



Special Use Permit Application

Contact Information

APPLICANT:

Name: Jennings Smith
Address: PO Box 2025
Manteo, NC 27954
Telephone: 252-421-0617
E-Mail Address: jsmithland1221@icloud.com

PROPERTY OWNER:

Name: Thomas C. & Jerry W. Wright
Address: PO Box 24
Jarvisburg, NC 27947
Telephone: 252-207-2387
E-Mail Address: tom.cottongin@gmail.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Lessee

Property Information

Physical Street Address: 5243 Caratoke Hwy., Poplar Branch, NC 27965
Location: Parcel behind Muddy Motorsports Park
Parcel Identification Number(s): 0083-000-006B-0000, 0083-000-0008-0000
Total Parcel(s) Acreage: 201.0 acres
Existing Land Use of Property: Cultivated field, waterfowl impoundments, undeveloped wetlands

Request

Project Name: K&S Mine North
Proposed Use of the Property: Sand mine
Deed Book/Page Number and/or Plat Cabinet/Slide Number: 160/226, 160/228 (6B); 174/734, A/289 (08)
Total square footage of land disturbance activity: 868,586 sqft (19.94 acres)
Total lot coverage: 12.1 acre sand pit Total vehicular use area: 0.69 acre
Existing gross floor area: 0 Proposed gross floor area: 0

Community Meeting

Date Meeting Held: March 26, 2026, 7:00PM Meeting Location: Currituck County Public Library
4261 Caratoke Hwy.
Barco, NC 27917

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

See Appendix A – Purpose of Use Permit and Project Narrative

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

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

See Appendix B – Currituck County Applicable Standards, Findings of Fact

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 Appendix B – Currituck County Applicable Standards, Findings of Fact

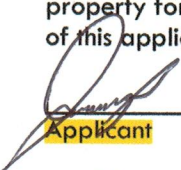
C. The use will be in conformity with the Land Use Plan or other officially adopted plan.

See Appendix B – Currituck County Applicable Standards, Findings of Fact

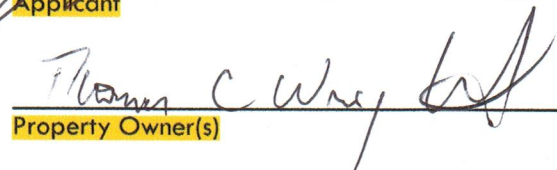
D. The use will not exceed the county's ability to provide adequate public school facilities.

See Appendix B – Currituck County Applicable Standards, Findings of Fact

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.


Applicant

6-18-26
Date


Property Owner(s)

6-18-26
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.

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

See Appendix A – Purpose of Use Permit and Project Narrative

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

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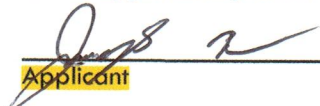
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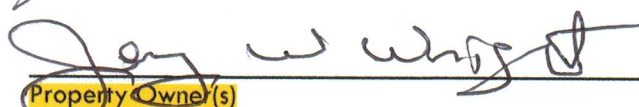
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Applicant

6-20-26
Date


Property Owner(s)

6-20-26
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: _____ K&S Mine North

Applicant/Property Owner: _____ Jennings Smith / Thomas C. & Jerry W. Wright

Special Use Permit Conceptual Plan Design Standards Checklist		
1	Property owner name, address, phone number, and e-mail address.	
2	Site address and parcel identification number.	
3	North arrow and scale to be 1" = 100' or larger.	
4	Vicinity map showing property's general location in relation to streets, railroads, and waterways.	
5	Existing zoning classification and zoning setback lines of the property.	
6	A scaled drawing showing existing boundary lines, total acreage, adjacent use types, location of streets, rights-of-way, and easements.	
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.	
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.	
9	Approximate Flood Zone line and Base Flood Elevation as delineated on the "Flood Insurance Rate Maps/Study Currituck County."	
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.	
11	Sight distance triangles.	
12	Proposed common areas, open space set-asides, and required buffers.	
13	Architectural drawings and/or sketches illustrating the design and character of the proposed uses.	

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: _____ **K&S Mine North** _____

Applicant/Property Owner: _____ **Jennings Smith / Thomas C. & Jerry W. Wright** _____

Special Use Permit Submittal Checklist

1	Complete Special Use Permit application	
2	Community meeting written summary	
3	Conceptual plan, if applicable	
4	Architectural elevations, if applicable	
5	Application fee (\$500)	

For Staff Only

Pre-application Conference

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

Comments

June 26, 2026

Elliott Consulting

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

► **County of Currituck, NC**

Planning and Inspections Dept.
153 Courthouse Rd., Ste. 110
Currituck, North Carolina 27929

K & S Mine North – Special Use Permit

Appendix A – Purpose of Use Permit and Project Narrative

1. Mr. Jennings Smith, manager of K&S Development LLC., PO Box 2025, Manteo, NC 27954, desires to construct and operate a sand and topsoil mine on two (2) parcels at 5243 Caratoke Highway, Poplar Branch, NC 27965, located adjacent east and behind Dennis Anderson's Muddy Motorsports Park. The parcels are owned by Thomas C. and Jerry W. Wright, PO Box 24, Jarvisburg, NC 27947.
 2. The subject parcels are identified in the Currituck County Tax Office as Parcel ID No. 0083-000-006B-0000, DB 160, DP 226, being approximately 52.62 acres (north parcel), and Parcel ID No. 0083-000-0008-0000, DB 174, DP 734, being approximately 149.09 acres (south parcel). Both parcels are zoned Agricultural and have been historically and currently used for agricultural activities and waterfowl impoundments.
 3. The mine shall be titled as the K&S Mine North and will allow the applicant and operator, Jennings Smith, to excavate sand and topsoil in a **12.11**-acre excavation, operating within an approved affected area of **19.94** acres and an approved permit area of **44.71** 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 excavated pit, stockpiles and processing areas will be constructed and located on portions of both parcels. The north 52.62-acre parcel (PIN 06B) contains 30.38 acres of USFWS designated wetlands and 22.24 acres of uplands. The south 149.09-acre parcel (PIN 08) contains 79.19 acres of USFWS designated wetlands and 69.90 acres of uplands.
 5. The proposed 12.11-acre excavation will encompass 13.14% of the total 92.14 acres of uplands on the subject parcels, with a maximum percentage of 30% required by Currituck County Ordinance. Permitted acreage will have sufficient room for a sand mining operation.
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6. Access to the excavation area will be via an existing 1008-ft long by 30-ft wide gravel and dirt driveway with an entrance onto Caratoke Highway, located west of the excavation area. The operator will construct solid asphalt pavement On the first 200-ft length by 24-ft width of the driveway connecting to Caratoke Highway. The access road will be gated and locked at the entrance to the mining activity area. Vehicles owned or contracted by the mine operator, Jennings Smith, will be allowed onsite by right, all others by permission only.
 7. Three existing waterfowl impoundment ponds are located adjacent east of the proposed mining area: Pond A – 5.71 acres; Pond B – 9.78 acres; Pond C – 3.15 acres. Pond water levels are controlled by the landowner through connected ditches and culverts. The purpose of the proposed excavation is to provide additional water for the ponds.
 8. The three waterfowl impoundments are pre-existing and will not be disturbed by mining activity.
 9. Mine operator Jennings Smith received an approved one-acre pond permit in December 2025 to excavate a 0.6-acre pond adjacent north of the proposed 12.11-acre pond. This pond will be utilized as a future water distribution control pond for the waterfowl impoundments and Muddy Motorsports Park. During construction, mine operator will dewater the proposed excavation as needed into the control pond which will then distribute water to the impoundments through ditches and culverts as needed by the landowner. In addition to providing water needed in the impoundments, this will allow any sedimentation within the distributed water to settle out inside the impoundments before potential overflow discharge to waters of the State.
 10. Two existing water-height control devices are in the berms of impoundment ponds B & C. Both overflows are permitted with NCDEQ as a water discharge point to Maple Swamp. Overflows will be activated by the mine operator if water levels in the impoundment ponds are excessive from dewatering the proposed excavation.
 11. The applicant 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.
 12. After completion of the project the remaining pit will become a 12.11-acre pond, utilized for environmental habitat and as a water source for the landowner's waterfowl impoundments.
 13. The subject properties contain 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 Use Permit.
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14. The property is surrounded by the following land uses:
 - A. North: cultivated farmland and undeveloped full-growth woodland, zoned Agricultural.
 - B. South: undeveloped full-growth woodland, zoned Agricultural; one 450-ft wide strip along Caratoke Highway zoned General Business.
 - C. East: Maple Swamp - undeveloped full-growth woodland and swamp, zoned Agricultural.
 - D. West: Muddy Motorsports Park between permit area and Caratoke Highway, zoned Agricultural; one 400-ft wide strip along west side of Caratoke Highway zoned General Business.
15. Currituck County Soil Maps indicate four types of soil on the permit area: Tomotley fine sandy loam, State fine silty loam, Portsmouth fine sandy loam, and Wasda fine loamy muck.
16. Current Currituck County Flood Maps indicate the mining excavation area to be located in the area of minimal flood hazard, outside of Flood Zone X , 500-year flood plain, according to FIRM panel map 3720990400K, dated December 21, 2018. Portions of the adjacent existing waterfowl impoundments are in Flood Zone X, 500-year flood plain. Flood zone lines near the permit area are illustrated on the attached parcel 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 1000 feet east of Caratoke Highway (US 158) behind existing 8-ft tall, foliated berms. Proposed Use access road will intersect with Caratoke Highway via a paved construction entrance at an 91.0° 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 2024 by NCDOT along Caratoke Highway near the subject parcels showed an annual daily traffic count of 17,500 vehicles per day, an average of 729 vehicles per hour. 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 (0.27%) 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 4475 feet north of proposed mining activity and 4760 feet from the proposed location of the dewatering pump. Noise levels were taken from a sand mine operation like the proposed K&S Mine North utilizing a dewatering pump located

across open land at Parks Pit Mine in Elizabeth City. Noise levels were found to be negligible beyond 1200 feet from the pump, well below the maximum 60 dB allowed by Chapter 9, Article II, Section 9-33 of the Currituck County Code of Ordinances.

- c. Ambient noise levels resulting from highway traffic were also measured at K&S Mine North adjacent to the proposed mining area behind the screening berm 1075 feet east of Caratoke Highway. Noise levels were found to be 55 - 62 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.
 - d. A non-residential NCDOT Rest Center is located 1470 feet southwest of the proposed mine activity area on the west side of Caratoke Highway. No groundwater wells are on the site according to NCDOT District Supervisor Kaitlin Spear. Water is provided to the rest center by Currituck County water system.
 - e. There are no groundwater wells or other residences or businesses within 1500 feet of the proposed mine.
 - f. 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 rainfall in the permit area 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.
 - g. When active, mine dewatering discharge of clear water will be routed eastward from neighboring properties and Caratoke Highway through existing ditches into Maple Swamp draining 4 miles to Currituck Sound.
 - h. The mine dewatering discharge from the impoundment ponds will be tested quarterly on premises for salinity and pH and by a State-certified laboratory for turbidity, total suspended solids, and enterococcus. Results from the analyses will be reported quarterly to Currituck County Planning and Inspections Department.
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 subject parcel will occur behind existing full growth foliage visual screens on the north, south and east sides of mining activity which will limit the impact of noise from the Proposed Use and will screen the activity from adjoining properties. West side of mining activity area is
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screened by an existing 8-ft-tall, foliated berm separating the area from Caratoke Highway and Muddy Motorsports. Mining activities will occur behind other internal sand berms which, along with distance, will screen activities from the west.

- 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 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 K&S Mine North site.
 - d. The Proposed Use is intended to serve the growing residential and commercial area of Lower Currituck County in which the proposed 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 proposed K&S Mine North site 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.
- a. The Imagine Currituck 2040 Vision Plan classifies the western portion of the property as G-1 Low Density Growth in the Lower Currituck geographic region and the Aydlett/Waterlily/Churches Island sub-area. 8.35 acres of the proposed excavation area is in the G-1 Transect.
 - b. The Imagine Currituck 2040 Vision Plan classifies the eastern portion of the property as O-2 Reserved Lands in the Lower Currituck geographic region and the Aydlett/Waterlily/Churches Island sub-area. 3.76 acres of the proposed excavation area is in the O-2 Transect.
 - c. There will be no structures or residential development on the Subject Property.
 - d. Purpose of the proposed use is to protect the habitat of natural migratory wildlife and will enhance adjacent wetlands and natural undeveloped woodland areas.
 - e. 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 Special Use Permit and is therefore a compatible land use.
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- f. The Proposed Use is believed to be in conformity with the Currituck County Land Use Plan and the Unified Development Ordinance.
4. The Proposed 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.
 - a. The Proposed Use will not add any additional burden on schools, fire and rescue, law enforcement or other public facilities due to the nature of the Proposed Use itself. The site will have no structures, no electricity, phone or public water requirements. The remaining pond will be available as a water source for usage by EMS if needed. 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 paved 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 an average 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.
 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.
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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 Inspections Department 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 general permit for dewatering.
 - c. Approved water usage registration with the NC Division of Water Resources.
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 Sandlot:
 - a. Operator will obtain all required mining permits from NCDEQ.
 - b. Operator will construct one 200-ft long x 24-ft wide paved construction entrance joining intersection of mine access roads and US 158 Caratoke Highway.
 - c. Mine will be in a field 500 feet behind Muddy Motor Sports park behind 8-ft tall berm. Operator will construct a locking gate located across the access road entrance to mine activity area, shown on map.
 - d. Operator will remove topsoil down to 2.5 feet below natural ground level, and stockpile overburden for use in erosion control berms.
 - e. Operator will construct a 2-ft tall x 10-ft wide (2:1) vegetated berm for erosion control along the south border of the affected areas. Other areas are already protected and screened by existing berms and foliage.
 - f. Operator will maintain existing foliage and cultivated field visual screen along perimeter of the

affected area.

- g. Purpose of mine excavation is to provide water for landowner's waterfowl impoundments and as water source for the adjacent Muddy Motor Sports Park.
- h. Operator will utilize an existing 0.75-acre pond (100-ft wide x 300-ft long) 25 feet north of the main excavation as a distribution pond for dewatering the main excavation. Operator will dewater excavation into this pond and then water will flow and be distributed to 3 waterfowl impoundments via ditches and culverts controlled by the operator. Water will also be distributed to a dead-end supply ditch used as water source by Muddy Motor Sports.
- i. The three existing waterfowl impoundments will serve as sedimentation ponds for the 12.1-acre excavation. The impoundments are designated as Impoundment Pond A, 5.71 acres, Impoundment Pond B, 9.78 acres, and Impoundment Pond C, 3.15 acres. The impoundments are connected by existing interconnecting ditches, have 6-ft tall surrounding foliated berms, and are fully foliated in their centers. Water flow between the impoundments is controlled with gate-valve culverts by the landowner.
- j. Operator will maintain two existing half-pipe riser overflows at the southeast corners of waterfowl impoundments B and C, connected to a minimum 18-in PVC pipe leading to existing ditches draining to adjacent Maple Swamp wetlands and then 3 miles to Currituck Sound.
- k. Operator will install dewatering pump between north end of excavation and south end of the distribution pond. Dewatering pump will be 8-in Godwin Dri-Prime model running at 1200 rpm with 8,000 gallons per hour flow through buried PVC pipe into the distribution pond. Pump will operate intermittently for average 12 hours per day upon need.
- l. Operator will install an additional dewatering pump between southeast end of excavation and west side of the Impoundment Pond B to be used upon need. Dewatering pump will be 8-in Godwin Dri-Prime model running at 1200 rpm with 8,000 gallons per hour flow through buried PVC pipe into the impoundment pond. Pump will operate intermittently for average 12 hours per day upon need.
- m. Operator will begin excavation of the 12.1-acre main pond approximately 25 feet south of the existing sediment pond by digging with excavator and removing sand & topsoil to maximum depth feasible without dewatering the excavation.
- n. Operator will dewater main excavation into the distribution pond; water will flow to impoundments by ditches and culverts; overflow water will discharge from waterfowl impoundments upon need through PVC discharge pipe into ditches leading to Maple Swamp and Currituck Sound. Operator will dewater main excavation down approximately 20 feet below normal groundwater level.
- o. 3:1 cut slopes will be constructed around excavation edge down to normal groundwater level. As water is removed from excavation, 2:1 cut slopes will be constructed below normal groundwater

level around excavation edge.

- p. Pond will be excavated to average 30 feet and maximum 35 feet below natural ground level while dewatering is maintained. Excavated material (sand) will be stockpiled in unexcavated portions of proposed excavation area. Sand will be loaded onto trucks and removed from area via paved construction entrance to Caratoke Highway.
- q. When final excavation of pond is complete, dewatering for mining purposes will be discontinued. Pump will be shut down and removed, and discharge pipe will be removed. Groundwater will refill the excavation to normal seasonal high groundwater level.
- r. After all excavation is complete, operator will establish groundcover on 3:1 above-water slopes of excavation and will construct 8-ft wide 4:1 berm around excavation edge to prevent erosion of pond slopes, with outside edge of berm graded down to natural ground level.
- s. Former stockpiles, berms, truck loading areas, and other material handling areas outside of excavation will be graded, leveled, and seeded with groundcover. Areas will be allowed to return to previous non-erosive field state.
- t. Internal roadways and haul roads will be graded, leveled, seeded with groundcover, and allowed to return to natural field state. A field path will remain around the perimeter of the excavated pond.
- u. Remaining affected areas inside main permit area will be fertilized and returned to natural field state.
- v. Remaining pond and waterfowl impoundments will be utilized by landowners for scenic & recreational purposes, and for wildlife habitats.

2. Sequence of Events for partial filling of Excavation

- a. Operator will acquire clean soil brought onto the site by outside contractors from nearby US Hwy 158 road projects and/or Currituck Sound Bridge construction.
 - b. Operator will begin filling 325' width of south end of the excavated 12.1-acre pond (1420' x 260') with clean fill soil until surface height reaches that of surrounding existing natural ground level.
 - c. Source of soil will be from various offsite locations used by outside contractors contracted to Jennings Smith who need removal of unneeded clean soil from their location. Additional source of clean fill soil will be from contractors constructing nearby Currituck Sound Bridge. Jennings Smith personnel will also bring in clean soil fill from their outside contracted jobs in the area.
 - d. Soil fill will be free of contamination from metal, plastic, rubber, wood or wood by-products, asphalt, concrete, land clearing debris, construction and demolition debris, medical waste, or municipal solid waste.
 - e. All soil brought into the K & S Mine North site will be generated from properties where there has been no known release of contaminants, and that is generally approved for unrestricted use.
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- f. No soil will be accepted from offsite properties contaminated by the release or migration of contaminants.
- g. Clean soil will be transferred to and stockpiled along the southern top edge of the K & S Mine North excavation, where it will be leveled and then pushed into the pond with bulldozer and excavator.
- h. As soil is placed in the pond, excavators, bulldozers, and other heavy equipment will compact the soil to form a firm base.
- i. Over a length of time determined by market conditions, estimated to be several years, Jennings Smith personnel will continue to fill the pond up to a maximum of three acres, with clean soil up to surrounding normal ground level, working their way across the width of the excavation, and compacting the soil as they go.
- j. Water level in unfilled portions of the pond is expected to remain the same during the life of the filling period due to the relatively small amounts of filled soil compared to size of the pond and length of time taken to fill the pond. Pond water should have time to percolate naturally into groundwater level as filling occurs.
- k. If necessary, operator will pump remaining water from the excavation to prevent overflowing around pond edges during the filling operation. Pumped water will be transferred to existing waterfowl impoundments east of the excavation. These impoundment ponds will have an active NPDES COC permit at the time of filling and have permitted overflow and discharge to Waters of the State.
- l. Soil fill brought into the site will be regulated by Jennings Smith personnel who will monitor the soil for contaminants that are not acceptable as beneficial fill at K & S Mine North.
- m. Once the southern 3-acre portion of the excavation has been filled with soil up to the same level as that of normal surrounding ground level, Jennings Smith personnel will continue adding soil to the top of the fill and form a 2-ft tall, ridged mound in the center of the former excavated area with slopes tapering to natural ground level at the edges. Peak of the ridged mound will be 100 - 200 feet from all former edges of excavation.
- n. All soil placed on the site will be compacted by heavy equipment as excavation fill slopes are formed.
- o. Operator will construct 3:1 slope on the excavation above water level and 2:1 slope below water level where the filled area abuts the remainder of the main excavation.
- p. After construction of the mound and slopes, operator will grade the mound for evenness and then sow groundcover grasses per State guidelines.
- q. All other affected areas inside the permit area will be graded, levelled, and sown with ground cover grasses.
- r. Operator will leave a 12-ft wide dirt field path around the cleared and grassed area.

- s. After reclamation, area will revert to a natural grass area suitable for wildlife habitat.
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- 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 and Inspections and to NCDEQ in August of each year.
 - 16. The operator 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. The operator will maintain a 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.
 - 18. The operator will maintain a 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.
 - 19. The operator will maintain a reclamation bond of \$24,100 with NCDEQ to guarantee correct reclamation of the property once excavation has been completed.
 - 20. All provisions of State and local permits shall be met.
 - 21. 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.
 - 22. Any modifications to the State permit will be filed within 10 days to Currituck County Planning and Inspections Department.
 - 23. Surrounding areas use (agriculture) 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.
 - 24. 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 of 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.

25. No fume generation from burning land clearing debris will be necessary to prepare area for excavation.
 26. Dust from access and haul roads 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.
 27. 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.
 28. Limited ingress/egress to site will ensure safe traffic movement. Trucks will exit K&S Mine North site on a paved access road directly onto four-lane US 158 Caratoke Highway. Proposed maximum removal is up to 20 truckloads per day.
 29. No explosives will be used during excavation of the K&S Mine North.
 30. A portable double-wall steel fuel tank will be located onsite during mine operations for use by mining equipment only. No solvents or other chemical reagents will be stored onsite during excavation of the K&S Mine North.
 31. The operator will maintain a locked gate at the mine access road entrance to help prevent inadvertent public entry.
 32. Drainage patterns of the area will not be altered to cause flooding off-site while the permit is valid and after reclamation.
 33. An NCDEQ Division of Energy, Mineral & Land Resources Mining Permit application for The Sandlot, and an NCDEQ DEMLR NCG02 Notice of Intent General Permit application for dewatering is in process of being submitted for review. When received, copies of all approved State permits will be submitted to Currituck County Planning and Inspections Department.
 34. 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.
 35. No sewage will be generated during the mining operation or after reclamation.
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36. One temporary construction trailer may be established on this project site. No permanent constructions will be present on the mine site or permit area.
37. No single-family homes or dwellings will be constructed on this property during the permit period.
38. Sole drinking water supply in this area is well water. No drinking water wells are planned to be in this project area. Closest septic system is located 1500 feet west of the proposed excavation edge at the NCDOT Welcome Center on Caratoke Highway.
39. 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.



Ken Elliott

Elliott Consulting
For, Jennings Smith, manager
K&S Development, LLC
June 26, 2026

ELLIOTT CONSULTING

June 2, 2026

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

To Whom It May Concern:

This Special Use Permit application is a request by Mr. Jennings Smith, manager of K&S Development, LLC, to allow excavation of a 12.1-acre pond, on property owned by Thomas C. and Jerry W. Wright at 5243 Caratoke Highway, Poplar Branch, NC, in Currituck County. The proposed permit area is in a flat, sandy, cultivated farm area, and will not present any problems regarding runoff to adjacent areas when all proposed erosion and sediment control measures are in place. The purpose of the excavation will be to serve as wildlife habitat and to provide water for the landowner's adjacent waterfowl impoundments.

The excavation area will be located geographically 1100 feet from Caratoke Highway and will be accessible only by a privately-owned access road. Excavation activities will be screened from public view on all sides by existing full growth woodland, vegetated sand berms, and distance across adjacent fields. Public access to the permit area is limited by private property, and gated private road access. There will be minimum 25ft wide unexcavated buffers on all sides of the permit area, and a minimum 25ft wide visual screen of existing woodland around the permit area.

Upon receipt of the approved permits from Currituck County Planning and Inspections Department, Jennings Smith plans to excavate the pond to an average depth of 30 feet below natural ground level and will include construction of proper cut slopes on all sides of the excavated area, as required in the permit. Reclamation of the permit area will include grading, leveling, and installation of groundcover of all affected areas. The permit is requested for a 10-year period.

All adjacent landowners have been contacted and made aware of the proposed excavation operation, and land entry agreements have been obtained. The excavation area will be well marked with warning and keep out signs to prevent inadvertent public access.

Mr. Jennings Smith does hereby request approval for this Special Use Permit application and asks that it be expedited as soon as possible. Mr. Smith appreciates your consideration of this Special Use Permit application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Elliott".

Ken Elliott
For Jennings Smith
K&S Development, LLC