



# Special Use Permit Review Process

## Contact Information

Currituck County  
Planning and Inspections Department  
153 Courthouse Road, Suite 110  
Currituck, NC 27929

Phone: 252-232-3055

Website: <http://www.currituckcountync.gov/planning-zoning/>

Email: [ccpz@currituckcountync.gov](mailto:ccpz@currituckcountync.gov)

## 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 Special Use Permit 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.

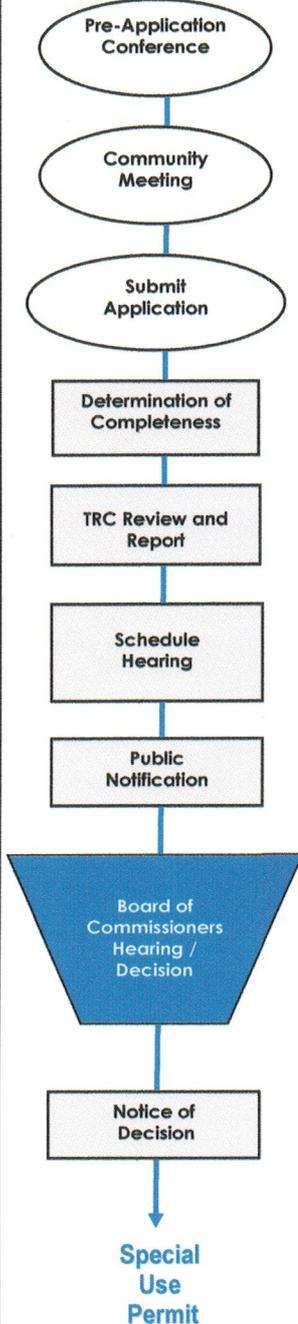
The community meeting shall comply with the following procedures:

- **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 Special Use Permit application.
- **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.



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 Special Use Permit application.
- **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 Special Use Permit application.
- **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 Special Use Permit 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 deadline date which is usually the fourth Thursday of each month. If submitting on the submittal deadline date, please call 252-232-3055 to schedule an appointment. A complete application packet consists of the following:

Submitted on a USB flash drive or a compact disc (CD):

- Completed Currituck County Special Use Permit Application.
- 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.
- Architectural elevations and/or sketches illustrating the design and character of the proposed structures.

Applicable Fee:

- \$500

Upon 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 comments 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: Public Hearing Scheduling and Public Notification

After the TRC prepares a staff report and provides review and comments on the application, staff shall schedule the application for a public hearing 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 6: 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 Director will present the staff report and any review body findings and review comments 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 Director may respond to any comments, documents, or materials presented.

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

- Adoption of the Special Use Permit;
- Adoption of the Special Use Permit subject to conditions or approval; or,
- Denial of the Special Use Permit.

The Board of Commissioners may attach additional conditions of approval, including timing limits on residential building lots or units available for occupancy, to assure adequate public school facilities remain sufficient to serve the development. The owner and applicant shall provide written consent to conditions imposed by the Board of Commissioners prior to issuance of the Special Use Permit.

A Special Use Permit shall be approved on a finding the applicant demonstrates the proposed use will:

- Not endanger the public health or safety;
- Not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located;
- Be in conformity with the Land Use Plan or other officially adopted plan; and
- Not exceed the county's ability to provide adequate public school facilities.



# Special Use Permit Application

**OFFICIAL USE ONLY:**

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

### Contact Information

**APPLICANT:**

Name: HOM Development, LLC  
Address: PO Box 2405, 1002 Driftwood Drive  
Manteo, NC 27954  
Telephone: 252-473-8074, 252-202-4040  
E-Mail Address: jamie@hatchellconcrete.com

**PROPERTY OWNER:**

Name: Foster Allen Forbes  
Address: 5104 Lunar Drive  
Kitty Hawk, NC 27949  
Telephone: 252-395-4930  
E-Mail Address: fossiecat@aol.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Lessee

### Property Information

Physical Street Address: 8180 Caratoke Hwy., Powell's Point, NC 27966  
Location: West side of US 158 Caratoke Highway at intersection of SR 1114 Foster Forbes Road.  
Parcel Identification Number(s): 0123-000-0079-0000  
Total Parcel(s) Acreage: 41.0 acres  
Existing Land Use of Property: Sand mine operation since 2021, cultivated field prior to 2021.

### Request

Project Name: Foster Forbes Mine  
Proposed Use of the Property: Increase excavation acreage and continue operation of sand mine operation.  
Deed Book/Page Number and/or Plat Cabinet/Slide Number: DB 78, DP E/17  
Total square footage of land disturbance activity: 814,572 sqft (18.70 acres)  
Total lot coverage: 814,572 sqft Total vehicular use area: \_\_\_\_\_  
Existing gross floor area: 0 Proposed gross floor area: 0

### Community Meeting

Date Meeting Held: April 14, 2025, 7:00 PM Meeting Location: Powell's Point Senior Center

Purpose of the Special Use Permit and Project Narrative (please provide on additional paper if needed):  
Modification of existing Currituck County Use Permit PB 21-11. Operator is requesting to increase excavation  
acreage from 19.9% to 42.7% of parcel uplands inside currently permitted area. Modification narrative 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 Special Use Permit.

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

Narrative 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.

Narrative attached.

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

Narrative attached.

D. The use will not exceed the county's ability to provide adequate public school facilities.

Narrative 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.

Janie Hatfield  
Applicant

May 28, 2025

Date

Scott John  
Property Owner(s)

May 28, 2025

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.

**Special Use Permit Conceptual Plan Design Standards Checklist**

The table below depicts the design standards of the Special Use Permit application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

# Special Use Permit

## Conceptual Plan Design Standards Checklist

Date Received:

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

Project Name: Foster Forbes Mine

Applicant/Property Owner: HOM Development, LLC / Foster Allen Forbes

Special Use Permit Conceptual Plan Design Standards Checklist		
1	Property owner name, address, phone number, and e-mail address.	<input type="checkbox"/>
2	Site address and parcel identification number.	<input type="checkbox"/>
3	North arrow and scale to be 1" = 100' or larger.	<input type="checkbox"/>
4	Vicinity map showing property's general location in relation to streets, railroads, and waterways.	<input type="checkbox"/>
5	Existing zoning classification and zoning setback lines of the property.	<input type="checkbox"/>
6	A scaled drawing showing existing boundary lines, total acreage, adjacent use types, location of streets, rights-of-way, and easements.	<input type="checkbox"/>
7	Approximate location of the following existing site features and infrastructure within the property and within 50' of the existing property lines: Pedestrian circulation, vehicular use areas, structures, septic systems, wells, utility lines, water lines, culverts, storm drainage pipes, ditches, canals, streams, wooded areas, ponds, and cemeteries.	<input type="checkbox"/>
8	Approximate location of the following proposed site features and infrastructure: Structures and usages, parking and circulation plan (including streets, drives, loading and service areas parking layout and pedestrian circulation features), fences and walls, exterior lighting, drainage patterns and facilities intended to serve the development, landscape buffers and screening, and riparian buffers.	<input type="checkbox"/>
9	Approximate Flood Zone line and Base Flood Elevation as delineated on the "Flood Insurance Rate Maps/Study Currituck County."	<input type="checkbox"/>
10	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.	<input type="checkbox"/>
11	Sight distance triangles.	<input type="checkbox"/>
12	Proposed common areas, open space set-asides, and required buffers.	<input type="checkbox"/>
13	Architectural drawings and/or sketches illustrating the design and character of the proposed uses.	<input type="checkbox"/>

**Special Use Permit 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.

# Special Use Permit Submittal Checklist

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

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

Project Name: Foster Forbes Mine

Applicant/Property Owner: HOM Development, LLC / Foster Allen Forbes

Special Use Permit Submittal Checklist – Documents provided on USB flash drive or CD		
1	Complete Special Use Permit application	<input type="checkbox"/>
2	Community meeting written summary	<input type="checkbox"/>
3	Conceptual plan, if applicable	<input type="checkbox"/>
4	Architectural elevations, if applicable	<input type="checkbox"/>
5	Application fee (\$500)	<input type="checkbox"/>

**For Staff Only**

**Pre-application Conference**

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

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

**Comments**

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

May 24, 2025

**Elliott Consulting**

PO Box 112  
Aydlett, North Carolina 27916  
Phone: 252-339-9021

▶ **County of Currituck, NC**

Planning and Inspections Department  
Planning and Zoning Division  
153 Courthouse Rd., Ste. 110  
Currituck, North Carolina 27929

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**Foster Forbes Mine - Use Permit**

**Appendix A – Purpose of Use Permit and Project Narrative**

1. Ms. Jamie Basnight Hatchell, manager of HOM Development, LLC, 1002 Driftwood Drive, Manteo, NC 27954, desires to expand their currently permitted Foster Forbes Mine on one parcel located at 8180 Caratoke Highway (US 158), at the intersection of Caratoke Highway and SR 1114 Foster Forbes Road in Powells Point, NC 27966. The parcel is owned by Foster Allen Forbes, 5104 Lunar Drive, Kitty Hawk, NC 27949, and is identified in the Currituck County Tax Office as Parcel ID No. 0123-000-0079-0000, Deed Book 78, Deed Page E/17, being approximately 41 acres, zoned Agricultural.
  2. The Foster Forbes Mine was first permitted by Currituck County as a 6.23-acre sand mine operation in 2021, PB 21-11. HOM Development now desires to expand the excavation acreage to 13.38 acres through modification of their State Mining Permit and County Special Use Permit. Prior to 2021, the Foster Forbes parcel was a cultivated field with woodland and wetlands.
  3. The modified mine site shall remain titled as the Foster Forbes Mine and will allow the applicant and operator, HOM Development LLC, to excavate sand and topsoil in a 13.38-acre excavation, operating within an approved affected area of 18.70 acres and an approved permit area of 41.0 acres. The sand mine will have an average depth of 30 feet below natural ground level, and a maximum depth of 35 feet below natural ground level.
  4. The expanded excavation area, stockpiles and processing areas will be constructed and located on the 41-acre parcel. After deducting 9.69 acres of existing wetlands on the parcel, the 13.38-acre excavation will encompass 42.7% of the remaining 31.31 acres of uplands, with a maximum percentage of 50% required by Currituck County Ordinance. Permitted acreage will have sufficient room for a sand mining operation.
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5. The Foster Forbes Mine has been operating since 2021, and this is the first modification to the State permit to expand excavation acreage. There have been no recorded violations of the State or County mining permits in the last twelve months.
6. Access to the excavation area will be via a single 390-ft long by 35-ft wide gravel and dirt driveway with an entrance onto Caratoke Highway, located east of the excavation area. The first 200 feet of the driveway has existing solid pavement. The single access road is gated and locked at its entrance 90 feet from Caratoke Highway right-of-way. Vehicles owned or contracted by HOM Development will be allowed onsite by right, all others by permission only.
7. HOM Development, LLC, will complete the development strictly in accordance with the plans submitted to Currituck County Planning and Inspections Department, and the North Carolina Department of Environmental Quality, Division of Energy, Mineral and Land Resources.
8. After completion of the project the remaining pit will become a 13.38-acre pond, utilized for environmental habitat and recreational use by the landowner, and will increase the scenic and recreational value of the property.
9. The property contains one zoning designation: AG, Agricultural. All mining activities occur within the AG, Agricultural zoning district. Sand mining is a permitted use in an AG, Agricultural zoning district with an approved Special Use Permit.
10. The property is surrounded by the following land uses:
  - A. North: cultivated farmland, zoned Agricultural.
  - B. Northeast: two residential parcels, zoned Agricultural, one undeveloped parcel zoned General Business.
  - C. East: One occupied parcel across Caratoke Highway (Coastal Roofing) zoned General Business, two undeveloped parcels across Caratoke Highway, zoned General Business.
  - D. South: one undeveloped parcel zoned General Business, two residential parcels, zoned Agricultural, one undeveloped parcel, zoned Agricultural.
  - E. West: undeveloped swampland and marsh, zoned Agricultural.
11. Currituck County Soil Maps indicate five types of soil on the property: To (Tomotley sandy loam), BoA (Bojac fine sandy loam), and CnA (Conetoe loamy sand). All mining activities will occur inside the Tomotley and Bojac soil type areas.

12. Current Currituck County Flood Maps indicate the excavation portion of the mining site to be located in the area of minimal flood hazard, outside of Flood Zone X (0.2% annual chance flood hazard, 500 year flood plain) according to FIRM panel map 3720983800K, dated December 21, 2018. Flood zone lines are illustrated on the attached flood map.

## **Appendix B – Currituck County Applicable Standards, Findings of Fact**

1. The proposed use will not endanger the public health or safety.
    - a. Site of the Proposed Use is located 390 feet from Caratoke Highway (US 158). Proposed Use access road will intersect with Caratoke Highway via a paved construction entrance at an 85.9° sight angle, which is within specification of county UDO Section 4.2.5.A(5)(a). Caratoke Highway is a four-lane public road and is considered heavily travelled. The last traffic count taken in 2023 by NCDOT along Caratoke Highway near the Foster Forbes parcel showed an annual daily traffic count of 21,500 vehicles per day, an average of 896 vehicles per hour. The mine operator estimates there will be an average of 20 vehicles per day leaving the mine site and intersecting with Caratoke Highway, an increase of 1-2 vehicles per hour (0.2%) over the current traffic volume. Maximum trips per hour are anticipated to average 2-3 during peak operation of the mine.
    - b. Closest occupied residence to the Proposed Use area is located 338 feet from location of mining activity and 780 feet from the proposed location of the dewatering pump. A comparison of noise levels was taken from a similar sand mine operation utilizing a dewatering pump located across open land at Parks Pit Mine in Elizabeth City. Noise levels were found to be 49.9 decibels at 811 feet from the dewatering pump operation and 51.2 decibels at 455 feet from other mine activity, below the maximum 60 dB allowed by Chapter 9, Article II, Section 9-33 of the Currituck County Code of Ordinances. Noise levels were measured along Caratoke Highway at the same distances from the highway as the closest residences to the mine site. Noise levels were found to be 51.6 to 55.6 decibels. The noise that may be generated by the Proposed Use will not be at a level that would materially endanger the public health and safety.
    - c. The Proposed Use will have adequate sediment and erosion control measures in place around all active areas of the site, including erosion control berms, groundcover on active areas to control erosion, and construction entrances on access roads to prevent sedimentation from leaving the site. All storm-water will drain internally to the mine excavation. Except for a 200-foot long by 24-foot-wide paved driveway, there will be no impervious surfaces inside the permit area. **Details on specific erosion control measures are shown in Addendum-2 attached.**
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- d. The mine dewatering discharge of clear water will be routed away from neighboring residences and will exit the landowner's private property via an existing Foster Forbes Ditch directly into wetlands draining to Albemarle Sound on the west side of the permit area. Route of dewatering discharge to Albemarle Sound is shown on map attached to this application and on file.
- e. The mine dewatering wastewater discharge from the sedimentation pond will continue to be tested quarterly by a State-certified laboratory for turbidity, settleable solids, total suspended solids, and Enterococcus, and on premises for salinity and pH. Samples are also taken quarterly from points upstream and downstream of the sediment pond discharge to confirm any impacts on stream quality from turbidity in the discharge. The purpose of this analysis is to prevent excess sedimentation from leaving the mining activity area. Results from the analyses are reported quarterly to Currituck County Planning and Inspections Department.
- f. After initial operation and stabilization of dewatering activities, there have been no recorded negative impacts to Foster Forbes Creek, wetlands, or Waters of the State, due to discharge of mine dewatering wastewater at Foster Forbes Mine.
- g. HOM Development has constructed four groundwater level monitoring wells located along the eastern perimeter of the mine site. Water levels in the wells have been measured monthly since April 2022 with results submitted quarterly to Currituck Planning and Inspections Department. At no time has any monitoring well measured groundwater level more than 19.7 feet below natural ground level during periods of dewatering activity since 2022.
- h. A Stormwater Pollution Prevention Plan (SWPPP) has been established for Foster Forbes Mine, a copy of which is onsite. The SWPPP is for implementing and maintaining stormwater control measures and Best Management Practices, and taking corrective actions where required.
- i. A written groundwater well survey questionnaire was sent by certified mail to all landowners within 1500 feet of the proposed excavation boundary. The questionnaire requested information about the landowner's groundwater well if one was utilized, type, depth, location, and other information. A self-addressed stamped envelope was provided for their voluntary response. A summary of landowner's responses and copy of questionnaire is attached.
- j. Groundwater well survey and data from Currituck County Water Department indicates approximately twenty-nine (29) active groundwater pumps and wells in use within 1500 feet of the proposed Foster Forbes Mine, closest being 345 feet away.

- k. In lieu of a hydrogeological report, the operator will establish a monetary guarantee of \$87,000 with Currituck County Planning to replace twenty-nine (29) groundwater wells located within 1500 feet of the proposed excavation area, if they are damaged or contaminated by mine dewatering, per county UDO Section 4.2.5.A(13)(b)(i)(B).
  - l. Also in lieu of a hydrogeological report, HOM Development will continue monthly monitoring of groundwater levels in the Foster Forbes Mine vicinity through the use of four monitoring wells constructed by HOM Development in 2022.
2. The Proposed Use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
    - a. Mining activities in the Foster Forbes Mine parcel will occur behind a natural full growth foliage visual screen minimum 250-foot wide north of mining activity, 200-foot wide northeast, and 110-foot wide west, which will limit the impact of noise from the Proposed Use and will screen the activity from adjoining properties. Intermittent visual screening exists southward but is adjacent to undeveloped farm fields. Mining activities will occur behind sand berms which, along with distance, will screen activities from the east.
    - b. The Proposed Use will comply with the setbacks required by UDO Section 4.2.5.A(3)(a) and will include all landscape buffers that meet the requirements of UDO Section 4.2.5.A(3)(b), both of which will limit the Proposed Use's impact on adjoining property.
    - c. The Applicant has requested the services of Mr. Kim B. Tate, SRA, RES, of Tate Appraisal & Consultation, Inc., who will present appraiser testimony on the issue of whether the Proposed Use would substantially injure the value of adjoining property to the proposed Foster Forbes Mine.
    - d. The Proposed Use is intended to serve the growing residential and commercial area of Lower Currituck County in which the proposed Foster Forbes Mine site will be located. Sand is a required component in many types of residential and commercial construction, and the location of the Proposed Use will benefit the local community with reduced costs of this commodity due to lower transportation costs.
    - e. The Foster Forbes Mine is located on a parcel zoned AG Agricultural. Mining is a permitted use on a parcel zoned AG Agricultural with an approved Use Permit.
  3. The Proposed Use will be in conformity with the Land Use Plan or other officially adopted plan.
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- a. The Foster Forbes Mine parcel is in the Point Harbor Land Use Plan Subarea and is designated as a G-1 Transect classification in the Imagine Currituck 2040 Vision Plan. The G-1 Transect classification is intended for agricultural lands and compatible low-density residential growth. There will be no commercial or residential development on the Subject Property and surrounding lands will remain agricultural or wooded areas.
  - b. The Subject Property is in the AG Agricultural zoning district. Sand mining is a permitted use in an AG Agricultural zoning district with an approved Use Permit and is therefore not an incompatible land use.
  - c. The Proposed Use is believed to be in conformity with the Imagine Currituck 2040 Vision Plan and the Currituck County Unified Development Ordinance.
4. The Proposed Use will not exceed the county's ability to provide adequate public-school facilities
    - a. The Proposed Use will not add any additional burden on schools or other public facilities due to the nature of the Proposed Use itself. The site will have no structures, no electrical requirements, phone or public water requirements. There are no planned residences or commercial businesses on the property. The proposed Use is expected to have minimal to no impact on the County's public facilities.

#### **Additional Considerations for the Operation of the Foster Forbes Mine**

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Currituck County Board of Commissioners.
  2. All trucks hauling mined or quarried materials (i.e., sand, clay, topsoil) shall be covered with a tarpaulin when materials extend above the raised board of the truck.
  3. All trucks hauling mined or quarried materials will utilize the single mine access road entrance to Caratoke Highway. A locking gate provides security to the access road entrance.
  4. The mine operator estimates there will be a maximum of 20 vehicles per day leaving the mine site and intersecting with Caratoke Highway, an increase of 1-2 vehicles per hour over the current traffic volume. Maximum trips per hour are anticipated to average 2-3 during peak operation of the mine.
  5. No bulk waste, hazardous waste, commercial waste, garbage, construction, or demolition waste will be placed on the site.
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6. A weekly log shall be maintained by the operator to ensure on-going maintenance of sediment and erosion control devices.
  7. This Use Permit application is requested to be valid for 10 years.
  8. “No Trespassing” signs will be posted around the mining permit area at a maximum distance of 250 feet apart indicating that a mining operation is being conducted on the property.
  9. Copies of the following documents shall be provided to Currituck Planning and Community Development prior to the start of this project:
    - a. Approved NCDEQ Division of Energy, Mineral & Land Resources mining permit.
    - b. Approved NCDEQ Stormwater Program and National Pollutant Discharge Elimination System permit for dewatering.
    - c. US Army Corps of Engineers Certification of Jurisdictional Determination.
    - d. NCDOT Driveway Permit
    - e. Dominion Energy Consent Agreement for Right of Way Encroachment.
  10. The hours of operation of the mine shall not be beyond sunrise to sunset. No mining activities will be conducted on Saturdays from Memorial Day through Labor Day, or any Sunday.
  11. A sign shall be placed at the entrance to the property showing the applicant’s name, telephone number and basic permit information.
  12. All provisions of state and federal permits shall remain valid, and any conditions required within the permits shall be upheld throughout the lifetime of the mining operation.
  13. If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
  14. Sequence of events for the development and operation of the Foster Forbes Mine:  
**See Addendum-1, attached.**
  15. Reclamation of the sides of the excavated pond and the general permit area will be conducted simultaneously with mining operations according to NCDEQ specifications. Annual Reclamation Reports will be submitted to Currituck County Planning Division and to NCDEQ in August of each
-

year. **Specific details of reclamation measures to be taken at Foster Forbes Mine are shown in Addendum-3 attached.**

16. HOM Development, LLC will maintain a State-required minimum 25-ft wide bonded unexcavated buffer (no excavation in buffer, but roadways, berms and erosion & sedimentation control measures may be installed within it) between mining activity and the undisturbed buffer, per NCDEQ mining permit requirements.
  17. HOM Development, LLC will maintain a minimum 50-ft wide undisturbed buffer between any land disturbing activities within the mining permit boundaries and any adjacent wetlands.
  18. HOM Development, LLC will maintain an undisturbed minimum 100-ft property line setback, required by Currituck County ordinance, on all sides of the permit area between affected area and adjacent property lines.
  19. HOM Development, LLC will maintain an undisturbed minimum 300-ft property line setback, required by Currituck County ordinance, on all sides of the permit area between affected area and adjacent residences, commercial buildings, or public highways.
  20. HOM Development, LLC will maintain a reclamation bond of \$18,700 with NCDEQ to guarantee correct reclamation of the property once excavation has been completed.
  21. HOM Development, LLC will maintain a performance bond of \$87,000 with Currituck County Planning and Inspections Department for twenty-nine (29) in-use water wells located within a 1500-ft radius of the Foster Forbes Mine excavation, in order to assure the availability of funds should the need arise replace any of the in-use wells.
  22. All provisions of State and local permits shall be met.
  23. If at any time the NCDEQ permits for this mining project are revoked or suspended, the revocation or suspension will cause the Currituck County Use Permit to become void.
  24. Any modifications to the State permit will be filed within 10 days to Currituck County Planning and Community Development Department.
  25. Surrounding areas use (agriculture and general business) will not be affected by location of sand mine. Sand mine will enhance storm water drainage of adjacent fields and can supply water for irrigation efforts. Excavated pond can also serve as water source for the local volunteer fire department and EMS service if needed.
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26. On a yearly basis, the operator anticipates an average of no more than 4-5 people will be present for excavation purposes on site at any given time. Vehicular traffic will be minimal, operator anticipates a daily maximum 20 trucks transporting sand. Noise from loaders and excavators will be mitigated by presence of sand berms and foliage along perimeter of sand mine. Dewatering pump will be located at furthest point away from residences in corner of excavation surrounded by berms or below ground level, running at idle speed.
  27. No fume generation or land clearing burning will be necessary to prepare area for excavation.
  28. Dust from access road will be controlled by 10-mph maximum speed limit for haul trucks on the premises, and application of water to roads will help minimize dust. Topsoil stockpile areas and berms will be stabilized with groundcover to reduce wind and water erosion.
  29. The mine access road entering from Caratoke Highway will be properly graded and drained to minimize potholes and standing water. Roadside drainage ditches will have rock dams installed to mitigate sedimentation leaving the site.
  30. Limited ingress/egress to site will ensure safe traffic movement. Upon exiting the primary access haul road, trucks will travel north or south on Caratoke Highway. Proposed maximum removal is up to 20 truckloads per day.
  31. No explosives will be used during excavation of the Foster Forbes Mine.
  32. No solvents or other chemical reagents will be stored onsite during excavation of the Foster Forbes Mine. One temporary steel double-wall 500-gallon tank will be located near the sediment pond for use by mining equipment only.
  33. HOM Development, LLC will maintain a locked gate at the mine access road entrance to help prevent inadvertent public entry.
  34. Drainage patterns of the area will not be altered to cause flooding off-site while the permit is valid and after reclamation.
  35. NCDEQ Division of Energy, Mineral & Land Resources Mining Permit #27-56 for the Foster Forbes Mine, and an NCDEQ DEMLR NCG020976 NPDES General Permit for dewatering have been issued. Copies of all approved State permits have been submitted to Currituck County Planning and Inspections Department and are attached to this application.
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36. An NCDEQ DEMLR Stormwater permit application will be submitted if required by NCDEQ. A stormwater permit has not been required thus far due to minimal impervious surface impact in the affected area.
37. No sewage will be generated during the mining operation or after reclamation.
38. One temporary construction trailer is on premises to manage trucks entering and exiting the mine site. No permanent construction will be established on this project site or permit area.
39. No single-family homes or dwellings will be constructed on this property during the permit period.
40. Sole drinking water supply in this area is well water. No drinking water wells are planned to be in this project area. Closest private well or septic system is located 335 feet from proposed excavation edge.
41. The proposed mining operation should not negatively affect or impact the ability of Currituck County to provide public services. The remaining sand pit will be available as a water source to the local Volunteer Fire Department and EMS.

The applicant shall complete the development strictly in accordance with the plan submitted to and approved by the Currituck County Board of Commissioners, in addition to those additional requirements contained herein. The applicant acknowledges that if any of the conditions affixed hereto or any part thereof shall be held invalid or void then this permit shall be void and of no effect.



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**Ken Elliott**

Elliott Consulting

For Jamie Basnight Hatchell, manager

HOM Development, LLC

June 29, 2025