-48 DOVE ROOST: special use permit/sketch plan approval of a 48 lot major subdivision located in Moyock at the southern end of SR 1216 (Puddin' Ridge Road), Tax Map 11, Parcel 2, Moyock Township.

This item was tabled at the request of the developer, James Ferebee, Jr.

Action on: PB 88-62 THE PLANTATIONS (formerly Country Side): sketch plan approval of a 601-lot common open space subdivision located on SR 1215 (Survey Road)

in Moyock, Tax Map 15, Parcel 84, Moyock Township.

Hood Ellis, Attorney, stated that the developer has met all the requirements of the UDO and complied with terms.

Commissioner Gregory moved to deny request as follows. Commissioner O'Neal seconded the motion. Motion carried unanimously.

**MOTION FOR DENIAL BASED ON THE FOLLOWING:**

The proposed 601 lot development fails to meet the provisions of Section 1402(2)(e) of the UDO because it exceeds the county's ability to provide adequate public school facilities based on evidence presented during the public hearings as stated below.

**FINDINGS:**

1. The 1992 School Facilities Needs Analysis and Long Range Capital Improvement Plan indicated that the then enrollment of 576 students in Moyock Elementary School required an additional 14,626 square feet of floor space to meet state school facility standards.
2. The 1994 school enrollment in Moyock Elementary School is 715 students.
3. The state standard for elementary school sites is 10 acres plus 1 acre for every 100 students in membership. The Moyock Elementary School is on a 10 acre site of which only 5.8 acres of the site is usable when utility and drainage areas are removed.
4. According to school enrollment figures for 1994, Quail Run, North Point, Quail Point, Moyock Meadows, Duck Ridge, and Old South Landing averaged the following number of students per home: .46 elementary school; .09 junior high school; .14 high school. Assuming these figures hold true for the Plantations subdivision, 601 single-family dwellings will generate 280 elementary students; 54 junior high school students; and 84 high school students at full buildout.
5. According to school officials, plans are that by September 1996, Knapp Jr. High will have been converted to an elementary school which will optimally accommodate up to 350 students; Moyock Elementary will optimally accommodate 450 students; and Central Elementary will optimally accommodate up to 375 students (1,175 total elementary students). Based on Planning staff estimates, under a high growth scenario, there will be 1,215 elementary students in

Moyock & Crawford Townships. Under a medium growth scenario, there will be 1,185 elementary students in Moyock and Crawford Townships.

6. According to Planning and Inspections, there are nearly 3,000 lots ready for development or having approval for development on the Currituck Mainland, Gibbs Woods and Knotts Island.
7. Based on the last 3 years, student enrollment at Moyock Elementary School has increased by 46 students per year.

Action on PB 94-49 THE CURRITUCK ASSOCIATES, RESIDENTIAL PARTNERSHIP AND THE CURRITUCK ASSOCIATES, GOLF PARTNERSHIP: rezone 586.7 acres from RO1 (Outer Banks Standard Residential) to Planned Unit Development RO1 (Outer Banks Standard Residential) and LBH (Limited Business, hotels allowed) located in Corolla on the west side of NC 12 (Ocean Trail) across from Ocean Sands, PUD, Tax Map 117, Parcel 1A, Poplar Branch Township.

This item was continued until the February 20, 1995 meeting.

Action on PB 94-49 THE CURRITUCK CLUB: sketch plan/special use permit for a planned unit development to contain: 476 single family lots, 104 golf course villas, 56 patio homes, 2 commercial areas and 4 employee housing units located in Corolla on the west side of NC 12 extending from northern property lines Pine Island, PUD, and National Audubon Society, Inc. to southern property lines of Ocean Sands, sections X and Y, Tax Map 117, parcel 1A, Poplar Branch Township.

This item was continued until the February 20, 1995 meeting.

Public Hearing on PB 94-51 CURRITUCK COUNTY: request amendments to the UDO in order to establish an expiration date on subdivision plats approved prior to April 2, 1989 where no work has begun; to increase the lot size in agricultural zoning districts to 3 acres and all other zoning districts except RO1 and RO2 to 40,000 sq. ft., to delete multi-family dwellings as permitted uses in the agricultural district; to increase the





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3308)

**Agenda Item Title:** Consideration of the Guaranteed Maximum Price for Moyock Middle School Addition and Renovation Project.

**Submitted By:** Samantha Evans – County Manager

**Presenter of Item:**

**Board Action:** Action

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**Brief Description of Agenda Item:**

**Is this item regulated by plan, regulation or statute?**

**Manager Recommendation:**

# DRAFT AIA® Document A141™ – 2014

## Exhibit A

### Design-Build Amendment

This Amendment is incorporated into the accompanying AIA Document A141™–2014, Standard Form of Agreement Between Owner and Design-Builder dated the « » day of « » in the year «2022» (the “Agreement”) (In words, indicate day, month and year.)

#### for the following PROJECT:

(Name and location or address)

« Moyock Middle School Addition and Renovation »  
« 216 Survey Road, -Moyock, North Carolina 27958 »

#### THE OWNER:

(Name, legal status and address)

« County of Currituck  
County Manager’s Office »« »  
« 153 Courthouse Road, Suite 204, Currituck, North Carolina 27929 »

#### THE DESIGN-BUILDER:

(Name, legal status and address)

« Sussex Development Corporation -»« »  
« 109 S. Lynnhaven Road, Suite 200, Virginia Beach, Virginia 23452 »

The Owner and Design-Builder hereby amend the Agreement as follows.

#### TABLE OF ARTICLES

- A.1 CONTRACT SUM
- A.2 CONTRACT TIME
- A.3 INFORMATION UPON WHICH AMENDMENT IS BASED
- A.4 DESIGN-BUILDER’S PERSONNEL, CONTRACTORS AND SUPPLIERS
- A.5 COST OF THE WORK

#### TABLE OF EXHIBITS

- 1A 95% PROGRESS BUDGET FOR GUARANTEED MAXIMUM PRICE
- 2A PROJECT MANUAL, MOYOCK MIDDLE ADDITIONS AND RENOVATIONS  
95% DESIGN DATED DECEMBER 21,2021
- 3A 95% CONSTRUCTION DRAWINGS DATED DECEMBER 21,2021

#### ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An Additions and Deletions Report that notes added information as well as revisions to the standard form text is available from the author and should be reviewed.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Consultation with an attorney is also encouraged with respect to professional licensing requirements in the jurisdiction where the Project is located.

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**ARTICLE A.1 CONTRACT SUM**

§ A.1.1 The Owner shall pay the Design-Builder the Contract Sum in current funds for the Design-Builder's performance of the Contract after the execution of this Amendment. The Contract Sum shall be one of the following and shall not include compensation the Owner paid the Design-Builder for Work performed prior to execution of this Amendment:

(Check the appropriate box.)

[ ☐ ] Stipulated Sum, in accordance with Section A.1.2 below

[ ☐ ] Cost of the Work plus the Design-Builder's Fee, in accordance with Section A.1.3 below

[ ☒ ] Cost of the Work plus the Design-Builder's Fee with a Guaranteed Maximum Price, in accordance with Section A.1.4 below

(Based on the selection above, complete Section A.1.2, A.1.3 or A.1.4 below.)

**§ A.1.2 Stipulated Sum**

§ A.1.2.1 The Stipulated Sum shall be  (\$  ), subject to authorized adjustments as provided in the Design-Build Documents.

§ A.1.2.2 The Stipulated Sum is based upon the following alternates, if any, which are described in the Design-Build Documents and are hereby accepted by the Owner:

(State the numbers or other identification of accepted alternates. If the Owner is permitted to accept other alternates subsequent to the execution of this Amendment, attach a schedule of such other alternates showing the change in Stipulated Sum for each and the deadline by which the alternate must be accepted.)

« »

**§ A.1.2.3 Unit prices, if any:**

(Identify item, state the unit price, and state any applicable quantity limitations.)

Item	Units and Limitations	Price per Unit (\$0.00)
<input type="text"/>	<input type="text"/>	<input type="text"/>

**§ A.1.3 Cost of the Work Plus Design-Builder's Fee**

§ A.1.3.1 The Cost of the Work is as defined in Article A.5, Cost of the Work.

§ A.1.3.2 The Design-Builder's Fee:

(State a lump sum, percentage of Cost of the Work or other provision for determining the Design-Builder's Fee, and the method for adjustment to the Fee for changes in the Work.)

« »

**§ A.1.4 Cost of the Work Plus Design-Builder's Fee With a Guaranteed Maximum Price**

§ A.1.4.1 The Cost of the Work is as defined in Article A.5, Cost of the Work.

§ A.1.4.2 The Design-Builder's Fee:

(State a lump sum, percentage of Cost of the Work or other provision for determining the Design-Builder's Fee and the method for adjustment to the Fee for changes in the Work.)

« 8 % »

**§ A.1.4.3 Guaranteed Maximum Price**

§ A.1.4.3.1 The sum of the Cost of the Work and the Design-Builder's Fee is guaranteed by the Design-Builder not to exceed « Seven Million One Hundred Sixty-Three Thousand and Thirty-Nine Dollars and Seven Cents » (\$ 7,163,039.07 »), subject to additions and deductions for changes in the Work as provided in the Design-Build



Documents. Costs that would cause the Guaranteed Maximum Price to be exceeded shall be paid by the Design-Builder without reimbursement by the Owner.

*(Insert specific provisions if the Design-Builder is to participate in any savings.)*

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#### § A.1.4.3.2 Itemized Statement of the Guaranteed Maximum Price

Provided below is an itemized statement of the Guaranteed Maximum Price organized by trade categories, allowances, contingencies, alternates, the Design-Builder's Fee, and other items that comprise the Guaranteed Maximum Price.

*(Provide information below or reference an attachment.)*

«See Exhibit 1A (Attached) »

§ A.1.4.3.3 The Guaranteed Maximum Price is based on the following alternates, if any, which are described in the Design-Build Documents and are hereby accepted by the Owner:

*(State the numbers or other identification of accepted alternates. If the Owner is permitted to accept other alternates subsequent to the execution of this Amendment, attach a schedule of such other alternates showing the change in the Cost of the Work and Guaranteed Maximum Price for each and the deadline by which the alternate must be accepted.)*

<< >>

#### § A.1.4.3.4 Unit Prices, if any:

*(Identify item, state the unit price, and state any applicable quantity limitations.)*

Item	Units and Limitations	Price per Unit (\$0.00)
------	-----------------------	-------------------------

§ A.1.4.3.5 Assumptions, if any, on which the Guaranteed Maximum Price is based:

«See Exhibit 1A (Attached) »

#### § A.1.5 Payments

##### § A.1.5.1 Progress Payments

§ A.1.5.1.1 Prior to the submission of any Application for Payment, the Design-Builder shall submit for approval a schedule to values with respective quantities. The schedule of values shall allocate the contract amount among the various portions of the Design-Builder's work and be prepared in such form and supported by such data to substantiate its accuracy as the Owner may require. Based upon Applications for Payment submitted to the Owner by the Design-Builder, the Owner shall make progress payments on account of the Contract Sum to the Design-Builder as provided below and elsewhere in the Design-Build Documents.

§ A.1.5.1.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:

<< >>

§ A.1.5.1.3 Provided that an Application for Payment is received not later than the « 1st » day of the month, the Owner shall make payment of the certified amount to the Design-Builder not later than the « 25th » day of the « Same » month. If an Application for Payment is received by the Owner after the application date fixed above, payment shall be made by the Owner not later than « thirty » ( « 30 » ) days after the Owner receives the Application for Payment. With respect to all materials, equipment, or supplies for which the Design-Builder has made a request for payment:

1. all such materials, equipment or supplies shall be deemed owned by the Owner and shall be clearly marked as belonging to the Owner; and
2. the Design-Builder shall be responsible for all security and shall promptly reimburse the Owner for all loss, damage and theft.

(Federal, state or local laws may require payment within a certain period of time.)

**§ A.1.5.1.4** With each Application for Payment where the Contract Sum is based upon the Cost of the Work, or the Cost of the Work with a Guaranteed Maximum Price, the Design-Builder shall submit payrolls, petty cash accounts, receipted invoices or invoices with check vouchers attached, and any other evidence required by the Owner to demonstrate that cash disbursements already made by the Design-Builder on account of the Cost of the Work equal or exceed (1) progress payments already received by the Design-Builder, less (2) that portion of those payments attributable to the Design-Builder's Fee; plus (3) payrolls for the period covered by the present Application for Payment. In addition to the other required items, each Application for Payment shall be accompanied by the following, all in form and substance satisfactory to the Owner and in compliance with state law:

1. A current sworn statement from the Design-Builder setting forth all contractors, subcontractors, and material suppliers with whom the Design-Builder has contracted or subcontracted, the amount of each contract or subcontract, the amount requested for any contractor, subcontractor, or material supplier in the Application for Payment, and the amount to be paid by the Design-Builder from such progress payment to contractors, subcontractors, and material suppliers, together with a current duly executed waiver of mechanics' and material suppliers' liens from the Design-Builder establishing receipt of payment for satisfaction of the payments requested by the Design-Builder in the currently Application for Payment. In its sole discretion, the Owner shall be entitled to pay directly any or all of the Design-Builder's contractors, subcontractors, and material suppliers and charge those payments against the Contract Sum. In the event the amounts remaining due under the Design-Build Contract to Design-Builder then Owner shall be entitled to collect from Design-Builder those amounts.
2. Commencing with the second Application for Payment submitted by a Contractor, duly executed so-called "after-the-fact" waivers of mechanics' and material suppliers' liens from all contractors, subcontractors, material suppliers, and when appropriate, lower-tier subcontractors, acknowledging receipt of payment or satisfaction of payment of all amounts requested on behalf of such entities and disbursed prior to submittal by the Design-Builder of the current Application for Payment, plus sworn statements from all contractors, subcontractors, material suppliers, and where appropriate, lower-tier subcontractors, covering all amounts described in this Section 5.1.4.
3. Such other information, documentation, and materials as the Owner, the Architect, Owner's lender, or the title insurer may require.
4. If at any time there shall be evidence of a lien or claim of lien which, if established, the Owner might become liable, and that is for Work within the scope of this Design-Build Contract or if the Design-Builder shall incur any liability to the Owner, or the Owner shall have any claim or demand against the Design-Builder of any kind or for any reason, whether reduced to judgment or award, the Owner shall have the right to retain out of any payment due, or to become due under this Agreement or any other agreement between the Owner and the Design-Builder, an amount sufficient to indemnify the Owner against any lien or claim, or to fully satisfy such liability, claim, or demand. The Owner shall also be entitled to charge against or deduct from any such payment all costs of defense or collection with respect thereto, including reasonable attorneys' fees and expenses. Should any claim or lien develop after all payments are made hereunder, the Design-Builder shall refund to the Owner within ten (10) days of demand therefor all monies that the Owner shall be compelled to pay in discharging or satisfying such claims or liens and all costs, including reasonable attorneys' fees incurred in collecting said monies from the Design-Builder. Owner shall have the right in its sole judgment to satisfy or file a bond to discharge a claim of lien or other claim and to deduct all amounts paid to satisfy or discharge a claim of lien or other claim plus Owner's attorneys' fees and expenses from any amounts remaining due under the Design-Build Contract to Design-Builder or to collect from Design-Builder those amounts to the extent those amounts exceed the amount remaining in the Contract Sum.
5. No progress payments made under this Agreement shall be conclusive evidence of the performance of this Agreement either in whole or in part, and no such payment shall be construed to be acceptance of defective work or improper materials.

**§ A.1.5.1.5** With each Application for Payment where the Contract Sum is based upon a Stipulated Sum or Cost of the Work with a Guaranteed Maximum Price, the Design-Builder shall submit the most recent schedule of values in accordance with the Design-Build Documents. The schedule of values shall allocate the entire Contract Sum among the various portions of the Work. Compensation for design services, if any, shall be shown separately. Where the Contract Sum is based on the Cost of the Work with a Guaranteed Maximum Price, the Design-Builder's Fee shall be shown

separately. The schedule of values shall be prepared in such form and supported by such data to substantiate its accuracy as the Owner may require. This schedule of values, unless objected to by the Owner, shall be used as a basis for reviewing the Design-Builder's Applications for Payment.

§ **A.1.5.1.6** In taking action on the Design-Builder's Applications for Payment, the Owner shall be entitled to rely on the accuracy and completeness of the information furnished by the Design-Builder and shall not be deemed to have made a detailed examination, audit or arithmetic verification of the documentation submitted in accordance with Sections A.1.5.1.4 or A.1.5.1.5, or other supporting data; to have made exhaustive or continuous on-site inspections; or to have made examinations to ascertain how or for what purposes the Design-Builder has used amounts previously paid. Such examinations, audits and verifications, if required by the Owner, will be performed by the Owner's auditors acting in the sole interest of the Owner.

§ **A.1.5.1.7** Except with the Owner's prior approval, the Design-Builder shall not make advance payments to suppliers for materials or equipment which have not been delivered and stored at the site.

§ **A.1.5.2 Progress Payments—Stipulated Sum**

§ **A.1.5.2.1** Applications for Payment where the Contract Sum is based upon a Stipulated Sum shall indicate the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment.

§ **A.1.5.2.2** Subject to other provisions of the Design-Build Documents, the amount of each progress payment shall be computed as follows:

- .1 Take that portion of the Contract Sum properly allocable to completed Work as determined by multiplying the percentage completion of each portion of the Work by the share of the Contract Sum allocated to that portion of the Work in the schedule of values, less retainage of « » percent ( « » %) on the Work. Pending final determination of cost to the Owner of Changes in the Work, amounts not in dispute shall be included as provided in Section 6.3.9 of the Agreement;
- .2 Add that portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction (or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing), less retainage of « » percent ( « » %);
- .3 Subtract the aggregate of previous payments made by the Owner; and
- .4 Subtract amounts, if any, the Owner has withheld or nullified, as provided in Section 9.5 of the Agreement.

§ **A.1.5.2.3** The progress payment amount determined in accordance with Section A.1.5.2.2 shall be further modified under the following circumstances:

- .1 Add, upon Substantial Completion of the Work, a sum sufficient to increase the total payments to the full amount of the Contract Sum, less such amounts as the Owner shall determine for incomplete Work, retainage applicable to such work and unsettled claims; and  
(Section 9.8.6 of the Agreement discusses release of applicable retainage upon Substantial Completion of Work.)
- .2 Add, if final completion of the Work is thereafter materially delayed through no fault of the Design-Builder, any additional amounts payable in accordance with Section 9.10.3 of the Agreement.

§ **A.1.5.2.4** Reduction or limitation of retainage, if any, shall be as follows:

*(If it is intended, prior to Substantial Completion of the entire Work, to reduce or limit the retainage resulting from the percentages inserted in Sections A.1.5.2.2.1 and A.1.5.2.2.2 above, and this is not explained elsewhere in the Design-Build Documents, insert provisions here for such reduction or limitation.)*

§ **A.1.5.2.4.1** If after the Project is deemed fifty percent (50%) complete based upon the Design-Builder's gross project invoices, excluding the value of materials stored off-site, except that the value of the materials stored on-site shall not exceed twenty percent (20%) of the Design-Builder's gross project invoices for the purpose of determining the percent completion of the Project, and the Design-Builder provides Owner the following:

1. Written verification evidencing fifty percent (50%) completion of the Project; and,
2. Written consent of the surety named in the Project Performance and payment bonds agreeing that the Owner shall not retain any further retainage from periodic payments due to the Design-Builder.



The Owner shall cease holding retainage from future periodic payments if the Owner finds that the Design-Builder is performing satisfactorily, and any nonconforming work identified in writing by the Owner (prior to the point of 50% project completion) has been corrected by the Design-Builder and accepted by the Owner. If, however, the Owner determines the Design-Builder's performance is unsatisfactory, the Owner may reinstate the specified retainage for each subsequent periodic payment. Notwithstanding anything to the contrary, Owner may assess retainage after 50% project completion, even if the Design-Builder has complied with Section A1.5.2.4.1.1 and A.1.5.2.4.1.2 (above) and continues to perform satisfactorily as necessary to retain two and one-half percentage (2.5%) total retainage through the completion of the Project.

§ A.1.5.2.4.2 If by or before the Project is deemed 50% complete and one hundred percent (100%) performance has been completed for the following "early" finishing trades: (1) structural steel; (2) piling; (3) caisson; or (4) demolition; and after receipt by the Owner of an approval or certificate from the Architect and Design-Builder that such early finishing work is acceptable and in accordance with the Design-Build Documents, and after Design-Builder provides the Owner the following:

1. The early finishing trade subcontractor's written request for such payment; and,
2. Written consent of the surety named in the project performance and payment bonds agreeing that the Owner shall make such early finishing trade payment;

The Owner shall make full payment to the Design-Builder for said 100% completion early finishing trade work less retainage of five-tenths percent (0.5%)(of the early finishing trade contract) upon the later occurrence of (1) sixty (60) days receipt of said early finishing trade subcontractor's written request, or (2) immediately upon receipt of said written consent of the surety.

§ A.1.5.2.4.3 Within sixty (60) days of receipt by Owner of (1) a pay request, and (2) written consent of the surety, and after Owner has either (1) received a certificate of substantial completion, or (2) received a beneficial occupancy or use of the Project (if applicable), the Owner shall pay an amount sufficient to increase total payment to the Design-Builder to the Contract Sum, less such amounts as the Owner shall determine in accordance with the Final Payment provisions of A.1.5.5 including up to two hundred fifty percent (250%) of the Owner's estimate of Work to be completed or corrected as shown on the tentative list of items to be completed or corrected attached to the certificate of Substantial Completion.

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### **§ A.1.5.3 Progress Payments—Cost of the Work Plus a Fee**

**§ A.1.5.3.1** Where the Contract Sum is based upon the Cost of the Work plus a fee without a Guaranteed Maximum Price, Applications for Payment shall show the Cost of the Work actually incurred by the Design-Builder through the end of the period covered by the Application for Payment and for which Design-Builder has made or intends to make actual payment prior to the next Application for Payment.

**§ A.1.5.3.2** Subject to other provisions of the Design-Build Documents, the amount of each progress payment shall be computed as follows:

- .1 Take the Cost of the Work as described in Article A.5 of this Amendment;
- .2 Add the Design-Builder's Fee, less retainage of <> percent ( <> %). The Design-Builder's Fee shall be computed upon the Cost of the Work described in the preceding Section A.1.5.3.2.1 at the rate stated in Section A.1.3.2; or if the Design-Builder's Fee is stated as a fixed sum in that Section, an amount which bears the same ratio to that fixed-sum Fee as the Cost of the Work in that Section bears to a reasonable estimate of the probable Cost of the Work upon its completion;
- .3 Subtract retainage of <> percent ( <> %) from that portion of the Work that the Design-Builder self-performs;
- .4 Subtract the aggregate of previous payments made by the Owner;
- .5 Subtract the shortfall, if any, indicated by the Design-Builder in the documentation required by Section A.1.5.1.4 or resulting from errors subsequently discovered by the Owner's auditors in such documentation; and
- .6 Subtract amounts, if any, for which the Owner has withheld or withdrawn a Certificate of Payment as provided in the Section 9.5 of the Agreement.

**§ A.1.5.3.3** The Owner and Design-Builder shall agree upon (1) a mutually acceptable procedure for review and approval of payments to the Architect, Consultants, and Contractors and (2) the percentage of retainage held on

agreements with the Architect, Consultants, and Contractors, and the Design-Builder shall execute agreements in accordance with those terms.

**§ A.1.5.4 Progress Payments—Cost of the Work Plus a Fee with a Guaranteed Maximum Price**

**§ A.1.5.4.1** Applications for Payment where the Contract Sum is based upon the Cost of the Work Plus a Fee with a Guaranteed Maximum Price shall show the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment. The percentage of completion shall be the lesser of (1) the percentage of that portion of the Work which has actually been completed; or (2) the percentage obtained by dividing (a) the expense that has actually been incurred by the Design-Builder on account of that portion of the Work for which the Design-Builder has made or intends to make actual payment prior to the next Application for Payment by (b) the share of the Guaranteed Maximum Price allocated to that portion of the Work in the schedule of values.

**§ A.1.5.4.2** Subject to other provisions of the Design-Build Documents, the amount of each progress payment shall be computed as follows:

- .1 Take that portion of the Guaranteed Maximum Price properly allocable to completed Work as determined by multiplying the percentage of completion of each portion of the Work by the share of the Guaranteed Maximum Price allocated to that portion of the Work in the schedule of values. Pending final determination of cost to the Owner of changes in the Work, amounts not in dispute shall be included as provided in Section 6.3.9 of the Agreement.
- .2 Add that portion of the Guaranteed Maximum Price properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the Work, or if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing;
- .3 Add the Design-Builder's Fee, ~~less retainage of « » percent ( « » %).~~ The Design-Builder's Fee shall be computed upon the Cost of the Work at the rate stated in Section A.1.4.2 or, if the Design-Builder's Fee is stated as a fixed sum in that Section, shall be an amount that bears the same ratio to that fixed-sum fee as the Cost of the Work bears to a reasonable estimate of the probable Cost of the Work upon its completion;
- .4 Subtract retainage of ~~«Five » percent ( «5 » %)~~ ~~from that portion of the Work that the Design-Builder self performs in accordance with N.C.G.S. 143-134.1;~~
- .5 Subtract the aggregate of previous payments made by the Owner;
- .6 Subtract the shortfall, if any, indicated by the Design-Builder in the documentation required by Section A.1.5.1.4 to substantiate prior Applications for Payment, or resulting from errors subsequently discovered by the Owner's auditors in such documentation; and
- .7 Subtract amounts, if any, for which the Owner has withheld or nullified a payment as provided in Section 9.5 of the Agreement.

**§ A.1.5.4.3** The Owner and Design-Builder shall agree upon (1) a mutually acceptable procedure for review and approval of payments to the Architect, Consultants, and Contractors and (2) the percentage of retainage held on agreements with the Architect, Consultants, and Contractors; and the Design-Builder shall execute agreements in accordance with those terms.

**§ A.1.5.5 Final Payment**

**§ A.1.5.5.1** Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Design-Builder not later than 30 days after the Design-Builder has fully performed the Contract and the requirements of Section 9.10 of the Agreement have been satisfied, except for the Design-Builder's responsibility to correct non-conforming Work discovered after final payment or to satisfy other requirements, if any, which extend beyond final payment. Final Payment is further subject to the Owner's prior receipt from the Design-Builder of all as-built drawings, certifications, maintenance manuals, operating instructions, written guarantees, warranties, and bonds related to the Work, and assignments of all guarantees and warranties from contractors, subcontractors, vendors, suppliers, or manufacturers, all as required by the Design-Build Documents.

**§ A.1.5.5.2** If the Contract Sum is based on the Cost of the Work, the Owner's auditors will review and report in writing on the Design-Builder's final accounting within 30 days after the Design-Builder delivers the final accounting to the Owner. Based upon the Cost of the Work the Owner's auditors report to be substantiated by the Design-Builder's final accounting, and provided the other conditions of Section 9.10 of the Agreement have been met, the Owner will, within seven days after receipt of the written report of the Owner's auditors, either issue a final

Certificate for Payment, or notify the Design-Builder in writing of the reasons for withholding a certificate as provided in Section 9.5.1 of the Agreement.

## ARTICLE A.2 CONTRACT TIME

§ A.2.1 Contract Time, as defined in the Agreement at Section 1.4.13, is the period of time, including authorized adjustments, for Substantial Completion of the Work.

§ A.2.2 The Design-Builder shall achieve Substantial Completion of the Work not later than « » ( « » ) days from the date of this Amendment, or as follows: Not later than the date set forth in Section 1.1.7 of the Agreement. (Insert number of calendar days. Alternatively, a calendar date may be used when coordinated with the date of commencement. If appropriate, insert requirements for earlier Substantial Completion of certain portions of the Work.)

« »

### Portion of Work

### Substantial Completion Date

, subject to adjustments of the Contract Time as provided in the Design-Build Documents. The Design-Builder shall pay the Owner as liquidated damages, and not as penalty, the sum of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) for each calendar day of delay after the date established for Substantial Completion until the Work is substantially complete.

(Insert provisions, if any, for liquidated damages relating to failure to achieve Substantial Completion on time or for bonus payments for early completion of the Work.)

« »

## ARTICLE A.3 INFORMATION UPON WHICH AMENDMENT IS BASED

§ A.3.1 The Contract Sum and Contract Time set forth in this Amendment are based on the following:

§ A.3.1.1 The Supplementary and other Conditions of the Contract:

### Document

### Title

### Date

### Pages

§ A.3.1.2 The Specifications:

(Either list the specifications here or refer to an exhibit attached to this Amendment.)

«Exhibit 2A (Attached) »

### Section

### Title

### Date

### Pages

§ A.3.1.3 The Drawings:

(Either list the drawings here or refer to an exhibit attached to this Amendment.)

«Exhibit 3A (Attached) »

### Number

### Title

### Date

§ A.3.1.4 The Sustainability Plan, if any:

(If the Owner identified a Sustainable Objective in the Owner's Criteria, identify the document or documents that comprise the Sustainability Plan by title, date and number of pages, and include other identifying information. The Sustainability Plan identifies and describes the Sustainable Objective; the targeted Sustainable Measures; implementation strategies selected to achieve the Sustainable Measures; the Owner's and Design-Builder's roles



and responsibilities associated with achieving the Sustainable Measures; the specific details about design reviews, testing or metrics to verify achievement of each Sustainable Measure; and the Sustainability Documentation required for the Project, as those terms are defined in Exhibit C to the Agreement.)

Title	Date	Pages

Other identifying information:

« »

#### § A.3.1.5 Allowances and Contingencies:

(Identify any agreed upon allowances and contingencies, including a statement of their basis.)

##### .1 Allowances

«See Exhibit 1A (Attached) »

##### .2 Contingencies

«See Exhibit 1A (Attached) »

#### § A.3.1.6 Design-Builder's assumptions and clarifications:

«See Exhibit 1A (Attached) »

#### § A.3.1.7 Deviations from the Owner's Criteria as adjusted by a Modification:

« »

#### § A.3.1.8 To the extent the Design-Builder shall be required to submit any additional Submittals to the Owner for review, indicate any such submissions below:

« »

### ARTICLE A.4 DESIGN-BUILDER'S PERSONNEL, CONTRACTORS AND SUPPLIERS

#### § A.4.1 The Design-Builder's key personnel are identified below:

(Identify name, title and contact information.)

##### .1 Superintendent

«Jeff Ocker, Project Superintendent  
109 South Lynnhaven Road, Suite 200  
Virginia Beach, VA 23452  
Office: (757) 422-2400  
Cell: (757) 636-4404  
Email: jocker@sussexdevelopment.com »

##### .2 Project Manager

«-Jim Vachon, Senior Project Manager  
109 South Lynnhaven Road, Suite 200  
Virginia Beach, VA 23452  
Office: (757) 422-2400  
Cell: (757) 636-0548  
Email: jvachon@sussexdevelopment.com »

### .3 Others

«[Danielle Hangen, Senior Project Engineer](#)  
[109 South Lynnhaven Road, Suite 200](#)  
[Virginia Beach, VA 23452](#)  
[Office: \(757\) 422-2400](#)  
[Cell: \(757\) 636-4421](#)  
[Email: dhangen@sussexdevelopment.com](#) »

§ A.4.2 The Design-Builder shall retain the following Consultants, Contractors and suppliers, identified below:  
*(List name, discipline, address and other information.)*

«[Angela Crawford Easterday, Architect](#)  
[Boomerang Design, P.A.](#)  
[6131 Falls of Neuse Road, Suite 204](#)  
[Raleigh, NC 27609](#)  
[Office: \(919\) 573-6403](#)  
[Cell: \(919\) 280-5009](#)  
[Email: ACrawford@thinkboomerang.com](#)

[Kim Hamby P.E., Senior Project Manager](#)  
[Timmons Group](#)  
[1805 West City Drive, Unit E](#)  
[Elizabeth City, NC 27909](#)  
[Office \(252\) 621-5029](#)  
[Cell: \(252\) 340-3264](#)  
[Email: kim.hamby@timmons.com](#)

[Gerald Stalls, Jr., P.E. Senior Geotechnical Engineer](#)  
[GET Solutions, Inc., A Terracon Company](#)  
[106 Capital Trace, Unit E](#)  
[Elizabeth City, North Carolina 27909](#)  
[Office: \(252\) 335-9765](#)  
[Cell: \(252\) 207-1387](#)  
[Email: gstalls@getsolutionsinc.com](#) »

#### ARTICLE A.5 COST OF THE WORK

##### § A.5.1 Cost To Be Reimbursed as Part of the Contract

##### § A.5.1.1 Labor Costs

§ A.5.1.1.1 Wages of construction workers directly employed by the Design-Builder to perform the construction of the Work at the site or, with the Owner's prior approval, at off-site workshops.

§ A.5.1.1.2 With the Owner's prior approval, wages or salaries of the Design-Builder's supervisory and administrative personnel when stationed at the site.

*(If it is intended that the wages or salaries of certain personnel stationed at the Design-Builder's principal or other offices shall be included in the Cost of the Work, identify below the personnel to be included, whether for all or only part of their time, and the rates at which their time will be charged to the Work.)*

Person Included	Status (full-time/part-time)	Rate (\$0.00)	Rate (unit of time)

§ A.5.1.1.3 Wages and salaries of the Design-Builder's supervisory or administrative personnel engaged at factories, workshops or on the road, in expediting the production or transportation of materials or equipment required for the Work, but only for that portion of their time required for the Work.

§ **A.5.1.1.4** Costs paid or incurred by the Design-Builder for taxes, insurance, contributions, assessments and benefits required by law or collective bargaining agreements and, for personnel not covered by such agreements, customary benefits such as sick leave, medical and health benefits, holidays, vacations and pensions, provided such costs are based on wages and salaries included in the Cost of the Work under Section A.5.1.1.

§ **A.5.1.1.5** Bonuses, profit sharing, incentive compensation and any other discretionary payments paid to anyone hired by the Design-Builder or paid to the Architect or any Consultant, Contractor or supplier, with the Owner's prior approval.

§ **A.5.1.2 Contract Costs.** Payments made by the Design-Builder to the Architect, Consultants, Contractors and suppliers in accordance with the requirements of their subcontracts.

§ **A.5.1.3 Costs of Materials and Equipment Incorporated in the Completed Construction**

§ **A.5.1.3.1** Costs, including transportation and storage, of materials and equipment incorporated or to be incorporated in the completed construction.

§ **A.5.1.3.2** Costs of materials described in the preceding Section A.5.1.3.1 in excess of those actually installed to allow for reasonable waste and spoilage. Unused excess materials, if any, shall become the Owner's property at the completion of the Work or, at the Owner's option, shall be sold by the Design-Builder. Any amounts realized from such sales shall be credited to the Owner as a deduction from the Cost of the Work.

§ **A.5.1.4 Costs of Other Materials and Equipment, Temporary Facilities and Related Items**

§ **A.5.1.4.1** Costs of transportation, storage, installation, maintenance, dismantling and removal of materials, supplies, temporary facilities, machinery, equipment and hand tools not customarily owned by construction workers that are provided by the Design-Builder at the site and fully consumed in the performance of the Work. Costs of materials, supplies, temporary facilities, machinery, equipment and tools that are not fully consumed shall be based on the cost or value of the item at the time it is first used on the Project site less the value of the item when it is no longer used at the Project site. Costs for items not fully consumed by the Design-Builder shall mean fair market value.

§ **A.5.1.4.2** Rental charges for temporary facilities, machinery, equipment and hand tools not customarily owned by construction workers that are provided by the Design-Builder at the site and costs of transportation, installation, minor repairs, dismantling and removal. The total rental cost of any Design-Builder-owned item may not exceed the purchase price of any comparable item. Rates of Design-Builder-owned equipment and quantities of equipment shall be subject to the Owner's prior approval.

§ **A.5.1.4.3** Costs of removal of debris from the site of the Work and its proper and legal disposal.

§ **A.5.1.4.4** Costs of document reproductions, electronic communications, postage and parcel delivery charges, dedicated data and communications services, teleconferences, Project websites, extranets and reasonable petty cash expenses of the site office.

§ **A.5.1.4.5** Costs of materials and equipment suitably stored off the site at a mutually acceptable location, with the Owner's prior approval.

§ **A.5.1.5 Miscellaneous Costs**

§ **A.5.1.5.1** Premiums for that portion of insurance and bonds required by the Design-Build Documents that can be directly attributed to the Contract. With the Owner's prior approval self-insurance for either full or partial amounts of the coverages required by the Design-Build Documents.

§ **A.5.1.5.2** Sales, use or similar taxes imposed by a governmental authority that are related to the Work and for which the Design-Builder is liable.

§ **A.5.1.5.3** Fees and assessments for the building permit and for other permits, licenses and inspections for which the Design-Builder is required by the Design-Build Documents to pay.



§ **A.5.1.5.4** Fees of laboratories for tests required by the Design-Build Documents, except those related to defective or nonconforming Work for which reimbursement is excluded by Section 15.5.3 of the Agreement or by other provisions of the Design-Build Documents, and which do not fall within the scope of Section A.5.1.6.3.

§ **A.5.1.5.5** Royalties and license fees paid for the use of a particular design, process or product required by the Design-Build Documents; the cost of defending suits or claims for infringement of patent rights arising from such requirement of the Design-Build Documents; and payments made in accordance with legal judgments against the Design-Builder resulting from such suits or claims and payments of settlements made with the Owner's consent. However, such costs of legal defenses, judgments and settlements shall not be included in the calculation of the Design-Builder's Fee or subject to the Guaranteed Maximum Price. If such royalties, fees and costs are excluded by the second to last sentence of Section 3.1.13.2 of the Agreement or other provisions of the Design-Build Documents, then they shall not be included in the Cost of the Work.

§ **A.5.1.5.6** With the Owner's prior approval, costs for electronic equipment and software directly related to the Work.

§ **A.5.1.5.7** Deposits lost for causes other than the Design-Builder's negligence or failure to fulfill a specific responsibility in the Design-Build Documents.

§ **A.5.1.5.8** With the Owner's prior approval, which shall not be unreasonably withheld, legal, mediation and arbitration costs, including attorneys' fees, other than those arising from disputes between the Owner and Design-Builder, reasonably incurred by the Design-Builder after the execution of the Agreement and in the performance of the Work.

§ **A.5.1.5.9** With the Owner's prior approval, expenses incurred in accordance with the Design-Builder's standard written personnel policy for relocation, and temporary living allowances of, the Design-Builder's personnel required for the Work.

§ **A.5.1.5.10** That portion of the reasonable expenses of the Design-Builder's supervisory or administrative personnel incurred while traveling in discharge of duties connected with the Work.

#### § **A.5.1.6 Other Costs and Emergencies**

§ **A.5.1.6.1** Other costs incurred in the performance of the Work if, and to the extent, approved in advance in writing by the Owner.

§ **A.5.1.6.2** Costs incurred in taking action to prevent threatened damage, injury or loss in case of an emergency affecting the safety of persons and property.

§ **A.5.1.6.3** Costs of repairing or correcting damaged or nonconforming Work executed by the Design-Builder, Contractors or suppliers, provided that such damaged or nonconforming Work was not caused by negligence or failure to fulfill a specific responsibility of the Design-Builder and only to the extent that the cost of repair or correction is not recovered by the Design-Builder from insurance, sureties, Contractors, suppliers, or others.

#### § **A.5.1.7 Related Party Transactions**

§ **A.5.1.7.1** For purposes of Section A.5.1.7, the term "related party" shall mean a parent, subsidiary, affiliate or other entity having common ownership or management with the Design-Builder; any entity in which any stockholder in, or management employee of, the Design-Builder owns any interest in excess of ten percent in the aggregate; or any person or entity which has the right to control the business or affairs of the Design-Builder. The term "related party" includes any member of the immediate family of any person identified above.

§ **A.5.1.7.2** If any of the costs to be reimbursed arise from a transaction between the Design-Builder and a related party, the Design-Builder shall notify the Owner of the specific nature of the contemplated transaction, including the identity of the related party and the anticipated cost to be incurred, before any such transaction is consummated or cost incurred. If the Owner, after such notification, authorizes the proposed transaction, then the cost incurred shall be included as a cost to be reimbursed, and the Design-Builder shall procure the Work, equipment, goods or service from the related party, as a Contractor, according to the terms of Section A.5.4. If the Owner fails to authorize the

transaction, the Design-Builder shall procure the Work, equipment, goods or service from some person or entity other than a related party according to the terms of Section A.5.4.

#### **§ A.5.2 Costs Not to Be Reimbursed as Part of this Contract**

The Cost of the Work shall not include the items listed below:

- .1 Salaries and other compensation of the Design-Builder's personnel stationed at the Design-Builder's principal office or offices other than the site office, except as specifically provided in Section A.5.1.1;
- .2 Expenses of the Design-Builder's principal office and offices other than the site office;
- .3 Overhead and general expenses, except as may be expressly included in Section A.5.1;
- .4 The Design-Builder's capital expenses, including interest on the Design-Builder's capital employed for the Work;
- .5 Except as provided in Section A.5.1.6.3 of this Agreement, costs due to the negligence or failure of the Design-Builder, Contractors and suppliers or anyone directly or indirectly employed by any of them or for whose acts any of them may be liable to fulfill a specific responsibility of the Contract;
- .6 Any cost not specifically and expressly described in Section A.5.1; and
- .7 Costs, other than costs included in Change Orders approved by the Owner, that would cause the Guaranteed Maximum Price to be exceeded.

#### **§ A.5.3 Discounts, Rebates, and Refunds**

**§ A.5.3.1** Cash discounts obtained on payments made by the Design-Builder shall accrue to the Owner if (1) before making the payment, the Design-Builder included them in an Application for Payment and received payment from the Owner, or (2) the Owner has deposited funds with the Design-Builder with which to make payments; otherwise, cash discounts shall accrue to the Design-Builder. Trade discounts, rebates, refunds and amounts received from sales of surplus materials and equipment shall accrue to the Owner, and the Design-Builder shall make provisions so that they can be obtained.

**§ A.5.3.2** Amounts that accrue to the Owner in accordance with Section A.5.3.1 shall be credited to the Owner as a deduction from the Cost of the Work.

#### **§ A.5.4 Other Agreements**

**§ A.5.4.1** When the Design-Builder has provided a Guaranteed Maximum Price, and a specific bidder (1) is recommended to the Owner by the Design-Builder; (2) is qualified to perform that portion of the Work; and (3) has submitted a bid that conforms to the requirements of the Design-Build Documents without reservations or exceptions, but the Owner requires that another bid be accepted, then the Design-Builder may require that a Change Order be issued to adjust the Guaranteed Maximum Price by the difference between the bid of the person or entity recommended to the Owner by the Design-Builder and the amount of the subcontract or other agreement actually signed with the person or entity designated by the Owner.

**§ A.5.4.2** Agreements between the Design-Builder and Contractors shall conform to the applicable payment provisions of the Design-Build Documents, and shall not be awarded on the basis of cost plus a fee without the prior consent of the Owner. If an agreement between the Design Builder and a Contractor is awarded on a cost plus a fee basis, the Design-Builder shall provide in the agreement for the Owner to receive the same audit rights with regard to the Cost of the Work performed by the Contractor as the Owner receives with regard to the Design-Builder in Section A.5.5, below.

**§ A.5.4.3** The agreements between the Design-Builder and Architect and other Consultants identified in the Agreement shall be in writing. These agreements shall be promptly provided to the Owner upon the Owner's written request.

#### **§ A.5.5 Accounting Records**

The Design-Builder shall keep full and detailed records and accounts related to the cost of the Work and exercise such controls as may be necessary for proper financial management under the Contract and to substantiate all costs incurred. The accounting and control systems shall be satisfactory to the Owner. The Owner and the Owner's auditors shall, during regular business hours and upon reasonable notice, be afforded access to, and shall be permitted to audit and copy, the Design-Builder's records and accounts, including complete documentation supporting accounting entries, books, correspondence, instructions, drawings, receipts, subcontracts, Contractor's proposals, purchase orders, vouchers, memoranda and other data relating to the Contract. The Design-Builder shall

preserve these records for a period of three years after final payment, or for such longer period as may be required by law.

#### § A.5.6 Relationship of the Parties

The Design-Builder accepts the relationship of trust and confidence established by this Agreement and covenants with the Owner to exercise the Design-Builder's skill and judgment in furthering the interests of the Owner; to furnish efficient construction administration, management services and supervision; to furnish at all times an adequate supply of workers and materials; and to perform the Work in an expeditious and economical manner consistent with the Owner's interests.

This Amendment to the Agreement entered into as of the day and year first written above.

OWNER (Signature)

«Donald I. McRee, Jr.» «Interim County  
Manager/County Attorney»

(Printed name and title)

DESIGN-BUILDER (Signature)

«Harry L. Davis, III» «President»

(Printed name and title)

ATTEST:

ATTEST:

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Sandra Hill  
Finance Officer



# SUSSEX

December 21, 2021

Michelle Perry, PE  
Assistant County Engineer  
County of Currituck  
Public Works Department  
153 Courthouse Road, Suite 302  
Currituck, North Carolina 27929

**Project: Moyock Middle School Additions and Renovations**  
**Subject: 95% Progress Budget for GMP**

Dear Michelle,

We respectfully submit to you and the County our 95% Progress Budget for the purpose of setting the Guaranteed Maximum Price for the overall design and construction of the Additions and Renovations at Moyock Middle School. The overall Baseline project budget including construction and non-construction costs is **\$7,163,039.07**. This amount includes the design fees that were in the original contract award, PO#20211783. This total excludes alternates, add options, and unit pricing items.

Attached you will find a Proposed 95% Progress Budget summary outlining the budgeted, versus 35% projected costs, versus 65% projected costs.

Attached you will find a Clarifications and Exclusions page. We have listed Add Alternates, Options, and Unit Pricing for future consideration.

Please let us know if you have questions or require additional information. We appreciate the continued opportunities to be of service to Currituck County and look forward to breaking ground on this project in winter 2022.

Sincerely,

Harry L. Davis, III  
President

Attachments

Attachment: MMS\_Exhibit 1A to DB Amendment (Consideration of max price for MES Addition)

# SUSSEX

	Original Projected Costs	35% Progress Budget	65% Progress Budget	95% Progress Budget for GMP
<b>CONSTRUCTION COSTS</b>				
New Building Construction	\$ 5,179,500.00	\$ 6,531,852.43	\$ 6,091,134.78	\$ 5,695,105.27
Owner Reserve	\$ 205,415.00	\$ 205,415.00	\$ 205,415.00	\$ 205,415.00
Construction Costs Subtotal	\$ 5,384,915.00	\$ 6,737,267.43	\$ 6,296,549.78	\$ 5,900,520.27
<b>NON-CONSTRUCTION COSTS</b>				
Design Fees; arch/eng., geo, civil	\$ 573,200.00	\$ 644,527.80	\$ 644,527.80	\$ 644,527.80
Design Amendments		none	none	none
Survey & Subsurface Analysis	\$ 40,000.00	included in design fees		
Special Inspections & Testing	\$ 150,000.00	\$ 150,000.00	\$ 100,000.00	\$ 100,000.00
Furniture, Fixtures, & Equipment	\$ 492,991.00	\$ 492,991.00	\$ 492,991.00	\$ 492,991.00
Commissioning	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 15,000.00
Permit Review Fees	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 10,000.00
Printing Costs	\$ 5,000.00	included in design fees		
	\$ 1,321,191.00	\$ 1,347,518.80	\$ 1,297,518.80	\$ 1,262,518.80
	\$ 6,706,106.00	\$ 8,084,786.23	\$ 7,594,068.58	\$ 7,163,039.07

Design Builder • General Contractor • Construction Manager  
 109 South Lynnhaven Road • Suite 200 • Virginia Beach, Virginia 23452 • T: (757) 422-2400 • F: (757) 422-0398  
[www.sussexdevelopment.com](http://www.sussexdevelopment.com)

# SUSSEX

## MOYOCK MIDDLE SCHOOL ADDITIONS & RENOVATIONS 95% BUDGET CLARIFICATIONS & EXCLUSIONS

The following clarifications, exclusions and allowances summary serves as a supplement to the proposed 95% Budget dated 21 December 2021 with Estimate dated 21 December 2021.

### Clarifications

1. The 95% Budget was assembled based upon the Currituck County RFQ dated 1 December 2020 and Boomerang Design drawings dated 2 December 2021.
2. The project schedule is based upon a timeline of eighteen (18) months.
3. Builders Risk insurance is included, with coverage as noted below:
  - o Term – to be determined prior to project start, current duration of (18) months
  - o Perils – All Risk Excluding Flood/Quake
  - o Deductibles – \$25K AOP, \$50K Water Intrusion, \$25K W/H, 14-Day S/Cs
4. Construction Costs include the complete budget for construction excluding any costs presented as Non-Construction Costs. Non-Construction costs include design, special inspections and 3<sup>rd</sup> party testing, FF&E design and procurement, Commissioning, and Permit review fees. Refer to the breakdown included in this presentation package.
5. The FF&E Budget has not been reduced from its original projected cost. The Owner Reserve has not been reduced from its original projected cost. Furniture, fixtures, and equipment and the design of same are included under non-construction costs in the budget. FF&E includes items that would require installation such as display boards, marker boards, smart boards, window blinds, appliances, benches, projection screens, projectors and mounts, etc.
6. The Roof Material pricing is based upon a PVC Membrane system in lieu of a TPO Membrane. Alternate #1 presents optional pricing for a downgrade to a TPO Membrane system.
7. Alternate #2 presents optional pricing for COVID-19 Measures if required. This pricing is being presented in the event that the State of North Carolina and/or County of Currituck restrictions are imposed that impact the operations, policies, procedures, and safety of the project.
8. Alternate #3 all demolition and construction in Area E Multi-purpose rooms. The design of Area E is already included in the project.
9. Alternate #4 presents a potential deduct of (2) new AHU's based upon analysis of existing units by mechanical vendor. A value engineering session with awarded subcontractor required.
10. Alternate #7 presents a budget to provide casework features that are currently shown on the 65% drawings in the Dining Area. These amenities are not required to fulfill the requirements of this project but they are features that the School team would desire if they can be provided without exceeding the project budget.
11. Alternates #7 through #12 are currently open/not used.
12. Alternate #13 provides Unit Pricing for the removal of unsuitable material and the placement of Select fill.
13. Alternate #14 provides Unit Pricing for the removal of unsuitable material and the placement of #57 stone.

Attachment: MMS\_ Exhibit 1A to DB Amendment (Consideration of max price for MES Addition)



# SUSSEX

## MOYOCK MIDDLE SCHOOL ADDITIONS & RENOVATIONS 95% BUDGET CLARIFICATIONS & EXCLUSIONS

### Alternates and Unit Prices:

1. Credit for TPO Roof in lieu of PVC	-\$6,625.38
2. COVID Measures	\$20,268.42
3. ADD OPTION Area E: Multi-Purpose Area Alterations	\$221,138.81
4. Potential Value Engineering Credit, Re-use existing AHU's	-\$81,182.65
5. Credit to Delete Hushcore Roof Curbs & Use Standard Curbs	-\$45,767.40
6. Credit to allow Exterior Insulation alternate	-\$22,874.98
13. <u>Unit Price</u> - Remove Unsuitable, replace with Select Fill	\$32.69
14. <u>Unit Price</u> - Remove Unsuitable, replace with #57 stone	\$78.44

### Allowances (currently reflected in Base Budget, final design requirements in development in coordination with Owner)

1. Architectural Casework	\$117,975.00
2. Floor Coverings	\$190,619.00
3. Builder's Risk Insurance	\$130,000.00

### Exclusions

1. Cost of project land.
2. Furniture relocation or movement.
3. Fences or gates other than what is delineated on the plans.
4. Floor moisture mitigation in existing building areas, if required at time of flooring installation.
5. Building Permit fees.
6. Upgrades to existing whole systems inside the main building facility unless specifically called out in the project documents; i.e. HVAC systems, fire alarm system, main electrical service, etc.
7. Alterations or renovations to other areas of the existing main building facility that are not directly impacted by the project additions.

Attachment: MMS\_Exhibit 1A to DB Amendment (Consideration of max price for MES Addition)

## SCHEDULE OF VALUES

<b>Project Name:</b>	Moyock Middle School	<b>Estimate Date:</b>	12/21/21
<b>Project No.:</b>	2021-083	<b>Revision #</b>	0
<b>Area (SF):</b>	18,110	<b>Estimator:</b>	Dave Mangus
<b>Acreage:</b>	0	<b>Total Construction Cost:</b>	\$5,836,756.81
<b>Cost Per SF:</b>	\$322.29	<b>Total Bonded Cost:</b>	\$5,900,520.27

ITEM DESCRIPTION	AMOUNT	SF COST
DIVISION 1 - GENERAL REQUIREMENTS	\$ 635,376.02	\$ 35.08
DIVISION 2 - EXISTING CONDITIONS	\$ 86,400.00	\$ -
DIVISION 3 - CONCRETE	\$ 132,441.60	\$ 7.31
DIVISION 4 - MASONRY	\$ 615,006.00	\$ 33.96
DIVISION 5 - METALS	\$ 318,176.64	\$ 17.57
DIVISION 6 - WOODS, PLASTICS & COMPOSITES	\$ 143,613.00	\$ 7.93
DIVISION 7 - THERMAL AND MOISTURE PROTECTION	\$ 326,434.32	\$ 18.03
DIVISION 8 - OPENINGS	\$ 354,149.28	\$ 19.56
DIVISION 9 - FINISHES	\$ 416,115.36	\$ 22.98
DIVISION 10 - SPECIALTIES	\$ 91,711.80	\$ 5.06
DIVISION 11 - EQUIPMENT	\$ -	\$ -
DIVISION 12 - FURNISHINGS	\$ -	\$ -
DIVISION 13 - SPECIAL CONSTRUCTION	\$ -	\$ -
DIVISION 14 - CONVEYING EQUIPMENT	\$ -	\$ -
DIVISION 21 - FIRE SUPPRESSION	\$ -	\$ -
DIVISION 22 - PLUMBING	\$ 214,920.00	\$ 11.87
DIVISION 23 - HVAC	\$ 1,032,599.88	\$ 57.02
DIVISION 25 - INTEGRATED OPERATION	\$ -	\$ -
DIVISION 26 - ELECTRICAL	\$ 813,207.60	\$ 44.90
DIVISION 27 - COMMUNICATIONS	\$ -	\$ -
DIVISION 28 - ELECTRONIC SAFETY & SECURITY	\$ -	\$ -
DIVISION 31 - EARTHWORK	\$ 269,998.52	\$ 14.91
DIVISION 32 - EXTERIOR IMPROVEMENTS	\$ 54,000.00	\$ 2.98
DIVISION 33 - UTILITIES	\$ -	\$ -
PROCUREMENT & CONTRACTING	\$ 190,955.25	\$ 10.54
<b>TOTAL BONDED COST OF CONSTRUCTION (Bond, O&amp;P Included)</b>	<b>\$ 5,900,520.27</b>	<b>\$ 325.82</b>
<i>* The above total includes a project contingency in the amount of:</i>	<i>\$ 205,415.00</i>	

Attachment: MMS\_Exhibit 1A to DB Amendment (Consideration of max price for MES Addition)







# SUSSEX

**PROPOSAL FOR CONSTRUCTION &  
GENERAL CONTRACTING SERVICES FOR:**

**Moyock Middle School**  
216 Survey Road  
Moyock NC, 27958

**December 21, 2021**

## SCHEDULE OF VALUES

<b>Project Name:</b>	Moyock Middle School	<b>Estimate Date:</b>	12/21/21
<b>Project No.:</b>	2021-083	<b>Revision #</b>	0
<b>Area (SF):</b>	18,110	<b>Estimator:</b>	Dave Mangus
<b>Acreage:</b>	0	<b>Total Construction Cost:</b>	\$5,836,756.81
<b>Cost Per SF:</b>	\$322.29	<b>Total Bonded Cost:</b>	\$5,900,520.27

ITEM DESCRIPTION	AMOUNT	SF COST
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DIVISION 2 - EXISTING CONDITIONS	\$ 86,400.00	
DIVISION 3 - CONCRETE	\$ 132,441.60	\$ 7.31
DIVISION 4 - MASONRY	\$ 615,006.00	\$ 33.96
DIVISION 5 - METALS	\$ 318,176.64	\$ 17.57
DIVISION 6 - WOODS, PLASTICS & COMPOSITES	\$ 143,613.00	\$ 7.93
DIVISION 7 - THERMAL AND MOISTURE PROTECTION	\$ 326,434.32	\$ 18.03
DIVISION 8 - OPENINGS	\$ 354,149.28	\$ 19.56
DIVISION 9 - FINISHES	\$ 416,115.36	\$ 22.98
DIVISION 10 - SPECIALTIES	\$ 91,711.80	\$ 5.06
DIVISION 11 - EQUIPMENT	\$ -	\$ -
DIVISION 12 - FURNISHINGS	\$ -	\$ -
DIVISION 13 - SPECIAL CONSTRUCTION	\$ -	\$ -
DIVISION 14 - CONVEYING EQUIPMENT	\$ -	\$ -
DIVISION 21 - FIRE SUPPRESSION	\$ -	\$ -
DIVISION 22 - PLUMBING	\$ 214,920.00	\$ 11.87
DIVISION 23 - HVAC	\$ 1,032,599.88	\$ 57.02
DIVISION 25 - INTEGRATED OPERATION	\$ -	\$ -
DIVISION 26 - ELECTRICAL	\$ 813,207.60	\$ 44.90
DIVISION 27 - COMMUNICATIONS	\$ -	\$ -
DIVISION 28 - ELECTRONIC SAFETY & SECURITY	\$ -	\$ -
DIVISION 31 - EARTHWORK	\$ 269,998.52	\$ 14.91
DIVISION 32 - EXTERIOR IMPROVEMENTS	\$ 54,000.00	\$ 2.98
DIVISION 33 - UTILITIES	\$ -	\$ -
PROCUREMENT & CONTRACTING	\$ 190,955.25	\$ 10.54
<b>TOTAL BONDED COST OF CONSTRUCTION (Bond, O&amp;P Included)</b>	<b>\$ 5,900,520.27</b>	<b>\$ 325.82</b>

\* The above total includes a project contingency in the amount of: \$ 205,415.00

Attachment: MMS\_Exhibit 1A to DB Amendment (Consideration of max price for MES Addition)

## CONSTRUCTION COST ESTIMATE

Project Name: Moyock Middle School  
 Project No.: 2021-083  
 Area (SF): 18,110  
 Acreage: 0  
 Cost Per SF: \$322.29  
 Const. Type: 3-Non Combustible

Estimate Date:  
 Revision #  
 Estimator:  
 Total Construction Cost:  
 Total Bonded Cost:

ITEM	DESCRIPTION	Code	CAT	QTY	UNIT	UNIT COST	BASE BID	SF COST
<b>DIVISION 1 - GENERAL REQUIREMENTS</b>								
1.	Field Supervision Expenses	01.00	E	1	LS @	\$ 324,400.00	\$ 324,400.00	\$ 17.91
2.	Temporary Facilities & Controls	01.00	E	1	LS @	\$ 69,440.00	\$ 69,440.00	\$ 3.83
3.	Site Access, Protection & Upkeep	01.00	E	1	LS @	\$ 107,978.09	\$ 107,978.09	\$ 5.96
4.	Administrative & Close Out Services	01.00	E	1	LS @	\$ 27,452.80	\$ 27,452.80	\$ 1.52
<b>DIVISION 2 - EXISTING CONDITIONS</b>								
1.	Engineering Layout - Building	02.10	E	1	LS @	\$ 15,000.00	\$ 15,000.00	\$ 0.83
2.	Haul Off	02.20	S	0	LS @	\$ -	\$ -	\$ -
3.	Alternate #3: Demolition - Area E	02.20	S	5600	SF @	\$ -	\$ -	\$ -
4.	Demolition - Areas A, B, C, D	02.30	S	1	LS @	\$ 30,000.00	\$ 30,000.00	\$ 1.66
5.	Temporary Walk way Matting	02.00	S	1	LS @	\$ 10,000.00	\$ 10,000.00	\$ 0.55
6.	Open	02.00	S	0	LS @	\$ -	\$ -	\$ -
7.	Open	02.00	S	0	LS @	\$ -	\$ -	\$ -
8.	Temporary Shoring at Café, Area D	02.00	E	1	LS @	\$ 25,000.00	\$ 25,000.00	\$ 1.38
9.	Carpenter Labor	02.00	E	0	HR @	\$ 55.00	\$ -	\$ -
10.	Temporary Labor	02.00	E	0	HR @	\$ 17.64	\$ -	\$ -
<b>DIVISION 3 - CONCRETE</b>								
1.	Open	03.00	S	0	LS @	\$ -	\$ -	\$ -
2.	Backfill Exterior Side of Foundations	03.00	E	97	CY @	\$ 60.00	\$ 5,831.11	\$ 0.32
3.	Concrete Rebar	03.00	S	0	LS @	\$ -	\$ -	\$ -
4.	Concrete Wash Out	03.00	E	1	LS @	\$ 1,000.00	\$ 1,000.00	\$ 0.06
5.	Footings & Slabs	03.00	S	1	LS @	\$ 110,800.00	\$ 110,800.00	\$ 6.12
6.	Haul Off	03.00	E	1	LS @	\$ 5,000.00	\$ 5,000.00	\$ 0.28
7.	Foundations	03.00	S	0	LS @	\$ -	\$ -	\$ -
8.	Porous fill	03.00	E	0	SF @	\$ -	\$ -	\$ -
9.	Carpenter Labor	03.00	E	0	HR @	\$ 55.00	\$ -	\$ -
10.	Temporary Labor	03.00	E	0	HR @	\$ 17.64	\$ -	\$ -
<b>DIVISION 4 - MASONRY</b>								
1.	Masonry	04.00	S	1	LS @	\$ 566,350.00	\$ 566,350.00	\$ 31.27
2.	Masonry Rebar	04.00	S	0	LS @	\$ -	\$ -	\$ -
3.	Masonry Wash Out	04.00	E	1	LS @	\$ 1,000.00	\$ 1,000.00	\$ 0.06
4.	Mineral wool at Top of CMU Walls - 4/A301	04.00	E	60	LF @	\$ 15.00	\$ 900.00	\$ 0.05
5.	Spray Insulation at 4/A301	04.00	E	60	LF @	\$ 20.00	\$ 1,200.00	\$ 0.07
6.	Open	04.00	S	0	LS @	\$ -	\$ -	\$ -
7.	Open	04.00	S	0	LS @	\$ -	\$ -	\$ -
8.	Open	04.00	S	0	LS @	\$ -	\$ -	\$ -
9.	Carpenter Labor	04.00	E	0	HR @	\$ 55.00	\$ -	\$ -
10.	Temporary Labor	04.00	E	0	HR @	\$ 17.64	\$ -	\$ -
<b>DIVISION 5 - METALS</b>								
1.	Micellaneous Steel	05.00	S	1	LS @	\$ 294,608.00	\$ 294,608.00	\$ 16.27
2.	Structural Steel	05.10	S	0	LS @	\$ -	\$ -	\$ -
3.	Open	05.20	S	0	LS @	\$ -	\$ -	\$ -
4.	Open	05.30	S	0	LS @	\$ -	\$ -	\$ -
5.	Open	05.00	S	0	LS @	\$ -	\$ -	\$ -
6.	Open	05.00	S	0	LS @	\$ -	\$ -	\$ -
7.	Open	05.00	S	0	LS @	\$ -	\$ -	\$ -
8.	Open	05.00	S	0	LS @	\$ -	\$ -	\$ -
9.	Carpenter Labor	05.00	E	0	HR @	\$ 55.00	\$ -	\$ -
10.	Temporary Labor	05.00	E	0	HR @	\$ 17.64	\$ -	\$ -

Attachment: MMS\_ Exhibit 1A to DB Amendment (Consideration of max price for MES Addition)



## CONSTRUCTION COST ESTIMATE

<b>Project Name:</b> Moyock Middle School	<b>Estimate Date:</b>
<b>Project No.:</b> 2021-083	<b>Revision #</b>
<b>Area (SF):</b> 18,110	<b>Estimator:</b>
<b>Acreage:</b> 0	<b>Total Construction Cost:</b>
<b>Cost Per SF:</b> \$322.29	<b>Total Bonded Cost:</b>
<b>Const. Type:</b> 3-Non Combustible	

ITEM	DESCRIPTION	Code	CAT	QTY	UNIT	UNIT COST	BASE BID	SF COST
<b>DIVISION 6 - WOODS, PLASTICS &amp; COMPOSITES</b>								
1.	Materials - Blocking / Rough Carpentry	06.10	E	1	LS @	\$ 15,000.00	\$ 15,000.00	\$ 0.83
2.	Open	06.20		0	@	\$ -	\$ -	\$ -
3.	Architectural Casework	06.30	E	1	LS @	\$ 117,975.00	\$ 117,975.00	\$ 6.51
4.	Open	06.30		0	@	\$ -	\$ -	\$ -
5.	Open	06.00		0	@	\$ -	\$ -	\$ -
6.	Open	06.00		0	@	\$ -	\$ -	\$ -
7.	Open	06.00		0	@	\$ -	\$ -	\$ -
8.	Open	06.00		0	@	\$ -	\$ -	\$ -
9.	Carpenter Labor	06.00	E	0	HR @	\$ 55.00	\$ -	\$ -
10.	Temporary Labor	06.00	E	0	HR @	\$ 17.64	\$ -	\$ -
<b>DIVISION 7 - THERMAL AND MOISTURE PROTECTION</b>								
1.	Damproofing	07.10	S	0	@	\$ -	\$ -	\$ -
2.	Insulation	07.20	S	0	@	\$ -	\$ -	\$ -
3.	DEFS system at entry soffits	07.30	E	1	LS @	\$ -	\$ -	\$ -
4.	Roofing	07.40	S	1	LS @	\$ 213,470.00	\$ 213,470.00	\$ 11.79
5.	Caulking / Joint Protection	07.50	E	1	LS @	\$ 4,300.00	\$ 4,300.00	\$ 0.24
6.	Rigid insulation (exterior cavity wall)	07.00	E	10496	SF @	\$ 4.00	\$ 41,984.00	\$ 2.32
7.	Water Barrier on exterior CMU	07.00	S	1	LS @	\$ 42,500.00	\$ 42,500.00	\$ 2.35
8.	Open	07.00	E	0	LF @	\$ -	\$ -	\$ -
9.	Carpenter Labor	07.00	E	0	HR @	\$ 55.00	\$ -	\$ -
10.	Temporary Labor	07.00	E	0	HR @	\$ 17.64	\$ -	\$ -
<b>DIVISION 8 - OPENINGS</b>								
1.	Material - Doors, Frames & Hardware	08.10	S	1	LS @	\$ 72,000.00	\$ 72,000.00	\$ 3.98
2.	Glass & Storefront	08.20	E	1	LS @	\$ 244,736.00	\$ 244,736.00	\$ 13.51
3.	Open	08.30	S	0	LS @	\$ -	\$ -	\$ -
4.	Open	08.00	E	0	SF @	\$ -	\$ -	\$ -
5.	Open	08.00	E	0	SF @	\$ -	\$ -	\$ -
6.	Open	08.00	E	0	SF @	\$ -	\$ -	\$ -
7.	Install HM Doorframes	08.00	E	28	EA @	\$ 150.00	\$ 4,200.00	\$ 0.23
8.	Open	08.00		0	@	\$ -	\$ -	\$ -
9.	Carpenter Labor	08.00	E	1	LS @	\$ 6,980.00	\$ 6,980.00	\$ 0.39
10.	Temporary Labor	08.00	E	0	HR @	\$ 17.64	\$ -	\$ -
<b>DIVISION 9 - FINISHES</b>								
1.	Metal Studs & Drywall, Areas A B C D	09.10	S	1	LS @	\$ 95,839.00	\$ 95,839.00	\$ 5.29
2.	Ceilings, Areas A B C D	09.20	S	1	LS @	\$ 54,600.00	\$ 54,600.00	\$ 3.01
3.	Floor Covering, Areas A B C D	09.30	S	1	LS @	\$ 190,619.00	\$ 190,619.00	\$ 10.53
4.	Paint & Wall Covering, Areas A B C D	09.40	S	1	LS @	\$ 25,585.00	\$ 25,585.00	\$ 1.41
5.	Alt #3: Wall at Area E	09.00	E	1450	SF @	\$ -	\$ -	\$ -
6.	Alt #3: Floor replacement Area E	09.00	E	4500	SF @	\$ -	\$ -	\$ -
7.	Alt #3: Floor replaceNew Weight Room	09.00	E	1082	SF @	\$ -	\$ -	\$ -
8.	Alt #3: Painting at Area E	09.00	E	5582	SF @	\$ -	\$ -	\$ -
9.	Alt #3: ceiling at Area E	09.00	E	5582	SF @	\$ -	\$ -	\$ -
10.	Acoustical Wall Panels (see A701)	09.00	S	1	LS @	\$ 18,649.00	\$ 18,649.00	\$ 1.03

Attachment: MMS\_ Exhibit 1A to DB Amendment (Consideration of max price for MES Addition)

## CONSTRUCTION COST ESTIMATE

**Project Name:** Moyock Middle School  
**Project No.:** 2021-083  
**Area (SF):** 18,110  
**Acreage:** 0  
**Cost Per SF:** \$322.29  
**Const. Type:** 3-Non Combustible

**Estimate Date:**  
**Revision #**  
**Estimator:**  
**Total Construction Cost:**  
**Total Bonded Cost:**

ITEM	DESCRIPTION	Code	CAT	QTY	UNIT	UNIT COST	BASE BID	SF COST
<b>DIVISION 10 - SPECIALTIES</b>								
1.	Signage - Code	10.10	S	1	LS @ \$	8,848.33	\$ 8,848.33	\$ 0.49
2.	Signage - Interior	10.20		0	@ \$	-	\$ -	\$ -
3.	Toilet Partitions	10.30	E	4	EA @ \$	2,000.00	\$ 8,000.00	\$ 0.44
4.	Wall Boards - Install	10.40	E	1	LS @ \$	-	\$ -	\$ -
5.	Material - Toilet Accessories, w/exception	10.50	E	1	LS @ \$	5,300.00	\$ 5,300.00	\$ 0.29
6.	Fire Extinguishers / Cabinets	10.60	E	4	EA @ \$	450.00	\$ 1,800.00	\$ 0.10
7.	Lockers, on construct vs FF&E	10.70	E	1	LS @ \$	42,000.00	\$ 42,000.00	\$ 2.32
8.	Sealed Concrete	10.70	E	1	LS @ \$	500.00	\$ 500.00	\$ 0.03
9.	Carpenter Labor	10.00	E	192	HR @ \$	55.00	\$ 10,560.00	\$ 0.58
10.	Expansion Joint Covers	10.00	S	1	LS @ \$	7,910.00	\$ 7,910.00	\$ 0.44

Attachment: MMS\_Exhibit 1A to DB Amendment (Consideration of max price for MES Addition)

## CONSTRUCTION COST ESTIMATE

<b>Project Name:</b> Moyock Middle School	<b>Estimate Date:</b>
<b>Project No.:</b> 2021-083	<b>Revision #</b>
<b>Area (SF):</b> 18,110	<b>Estimator:</b>
<b>Acreage:</b> 0	<b>Total Construction Cost:</b>
<b>Cost Per SF:</b> \$322.29	<b>Total Bonded Cost:</b>
<b>Const. Type:</b> 3-Non Combustible	

ITEM	DESCRIPTION	Code	CAT	QTY	UNIT	UNIT COST	BASE BID	SF COST
<b>DIVISION 22 - PLUMBING</b>								
1.	Plumbing	22.00	\$	1	LS @	\$ 199,000.00	\$ 199,000.00	\$ 10.99
2.	Open	22.00		0	@	\$ -	\$ -	\$ -
3.	Open	22.00		0	@	\$ -	\$ -	\$ -
4.	Open	22.00		0	@	\$ -	\$ -	\$ -
5.	Open	22.00		0	@	\$ -	\$ -	\$ -
6.	Open	22.00		0	@	\$ -	\$ -	\$ -
7.	Open	22.00		0	@	\$ -	\$ -	\$ -
8.	Open	22.00		0	@	\$ -	\$ -	\$ -
9.	Carpenter Labor	22.00	E	0	HR @	\$ 55.00	\$ -	\$ -
10.	Temporary Labor	22.00	E	0	HR @	\$ 17.64	\$ -	\$ -
<b>DIVISION 23 - HVAC</b>								
1.	HVAC	23.00	\$	1	LS @	\$ 925,000.00	\$ 925,000.00	\$ 51.08
2.	Open	23.00		0	@	\$ -	\$ -	\$ -
3.	Testing & Air Balance	23.00	\$	1	LS @	\$ 31,111.00	\$ 31,111.00	\$ 1.72
4.	Open	23.00		0	@	\$ -	\$ -	\$ -
5.	Open	23.00		0	@	\$ -	\$ -	\$ -
6.	Open	23.00		0	@	\$ -	\$ -	\$ -
7.	Open	23.00		0	@	\$ -	\$ -	\$ -
8.	Open	23.00		0	@	\$ -	\$ -	\$ -
9.	Carpenter Labor	23.00	E	0	HR @	\$ 55.00	\$ -	\$ -
10.	Temporary Labor	23.00	E	0	HR @	\$ 17.64	\$ -	\$ -

Attachment: MMS\_Exhibit 1A to DB Amendment (Consideration of max price for MES Addition)



## CONSTRUCTION COST ESTIMATE

Project Name: Moyock Middle School  
 Project No.: 2021-083  
 Area (SF): 18,110  
 Acreage: 0  
 Cost Per SF: \$322.29  
 Const. Type: 3-Non Combustible

Estimate Date:  
 Revision #  
 Estimator:  
 Total Construction Cost:  
 Total Bonded Cost:

ITEM	DESCRIPTION	Code	CAT	QTY	UNIT	UNIT COST	BASE BID	SF COST
<b>DIVISION 26 - ELECTRICAL</b>								
1.	Open	26.00		0	@	\$	-	\$
2.	Electric	26.00	S	1	LS	@	\$ 752,970.00	\$ 752,970.00
3.	Open	26.00	S	0	LS	@	\$	\$
4.	Temporary Electric	26.00	S	0	LS	@	\$	\$
5.	BDA System	26.00	S	1	LS	@	\$	\$
6.	Open	26.00		0	@	\$	-	\$
7.	Open	26.00		0	@	\$	-	\$
8.	Open	26.00		0	@	\$	-	\$
9.	Carpenter Labor	26.00	E	0	HR	@	\$ 55.00	\$
10.	Temporary Labor	26.00	E	0	HR	@	\$ 17.64	\$
<b>DIVISION 27 - COMMUNICATIONS</b>								
1.	Telecom Pathways	27.00		0	@	\$	-	\$
2.	Telecom Parts & Smarts	27.00		0	@	\$	-	\$
3.	Open	27.00		0	@	\$	-	\$
4.	Open	27.00		0	@	\$	-	\$
5.	Open	27.00		0	@	\$	-	\$
6.	Open	27.00		0	@	\$	-	\$
7.	Open	27.00		0	@	\$	-	\$
8.	Open	27.00		0	@	\$	-	\$
9.	Carpenter Labor	27.00	E	0	HR	@	\$ 55.00	\$
10.	Temporary Labor	27.00	E	0	HR	@	\$ 17.64	\$
<b>DIVISION 28 - ELECTRONIC SAFETY &amp; SECURITY</b>								
1.	Fire Alarm	28.00		0	@	\$	-	\$
2.	Open	28.00		0	@	\$	-	\$
3.	Open	28.00		0	@	\$	-	\$
4.	Open	28.00		0	@	\$	-	\$
5.	Open	28.00		0	@	\$	-	\$
6.	Open	28.00		0	@	\$	-	\$
7.	Open	28.00		0	@	\$	-	\$
8.	Open	28.00		0	@	\$	-	\$
9.	Carpenter Labor	28.00	E	0	HR	@	\$ 55.00	\$
10.	Temporary Labor	28.00	E	0	HR	@	\$ 17.64	\$

Attachment: MMS\_Exhibit 1A to DB Amendment (Consideration of max price for MES Addition)

## CONSTRUCTION COST ESTIMATE

<b>Project Name:</b>	Moyock Middle School	<b>Estimate Date:</b>	
<b>Project No.:</b>	2021-083	<b>Revision #</b>	
<b>Area (SF):</b>	18,110	<b>Estimator:</b>	
<b>Acreage:</b>	0	<b>Total Construction Cost:</b>	
<b>Cost Per SF:</b>	\$322.29	<b>Total Bonded Cost:</b>	
<b>Const. Type:</b>	3-Non Combustible		

ITEM	DESCRIPTION	Code	CAT	QTY	UNIT	UNIT COST	BASE BID	SF COST
<b>DIVISION 31 - EARTHWORK</b>								
1.	Site demolition	31.00	S	1	LS @	\$ 7,500.00	\$ 7,500.00	\$ 0.41
2.	Site clearing, earthwork	31.00	S	1	LS @	\$ 225,098.63	\$ 225,098.63	\$ 12.43
3.	Soil Treatment	31.00	E	1	@	\$ 1,500.00	\$ 1,500.00	\$ 0.08
4.	Porous fill (Stone)	31.00	S	1	LS @	\$ 15,900.00	\$ 15,900.00	\$ 0.88
5.	Engineering & Layout - Site	31.00		0	@	\$ -	\$ -	\$ -
6.	Open	31.00		0	@	\$ -	\$ -	\$ -
7.	Open	31.00		0	@	\$ -	\$ -	\$ -
8.	Open	31.00		0	@	\$ -	\$ -	\$ -
9.	Carpenter Labor	31.00	E	0	HR @	\$ 55.00	\$ -	\$ -
10.	Temporary Labor	31.00	E	0	HR @	\$ 17.64	\$ -	\$ -
<b>DIVISION 32 - EXTERIOR IMPROVEMENTS</b>								
1.	Paving	32.00		0	@	\$ -	\$ -	\$ -
2.	Curbs, Gutters, Sidewalks, Driveway	32.00		0	@	\$ -	\$ -	\$ -
3.	Provide Temporary Parking	32.10	E	1	LS @	\$ -	\$ -	\$ -
4.	Permanent seeding	32.20	E	1	LS @	\$ 10,000.00	\$ 10,000.00	\$ 0.55
5.	Landscaping	32.30	E	1	LS @	\$ 40,000.00	\$ 40,000.00	\$ 2.21
6.	Open	32.00	E	0	LS @	\$ -	\$ -	\$ -
7.	Open	32.00	E	0	LS @	\$ -	\$ -	\$ -
8.	Open	32.00	E	0	LS @	\$ -	\$ -	\$ -
9.	Carpenter Labor	32.00	E	0	HR @	\$ 55.00	\$ -	\$ -
10.	Temporary Labor	32.00	E	0	HR @	\$ 17.64	\$ -	\$ -
<b>DIVISION 33 - UTILITIES</b>								
1.	Water Distribution	33.00		0	@	\$ -	\$ -	\$ -
2.	Storm Drainage	33.00		0	@	\$ -	\$ -	\$ -
3.	Sanitary Sewer	33.00		0	@	\$ -	\$ -	\$ -
4.	Open	33.00		0	@	\$ -	\$ -	\$ -
5.	Open	33.00		0	@	\$ -	\$ -	\$ -
6.	Open	33.00		0	@	\$ -	\$ -	\$ -
7.	Open	33.00		0	@	\$ -	\$ -	\$ -
8.	Open	33.00		0	@	\$ -	\$ -	\$ -
9.	Carpenter Labor	33.00	E	0	HR @	\$ 55.00	\$ -	\$ -
10.	Temporary Labor	33.00	E	0	HR @	\$ 17.64	\$ -	\$ -

Attachment: MMS\_Exhibit 1A to DB Amendment (Consideration of max price for MES Addition)

## CONSTRUCTION COST ESTIMATE

Project Name: Moyock Middle School  
 Project No.: 2021-083  
 Area (SF): 18,110  
 Acreage: 0  
 Cost Per SF: \$322.29  
 Const. Type: 3-Non Combustible

Estimate Date:  
 Revision #  
 Estimator:  
 Total Construction Cost:  
 Total Bonded Cost:

ITEM	DESCRIPTION	Code	CAT	QTY	UNIT	UNIT COST	BASE BID	SF COST
<b>PROCUREMENT &amp; CONTRACTING</b>								
1.	Architectural Design *	00.01		0	@	\$	-	\$
2.	Structural Design *	00.02		0	@	\$	-	\$
3.	Site / Civil Design *	00.03		0	@	\$	-	\$
4.	Special Inspections	00.04	E	0	LS	@	\$	-
5.	Testing & Inspection Services	00.04	E	0	LS	@	\$	-
6.	Environmental Assessments	00.05		0	@	\$	-	\$
7.	HazMat Assessments	00.05		0	@	\$	-	\$
8.	Geotechnical Assessments	00.05		0	@	\$	-	\$
9.	Bid Solicitation Expenses	00.06		0	@	\$	-	\$
10.	Preconstruction Meeting Expenses	00.06		0	@	\$	-	\$
11.	Erosion & Sediment Control Bond	00.07	E	1	LS	@	\$ 1,500.00	\$ 1,500.00
12.	Storm Water Management Bond	00.08	E	1	LS	@	\$ 5,000.00	\$ 5,000.00
13.	Water & Sewer Fees	00.09		0	@	\$	-	\$
14.	Utility Fees	00.09		0	@	\$	-	\$
15.	Right of Way Fees (Permit/Bond)	00.10	E	1	LS	@	\$ 4,200.00	\$ 4,200.00
16.	Other	00.10		0	@	\$	-	\$
17.	Building Permit	00.11	E	0	LS	@	\$	\$
18.	Other Permit Related Expenses	00.15	E	1	LS	@	\$ 2,400.00	\$ 2,400.00
19.	General Liability Insurance	00.12	O	1	LS	@	\$ 37,780.46	\$ 37,780.46
20.	Builders Risk Insurance	00.12	O	1	LS	@	\$ 130,000.00	\$ 130,000.00
21.	Business License	00.13	O	1	LS	@	\$ 10,074.79	\$ 10,074.79
22.	Project Manager	00.14		0	@	\$	-	\$
23.	Project Engineer	00.14		0	@	\$	-	\$
24.	SWPPP Maintenance	00.16		0	@	\$	-	\$
25.	Other	00.00		0	@	\$	-	\$
Sub-Total of Construction Costs							\$ 5,037,394.96	\$ 278.16
GC Overhead & Profit						8%	\$ 402,991.60	\$ 22.25
Procurement & Contracting							\$ 190,955.25	\$ 10.54
Project Contingency						00.00 A 1 LS @ \$	205,415.00	\$ 11.34
<b>TOTAL COST OF CONSTRUCTION</b>							\$ 5,836,756.81	\$ 322.29
Payment & Performance Bond						01.19	\$ 63,763.46	\$ 3.52
<b>TOTAL BONDED COST OF CONSTRUCTION</b>							\$ 5,900,520.27	\$ 325.82
							\$ 5,695,105.27	
						Cty Budget	\$ 6,706,106.00	
						delta	\$ 805,585.73	

Attachment: MMS\_Exhibit 1A to DB Amendment (Consideration of max price for MES Addition)







## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3309)

**Agenda Item Title:** Consideration of Phase 2 Dune Walk-Over Design Alternates

**Submitted By:** Samantha Evans – County Manager

**Presenter of Item:**

**Board Action:** Action

---

**Brief Description of Agenda Item:**

**Is this item regulated by plan, regulation or statute?**

**Manager Recommendation:**



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

To: Board of Commissioners  
Donald I. McRee, Jr., Interim County Manager/County Attorney

From: Eric T. Weatherly, County Engineer

Subject: Recommendation of Award  
Phase II – Whalehead Subdivision Public Access Walkover Replacement

Date: December 14, 2021

### Project Description:

Phase II of the public access walkover replacement project consists of the demolition and reconstruction of three existing pedestrian ocean access walkovers in the Whalehead Subdivision. The walkovers are located at Dolphin, Coral, and Mackerel Streets.

Phase I was completed last winter and replaced Sailfish, Perch and Barracuda. The walkovers were 8' wide (as compared to the standard 6' width) and were constructed of treated lumber. Phase II walkovers are also 8' wide but will use concrete decks in lieu of treated lumber. In addition, this phase has alternate bids for the use of stainless-steel cable versus treated lumber for the railing system and/or the inclusion of showers at each walkover.

Future replacement projects are:

- Phase III – Sturgeon, Bonito and Marlin walkovers during the 2022/2023 winter
- Phase IV – Herring, Tuna and Shad during the 2023/2024 winter.

### Recommendation of Award:

Bids for Phase II – Whalehead Subdivision Public Access Walkover Replacement were received and opened at 2:00 p.m. on December 7, 2021 in the Board of Commissioners meeting room in the Currituck County Historic Courthouse. A total of three (3) bids were received. The bid tabulation is attached for your reference.

Attachment: Recommendation of Award (Phase 2-Dune Walk Over Designs)



Bidders provided a base bid for the three walkovers. A total base bid was then provided which includes prices for beach grass plugs, retaining walls, and permit fee. Alternates were provided to allow the county to choose between stainless-steel cable versus treated lumber railing systems and an additional cost for a shower at each walkover.

Regardless of the selection of the alternate bid items, the low bidder is WM Dunn Construction of Powells Point. The total base bid is \$704,450.00. As seen on the bid tab, this includes:

- Base Bid = \$669,500.00
  - This includes all three walkovers
- Total Unit Price = \$33,450.00
  - This includes \$1650.00 for beach grass plugs and \$31,800.00 for retaining walls
- Allowance = \$1500
  - This includes V-Zone Certification consultant preparation costs
- Total Base Bid = \$704,450.00

Staff recommends award of the project to WM Dunn Construction based on the above total base bid. Board of Commissioner input is needed for the selection of the alternates in the bid. A description of the alternates is as follows:

- Alternate Bid – 1 = Add \$67,900.00
  - All work associated with installation of a shower at each walkway which includes the shower, concrete, plumbing and meter fees.
- Alternate Bid – 2 = Deduct \$45,500.00
  - The walkover railings are 3'-6" high. The base bid railings are to be constructed with 7 horizontal rows of 316 stainless-steel cables. The alternate bid is for the use of horizontal 2" x 4" treated lumber with 3 ¼" gaps in lieu of cabling.

Staff is prepared to move forward with construction contracts, pending Board of Commissioner approval of award of the project to WM Dunn Construction, and determination of a final contract price based on alternate bid selections by the Board of Commissioners.

Staff also requests delegation of contract execution authority to the County Manager for this contract.



# BID TABULATION

Project No. 0721

Phase II - Whalehead Subdivision Public Access Walkover Replacement

Bid Opening: December 7, 2021 at 2:00pm

Bidder	Scaled Bid	Bid Security - Envelope 1	Acknowledge Addendum (2)	GC License #	E-Verify Included	Base Bid	Total Unit Price	Bid Allowance V- Zone Certifications (\$1500)	Total Base Bid	Alternate Bid 1	Alternate Bid 2
CAROLINA MARINE STRUCTURES	X	X	X	X	X	\$ 1,593,400.00	\$ 60,500.00	\$ 1,500.00	\$ 1,655,400.00	\$ 55,503.00	\$ (66,960.00)
TA LOVING	X	X	X	X	X	\$ 995,000.00	\$ 95,750.00	\$ 1,500.00	\$ 1,092,250.00	\$ 140,000.00	\$ (10,000.00)
WM DUNN CONSTRUCTION	X	X	X	X	X	\$ 669,500.00	\$ 33,450.00	\$ 1,500.00	\$ 704,450.00	\$ 67,900.00	\$ (45,500.00)
<i>Crystal Owens</i> Crystal Owens, Contract Purchasing Agent										Date <u>12/7/2021</u>	

Attachment: Recommendation of Award (Phase 2-Dune Walk Over Designs)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3313)

**Agenda Item Title:** Consideration of the Easement Agreement between Currituck County and Eric B. Kean for Easement Extending from Lot 17 Corolla Bay across Currituck County property to the Currituck Sound.

**Submitted By:** Samantha Evans – County Manager

**Presenter of Item:**

**Board Action:** Action

---

**Brief Description of Agenda Item:**

**Is this item regulated by plan, regulation or statute?**

**Manager Recommendation:**



LAND TRANSFER NUMBER:  
 1% LAND TRANSFER FEE: \$0.00  
 EXCISE TAX: \$0.00  
 PARCEL NO. 0115000003R0000  
 REAL ESTATE TAXES PAID:

Prepared by and return to:  
 E. Crouse Gray, Jr.  
 Gray & Lloyd, L.L.P.  
 3120 N. Croatan Hwy., Ste. 101  
 Kill Devil Hills, NC 27948  
[www.grayandlloyd.com](http://www.grayandlloyd.com)  
 File No. 10589-067

NORTH CAROLINA  
 CURRITUCK COUNTY

### EASEMENT AGREEMENT

**This Easement Agreement** made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 2021 by and between **the County of Currituck, a body politic and a political subdivision of the State of North Carolina**, hereinafter referred to as “**Grantor**” and **Eric B. Kean** of 160 Point Heron Drive, Newport News, VA 23606, hereinafter referred to as “**Grantees**”.

#### **RECITALS:**

A. Grantor is the owner of a certain tract or parcel of land conveyed to Grantor by Corolla Bay, LLC by deed recorded in Deed Book 716, Page 76, Currituck County Public Registry.

B. The deed recorded in Deed Book 716, Page 76, Currituck County Public Registry provided in part that:

“All owners of lots in Corolla Bay Subdivision who share their Western boundary with that area designated as “Reserved Area” on the Conveyance Plat (the “CB Lots Pier Access”) shall have an easement appurtenant to their lot to construct within that portion of the Reserved Area which is situated within an extension of the Northern and Southern lines of the CB Lots with Pier Access a 4 foot uncovered walkway to the Eastern margin of the Currituck Sound for purposes of access to the Currituck Sound. The appurtenant easement reserved herein for the benefit of the Owners of CB Lots with Pier Access shall include the right to apply for all necessary permits with the Coastal Act Management Authority. The appurtenant easements reserved herein are designated as “4 Foot Pier Access Easements for Individual Sound Front Lots (“TYP”) on the Conveyance Plat.”

C. Grantor has agreed to increase the width of the easement right granted herein

to the benefit of Lot 17, Corolla Bay Subdivision.

NOW, THEREFORE, the Grantor, in consideration of the sum of One Dollar (\$1.00), to them in hand paid, the receipt of which is hereby acknowledged, and for other good and valuable consideration, has and by these presents does grant, bargain, sell and convey unto Grantee an easement which shall be appurtenant to Lot 17, Corolla Bay Subdivision as recorded in Plat Cabinet J, Slide 199, Currituck County Public Registry, the easement for ingress, egress, and access for placement of a wood walkway and, an easement granting riparian rights, for purposes of constructing a pier. Said easement being more particularly described as follows:

**Beginning at a point, said point being located the following calls and distances from the Southwest corner of Lot 17, Corolla Bay as shown on map or plat recorded in Plat Cabinet J, Slide 199, Currituck County Public Registry: North 22 deg. 04 min. 01 sec. West 48.40 feet to a point, South 73 deg. 29 min. 13 sec. West 24.95 feet to a point, being the point and place of beginning; from said beginning point turning and running South 73 deg. 29 min. 13 sec. West 378.06 feet to a point; thence turning and running South 16 deg. 30 min. 47 sec. East 16.05 feet to a point; thence turning and running South 73 deg. 29 min. 13 sec. West 80.61 feet to a point; thence turning and running North 16 deg. 30 min. 47 sec. West 31.55 feet to a point; thence turning and running North 73 deg. 29 min. 13 sec. East 80.61 feet to a point; thence turning and running South 16 deg. 30 min. 47 sec. East 9.50 feet to a point; thence turning and running North 73 deg. 29 min. 13 sec. East 378.27 feet to a point; thence turning and running South 14 deg. 28 min. 42 sec. East 6.0 feet to a point, being the point and place of beginning.**

Reference is hereby made to that certain map or plat entitled in part "Pier Easement Exhibit - Currituck County, Lot 17, Section 1, Corolla Bay, Poplar Branch Township, Currituck County, North Carolina" by Quible & Associates, P.C., which is attached hereto and incorporated herein by reference for a more complete and concise description of the lands being herein described.

**TO HAVE AND TO HOLD** the aforesaid easement as an appurtenance to Lot 17, Corolla Bay.

The aforereferenced easement is conveyed subject to the following rights, duties and obligations:

- (a) Grantor shall have no obligation to maintain, repair or replace any improvements made to the easement and/or pier. Grantee shall be solely responsible to maintain, repair and replace any components of any improvements made to the easement, including any pier.
- (b) The owner of Lot 17, Corolla Bay agrees that they will hold harmless, protect and indemnify Grantor from any and all liability, damage, expenses and charges, including but not limited to, attorneys' fees and expenses of litigation, which arise out of the use of the easement by any person whomsoever.

IN WITNESS WHEREOF, the Grantor has executed this easement agreement the day and year first above written.

County of Currituck

By: \_\_\_\_\_ (SEAL)  
Michael H. Payment,  
Chairman of the Board of Commissioners

By: \_\_\_\_\_ (SEAL)  
Secretary

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I, a Notary Public of the State aforesaid, certify that **Michael H. Payment** personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

SEAL/STAMP

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I, a Notary Public of the State aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

SEAL/STAMP



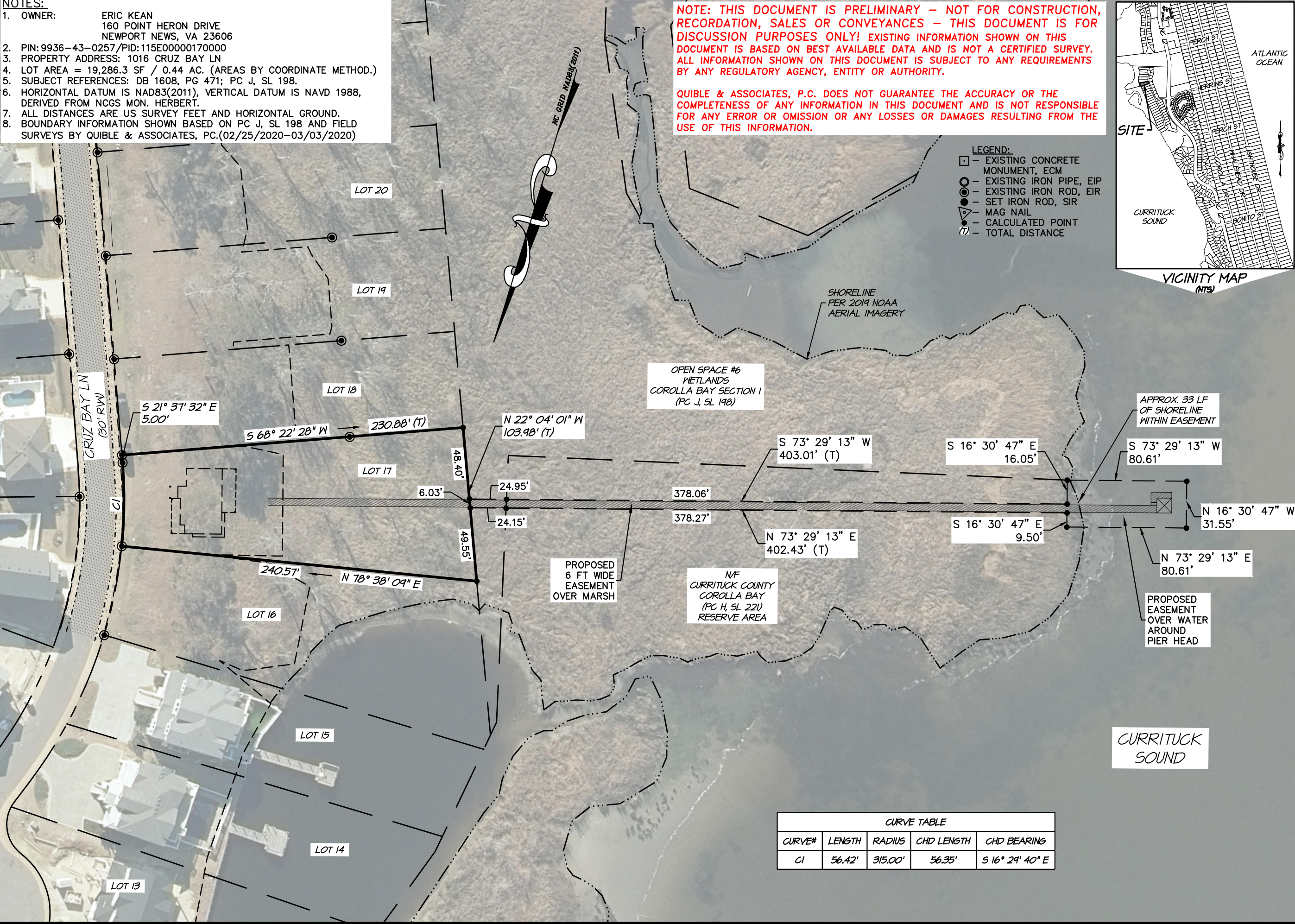
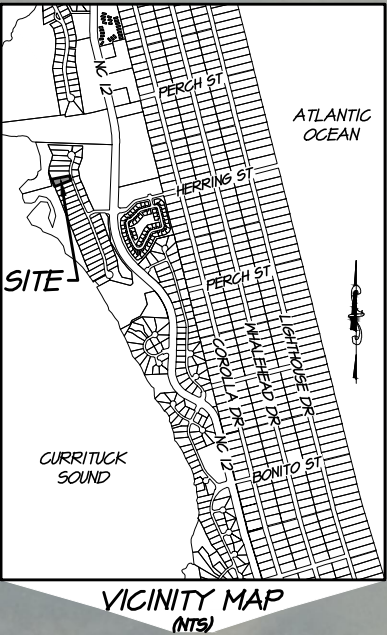
Q:\1999\p99006\Drawings\2020\p99006-lot17-easement.dwg 9/14/2021 9:24 AM Tmurphy

NOTES:  
1. OWNER: ERIC KEAN  
160 POINT HERON DRIVE  
NEWPORT NEWS, VA 23606  
2. PIN: 9936-43-0257/PID: 115E00000170000  
3. PROPERTY ADDRESS: 1016 CRUZ BAY LN  
4. LOT AREA = 19,286.3 SF / 0.44 AC. (AREAS BY COORDINATE METHOD.)  
5. SUBJECT REFERENCES: DB 1608, PG 471; PC J, SL 198.  
6. HORIZONTAL DATUM IS NAD83(2011), VERTICAL DATUM IS NAVD 1988,  
DERIVED FROM NCGS MON. HERBERT.  
7. ALL DISTANCES ARE US SURVEY FEET AND HORIZONTAL GROUND.  
8. BOUNDARY INFORMATION SHOWN BASED ON PC J, SL 198 AND FIELD  
SURVEYS BY QUILBE & ASSOCIATES, PC.(02/25/2020-03/03/2020)

NOTE: THIS DOCUMENT IS PRELIMINARY – NOT FOR CONSTRUCTION,  
RECORDATION, SALES OR CONVEYANCES – THIS DOCUMENT IS FOR  
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DOCUMENT IS BASED ON BEST AVAILABLE DATA AND IS NOT A CERTIFIED SURVEY.  
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FOR ANY ERROR OR OMISSION OR ANY LOSSES OR DAMAGES RESULTING FROM THE  
USE OF THIS INFORMATION.

- LEGEND:
- EXISTING CONCRETE MONUMENT, ECM
  - EXISTING IRON PIPE, EIP
  - EXISTING IRON ROD, EIR
  - SET IRON ROD, SIR
  - MAG NAIL
  - CALCULATED POINT
  - TOTAL DISTANCE



CURVE TABLE				
CURVE#	LENGTH	RADIUS	CHD LENGTH	CHD BEARING
C1	56.42'	315.00'	56.35'	S 16° 29' 40" E

PROJECT  
**P99006**

RAWN BY  
**JTM**

CHECKED BY  
**BDR**

DATE  
**9/14**

PIER EASEMENT EXHIBIT - CURRITUCK COUNTY

**LOT 17**

SECTION 1, COROLLA BAY

POPULAR BRANCH TOWNSHIP

CORRITUCK COUNTY

NORTH CAROLINA

060120

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CERTIFIED DOCUMENT AND SHALL NOT  
BE USED FOR CONSTRUCTION,  
RECORDATION, SALES OR LAND  
CONVEYANCES. UNLESS OTHERWISE  
NOTED.

Attachment: P99006-LOT 17-EASE EXHIBIT-091421 (Easement Agreement-Curr. & Eric B. Kean Lot 17 Corolla)

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AGENCY FOR  
COMPLIANCE WITH  
ANY APPLICABLE  
LAND DEVELOPMENT  
REGULATIONS.

Packet Pg. 389





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3312)

**Agenda Item Title:** Budget Amendments

**Submitted By:** Samantha Evans – County Manager

**Presenter of Item:**

**Board Action:** Action

---

**Brief Description of Agenda Item:**

**Is this item regulated by plan, regulation or statute?**

**Manager Recommendation:**

Number

20220059

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd of January 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10420-589000	OSD Reserve	\$ 3,000	
10320-411000	Article 39 Sales Tax - Local Option		\$ 3,000
		<u>\$ 3,000</u>	<u>\$ 3,000</u>

**Explanation:** Governing Body (10420) - Increase appropriation due to increase in number of retirees for this fiscal year.

**Net Budget Effect:** Operating Fund (10) - Increased by \$3,000.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: 1-3-2022 Budget Amendments (Budget Amendments)



Number

20220060

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd of January 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10441-514000	Travel		\$ 1,864
10441-514500	Training & Education	\$ 1,864	
		<u>\$ 1,864</u>	<u>\$ 1,864</u>

**Explanation:** Information Technology (10441) - Transfer budget funds for additional training for IT staff.

**Net Budget Effect:** Operating Fund (10) - No change.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: 1-3-2022 Budget Amendments (Budget Amendments)

Number

20220061

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd of January 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10794-545000	PASS/Teen Court	\$ 1,000	
10330-447000	Juvenile Crime Prevention (JCPC)		\$ 1,000
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

**Explanation:** JCPC - Teen Court/PASS (10794) - Increase appropriations to record donation to the JCPC program.

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,000.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: 1-3-2022 Budget Amendments (Budget Amendments)

Number

20220062

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd of January 2022, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2022.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
51848-594007	Moyock Middle School - Addition 2021	\$ 6,763,039	
51390-495010	T F - Operating Fund		\$ 6,763,039
10990-587051	T T - School Construction Fund	\$ 6,763,039	
10390-499900	Fund Balance Appropriated		\$ 6,763,039
		<u>\$ 13,526,078</u>	<u>\$ 13,526,078</u>

**Explanation:** School Construction Fund - Moyock Middle School Addition (51848) - Increase appropriations in the operating fund to transfer funds to the School Construction fund; increase appropriations in the School Construction fund to receive the funds from the operating fund for the Moyock Middle School addition. The Guaranteed Maximum Price for the Moyock Middle School addition is \$7,163,039.07. A design fee of \$900,000 was previously appropriated and there is a \$500,000 contingency included for costs that may be necessary outside of the construction. Any unspent funds at the completion of this project will remain in the construction fund and will be available for future school projects.

**Net Budget Effect:** Operating Fund (10) - Increased by \$6,763,039.  
School Construction Fund (51) - Increased by \$6,763,039.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Attachment: 1-3-2022 Budget Amendments (Budget Amendments)





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 3311)

**Agenda Item Title:** Surplus Resolution and Authorization for Corporal Mark Chappell to Purchase His Service Weapon in the Amount of \$1.00 Upon Retirement

**Submitted By:** Samantha Evans – County Manager

**Presenter of Item:**

**Board Action:** Action

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**Brief Description of Agenda Item:**

**Is this item regulated by plan, regulation or statute?**

**Manager Recommendation:**



*From the desk of*  
**Sheriff Matthew W. Beickert**

**Currituck County, North Carolina**

407 Maple Road, Maple, North Carolina 27956

Office: (252) 453-8204 • Fax: (252) 453-2238

[matt.beickert@currituckcountync.gov](mailto:matt.beickert@currituckcountync.gov)

DATE: December 15, 2021

TO: Currituck County Commissioners

RE: Corporal Mark Chappell's Retirement

Corporal Mark Chappell is retiring from the Currituck County Sheriff's Office effective 12/31/2021. Corporal Chappell has been with our agency and in good standing since 5/19/2001. Corporal Chappell's issued service weapon is a Glock 45 9M handgun, serial #BSBD915, and he has made the request to purchase his weapon upon retirement.

It has been our policy to allow deputies, upon retirement, the option of purchasing their issued service weapon for the total sum of one dollar (\$1.00).

  
Sheriff Matthew Beickert  
Currituck County Sheriff's Office

Attachment: Resolution-Chappell Service Weapon (Resolution-Chappell Service Weapon)



## **COUNTY OF CURRITUCK**

**WHEREAS**, The Currituck County Board of Commissioners, during its regular meeting held on Monday, January 3, 2022, authorized the following property listed below be declared surplus and disposed of; and

**WHEREAS**, Sheriff Matt Beickert has requested that upon the retirement of Corporal Mark Chappell, that his service weapon, a Glock 45 9M handgun, Serial No. BSBD915, be given to him. Mr. Chappell has made the request to purchase upon his retirement.

**ADOPTED** this 3rd day of January 2022.

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Michael Payment, Chairman  
Board of Commissioners

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Samantha M. Evans  
Deputy Clerk to the Board





**CURRITUCK COUNTY  
NORTH CAROLINA**

December 17, 2021

Minutes – Special Meeting of the Board of Commissioners

**3:00 CALL TO ORDER**

The Board of Commissioners held a Special Meeting at 3:00 PM in the Historic Courthouse Conference Room, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Michael H. Payment	Chairman	Present	
Paul M. Beaumont	Vice Chairman	Present	
J. Owen Etheridge	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	
Bob White	Commissioner	Absent	

Chairman Payment called the meeting to order. He acknowledge the absence of Commissioner Bob White.

**SPECIAL MEETING OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS WITH REPRESENTATIVES OF DEVELOPMENTAL ASSOCIATES.**

Commissioner Beaumont introduced Mr. Stephen Straus, Lead Consultant with Developmental Associates. Mr. Straus conducted a presentation to the Board, outlining the recruitment, screening and selection process for County Manager candidates. Mr. Straus discussed the purpose of the proposed ten steps and estimated timeline.

Commissioners discussed challenges Currituck County is facing and the experience potential candidates may need. Mr. Straus and the Board established an attentive schedule for recruitment.

**ADJOURN**

**Motion to Adjourn Meeting**

The Board had no further business and Chairman Payment moved to adjourn, Commissioner McCord seconded the motion. The motion carried 6-0 and the meeting adjourned at 4:30 PM.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael H. Payment, Chairman
<b>SECONDER:</b>	Kevin E. McCord, Commissioner
<b>AYES:</b>	Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
<b>ABSENT:</b>	Bob White, Commissioner



**CURRITUCK COUNTY  
NORTH CAROLINA**

December 20, 2021

Minutes – Regular Meeting of the Board of Commissioners

**WORK SESSION**

**1. 5:00 PM Discussion of the Moyock Regional Wastewater Treatment Plant**

The Board of Commissioners met at 5:00 PM in the Board Meeting Room of the Historic Courthouse to discuss the County's options for operation of the Moyock Regional Wastewater Treatment Plant. Interim County Manager/County Attorney (ICM/CA) Ike McRee, recalled previous work session discussion when the Board directed staff to collect more data regarding the process of public private partnerships before moving forward with the county funding the Moyock Regional Wastewater Plant project or sell of system. He encouraged Board not to make a pressured decision and this issue could be viewed as a retreat item.

Assistant to the County Manager, Rebecca Gay, provided a presentation on the Public-private partnership (P3) defined through the N.C General Statue § 143-128.1C describing the P3 process and outlining the role of a private sector. Mrs. Gay included the variety of contract structures and financing in comparison of Traditional design build, P3, and sale. Mrs. Gay provided examples highlighting the aspects of each project and limitations of the P3 along with a charted timeline of the P3 steps that would be evaluated.

During discussion ICM/CA Ike McRee recommended the Board continue discussion as an Item during the Commissioners Retreat.

Commissioner White motioned to conduct further discussion as a retreat item and move item for action to a regular meeting in February 2022. Commissioner Mary Etheridge seconded. Motion carried 7-0

Discussion concluded and the Work Session was adjourned.



<b>RESULT:</b>	<b>CONTINUED [UNANIMOUS]</b>	<b>Next: 2/7/2022 6:00 PM</b>
<b>MOVER:</b>	Bob White, Commissioner	
<b>SECONDER:</b>	Mary "Kitty" Etheridge, Commissioner	
<b>AYES:</b>	Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner	

### 6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners held a 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
Michael H. Payment	Chairman	Present	
Paul M. Beaumont	Vice Chairman	Present	
J. Owen Etheridge	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	
Bob White	Commissioner	Present	

Chairman Payment called the meeting to order and announced the earlier work session discussion on Moyock Wastewater Treatment Plant.

### A) Invocation & Pledge of Allegiance

Commissioner Jarvis offered the invocation and led the Pledge of Allegiance.

### B) Approval of Agenda

Commissioner White moved for approval. Commissioner McCord seconded the motion. The motion carried. 7-0

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Commissioner
<b>SECONDER:</b>	Kevin E. McCord, Commissioner
<b>AYES:</b>	Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner

### 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.***

Chairman Payment opened the Public Comment period.

Susan Powers, Green View resident expressed her concerns regarding the Eagle Creek Sewer issues and the consideration of the wastewater plant sell to a private sector.

Richard Shortway with Corolla Volunteer Fire Department provided a letter discussing the recently Board approved grant application.

No others were signed up nor wished to speak and the Public Comment period was closed.

### **COMMISSIONER'S REPORT**

Commissioner Jarvis attended the Chamber of Commerce Leadership Day event with Interim County Manager/County Attorney, Ike McRee, and expressed the desire for the Currituck Citizens Academy to return.

Commissioner Mary Etheridge, attended the Senior Center Christmas luncheon and extended gratitude to Senior Center Director Stacey Joseph and the Senior Center's staff. She also attended the ABC Commissions meeting providing the yearly independent audit revenue and expressed gratitude to the ABC staff for the dedication of hard work.

Commissioner White, addressed the quarterly County Newsletters congratulating Tourism Director Tameron Kugler for being selected as a VP of the North Carolina Travel Industry Association. He encouraged the community to sign up for the monthly E-newsletter, and addressed the development in Currituck County as a positive outlook.

Chairman Payment echoed Commissioner White regarding economic growth of the County and shared the upcoming businesses in the Lower end of the County. Mr. Payment thanked all of the Fire departments for the community outreach of bringing Santa Claus around.

Commissioner Beaumont attended the Corolla Volunteer Awards Dinner and expressed gratitude for the invitation. Commissioner Beaumont shared a NCDOT letter regarding the Mid-county bridge is to move forward. He praised the Crawford breakfast with Santa and the community outreach.

Commissioner McCord echoed praises to all the Fire departments for sharing Santa Claus with the community. He shared the success of "Operation Santa" and "Shop with a Cop". Mr. McCord shared county office closings for the holidays.

Commissioner J.O. Etheridge echoed Commissioner Jarvis desire for the Currituck Citizens Academy.

Commissioners conveyed Merry Christmas to all.

### **COUNTY MANAGER/COUNTY ATTORNEY REPORT**

Interim County Manager/ County Attorney, (ICM/CA) Ike McRee, reported the decision by the court of appeals in the 85 Sunny, LLC vs. Currituck County.

### **PUBLIC HEARINGS**

#### **A. PB 21-25 Flora Farms:**

Parties were sworn in and Planner, Tammy Glave, reviewed the use permit application to

the Board. Ms. Glave used a powerpoint to review the site location and site plan. Recording dates were presented and student generation and school capacities were reviewed. Outstanding issues, including several that the Technical Review Committee (TRC) recommended be addressed prior to approval were presented, and Ms. Glave said the TRC recommended denial. She presented the findings of fact and responded to questions related to the TRC comments included in the agenda documents.

Jamie Schwedler, Attorney for the applicant, called several witnesses to provide testimony and provided Special Use Permit/Preliminary Plat witness Exhibits.

Engineer, Mark Bissell, was questioned by Ms. Schwedler as to his role in developing the project site plan configuration and stormwater plan. Mr. Bissell discussed the reviews and modifications. The 1st phase of date 12/1/2020 County Staff reports have pushed back 6 months. Commission McCord questioned the wastewater line connectivity with the Eagle Creek lines. Bissell clarified that for a short distance the lines run parallel, but A wastewater collection system will be constructed for the entire development and managed by Currituck Water and Sewer.

Mike Myers explained how the sewer systems are designed and constructed to handle the capacity needed to serve projects need and the process of an engineer's review. Mr. Myers stated a system is under capacity it is harder to operate due to the of the lack of bacteria food. The Flora development is planned to tie into the Eagle Creek wastewater treatment system own by Sandler Utilities. He indicated that the Eagle Creek collection system has no impact on the operation of the plant.

Lyle Overcash, Raleigh, was tendered as an expert by the Board and testified on behalf of the applicant. Responding to questioning by Ms. Schwedler, he provided his background in traffic engineering and transportation. He reviewed a traffic analysis performed at the site location.

Chairman Payment called a recess at 7:47 PM. The meeting reconvened at 7:56 PM.

Hunter Howell, Cary, was tendered as an expert by the Board and testified on behalf of the applicant as a licensed state certified appraiser. Mr. Howell provided an analysis to determine the effects of the proposed Flora projects development.

Jonathan Wells, a certified planner, was tendered as an expert by the Board and testified on behalf of the applicant in school planning and capacity. He summarized his review and analysis and testified in support of the findings of fact for approval relative to the adequate public facilities ordinance for school capacities. Commissioner Jarvis questioned the exhibits capacity information provided in 2019 to current capacity data.

Matt Lutz, Superintendent Sworn in. Dr. Lutz responded to questions from Commissioners and Attorney for the applicant, Jamie Schwedler related to adequate student capacity and school rezoning.

Chairman Payment opened the Public Hearing.

Jenna Kehoe, Green View resident, requested a moratorium on the Flora or any subdivision that may attached to the Wastewater Treatment plant expressed concerns



regarding the Eagle Creek sewer system

Brian Dodd, Green View resident expressed concerns regarding the effects on Eagle Creek that may occur with the Flora or any subdivision approval.

David Roberson, Ranchland resident addressed a retention pond backs up to his property that is not deemed wetland but is flooding due to surrounding development.

No others were signed up nor wished to speak. Public Hearing was closed.

Ms. Schwedler provided a summary of the witness testimony and stated the applicant has met the burden to support the findings of fact and asked the Board to approve the Special Use Permit.

Commissioner White motioned to continue item to next meeting January 3, 2022, for further action. Chairman Payment seconded the motion. Motion carried, 5-2. Commissioner Jarvis and Commissioner Mary Etheridge opposed.

<b>RESULT:</b>	<b>CONTINUED [5 TO 2]</b>	<b>Next: 1/3/2022 6:00 PM</b>
<b>MOVER:</b>	Bob White, Commissioner	
<b>SECONDER:</b>	Michael H. Payment, Chairman	
<b>AYES:</b>	Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner	
<b>NAYS:</b>	Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner	

## **B. PB 18-23 Fost, Phases 6-9, Preliminary Plat/Special Use Permit:**

Parties were sworn in and Planner, Tammy Glave, reviewed the use permit application to the Board. Ms. Glave used a powerpoint to review the site location and site plan. Outstanding issues, including several that the Technical Review Committee (TRC) recommended be addressed prior to approval were presented, and Ms. Glave said the TRC recommended denial. She presented the findings of fact and responded to questions related to the TRC comments included in the agenda documents.

Jamie Schwedler, Attorney for the applicant, called several witnesses to provide testimony and provided Preliminary Plat/ Special Use Permit Witness Exhibits.

Mark Bissell, Professional Civil Engineer explained his role in the Fost project. Mr. Bissell discussed the reviews and modifications.

Mike Myers explained how the sewer systems are designed and constructed to handle the capacity needed to serve projects need and the process of an engineer's reviews. The Fost development is planned to tie into the Eagle Creek wastewater treatment system owned by Sandler Utilities. He indicated that the Eagle Creek collection system has no impact on the operation of the plant.

Lyle Cash explained his role in the Fost project of analyzing the traffic impacts.

Mr. Hunter Howell explained his role in the Fost project as a licensed state certified appraiser. Mr. Howell provided an analysis to determine the effects of the proposed Fost projects development.

Jonathan Wells explained his role in the Fost Project as certified planner in the public-school capacity,

attendance, advocate for facilities and state standards.

Chairman Payment opened the Public Hearing. No one signed up nor wished to speak and the Public Hearing was closed.

Ms. Schwedler provided a summary of the witness testimony and stated the applicant has met the burden to support the findings of fact and asked the Board to approve the Special Use Permit.

Commissioner McCord motioned to table the item to the January 3, 2022, regular meeting for Action. Commissioner Owen Etheridge seconded. The motion carried 5-2. Commissioner Jarvis and Commissioner Mary Etheridge opposed.

<b>RESULT:</b>	<b>TABLED [5 TO 2]</b>	<b>Next: 1/3/2022 6:00 PM</b>
<b>MOVER:</b>	Kevin E. McCord, Commissioner	
<b>SECONDER:</b>	J. Owen Etheridge, Commissioner	
<b>AYES:</b>	Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner	
<b>NAYS:</b>	Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner	

## NEW BUSINESS

### A. Consideration and Action on a Grant Agreement Between Currituck County and Corolla Volunteer Fire Department for the Purchase of Fire Apparatus.

ICM/CA, Mr. McRee, discussed the Resolution for the purchase of Fire Apparatus for Corolla Volunteer Fire Department and the Board requested to modify the agreement adding the county as the dual owner of the apparatus.

Commissioner White motioned for approval. Chairman Payment seconded the motion. Motion carried 7-0.

<b>RESULT:</b>	<b>APPROVED [5 TO 2]</b>
<b>MOVER:</b>	Kevin E. McCord, Commissioner
<b>SECONDER:</b>	J. Owen Etheridge, Commissioner
<b>AYES:</b>	Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner
<b>NAYS:</b>	Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner

### B) Consent Agenda

Commissioner Jarvis moved for approval of the Consent Agenda. Commissioner McCord seconded the motion. The motion carried, 7-0.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Selina S. Jarvis, Commissioner  
**SECONDER:** Kevin E. McCord, Commissioner  
**AYES:** Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner

## 1. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10535-516000	Repairs and Maintenance	\$ 1,410	
10535-557100	Software		\$ 1,410
		<u>\$ 1,410</u>	<u>\$ 1,410</u>
<b>Explanation:</b>	Communications (10535) - Transfer budgeted funds for unanticipated communication equipment repairs.		
<b>Net Budget Effect:</b>	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>		
10510-590000	Capital Outlay	\$ 17,000	
10380-488000	ABC Education Donations		\$ 12,000
10380-488200	ABC Law Enforcement Distribution		\$ 5,000
		<u>\$ 17,000</u>	<u>\$ 17,000</u>
<b>Explanation:</b>	Sheriff (10510) - Increase appropriations to purchase a golf cart to be used for the drunk driving program at the high school.		

Communication: Approval of Regular Meeting Minutes for 12/20/2021 (Approval Of Minutes for December 17, 2021, Special Meeting and



		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
51848-597008	MES Modular Unit - Dec 2021	\$ 940,000	
51390-495041	T F - School Capital Reserve		\$ 940,000
41990-587051	T T - School Construction	\$ 940,000	
41390-499900	Appropriated Fund Balance		\$ 940,000
		\$ 1,880,000	\$ 1,880,000
<b>Explanation:</b>	School Capital Construction (51848) - Increase appropriations to purchase and install a modular unit at the Moyock Elementary School during the renovation process.		
<b>Net Budget Effect:</b>	School Capital Reserve Fund (41) - Increased by \$940,000. School Construction Fund (51) - Increased by \$940,000.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
51848-597008	MES - Addition 2021	\$ 13,159,800	
51390-495041	T F - School Capital Reserve		\$ 3,150,000
51390-495042	T F - Transfer Tax Capital Reserve		\$ 10,009,800
41990-587051	T T - School Construction	\$ 1,500,000	
41390-499900	Appropriated Fund Balance		\$ 1,500,000
42450-587051	T T - School Capital Construction	\$ 10,009,800	
42390-499900	Appropriated Fund Balance		\$ 10,009,800
		\$ 24,669,600	\$ 24,669,600
<b>Explanation:</b>	School Capital Construction (51848) - Increase appropriations for addition to the Moyock Elementary School. The Guaranteed Maximum Price (GMP) is \$14,259,800. This funding also includes \$100,000 for unexpected contingencies outside of the GMP and credit for the \$1,200,000 appropriated in FY 2021 for the design.		
<b>Net Budget Effect:</b>	School Capital Reserve Fund (41) - Increased by \$1,500,000. Transfer Tax Capital Fund (42) - Increased by \$10,009,800. School Construction Fund (51) - Increased by \$13,159,800.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10430-503000	Salaries - Part Time	\$ 1,500	
10430-503430	Poll Workers	\$ 21,000	
10430-505000	FICA	\$ 1,725	
10340-450500	Administration and Filing Fees		\$ 24,225
		\$ 24,225	\$ 24,225
<b>Explanation:</b>	Elections (10430) - Increase appropriations for additional part-time salaries and for poll workers for the spring elections.		
<b>Net Budget Effect:</b>	Operating Fund (10) - Increased by \$24,225.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10410-553000	Dues & Subscriptions	\$ 1,500	
10410-557100	Software License Fees	\$ 16	
10410-506000	Health Insurance Expense		\$ 1,516
		\$ 1,516	\$ 1,516
<b>Explanation:</b>	Administration (10410) - Transfer budgeted funds for increase in dues and software license fees for FY 2022.		
<b>Net Budget Effect:</b>	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>		
61818-511010	Data Transmission	\$ 10,000	
61818-561000	Professional Services	\$ 1,000	
61818-506000	Health Insurance Expense		\$ 5,000
61818-590000	Capital Outlay		\$ 6,000
		\$ 11,000	\$ 11,000
<b>Explanation:</b>	Mainland Water (61818) - Transfer budgeted line items for increased costs of data transmission and professional services.		
<b>Net Budget Effect:</b>	Mainland Water Fund (61) - No change.		

## 2. Project Ordinance-Moyock Elementary School Modular

### COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

Communication: Approval of Regular Meeting Minutes for 12/20/2021 (Approval Of Minutes for December 17, 2021, Special Meeting and

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 purchase and set-up of modular classrooms at Moyock Elementary School.

**SECTION 2.** The following amounts are appropriated for the project:

Moyock Elementary Modular Unit - Dec 2021	\$ 940,000
	<u>\$ 940,000</u>

**SECTION 3.** The following funds are available to complete this project:

Transfer from School Capital Reserve	\$ 940,000
	<u>\$ 940,000</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 20th day of December 2021.

\_\_\_\_\_  
Michael Payment, Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Samantha Evans  
Deputy Clerk to the Board

### **3. Resolution Authorizing the Purchase of Powered Ambulance Stretchers and Stair Chairs From Stryker Corporation Through Sole Source Purchase Pursuant To N.C GEN. STAT. §143-129(e)(6)**

#### COUNTY OF CURRITUCK

RESOLUTION AUTHORIZING THE PURCHASE OF POWERED AMBULANCE STRETCHERS AND STAIR CHAIRS FROM STRYKER CORPORATION 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, Currituck County Fire-EMS needs two (2) ambulance stretchers and two (2) stair chairs; and

WHEREAS, Currituck Fire-EMS must comply with North Carolina Office of Emergency Medical Services rules and regulations for equipment; and

WHEREAS, Stryker Corporation is the only entity capable of providing Fire-EMS with ambulance stretchers and stair chairs compatible with current North Carolina Office of Emergency Medical Services rules and regulations; and

WHEREAS, the County has been using Stryker Corporation to purchase emergency response, power loaded stretchers and ambulance equipment; and

WHEREAS, as the sole and exclusive distributor of the Stryker Power-PRO XT and Stair-PRO, Stryker Corporation is supplying Fire-EMS with two (2) Power-PRO XT

ambulance stretchers and two (2) Stair Chairs and accessories at a cost of \$86,788.81; and

WHEREAS, the total cost of the purchase is \$86,788.81.

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 \$86,788.81 with Stryker Corporation for the sole source purchase of Power-PRO XT ambulance stretchers and Stair-PRO chairs 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 Stryker for the acquisition of apparatus, materials, and equipment described in this resolution and the proposed contract.

Section 2. This resolution shall be effective upon its adoption.

This the 20th day of December 2021.

ATTEST:  
Chairman  
Samantha Evans  
Deputy Clerk to the Board of Commissioners  
(COUNTY SEAL)

Michael H. Payment,  
Board of Commissioners

**4. Resolution Authorizing the Moyock Volunteer Fire Department to Expend \$8000 of Capital Project Fund to Replace Flooring**

**5) Approval Of Minutes for 12-6-2021**

**1. Approval of 12-6-2021 Minutes**

**ADJOURN**

**Motion to Adjourn Meeting**

The Board had no further business and Commissioner White moved to adjourn. Commissioner Beaumont seconded the motion and the motion carried, 7-0. The regular meeting of the Board of Commissioners adjourned at 11:42PM

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael H. Payment, Chairman
<b>SECONDER:</b>	Paul M. Beaumont, Vice Chairman
<b>AYES:</b>	Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner