

Members:
Vickie Mullins, Chairman
George Lott, Vice-Chair
George Turner
Alfonso Ferguson Sr.
Winton McHenry



Alternates:
Robert E Davis
Nathan Galbreath
Stacy Michael Long
Alberta Ortiz
Gregory Parks

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

130 Gillespie Street
Fayetteville North Carolina 28301
(910) 678-7602

AGENDA
SEPTEMBER 21, 2017
7:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, September 21, 2017, at 7:00 p.m. in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street, Fayetteville, North Carolina. The agenda is as follows:

1. INVOCATION & PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. SWEAR IN STAFF
4. ADJUSTMENTS TO THE AGENDA
5. APPROVAL OF THE AUGUST 17, 2017 MINUTES
6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
7. PUBLIC HEARING DEFERRALS/WITHDRAWALS
8. POLICY STATEMENT REGARDING APPEAL PROCESS
9. PUBLIC HEARING(S):
 - **P17-05-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A 290 FOOT TOWER IN AN A1 AGRICULTURAL DISTRICT ON 10.199+/- ACRES, LOCATED AT 3400 SWAMP ROAD; SUBMITTED BY CAROLE A. MCCOY ON BEHALF OF ATLANTIC COAST PIPELINE LLC (OWNERS)
10. DISCUSSION/UPDATE(S)
11. ADJOURNMENT

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MINUTES
August 17, 2017
7:00 PM

Members Present

Alfonso Ferguson Sr.
George Lott
Winton McHenry
George Turner
Nathan Galbreath, Alternate Voting
Robert E. Davis, Alternate Voting

Absent Members

Vickie Mullins

Staff/Others Present

Betty Lynd
Hope Ward Page
Robert Hasty, Jr. (Assistant
County Attorney)

Chairman Lott called the meeting to order at 7:00 p.m. in Public Hearing Room #3 of the Historic Courthouse. Chairman Lott stated the procedural matters are to turn off all cell phones and other electronic devices and if asked to speak at the podium to please speak clearly into the microphone as the meeting is being recorded. Although there are no set time limits for any speaker addressing the board, the board asks speakers to not repeat what has been previously stated. If there is not new evidence to offer please make the board aware of your agreement with the previous speakers. If any board member wishes to speak or ask any questions please ask to be recognized by the Chairman before speaking.

1. INVOCATION

Mr. Lott.

PLEDGE OF ALLEGIANCE

Recited by all.

2. ROLL CALL

Mrs. Lynd called the roll and stated a quorum was present. For the audience Mrs. Lynd introduced, Mr. Robert Hasty, Assistant County Attorney, also alternate members of the board, Mr. Davis and Mr. Long.

3. SWEAR IN STAFF

Chair Lott swore in staff.

4. ADJUSTMENTS TO THE AGENDA

There were none.

5. APPROVAL OF THE JUNE 15, 2017 MINUTES

Mr. Turner abstained from voting, as he was absent from the meeting. Mr. Ferguson made a motion to approve the minutes from the June 15, 2017 meeting, seconded by Mr. McHenry. The motion passed unanimously.

	IN FAVOR
LOTT	YES
FERGUSON	YES
MCHENRY	YES
GALBREATH	YES

6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)

CHAIR LOTT: Abstention by board members, which is myself. I will be abstaining from the second case P17-04-C.

MRS. LYND: Yes Chair and at this time if I may have the sitting board members vote in a Chair for that case.

MR. TURNER: Repeat that please.

MRS. LYND: Mr. Lott will abstain from the case P17-04-C so the board will need to vote in a Chair to sit for that case.

CHAIR LOTT: A temporary Chair. (Addressing Mr. Lott)

MR. FERGUSON: Temporary Chair, do you want to sit over in that seat? Do you want to sit for that case? (Addressing Mr. Lott)

CHAIR LOTT: I'll entertain a motion whatever you want to do.

MR. TURNER: Whatever you all want me to do.

MR. FERGUSON: I nominate Mr. Turner.

CHAIR LOTT: Mr. Turner has been nominated to.

MR. MCHENRY: Second.

CHAIR LOTT: All in favor.

Mr. Ferguson made a motion to appoint Mr. George Turner to sit as temporary Chairman for case P17-04-C, seconded by Mr. McHenry. The motion passed unanimously.

	IN FAVOR
LOTT	YES
FERGUSON	YES
MCHENRY	YES
TURNER	YES
GALBREATH	YES

MRS. LYND: At this time I would like to make the audience aware that the alternate, Mr. Davis, will step in and become a voting member for that case only.

CHAIR LOTT: Very well.

7. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

8. POLICY STATEMENT REGARDING APPEAL PROCESS

Mrs. Lynd read the policy statement.

9. PUBLIC HEARING(S)

- A. **P10-08-C: MODIFICATION OF A SPECIAL USE PERMIT FOR A RECREATION VEHICLE PARK AND/OR CAMPGROUND IN AN A1 AGRICULTURAL DISTRICT ON 31.65 +/- ACRES TO ALLOW AN ADDITIONAL KITCHEN/STORAGE STRUCTURE, LOCATED AT 6250 WADE**

STEDMAN ROAD, SUBMITTED BY TAR HEEL RV RESORTS WADE LLC (OWNER) AND BRIAN T. GLOVER (AGENT).

Chair Lott read the case heading for Case No. P10-08-C.

MR. GLOVER: and I'm Bryan T. Glover. Representing Fayetteville RV. Sorry about being so nervous but...

MRS. LYND: Yes at this time if staff can go through their presentation and then we'll hear from the speaker.

Mrs. Lynd reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. Mrs. Lynd stated the property owner has agreed to all ordinance related conditions.

Mrs. Lynd asked the board to accept into the record Section 203 (See P10-08-C Exhibit 1) of the County's zoning ordinance which defines campgrounds and recreational vehicle parks as well as Section 921 (See P10-08-C Exhibit 1) of the County zoning ordinance which are the standards for which a recreational vehicle park and or campground must to meet.

Mrs. Lynd instructed the board where the definitions are located in the zoning ordinance for reference, on page 10 and the standards on pages 101-102.

CHAIR LOTT: You need affirmation of that?

MRS. LYND: Yes.

CHAIR LOTT: We agree?

MR. TURNER: So moved.

MRS. LYND: The findings this board must make are behind the special use tab in your binder. And if you would please make your motion subject to the ordinance related conditions that were included in the packet. I'm available if you have any questions; the applicant is also here and would like to speak.

MR. GLOVER: I've got a document from the owner I'd like to offer for the record, if I can. (See P10-08-C Exhibit 2)

CHAIR LOTT: Yes.

MR. TURNER: He needs to be sworn.

MR. GLOVER: It's for you all to review and if you have any questions.

CHAIR LOTT: We need to swear you in.

MR. TURNER: Let me just ask one question to clarify, you said there is public water on sewer on Wade-Stedman Road? (Addressing Mrs. Lynd)

CHAIR LOTT: Yes.

MRS. LYND: The utility map indicates it.

MR. TURNER: Okay.

CHAIR LOTT: Would you please raise your right hand and put your left hand on the Bible. Do you swear to tell the whole truth and nothing but the truth, so help you God?

MR. GLOVER: I do.

CHAIR LOT: Thank you.

MRS. LYND: While they are reading, you could state your name and address for the record.

MR. GLOVER: For the record my name is Brian Glover. Address is 7658 New Sandy Hill Church Road, Sims, NC 27880.

CHAIR LOTT: Any questions? Your purpose for this of course is the use of the participants for the...

MR. GLOVER: Yes it's for the registered...

CHAIR LOTT: RV Park.

MR. GLOVER: Yes, that's correct. It's for everybody that's registered at the park at their time of stay.

CHAIR LOTT: Any other questions by the board? Is there a presentation?

MR. TURNER: Did you have a presentation?

MR. GLOVER: No he just simply asking to add this facility to an already permitted RV Park. That was what those answers for the questions came directly from the owner, Phillip Moreau, and I was to present them to you all and if you all had any questions, I would, could answer them on his behalf.

CHAIR LOTT: How long's that park been there?

MR. GLOVER: He's had it for eight years. I've heard from Freddie, downstairs, built in the seventies, late seventies. I know since he's got it eight years ago, the past here, I mean they have really, he's really added to that facility and all the other ones that I've been to. And he simply, we are out doing this building in Johnston county right now, so he just simply just wants to add it in Fayetteville to enhance his park which all of them are triple ten rated and that's pretty hard to do. So, he's just looking to add value for his customers.

CHAIR LOTT: And he has met all the requirements? (Addressing Staff)

MRS. LYND: The park, as we understand, meets all the ordinance standards at this time. The addition meets all the ordinance standards and he has agreed to all the ordinance related conditions we would place upon the approval.

CHAIR LOTT: Okay Thank you.

MR. HASTY: May I ask one question on behalf of the board?

CHAIR LOTT: Sir?

MR. HASTY: May I ask a question on behalf of the board?

CHAIR LOTT: Sure.

MR. HASTY: The document you submitted are you familiar enough with this application request that you could testify that you could agree with these...?

MR. GLOVER: Yeah I've gone over this, ones she's, and I've gone over that with Mr. Moreau. I have.

MR. HASTY: Okay so you can personally.

MR. GLOVER: Yes. I can certify that that's him and I've been over it with him two or three times today and yesterday.

MR. HASTY: Okay. Thank you.

MR. FERGUSON: I have one question I have on here. I have one question I want to ask.

MR. GLOVER: Sure.

MR. FERGUSON: Cause I was reading in here, so everything that I'm reading you're saying that, are we waiting for us to vote on it before these things are done, or have these things been already in place that we're doing for the new edition? It says we'll comply with the economy, we'll comply with the...

MR. GLOVER: If it's approved then we're going through the permitting process next is the next step working with them in the health department. He's had with them, as he stated, he's had with them pretty much an open door policy with the county. I mean pretty much everywhere he goes, I know Freddie's been out they've been out, I mean.

MR. FERGUSON: Okay.

MR. TURNER: It's a pretty highly rated facility out there. I don't camp myself but those folks that do seem too. I think this had done more to put Fayetteville on the map.

MR. GLOVER: He's got a lot of permanent residents out there now and what he's looking to do is add this structure and convert the one that's there now to a kids and learning center. Because of all the home-schooling and all that stuff now I know he's looking to do the same thing in Johnston County. It really is tremendous just ride though there on the weekend and see it it's cool, it's impressive he does not skimp on anything. I mean you go to anyone of his parks; Betty's actually got a list (See Exhibit 3) that I sent her of all the parks he's got across the country. He's got nine and he's building number ten right now in Arizona, so. There they are. And they're all triple ten rated.

CHAIR LOTT: What's the wishes of the board?

MR. MCHENRY: May I ask a question?

MR. TURNER: He'd like to ask a question. (Addressing Chair Lott)

CHAIR LOTT: Yes sir. (Addressing Mr. McHenry)

MR. MCHENRY: Is this park for people to come by and just sign in or do they...?

MR. GLOVER: Actually it's becoming a destination spot believe it or not. I mean not only is it the half-way point up and down the East coast but I mean he gets people that come and spend like entire weekends there. That don't want to drive from Raleigh to the beach or so forth. They go to either here or the one in Four Oaks that he's got.

MR. MCHENRY: What sort of a draw does he have there, is it a swimming pool and all that?

MR. GLOVER: They, from what I understand from being around them since I've been around since 2012, they have rally groups that go around from park to park and if they like the park it's clean. Then they'll come back like reunions, it's like a half-way point for everybody and with his parks built the way that they are I mean he's getting the business.

MR. TURNER: It's very well known in that clique.

CHAIR LOTT: Yeah.

MR. TURNER: Yeah.

MR. MCHENRY: And by the way, is this K.O.A. type facility?

MR. GLOVER: I would put it above a K.O.A. I mean, I've seen and been on both.

MR. TURNER: I think that...

MR. GLOVER: He normally buys them from K.O.A. and then he puts his mark on them.

MR. GALBREATH: If I may sir, (Addressing Mr. McHenry) if you look at attachment A (See Exhibit 4) it list everything he's got on the property, with the miniature golf, pool, things of that nature if you want to see everything that's there. May I ask a question?

CHAIR LOTT: Sure.

MR. GLOVER: Sure.

MR. GALBREATH: You mentioned that there are permanent residents. I was just looking here at the relevant conditions; it says the same RV cannot remain on the same site for a continuous period of time exceeding ninety days.

MR. GLOVER: We have, I meant to say, long term residents.

MR. GALBREATH: Okay.

MR. GLOVER: We, get contractors that come in, he's got cabins out there now. You get these big commercial projects to go on, a lot of this business goes to these cabins and stuff like that there, I mean that's more of what I was referring to...

MR. GALBREATH: Okay

MR. GLOVER: ...instead of permanent residents.

MR. GALBREATH: Sure.

MR. GLOVER: Okay.

MR. GALBREATH: Appreciate it.

MR. GLOVER: Cause a lot of times they'll go from, they'll migrate. They'll stay here in the summer time and then they'll move to a different park. I mean all these people travel from park to park.

MR. GALBREATH: Sure.

MR. GLOVER: From what I've picked up on just from talking with people when I'm working on his sites for him.

MR. GALBREATH: Thank you.

MR. GLOVER: Yes sir.

CHAIR LOTT: The finding of facts the use will not materially endanger the public health or safety if located according to the plan submitted and recommended and the case facts are?

MR. FERGUSON: It would be able to, or should we say, it would enhance the property and...

CHAIR LOTT: The welfare of the community.

MR. FERGUSON: Yes, I think that's what we can say.

CHAIR LOTT: And the use permits all required conditions and specifications.

MR. TURNER: Yes.

CHAIR LOTT: And the case facts are? That they have been approved by the local government agencies, everything's been done out there.

MR. GLOVER: Yeah I've turned it all in. We're going through this to go to the next step.

CHAIR LOTT: And the use will maintain or enhance the adjoining or abutting properties or that the use is a public necessity, case facts are?

MR. TURNER: Based on the plat they gave they'll have no effect on the neighbors.

MR. FERGUSON: Right. It's quite a bit of acreage there.

CHAIR LOTT: And the location and character of the use if developed according to plan that's submitted and recommended will be in harmony with the area for which it is to be located in a general conformity, with the Cumberland County most recent land use plan.

MR. GLOVER: That's correct.

CHAIR LOTT: And I think that also stands, as a fact.

MR. TURNER: Can I second that motion? Was that a motion?

MR. FERGUSON: I'll make a motion.

MR. TURNER: I'll second.

CHAIR LOTT: The motion has been made, all those in favor of approval? Aye?

Mr. Ferguson made a motion to approve the applicants request for modification of a special use permit for a recreation vehicle park and/or campground, seconded by Mr. Turner. The motion passed unanimously.

	IN FAVOR
LOTT	YES
FERGUSON	YES
MCHENRY	YES
TURNER	YES
GALBREATH	YES

CHAIR LOTT: Thank you.

MR. GLOVER: Thank you sir. Thank y'all.

MRS. LYND: Chair at this time if you'd like to dismiss parties related to that case and you may exit.

Mr. Lott exits with the parties related to case P10-08-C. Mr. Turner moved into position as Chair and Mr. Davis took position at the table with the board.

- B. **P17-04-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW GROUP QUARTERS IN AN A1 AGRICULTURAL DISTRICT ON 8.00 +/- ACRES, LOCATED AT 9386 E REEVES BRIDGE ROAD; SUBMITTED BY JOHN M. & DEBORAH FOLEY (OWNERS).**

Chair Turner read the case heading for Case No. P17-04-C.

Mrs. Lynd reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. Mrs. Lynd stated the property owner has agreed to all ordinances related conditions. Mrs. Lynd referenced tri-fold pamphlet (See P17-04-C Exhibit 1) inadvertently left out of the packet material for board and for audience.

Mrs. Lynd read definition of Group Quarters into the record:

Group Quarters: A building or group of buildings, which houses more than two persons in other than a traditional family setting. Housing may be in individual rooms or communal rooms with bathroom facilities and other common use areas. Housing may be free of charge or with a fee (monetary or service). This definition shall not include foster care homes, therapeutic foster care homes or other uses specifically listed in Section 403, Use Matrix, i.e., group homes and residential habilitation support facilities. It does include, but is not limited to, rooming/boarding houses, dormitories, children's homes, religious quarters,

membership lodgings, halfway houses, alcohol and drug abuse centers, homeless shelters and hospice facilities. (Section 910)

Mrs. Lynd asked the board to accept into the record Section 203 (See P17-04-C Exhibit 2) of the County's zoning ordinance which defines group quarters as well as Section 910 (See P17-04-C Exhibit 2) of the County zoning ordinance which is the standards for group quarters into the record.

Mrs. Lynd instructed the board where the definitions are located in the zoning ordinance for reference, on page 15 and 16 and the standards on pages 90 and 91.

Mrs. Lynd asked the board to accept the packet material and submit it into the record as well.

CHAIR TURNER: Any exceptions from the board?

MR. FERGUSON: No. We'll accept the application.

CHAIR TURNER: So moved. We'll accept.

MRS. LYND: The findings this board must make are behind the special use tab in your binder. And if you will make your motion subject to the ordinance related conditions included your packet. I am available for questions, however I know there are several speakers signed up to speak as well and the applicant is also here.

CHAIR TURNER: We do have seven speakers to speak in favor. I guess what I'll do is call you one by one. I'll swear each one of you in when you come up to speak. If for some reason you have nothing to add other than what everyone has already said we would ask again that you just say, I'm in support of everything that's said, in the interest of time. I think our first speaker is John Foley, is that right?

MR. FOLEY: Yes sir.

CHAIR TURNER: Mr. Foley, do you swear or affirm that the testimony you'll give this board will be the truth, the whole truth, and nothing but the truth so help you God?

MR. FOLEY: I do.

CHAIR TURNER: And you're John Foley?

MR. FOLEY: Yes sir I am.

CHAIR TURNER: And what's your address John?

MR. FOLEY: My home address is 511 West Summer Chase Drive.

CHAIR TURNER: Okay.

MR. FOLEY: Fayetteville, NC 28311.

CHAIR TURNER: Okay.

MR. FOLEY: If it pleases the board I'd like to enter some information into the record. An executive summary for the Lone Survivor Foundation, which talks a little bit about the organizations financials.

CHAIR TURNER: Is it this? (Referencing P17-04-C Exhibit 1)

MR. FOLEY: It's a little more in depth than that. Talks a little more about their services and their financial

CHAIR TURNER: Okay.

MR. FOLEY: and the solidness of their financials and then also a flyer that was handed out in the neighborhood that was not left in my property at the farm or in my mailbox.

CHAIR TURNER: Go ahead and tell us your story.

MR. FOLEY: Alright sir well to quote an unknown speaker, what we're trying to do here is along the lines of, "If not us, then who? If not here, then where?" As I said my name is John Foley, I'm a retired twenty-nine year Army veteran. I'm a veteran of seven combat deployments and what our goal is, with the special use permit, is to donate eight acres of our farm to Lone Survivor Foundation so that they can build a center, in which they can treat up to let's see forty times six; two hundred forty service members active duty and veterans combined and their family members per year, that's the maximum, at no cost to the veterans or their family members. They currently have another owned facility down at Crystal Beach Texas that was built with funds donated by the community. Of note, there's been two newspaper articles in the *Fayetteville Observer*, one in the *Cityview* magazine and that's probably started about six months ago. Just iterating awareness in the Fayetteville community and the Fort Bragg community as most of you know we have kind of a large military population here, kind of a large veteran population here. The results of PTSD and suicide rates are staggering the latest numbers are twenty-two suicides per day for veterans and active duty service members. We have wonderful VA centers here we have great military treatment centers on Fort Bragg, but quite honestly the need, is greater than what those facilities can support and some of the wait times are rather lengthy. What Lone Survivor has already done over the past four years is grown the number of service members served at their Crystal Beach facility. You can see I believe it's on page three or four that the greatest numbers are coming from Texas, North Carolina, Virginia and Florida. So strategically their vision was to create a facility on the east coast, somewhere between Virginia and South Carolina. My wife and I have worked with the Lone Survivor Foundation and volunteered as facilitators at their retreats serving other service members who are victims of military sexual trauma and also living with post-traumatic stress during these five day retreats. Our goal is to donate this land and to assist the community in surrounding our veterans, our active duty service members providing a refuge for them, that can either be the all American city of Fayetteville and to provide those services at no cost. The Lone Survivor Foundation has the funds on hand to build the facility today and write a check for it. They choose to come into a community where a community embraces this. And thereby the community feeling that it is something that we all accomplished not something that Lone Survivor came in and set up and just left there. Pending your questions.

CHAIR TURNER: Just for clarity if I'm understanding, you own this eight acre tract?

MR. FOLEY: Yes sir.

CHAIR TURNER: That's the area for where the Horses that Heal are?

MR. FOLEY: Yes sir.

CHAIR TURNER: And so you say you're gonna donate it, are you going to deed it to them?

MR. FOLEY: It's already done all the paperwork is done pending the outcome of this hearing.

CHAIR TURNER: Okay.

MR. FOLEY: So, if...

CHAIR TURNER: So you won't be, you'll still own Horses that Heal, but you won't have any, daily business with the other one it'll be someone else's.

MR. FOLEY: Yes sir. It'll be staffed by Lone Survivor Foundation, it'll be there land. They will take care of building the facility, maintaining the facility, sustaining the facility. They've got a great track record so

far again. Their support across the nation, many of you are probably familiar with the story of Marcus Luttrell and the Lone Survivor. He is the gentleman that started this foundation they have corporate sponsors across the nation. I believe that their, I think the revenue for this year was 3.6 million and their expenses was 2.3 million. The average retreat cost for a lone survivor foundation Twenty-Eight Thousand Seven Hundred Dollars (\$28,700). It cost that service member zero. And just the cost of the operation is the participants will either fly into Raleigh or they will drive into another location in Fayetteville. They'll be picked up by a van they would be brought in on a Thursday afternoon approximately at 4PM they will stay there for the entire weekend and not leave until, Monday morning at 9PM where the van will take them back to the airport or back to their vehicles at another location. So the traffic impact on that road will be nil. It'll be one van coming and in and one van coming out. People will be stay there the entire time from start to finish its intensive therapy.

CHAIR TURNER: If the soldiers pay nothing, then where does the money come from?

MR. FOLEY: Comes from corporate sponsors, it comes from private donors and no Federal or state funds

CHAIR TURNER: Okay. Anybody have any questions?

MR. GALBREATH: I do sir if you don't mind. I know it appears they work a little bit with horses is that the case at this location as well?

MR. FOLEY: Yes sir.

MR. GALBREATH: Are you able to show, do they do it right there on site on the eight acres?

MR. FOLEY: They will do it they will use the horse facility that existing there, the existing facility right there to do that (Referencing site plan)

MR. GALBREATH: Okay. Because they can leave while under supervision, you said they stay there the whole weekend.

MR. FOLEY: Right.

MR. GALBREATH: But they can leave if they.

MR FOLEY: Yeah that's a great question. They will be with staff with the horses and then returning to the building.

MR. GALBREATH: Okay.

MR. FOLEY: Thank you.

CHAIR TURNER: Even though you won't be the owner you will actually be providing the horses?

MR. FOLEY: Yes sir.

CHAIR TURNER: So there will be some co-mingling, so to speak?

MR. FOLEY: Yes sir.

CHAIR TURNER: Anyone else? Okay. Sir, if you'll stand down, we may call you back in just a minute.

MR. FOLEY: Yes sir.

CHAIR TURNER: Next speaker Tim Huening, is that right?

MR. HUENING: Yes sir.

CHAIR TURNER: Did I say that right, Huening?

MR. HUENING: Yes sir. My name is Tim...

CHAIR TURNER: Do you...?

MR. HUENING: Sir sorry about that.

CHAIR TURNER: Do you swear or affirm that the testimony you'll give this board will be the truth, the whole truth, and nothing but the truth so help you God?

MR. HUENING: I do.

CHAIR TURNER: And you're Tim Huening? What's your address Tim?

MR. HUENING: It's 339 Shaw Croft Rd.

CHAIR TURNER: Shaw Croft Rd.

MR. HUENING: Fayetteville, NC.

CHAIR TURNER: Okay.

MR. HUENING: 28311. I'm Tim Huening. I'm an active duty service member with over twenty-eight years of service eighteen years of which have been here with the Fort Bragg Fayetteville area and I'm speaking in favor of the action. I'd like to speak and elaborate a little bit more about the need and what John mentioned, not only here but in the Fort Bragg area. As a leader with the service members here Fort Bragg, I personally have witnessed the growing need with over fifteen years of combat that the trail of soldiers that need services like this continues to grow. It's being serviced to an extent here in the local area but the service members continue to need those resources and this facility would provide a unique amount of service that not only touch the service member but their families. I've been involved with the organization that will run it, having seen their work in action and the soldiers that I have worked with and been under my charge that have been through their services. I feel that, I feel confident that if this is approved then this facility does operate in the area it will be a point of pride for the Fayetteville area. And for the installation itself and probably be a model for other people and installations to look at. Subject to your questions, that's the advocacy I'd like to give on that, speaking in favor of this.

CHAIR TURNER: Okay. Anybody have any questions. Was there anything you wanted to add that hasn't been said?

MR. HUENING: No sir.

CHAIR TURNER: Okay, thank you. I can pronounce Kim I can't pronounce the last one. J-E-N-C-I-L is that it looks like. What was the last name?

MS. JOYCE: Joyce. Kim Joyce.

CHAIR TURNER: Oh Joyce. Okay sorry. Do you swear or affirm the testimony you'll give this board will be the truth, the whole truth, and nothing but the truth so help you God?

MS. JOYCE: Yes sir I do.

CHAIR TURNER: Kim Joyce and you live where?

MS. JOYCE: I live at 3010 Alden Street in Fayetteville, NC 28304

CHAIR TURNER: Okay thank you.

MS. JOYCE: And I'm here to also speak in favor of this. I have worked in the Cumberland County court system for over twenty-six years. I don't know if any of you are aware that we do have a veteran's court that goes on, Judge Olivera who presides over that. This would be a great opportunity for the court system to refer veterans, who are coming in to courts with alcohol, addiction problems to refer them to this facility. I've known John and Deb for quite some time. Was asked to go out the property when they first

bought it, we walked around there with some of our church members we've prayed over that and we asked for God's blessing on that property and I feel like that all this is coming to fruition with the Long Survivor Foundation looking for an area to build a facility. Quite frankly I can't understand why anybody would want to reject that. Everything that John has said, you know their counselors their horses all that therapy read all that in your hand-out, it's just a good thing. And I think the community; a lot of the community has already been standing behind that. Let's hope that we can pull it off together. That's all I had to say.

CHAIR TURNER: Any questions? Is there anything you'd like to add that hasn't been said?

MS. JOYCE: No sir.

CHAIR TURNER: Okay thank you.

MS. JOYCE: Thank you.

CHAIR TURNER: Next speaker John Welsh. Sir, Do you swear or affirm the testimony you'll give this board will be the truth, the whole truth, and nothing but the truth so help you God?

MR. WELSH: Yes sir I do.

CHAIR TURNER: And you're John Welsh and what is your address John?

MR. WELSH: 7127 Hunters Point Drive, Fayetteville NC.

CHAIR TURNER: Okay go ahead

MR. WELSH: Well sir I've been involved, I'm a member of the Board of Directors at Horses that Heal. It's probably just as important my wife has been volunteering and working at the Horses that Heal and exercising the horses for the past six years so we go there quite often, beautiful location. In working with the Lone Survivor Foundation, there's a lot of advantages to Fayetteville, but the number one criteria that they have is community support and we've had that support and the veterans that come here for treatment they can sense the community support and that was very important to them. I'd still like to read printed newspapers I brought the *Army Times* (See P17-04-C Exhibit 5) yesterday, I have it here it says, "PTSD disability claims tripled in the last decade from 345,000 cases in 2008 to more than 940,000 cases..." That's more service men getting disability and there could be a lot more that is a difficult and long drawn out process to get it. And just to quote from there, "When you're dealing with a human mind damaged by some really bad circumstances we have to do everything we can." And that's all I have to say.

MRS. LYND: Would the board like to accept it into the record?

MR. WELSH: Sure.

CHAIR TURNER: Yes. I'm assuming. Anybody have an objection to that?

MR. FERGUSON: No.

CHAIR TURNER: Go ahead sir. You want to add anything?

MR. WELSH: No sir.

CHAIR TURNER: Okay, any questions from the board? Okay. Thank your sir.

MR. WELSH: Thank you

CHAIR TURNER: Next speaker, Susan Lin...?

MRS. LINTHICUM: Good Evening.

CHAIR TURNER: Do you swear or affirm the testimony you'll give this board will be the truth, the whole truth, and nothing but the truth so help you God?

MRS. LINTHICUM: Yes I do.

CHAIR TURNER: And Susan what was the last name?

MRS. LINTHICUM: Lin-thi-cum.

CHAIR TURNER: Okay and what's your address

MRS. LINTHICUM: 613 Broadworth Trail in Fayetteville

CHAIR TURNER: Okay.

MRS. LINTHICUM: Actually it saddens me that I have to be here tonight. John is a friend as are Deb and one thing that wasn't mentioned is that Deb Foley is a psychologist that's been working the military for years. So their heart is in this program and we're very proud to be their friends. What sadden me is that we as the City of Fayetteville talk about, this is freedoms home and that there's a patriotic spirit running through our community. We even promote that we we're the Nation's first military sanctioned community and we're proud of our military and the rich heritage that the military's provided us. We benefit by Fort Bragg being here, we benefit in so many ways by the money that is put into our economy by the military. 295 and all of us that live in North Ramsey area benefit by that new extension of 295 which was put in because of Fort Bragg and the military. And it just saddens me that we would not support a program that is going to honor the military and the people that have given their all to, for our freedom and for this community. And I think we should support that and I'm hopeful that as we educate what this program is and how it benefits our veterans and our current service members that there would be no one opposed to it. I understand individuals that would be concerned that but I truly hope that once we have an open dialogue about what this center is going to be and how valuable it will be to our military and that there would be no opposition to it. Thank you very much.

CHAIR TURNER: Anyone have any questions? Ma'am?

GALBREATH: Oh no not for you I'm sorry. I do have a question for full disclosure, I know her husband, Keith.

MRS. LINTHICUM: I'm sorry I don't know you.

MR. GALBREATH: Okay perfect. I want to make sure is that okay. I didn't know Mrs. Linthicum was here, but I know her husband, Keith.

MRS. LINTHICUM: Actually my husband is a twenty year veteran and a defense contractor for twenty-two years. So we have tight ties with the community of the military as well. So, I did not know this gentleman before I spoke.

CHAIR TURNER: The question I have would be, do is do you personally feel like you have a conflict of interest? (Addressing Mr. Galbreath)

MR. GALBREATH: Oh no sir.

CHAIR TURNER: You do not.

MR. GALBREATH: I just wanted to make sure that since her husband and I have a relationship that, that wouldn't be ...

CHAIR TURNER: Is that right Mr. Hasty?

MR. HASTY: Yes that's right.

CHAIR TURNER: Yes.

MR. GALBREATH: Okay.

CHAIR TURNER: Thank you ma'am.

MRS. LINTHICUM: Thank you. Nice to meet you (addressing Mr. Galbreath)

CHAIR TURNER: Matthew DeNoble. Sir do you swear or affirm the testimony you'll give our board, will be the truth, the whole truth and nothing but the truth, so help you God?

MR. DENOBLE: I do.

CHAIR TURNER: You're Matthew DeNoble. Where do you live Matthew?

MR. DENOBLE: I live at 9322 Creek Path Place.

CHAIR TURNER: Creek Path Place.

MR. DENOBLE: Town of Linden.

CHAIR TURNER: Okay. Go ahead.

MR. DENOBLE: Thank you sir thank you board members. I've come here tonight I also am a little perplexed at the position you're for or against, in favor of or against the proposal but I certainly would count myself as for the proposed development. I feel as though it is a worthy cause as other members have mentioned justification for. I do count myself as a friend of the Foleys'. I myself am a 17 ½ veteran of active service. I continue to serve. I am a combat veteran of six deployments. I myself do not necessarily say that I have PTSD, I have encountered many experiences on my deployments that have stuck with me and have certainly had an impact on my life and my ability to interact with society around me and to navigate in the work place. I know many fellow service members who encounter difficulties. I know names, friends that they are now names on walls due to their actions in war and in combat in harm's way and I know more still who are no longer with us, who lost the battle with depression, with post-traumatic stress and who were in deep need of services, that my understanding are offered through the Foley's enterprise, Horses that Heal and through the Lone Survivor Foundation. It is my understanding that this venture is something that, that is beneficial to service members both here and in other locations throughout the nation. And I feel as though it truly can be something that our community can support, rally support for and have a sense of pride in hosting such a facility. Also I am a resident of Linden. My family and I reside in the neighborhood directly across the street from this facility and I do have concerns as a home owner as well. I naturally have concerns about any potential impact positive or negative and how what affect it will have on my property and my family's well-being. To date I am unaware of any concerns that would be negative that would be significant enough to persuade me to have any objection to the development. And the research that I have done to Lone Survivor Foundation is returns positive results and I've been given great confidence in that organizations ability to run their facilities well and soundly and not leave any risks to neighborhood and surrounding residents. And also on behalf of the Foley's themselves the property owners, I've benefited from their friendship. I have offered my assistance to them time to time throughout the six years that I've known them. I'm honored to count

them as friends. I would also like to say to each of you, that they have always conducted themselves and presented themselves with responsibility, respect and they present themselves as reasonable people. I have no reason to doubt that they will ensure that all activities on their property and the property directly behind their Homes that Heal, location will be conducted soundly and with no negative impact of the surrounding community. Thank you.

CHAIR TURNER: Any questions for him? No. Just could I clarify you, you're signed up here to speak in favor so we're assuming that you are in favor but in your statement you said that you did have some question as to how it would affect the neighborhood that you live in. What are those fears? What would you classify it as a fear?

MR. DENOBLE: Yes sir, I wouldn't classify it as a fear sir but I do have, I have shared concerns in a brief discussion prior to coming up here. I know that some of my neighbors and other friends in the local community in my neighborhood are here and have mentioned some of their concerns. Possibility of any raise in property tax or traffic, things that I feel have been sufficiently mitigated already in discussion but I again as a property owner in the area, as a resident there, raising my family I would naturally have some of those similar concerns. So those were concerns and I figured I'd have the opportunity to learn more about it here as well. But I again, I am in favor of this, I just didn't see prior to coming here this evening that it was split into sides for or against the development that is all I am in favor of this development.

CHAIR TURNER: So your concerns were basically that there may be some increase in property taxes and an increase in traffic in the neighborhood but they're not, are they necessarily any kind of concern over fear, no there's no fear, for who may be there nothing like that?

MR. DENOBLE: No sir.

CHAIR TURNER: Okay alright any questions?

MR. FERGUSON: Now when you brought that to my attention when you said about the property taxes. To me I always thought that property taxes went up, my value went up. To me I look at it that way; my value went up, my property taxes went up. (Referencing Chair Turner) He brought up a point, a good point at the end, the fear, that fear of someone being there that you're not comfortable with or something that's coming there. That never came cross my mind. I just thought and he brushed right quickly by it, so that means that we're okay with who's coming there?

MR. DENOBLE: Uh sir that's ...

CHAIR TURNER: Let me clarify.

MR. DENOBLE: Yes sir.

CHAIR TURNER: My question wasn't to bring that up as an issue but to see what his fear was in the fact that, was his fear relating to who may be here or how that was. I wasn't bringing up the fact that there was an issue.

MR. DENOBLE: If I may sir.

CHAIR TURNER: Yes sir.

MR DENOBLE: To answer, that my understanding of the way Lone Survivor Foundation conducts their operations and the way that the Foley's have conducted their operations at their facility, there is nothing that arises in me as a fear as a significant concern. That the nature of activities that take place at a retreat for the benefit and therapeutic affect for the people that need it, that there would be anything that could come out of those events that would pose a threat or something that should concern the local residents. It is my understanding that those would be conducted under watchful eye and any difficulty and challenges that people encounter that would prompt them to attend an event like that would be mitigated in a positive therapeutic and beneficial manner to mitigate any risk possible manner, so that I do have no fear sir, and I appreciate that.

CHAIR TURNER: Any further questions from the board? No. Did you want to add anything that hadn't been said?

MR. DENOBLE: No sir, thank you.

CHAIR TURNER: Okay. Thank you. Betsy Small. Do you swear or affirm the testimony you'll give our board, will be the truth, the whole truth and nothing but the truth, so help you God?

MS. SMALL: So help me God.

CHAIR TURNER: And you're Betsy Small, where do you live Ms. Small?

MS. SMALL: 4835 Main Street, Linden, NC.

CHAIR TURNER: Main Street.

MS. SMALL: 28356.

CHAIR TURNER: Okay. Go ahead.

MS. SMALL: Okay. I come tonight as both a citizen of Linden and a member of the Linden Board, the city, the Town of Linden.

CHAIR TURNER: You refer to the Linden Town Council?

MS. SMALL: Linden Town Council that's it yes. The Council had read about John's project the Lone Survivor project in several newspaper articles. So we were made aware of it and we were really excited about it. We asked John to come in to speak and he was more than happy to come in and speak to our board, because again he needs, you'll need to let us know what was going on at the facility. I think education is the best influence of overcoming any kind of fears that community might have. We are a community of multiple veterans, people who are still serving in the armed forces today and also our veterans. We have also been exposed to people who came back and are having problems. Both in looking out the window one day and there's somebody wandering down Main Street that looks like their lost. Finding people, since we are a rural community, finding people camping in the woods and we would go and get them the kind of help they needed to get them off the street and out of the camps in the woods. I also speak from; we said that they, that Linden was going to provide water to this facility. So John came to us and of course we have to say, we have to make sure we have ample water and we do have ample water. We've checked with Harnett County and there's no problem in serving them. The lines go directly to them so there will be no problems with

getting ample water for this facility and I think that when you don't have to put a well down. Then it gives you more room for your septic system, so that's a concern and they will have good clean ample drinking water for the facility. So I just wanted to say the people in the Town of Linden and the surrounding communities of Linden are excited about this project. We have many military people who, you know they almost jumped to their feet and shouted hooray, because they know that this is a need we've seen it in our community, we've seen it in the larger towns. So I will speak in favor of this, and do you have any questions?

CHAIR TURNER: Just to clarify, you're here as an individual who happens to be an elected member of the Linden Town Council or are you here representing the Town of Linden?

MS. SMALL: No.

CHAIR TURNER: Blessed by the council?

MS. SMALL: Right.

CHAIR TURNER: You're an individual.

MS. SMALL: Right. I just wanted to share with you our experiences with John and the fact that he was very concerned that the community would know what this facility was going to do and the good that it could bring the community. As he said we need community support for this and we have plenty of people that are going to volunteer and will help us do fundraisers for them.

CHAIR TURNER: Okay. Any questions? Did you want to add anything that hadn't been said?

MS. SMALL: No I'm just speaking in favor of this.

CHAIR TURNER: I understand.

MS. SMALL: Thank you.

CHAIR TURNER: Thank you ma'am. Okay that is the last of the speakers we have in favor. There are three opposed. The first is Tim Smith, attorney.

MR. SMITH: Good Evening.

CHAIR TURNER: Do you swear or affirm the testimony you'll give our board, will be the truth, the whole truth and nothing but the truth, so help you God?

MR. SMITH: I do.

CHAIR TURNER: And you're Tim Smith?

MR. SMITH: That's right.

CHAIR TURNER: Okay.

MR. SMITH: Mr. Chairman.

CHAIR TURNER: Are you here on behalf of someone else as an attorney or are you here as yourself?

MR. SMITH: I'm here on behalf of Mark Townsend, who is a, who lives in the area.

CHAIR TURNER: Okay.

MR. SMITH: They requested us.

CHAIR TURNER: Okay I got him down second.

MR. SMITH: Okay.

CHAIR TURNER: Okay, go ahead.

MR. SMITH: Thank you board, I'm an attorney in town with Yarborough, Winter and Neville. I've been retained in this matter by Mark and Linda Townsend. And we are also joined by some other home owners from the area here tonight. And I want to stress from the outset that we didn't, our opposition, we respectfully oppose this facility being established where it's being proposed. We oppose a special use permit being issued. And we do so knowing full well the needs of veterans. Two of the families who are here tonight in opposition are veteran families. And we want to everyone aware that this has nothing to do with our opposition to the essence of the Lone Survivor Foundation or the services that they provide. Rather what we are saying is that this location under the Cumberland County zoning ordinance is just not appropriate for this type of facility and that's what it is, it's a facility. I just want to start and sort of frame our discussion in pointing to what A1 agricultural district is defined as, that is the zoning of this area. This district is designed to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural uses to exist free from most private urban development except for large lot, single family development. Some public and/or semi-public uses as well as a limited list of convenient commercial uses are permitted to ensure essential services for the residents. And that's the definition of A1 zoning as its currently zoned and I will use that to jump off. This is an area where, that is a residential area. The area is comprised, completely and entirely of single family homes. People have moved out there to enjoy larger lots, two to three acre lots. If you were to look at the map of the proposed site, it's surrounded by single family homes. Along Reeves Bridge Road there directly across the street and if you'll also note, these are single family homes. These lots are for single family residences and across the street is an entrance to a subdivision containing twenty other, single family homes. This is a residential area it's zoned A1. But as we've just gone over the zoning ordinance, provides that if it's not used for agricultural use it's to be used for development of single family development. It's not commercial development, not for facilities of any kind that's not provided by the zoning law. And so I just want to start by saying that I will note respectfully that the other, except for one, the speakers in support tonight, we enjoyed their comments however, they're not home owners from this area except for one of them. They all live in other parts, they are not going to have the same concerns as the home owners who would oppose this and we oppose this tonight. And so that being said I'd also state that the board tonight will need to make findings which state that, if a special use permit is allowed the, under number four, the location and character of the use if developed according to the plan as submitted and recommended will be in harmony with the area in which it is to be located and is in general conformity of Cumberland County land use plan, etcetera. So you know the (inaudible) of all this is not a harmonious use of this property. This is not an appropriate location for a mental health treatment facility. We welcome veterans in this community with open arms and we would welcome a facility like this in our community, not in this location. And

the reason there are numerous concerns of reasons why, and one of which is the facility there, they are suggesting that there will be forty some odd retreats per year. If you consider that, that means that there will be forty different transient guests. I don't mean transient in a negative connotation, people coming and going throughout the year in this single family residential area. Which the other community members won't know who they are admittedly they may have psychological problems, we aren't here to propose any real safety concerns beyond that could be an issue but is just not harmonious with current community. And with that the facility they have suggested in the case is going to resemble more of a commercial facility in that there's going to be the various houses. Presumably there's going to be a kitchen of some kind. There'll need to be service to that facility along this road directly within the area of these single family homes to provide whatever is needed to conduct operations there. So you can see why we'd be concerned about how that is not a harmonious use of that particular parcel this is not justifying a special use permit in this particular area. I will just say, I will close by saying that, if you look at also, under this special use permit section of the zoning ordinance the board of adjustment shall give due consideration to; and it lists a series of factors and you know if you look at number one the compatibility of the proposal, in terms of both use and appearance, with the surrounding neighborhood...we respectfully say this is not compatible with the single family homes in essence of thirty single family homes, in this area. They've moved out there for the purpose of living in the single family area. The comparative size, floor area and mass of the proposed structure in relationship to adjacent structures and buildings in the surrounding area and the neighborhood, and we're talking about; I may be mistaken, I believe it says a thirteen bedroom facility, a multiple bedroom facility. There'll be service deliveries we presume again we don't believe that, that is compatible with this area. The frequency and duration of various indoor and outdoor activities and special events the impact of these activities on the surrounding area, there's other concerns listed. I will note the impact of night lighting that may be not as big of a concern here but I think that the code, the Cumberland County zoning ordinance provides the board with factors they are required, respectfully, to consider especially in a situation like this. And there's a distinction to be made in what is being proposed and what is actually exists there. They are proposing a facility that treats mental health, site provides psychological services. It's a facility that's going to provide lodging for people; forty separate groups are going to come throughout the year, maybe. In essence I understand there is a non-profit element, but there is somewhat of a commercial enterprise. And we would have, I don't know whether it's necessary to question the owner on any sort of compensation he is receiving or anything like that. We believe and I understand that it's an altruistic endeavor but it is commercial in nature some ways. And the problem is that it changes the overall character of this area of Linden. And so, I say respectfully with veterans here opposing it as well, we hope that the Lone Survivor Foundation could find an appropriate place in Cumberland County. This place unfortunately it's just not appropriate. When you look around, there is an existing stable there operated by the petitioners and I understand they want to give that use to this foundation, but it's

going to change the character of the use at the stable. And I want to close by one last thing. I've heard many concerns about what happens in the future? If the Lone Survivor Foundation or whoever is managing the facility is unable to do so, or wants to convey it to some other entity, or commercial enterprise or some other charity the surrounding land owners have absolutely no control of what's going, or what this facility could be used for in the future. It could have a totally different use. There could, obviously it would need approval in some form but it's just no telling how the use of this facility could change over time. You know we're talking about something that could be used for commercial purposes other than providing this psychological treatment for veterans. And so we're concerned about that and I hope that the board weighs those considerations when they make their decision tonight. Again, we would like to see this foundation in Cumberland County but we felt compelled at this point to come before the board, there hasn't been much discussion, much outreach on behalf the petitioners to neighboring land owners. It wasn't as if they drummed up opposition they've come here because there has, I know from my client, he learned about this relatively recently and you know this is the proper form to address those concerns. So with that being said I'll take any questions if you have any, and there may be other speakers.

CHAIR TURNER: You addressed the A1 zoning ordinance for Cumberland County and it's in my opinion fairly broad when it comes out to that area it talks about agricultural and it also talks about commercials.

MR. SMITH: Yeah I would...

CHAIR TURNER: Is there a zoning ordinance that you saw in our zoning ordinances that would be more appropriate for this facility?

MR. SMITH: I believe perhaps commercial or some... I have to admit I'm not overly familiar with all the zoning ordinances.

CHAIR TURNER: You didn't go through the others to see about a rezoning maybe?

MR. SMITH: Yeah, I did, just before the board tonight. I will specify, not to be argumentative, but it allows commercial development to ensure essential services to the residents. This is not something that's serving the residents. They're not providing essential services to the residents so, of this zoned area so that's important.

CHAIR TURNER: I think generally the re-zonings or anything we do. People are notified in the area that are within five hundred feet, is that right?

MR. HASTY: Adjacent property owners?

MRS. LYND: The...

CHAIR TURNER: Is it five hundred feet?

MRS. LYND: We, the staff follows the notification process as follows: the adjacent property owners are mailed notice letters, as well as a legal ad ran in the newspaper, as well a sign placed out on the property all of which must be done 10-25 days prior to the hearing.

CHAIR TURNER: I'm sure you followed what you should but, my question is really is that when you look at this, you kind of draw a circle around this five hundred feet, and that's what we're supposed to notify? And the reason I point that out is because what we have here this is over fifteen hundred feet off the road.

MRS. LYND: No sir, typically rezoning cases they do need a lot of buffer, but in the case of board of adjustment cases special use permits or variances we notify the adjacent property owners only by notice letter.

CHAIR TURNER: Okay.

MRS. LYND: Now again, a sign is placed at the site and a legal ad is ran in the newspaper.

CHAIR TURNER: Okay, so this would've come and no one in the residential neighborhoods that are across the street, which is going to be right at two thousand feet away, would not have received anything in the mail? They wouldn't have gotten...

MRS. LYND: Again the adjacent property owners would've been the one to receive the notice letters.

CHAIR TURNER: Just adjacent.

MRS. LYND: Yes sir.

CHAIR TURNER: Are there any questions?

MR. FERGUSON: Mr. Chairman, I have one. When you mentioned transient.

MRS. LYND: If I may real quick before you ask a question. There's also a non-formal method of notification, which is word of mouth. So I mean if their community discusses it that's another way to notify surrounding property owners.

CHAIR TURNER: I was just thinking that there may be folks who expected they would receive something by mail and didn't think we did something, that we should've done something we didn't do. That was the whole purpose for all of that so.

MR. FERGUSON: Okay.

CHAIR TURNER: Yes sir.

MR. FERGUSON: Now we mentioned transients in the neighborhood, so you're saying that in that area there's no rental properties available? There's no rental properties there?

MR. SMITH: I used that term, and I did, actually I'm not sure, I don't know, we can address that...

MR. FERGUSON: Because when you say transient that's rental properties as well. So I'm just wondering Linden does not have any rental properties available in that area, where the sites going.

MR. SMITH: Thank you. Well I used that term because I've seen another zoning language referring to; it's come up a lot. And Airbnb cases, its people that are staying there for periods of time less than a typical lease. You know short periods of time, a week, so forth, typically associated with hotel periods of time, or camp, or something like that. So I didn't mean that in a negative way either. I think it is to be distinguished from lessors who live there permanently, they're considered permanent residents even though they are leasing. And so if you're transient you're coming and going they are less likely to know you.

CHAIR TURNER I'm pretty comfortable that there are some rental properties out there they would generally be under a year's lease at least.

MR. FERGUSON At the transient if they are military, I could get orders to leave I can leave and get out of my lease.

CHAIR TURNER Yes just give us a copy of your orders.

MR. FERGUSON: And you use harmonious use; I'm kind of, kind of getting my head around that one. When you say harmonious use, how are we translating that? I know what it is, but how are you translating that for us to hear harmonious use, how are you using that for the property versus the neighborhood?

MR. SMITH: Well, we content it's not harmonious in that this facility is going to resemble a commercial enterprise and that there's going to be commercial services going and coming to it number one. It's going to be used again to provide lodging to people I hate to use the word transient again, but folks coming and going and that's not, this is a single family, the zoning al provides for single family development. That contrast for single family development in our opinion. So and also from the standpoint from the types of services or the use of the property its not used as residential purposes it's used to provide medical and psychological services which is not fitting with this particular area or under the zoning. So that's how I respond to that question.

MR. FERGUSON: Okay.

CHAIR TURNER: Any other questions? No. questions. Would you like to add anything that hasn't been said?

MR. SMITH: No. Thank you.

CHAIR TURNER: Thank you. We may call you back. Marc Townsend

MR. TOWNSEND: Thank you.

CHAIR TURNER: Sir, do you swear or affirm the testimony you'll give our board, will be the truth, the whole truth ...

MR. TOWNSEND: I do.

CHAIR TURNER: ...and nothing but the truth, so help you God?

MR. TOWNSEND: Yes I do.

CHAIR TURNER: Okay.

MR. TOWNSEND: Marc...

CHAIR TURNER: You're Marc Townsend and you live in the area I understand. What's our address?

MR. TOWNSEND: Yes I do. 9515 East Reeves Bridge Road, I don't have the clicker but it's about the third, fourth property down from the beginning of the small segments there.

CHAIR TURNER: Okay.

MR. TOWNSEND: We moved out there about four years ago. I heard the speakers speaking earlier with all do, respect there's only one of them that lives, what I would consider, within the affected

area. The other folks live far away. So when they make their comments regarding the impact on the area or what the facility may bring to the area, they quite frankly, are not going to have to interact with it on a regular basis as the rest of us will. One of the speakers said that it's a beautiful area and I agree with that. That's one of the reasons we moved out there. We moved out there because it was zoned A1. We could have a large property. We could have animals. And we could live the country life style if you will. We formerly lived in the area where many of the other speakers lived in and we decided to invest our time and money moving into this area. Never did we anticipate a facility such as this being constructed along the road. I have to move back a little bit and tell you that I come here with a little trepidation if you will; coming from a military family though I never served. My father and my brothers were Army; and my father Navy, which might not be the right thing to say in this town. Regardless of that, I have known Debra and John Foley and their children for more than twenty years. Their daughter was in my daughter's wedding. So for me to stand here and oppose what they want to do, it's quite a sacrifice and quite a tough thing to do. However, I feel I need to do that, because as I said, we said we moved out there to live an agricultural farm type setting. If we separate if I may, for a moment if we propose a hypothetical, if we take the umbrella of non-profit off of this and set it to the side, if someone were to propose coming out there and building such a facility with all these bedrooms, a meeting room, having services come and a service the area. I think we might call it something else. I think you would call it a commercial activity. We take the non-profit and place it over the top and now we call it something else. I can't see the logic in that.

CHAIR TURNER: Let me ask you this.

MR. TOWNSEND: Yes.

CHAIR TURNER: That's kind of the way the ordinance is we didn't write them either but that's kind of the way their designed. If someone came to us wanting a special use permit to build a hotel there.

MR. TOWNSEND: Right.

CHAIR TURNER: Then we'd be looking at it from a different stand point. Let's assume that this passes tonight.

MR. TOWNSEND: Yes sir.

CHAIR TURNER: What would you expect to see in your neighborhood six months from now? That has brought you here to be against it?

MR. TOWNSEND: Right. I would expect to see an increase in traffic in both individual traffic, service truck traffic; food trucks, garbage trucks, other things that would have to service that property. And as our attorney mentioned, I know we're not supposed to repeat but, what happens down the road should this enterprise fail? Should it decide to move and direct itself somewhere else, what occurs then? Can someone come in and say we got this facility it'll be perfect for some other type of use and now we've got to address that. Where right now as it's zoned it is an agricultural single family, if you will, residential neighborhood that would be my biggest concerned about the future.

CHAIR TURNER: Well this special use permit is strictly for what they are asking for. If that didn't work in a few years we'd have to, someone would have to come back for something different, they'd start would start all over again. If this were a farm would it be less offensive?

MR. TOWNSEND: A Farm? I'm sorry I'm a little bit...

CHAIR TURNER: It's zoned A1...

MR. TOWNSEND: Right.

CHAIR TURNER: ...for farming operations I'm thinking about all the trucks we're talking about and all the tractors running up and down the road none of that's offensive?

MR. TOWNSEND: No sir we have that traffic now and it's not a burden on the community it's something that's expected, it's something that is dealt with. We have farms scattered up and down the roadway there. It's something that you'll expect when you move into an agricultural area.

CHAIR TURNER: So actually the traffic from a farm, is more or less than what you'd expect to see?

MR. TOWNSEND: I would certainly think it's far less because you have planting season, harvesting season, and some time in between that when you might would see tractors, or you would see people working on that property. This type of facility I would imagine would be everyday kind of thing some type of service or another.

CHAIR TURNER: Okay. Any questions?

MR. GALBREATH: In regard to that are we able to hear from someone for the foundation that could speak to, is there one food delivery truck per retreat weekend, is there you know is someone knowledgeable that could speak to that?

CHAIR TURNER: I think so. Did you have a question for him...

MR. GALBREATH: No sir.

CHAIR TURNER: ...in relation to that?

MR. GALBREATH: No sir.

CHAIR TURNER: No, anybody else have a question? Did you have anything you'd like to say that hadn't been said?

MR. TOWNSEND: No I'd like to repeat myself three times.

CHAIR TURNER: Okay.

MR. TOWNSEND: Okay.

CHAIR TURNER: Thank you sir. Last speaker is Hugh Spears. Mr. Spears do you swear or affirm the testimony you'll give our board, will be the truth, the whole truth and nothing but the truth ...

MR. SPEARS: I do.

CHAIR TURNER: ...so help you God? You're Hugh Spears.

MR. SPEARS: I'm Hugh Spears. I live at 9334 Creek Path Place, Linden, NC 28356.

CHAIR TURNER: Okay.

MR. SPEARS: And I live my property is directly adjacent from said rezoning request. And I've been at this property approximately twenty-two years. I moved out there so I could have nice quiet place

for my family. My grandchildren can play just like you all would want your children. It's nothing against wounded warriors, because I'm a veteran myself. I did five contracted deployments in Iraq as well Afghanistan, just recently got back a year and a half ago. And my heart goes out to the wounded warriors but I don't want it in my backyard. I want to come home and relax just like everybody. I don't want to see my property taxes go up. I don't want to have to worry about security. I know they need help and I don't know the mental of who's coming in and who's going out and I gone away from home a lot my job requires me to and I do not want to have to worry about my wife being there. You know, and she's a worry wart, when we first got wind of this, first thing she said, somebody's going to be breaking into my house but I know hopefully they got a good track record of security. But I'm not willing to take that chance with my family. My family means everything to me. I know not saying that it would, just the chance that it could happen. I do not know that type of and I'm logistics by trade and when it came up about the amount of traffic that it would take to sustain this endeavor. That's a quite a bit of logistics involved as far as materials in and out. As you stated food, its more than one truck, that's more than one van coming in there to put these people in there. And another thing it was addresses already what would happen should this not sustain over a period of time. I just want to live in peace. That's basically it. That's why I'm here tonight. I did not have a lot of details on this project. I don't know Mr. Foley, I'm sure he's a nice man, the people that spoke on behalf that's all well and good but they don't have to see that every day. I just want to stay in a neighborhood that when I brought that property twenty-two years ago it was my understanding that, that would be agricultural. The only thing I expected was to look out my back porch and see beans, corns or something. I didn't want nothing looking seeing people in and out be wondering what's going to happen. You know I don't like, I don't want to live on edge coming home. That's my basic concern. And that's all I have.

CHAIR TURNER: So you actually have a fear that whoever is there would be running amuck, if you say?

MR. SPEARS: It's always that chance. I can take care of myself no problem. But it's when I'm not home my family is there. My grandkids may be there playing in the yard. You know anything could happen and it's a nice thing what they're wanting to do for veterans but just not in my backyard. I don't want it in my backyard. I'll help anybody. Anybody that knows me know that I have a heart of gold.

CHAIR TURNER: Okay.

MR. SPEARS: I'll help anybody but I don't have a crack head going to come stay at my house, that's just metaphorically speaking.

CHAIR TURNER: That's a common feeling.

MR. SPEARS: Right.

CHAIR TURNER: We call it the N.I.M.B.Y., not in my backyard, I understand. Were there any questions from board members?

MR. DAVIS: I have a question if I may you say you live there for twenty-some years?

MR. SPEARS: Twenty-two years.

MR. DAVIS: Twenty-two years and its right next door to the track that they're talking about?

MR. SPEARS: I'm right across street right directly across the street. When you turn into that neighborhood I'm the first house.

CHAIR TURNER: See that little green dot that's where he is.

MR. DAVIS: Oh okay so in other words if I'm hearing things correctly, they're some horses on the other side?

MR. SPEARS: Yes. Directly in front.

MR. DAVIS: And it's alright for people to come and ride the horses.

MR. SPEARS: Yes.

MR. DAVIS: So you have people coming in and out that you don't know...

MR. SPEARS: Right.

MR. DAVIS: ...riding those horses but they're coming to ride the horses you not afraid of those?

MR. SPEARS: They're not staying there over night.

MR. DAVIS: The horses not staying there over night?

MR. SPEARS: The people riding the horses not staying there over night.

MR. DAVIS: Okay that's what I'm asking but you don't see the horses.

MR. SPEARS: Yes I see the horses.

MR. DAVIS: I thought it was so many feet back from the road.

MR. SPEARS: No. the horses you can see the horses, if I'm standing in my driveway or looking out the window I can see the horses.

MR. DAVIS: You can see the horses.

MR. SPEARS: Yes.

MR. DAVIS: I just want to make sure.

CHAIR TURNER: Can you see the area that they're proposing this special use permit for?

MR. SPEARS: Yes.

CHAIR TURNER: You can look fifteen hundred feet?

MR. SPEARS: Because I had a buffer of pine trees directly behind, between me and the highway and I recently had them cut down, well before this rezoning thing came up.

CHAIR TURNER: This is actually a special use permit we're not rezoning.

MR. SPEARS: Yeah, right.

CHAIR TURNER: So just for clarity but, any other questions. Is there anything you'd like to add that hasn't been said?

MR. SPEARS: No.

CHAIR TURNER: Okay thank you sir Mr. Attorney (addressing Mr. Hasty) is it appropriate, seeing as how I don't do this for a living can I ask Mr. Foley to come back up.

MR. HASTY: Yes, he was already sworn.

CHAIR TURNER: Mr. Foley, would you like to address any of what has been said in opposition to help them feel better?

MR. FOLEY: Yes sir absolutely.

CHAIR TURNER: Come forward and do that sir, you're already sworn in.

MR. FOLEY: Okay couple things. In response to the numbers of home across the street, I've heard the number twenty. I believe there's eleven homes in that neighborhood maybe twelve.

CHAIR TURNER: There's twenty lots though.

MR. FOLEY: Right.

CHAIR TURNER: There are twenty lots.

MR. FOLEY: The other question would be what is the mental state of everybody in that neighborhood right now? Does anybody know that?

CHAIR TURNER: Address the board sir.

MR. FOLEY: Does anybody? Okay, I'm sorry. I'm sorry. So another question I have is according to the permitting use of A1 could I put a group home back there of six people or less and not have to have the special use permit?

CHAIR TURNER: That would not be a question I could answer.

MR. FOLEY: Okay.

MRS. LYND: By law group homes are permitted in every zoning district that allows residential uses such as single family dwellings. The only stipulation that the county can incur is that they cannot be within half a mile of each other.

CHAIR TURNER: Does not require a special use permit?

MRS. LYND: No group homes would be, if you reference the use matrix, a group home would be a permitted use they would require site plan approval but not a special use permit.

CHAIR TURNER: So assuming that there's no group home close to him, he as the ability to do that without coming before us? Is that yes, that's the question?

MS. SPEICHER: If I could Chair, just for clarification. The state law specifies the one half mile separation limitation is the max. In Cumberland County, up to no more than six residents are allowed to be in a group home and a group home is allowed anywhere a residence is restricted by straight permit application.

CHAIR TURNER: Okay. That would be with only six people?

MR. FOLEY: Yes sir. Yes sir. And then also I believe that I could put a bed and breakfast back there on that land as well and not have to request a special use permit.

CHAIR TURNER: That's not anything for me.

MR. FOLEY: Okay. Sir.

CHAIR TURNER: Is that a question?

MRS. LYND: Yes if you reference the use matrix is the board would like to reference it, it's on page forty of the county zoning ordinance. For his specific question a bed and breakfast is a permitted use in the A1 district they would require a site plan approval for that case.

CHAIR TURNER: But not a special use permit?

MRS. LYND: Not a public hearing, no sir.

CHAIR TURNER: Okay.

MR. FOLEY: As far as the concern of the vehicle traffic I already covered that in detail of how that would be accomplished. Last year we had six hundred and fifty individuals that came out to the farm most of them came in individual vehicles. I'm there seven days a week pretty much, pretty much always out there. Couple of the neighbors have been over, there kids have been over on four wheelers and visited and visited the farm. I see Mr. Townsend on a pretty basis, up and down the road, and wave and cordial. I've never been stopped or asked hey what's going on down there or anything. I would've been very, very happy to entertain anybody's concerns as I'm right across the street all the time. As far as service vehicles the day of the retreat, the retreat facility will be continuously stocked with food and stuff will be there. There will be two chefs that will be on site and stay there. They will prepare the meals, the people will be able to stay there the entire time; they will enter and exit by van. As far as the screening of people that is a great question. The intake process for the Lone Survivor Foundation is a therapist either a known psychologist or a licensed mental health professional from Lone Survivor does a phone screen after the applicant applies for it. They get their med management background, they talk to their primary care physician and then they talk to their current treating therapist. To determine if this client has any kind of substance of abuse or any kind of abuse, if they have anything that shouldn't allow them to come to a retreat. If there is then they're put on a wait list until such time they could get those things addressed. During the time of the retreat there is one staff member who is a licensed clinician for each individual participant and/or if in a family situation there is one for each family is on staff to be available twenty-four seven. Because their clients are staying there it's very important that the therapist stay there as well in case somebody were to have an issue. As far as distance from the road I'm out there every day and I cannot see back into my woods and if you look at the site plan, can you back up please... (Addressing Mrs. Lynd)

MRS. LYND: Yes sir.

MR. FOLEY: ...to the site plan please if you'll notice that there's trees. There's trees beginning seventy-five forward of the property line that's actually where my back pasture ends. The eight acres begins seventy-five feet of dense trees back further and as you can see the twenty foot road will go back. It'll curve back in behind the trees; it'll be a natural buffer to the front, to the side and to the rear. So from the road it will not be visible, nobody will see anything once it's built.

CHAIR TURNER: Is your property fenced at all?

MR. FOLEY: Yes sir.

CHAIR TURNER: Fenced with what?

MR. FOLEY: Horse fencing the front of it.

CHAIR TURNER: Horse fencing.

MR. FOLEY: and it'll be a gate at the front. A proposed gate at the front for security.

CHAIR TURNER: Of the driveway?

MR. FOLEY: ...of the driveway. Correct.

CHAIR TURNER: Any questions? Yes (Addressing Mr. Ferguson)

MR. FERGUSON: I have a question.

CHAIR TURNER: Go ahead.

MR. FERGUSON: I wanted to call you back, my concern, when I see that you said that you can take in individuals, couples and families, right?

MR. FOLEY: Yes sir.

MR. FERGUSON: Okay so with the families there do you have a therapist treating the complete family?

MR. FOLEY: Yes sir.

MR. FERGUSON: So, if I come in I have PTSD and my wife and kids don't have anything so you're working with me and family so we can cope together, or how is this?

MR. FOLEY: Exactly sir. They have a phase approach. So the first phase is an individual retreat, where they will get the individual service member who again, can be a victim of military sexual trauma, they can have PTS, which I'm one of them and you can have or you can be a care taker. You can be the spouse who's taking care of a soldier or a veteran who has PTS that they are having a difficult time dealing with them. They tailor their individual retreats for the population that needs it. So if it's an individual retreat we would bring the five of you, six of you we would fly you in, bring you out there, we would in process you, do a safety briefing. And take you through some different therapies through the weekend. At the end of the time we will give you some homework to go home and work on a plan to go to work and we'll check back with you and your therapist if you do your work and start working on that trauma then or traumatic brain injury. Then what we do is six month over, when I say we, I'm sorry I mean Lone Survivor, what the Lone Survivor foundation does is six months to twelve months later they will invite you back with your significant other, your spouse. Because if you just come with your spouse and you haven't addressed your issues yet, the things that are making you difficult maybe to be around then bringing the spouse it's just going to be a bunch of he said, she said, kind of thing. So after they bring the couple back, they send them back and give them some more homework, they check in on them. Try to refer them to other areas in the community that have specific services that resonate with the service member. And then six to twelve months later they invite them back for a family retreat. In which case they focus on the children which, are the most left out because the focus is so much on the service member and the impact of the PTS on the individual that the kids often get left out. And they're kind of the voice less victims.

MR. FERGUSON: I think maybe the concern they might have, because when we had the young lady speak about the court system connecting with you. You know that means, when you hear court system, you're thinking criminals.

MR. FOLEY: Right.

MR. FERGUSON: Everybody can have mistakes doesn't make everybody a criminal because you have a court case.

MR. FOLEY: Right, right, right.

MR. FERGUSON: So I think that might be a fear factor the might have stepped in when she was saying the court system....

MR. FOLEY: Okay

MR. FERGUSON: ...stepping in with you. That's why I asked you what exactly are you doing? Because I'd want to know myself, if I have a family there or just two individuals there, what's actually going on at this facility, so we can know, get a better idea. I think it may open up a little more.

MR. FOLEY: Okay. Did that answer your question?

MR. FERGUSON: Oh yes.

MR. FOLEY: Okay.

CHAIR TURNER: I got the impression that the issue is more of someone who is there, who might have an issue and get upset, lose their temper and storm out the door. What do I do now, I go across the street, that's the impression I got. How do you see that? Do you have any security?

MR. FOLEY: There is no security. I could just point to the retreat center that's in Crystal Beach Texas. It is in a residential community on the beach. It is a quarter of a mile from the beach on the Texas coast. I have not heard of any issues where there's been anybody threatened, hurt or injured during any of these retreats. They've been doing them since 2014.

CHAIR TURNER: What would you do if somebody got upset and...?

MR. FOLEY: Call 9-1-1.

CHAIR TURNER: 9-1-1, and you're way out in the country now so. But there is not a system in place that would control someone if they did lose their temper? I mean, I'm asking I guess about security.

MR. FOLEY: Okay security.

CHAIR TURNER: That could elevate very quickly. Someone could get upset, it could elevate very quickly and you're calling 9-1-1, that may not be fast enough.

MR. FOLEY: Okay.

CHAIR TURNER: Is there security of any kind that would be there to control these people if they did lose their temper?

MR. FOLEY: There can be, if that's one of the conditions then that can be addressed by Lone Survivor.

CHAIR TURNER: Okay. Any other questions? No. Thank you sir.

MR. FOLEY: Thank you.

CHAIR TURNER: In response to that, Mr. Smith you were hired as the attorney to represent someone, would you like to address what he said?

MR. SMITH: Well I propose something else.

CHAIR TURNER: I'm sorry?

MR. SMITH: I would propose, in rebuttal to what he said, he mentioned that, for instance you can have a boarding house or a group home or something within the zoning, the A1 zoning, that's six people or less with psychological issues. You know, he's proposing a boarding of thirteen rooms I believe, or something along that a much larger enterprise is going to be going on here. And it's not a bed and breakfast, its people with psychological issues and that's just the way it is. And so I would suggest, we would certainly want there to be at least some condition, if the board were so inclined to rule in their favor tonight which we respectfully still oppose, that there needs to be some limitation on, I didn't hear really any assurance of security and he seemed to indicate there really weren't security measures yet, there could be. I think that, that should be a condition of any permit if it was entered, equestrian use only. We don't know whether these people are armed if they're coming, obviously they're certainly within their rights to do so, but if it's going to be a facility such as this, I think that then it be within the power of the board to place certain special permit or use restrictions on it. You know equestrian use only, psychological services only. It almost feels as if it's not quite ready and at this point there are some safety concerns that have been brought before the board tonight. As you heard from the person, I just met him, I forgot his name, but you know tonight, in opposition, someone in support of it, mentioned he actually took pause at this being put in front of the neighborhood so it doesn't feel well settled from our position. I would just restate that it's not an appropriate place for this type of facility. We fully support these facilities, we support the Lone Survivor Foundation, and I'm familiar with Marcus Luttrell, his story and but that's not to say that they should be put in any place in the community. And, so, the zoning laws were put in place for a purpose. A1 says it's for the development of agricultural land or single family development and we believe that this is not appropriate for this area. Thank you.

CHAIR TURNER: Thank you. Any questions?

MR. FERGUSON: I live in A1 but I tell you my neighbor walks around with a gun and I see this all the time. So really are you saying that we should screen everybody that comes to the neighborhood or something? I mean give me a clue on this one.

MR. SMITH: No. I'm sorry what I meant was at a psychological treatment facility. So, obviously any one licensed can carry a gun. I mean we'd obviously support that but we don't know, what are their policies regarding that? I mean this is a special use; it's a medical use, a psychiatric care use for this area. And so there's all kinds of concerns that, for a special use permit just to be issued at this point.

We have some existing concerns, I didn't mean that to the effect of everyone being screened. Obviously that wasn't the reason, we don't believe that.

MR. FERGUSON: Okay.

CHAIR TURNER: Well here in the South, I think most of us have a conceal carry so, but I understand what you're saying. You would expect that this group screen those folks coming in and assume that no one's allowed in the facility that's armed, whereas your next door neighbor may be but...

MR. SMITH: And I've said that. I'm not just here to poke that's an example of a concern that we have in this case.

CHAIR TURNER: It's just one of the small issues that pops up that you wonder how that would work. As I look at this it keeps coming up that this is a worthwhile facility that need to be somewhere, but not in my backyard and I'm trying to figure out where would it go. If you didn't put this in an A1 facility, where would it actually go? Everything else would be a higher density, you actually need, and you almost need A1 to operate this. So I'm not, that's the question, if not here then where? That's my question and I don't think there's an answer for that out here, so anything, any questions?

MR. DAVIS: I have one for the first gentlemen that was brought up.

CHAIR TURNER: For him? (Addressing Mr. Davis)

MR. DAVIS: No.

CHAIR TURNER: Who?

MR. DAVIS: For the owner of the land.

CHAIR TURNER: You want him back?

MR. DAVIS: Yes.

CHAIR TURNER: Mr. Foley.

MR. FOLEY: Sir.

CHAIR TURNER: One more time, I'm sorry. Come on up.

MR. FOLEY: No problem sir.

MR. DAVIS: Let me get clear on one thing now. The program you said starts off by bringing in individuals.

MR. FOLEY: Yes sir.

MR. DAVIS: How many?

MR. FOLEY: Up to nine.

MR. DAVIS: Up to nine?

MR. FOLEY: Yes sir. Up to nine.

MR. DAVIS: Up to nine people

MR. FOLEY: Yes sir.

MR. DAVIS: And they will be flown or driven in to a meeting place somewhere?

MR. FOLEY: Correct.

MR. DAVIS: So nine people will be in on a Thursday you said, right?

MR. FOLEY: Thursday afternoon, via van.

MR. DAVIS: And then they will leave on?

MR. FOLEY: Monday morning.

MR. DAVIS: Monday. So they're brought in on Thursday...

MR. FOLEY: Yes sir.

MR. DAVIS: ...you got nine people.

MR. FOLEY: Yes sir.

MR. DAVIS: For Thursday, Friday, Saturday, Sunday. So you can feed nine people, and it's going to take a whole lot of trucks and a whole lot of this for nine people for four days? Also, I can't get my mind around the excess traffic for nine people. We start with nine. Cause you got nine rooms right?

CHAIR TURNER: Could we clarify when you say nine that would be nine people plus a wife and maybe a couple of children?

MR. FOLEY: No sir. Nine individuals up to four families.

CHAIR TURNER: Okay.

MR. DAVIS: So it's nine people to start with and if you bring...

MR. FOLEY: Yes sir. Up to.

MR. DAVIS: And if you bring them back up to nine, you bring them back with a wife

MR. FOLEY: It's up to six couples.

MR. DAVIS: So it's twelve.

MR. FOLEY: Yes sir.

MR. DAVIS: And if you bring them back with the family, its how many families?

MR. FOLEY: Four.

MR. FERGUSON: Four.

MR. DAVIS: Four families, depending on how many children they got so it may be ...

MR. FOLEY: They try to have no more than sixteen participants.

MR. DAVIS: So it's no more than sixteen.

MR. FOLEY: Right, so what they would do is per family, that has, they might have two families that have four children and so there would only be two children at that retreat.

MR. DAVIS: Okay. Each time they are there, if you have nine members the first time, you'll have nine, you didn't call them counselors, you called them...?

MR. FOLEY: Therapist, licensed clinicians.

MR. DAVIS: Therapist. Nine therapists there for each person.

MR. FOLEY: Right.

MR. DAVIS: And if it's four couples there'd be four therapist.

MR. FOLEY: Correct.

MR. DAVIS: So someone would be with them the whole four days?

MR. FOLEY: Yes sir.

MR. DAVIS: And during those days they ride horses, and go out in the farm land and stuff like that?

MR. FOLEY: Well, one of the modalities they use, that's a great question. One of the modalities they use is equinesistic psychological growth and learning. So it's using horses, which is another reason for A1 because the modality they use requires horses.

MR. DAVIS: Okay.

MR. FOLEY: Another one is called neural feedback. Where they do brain mapping and they're able to show the veteran the actual mapping of the brain and what's going on and what is actually, what has happened as a result of the trauma and that it's not necessarily all in their thoughts, it's something that goes on physically in their brain. Another thing they use is accelerated resolution therapy or A.R.T. It's an eye movement therapy which wallpapers over a traumatic event. So that when the participant or the client remembers it, it doesn't increase, doesn't trigger the traumatic responses of the body, of the nervous system.

MR. DAVIS: Okay.

MR. FOLEY: So it's still there but doesn't do the same thing. And there are psychological education groups working on relationship skills between husband and wife, communication skills, relationships that will help people find work, things of that nature.

MR. DAVIS: My last question you said that it's not an individual, in other words. I couldn't come up and say I want to go. Someone would have to a doctor would have to recommend the program for me?

MR. FOLEY: Yes sir. You could go to the Lone Survivor website it says register for a retreat. If you go to the LoneSurvivorFoundation.Org it says, attend a retreat. You click on that and then what you do is you fill out a short form, Lone Survivor in Houston gets notified of it. They have case managers and a clinical manager, they reach out via one of their mental health professional, via phone and they talk to the individual. Do you have any drug problems, do you have any medical problems, do you have any of these problems? Once that is verified with them, then they say great let us talk to your doctors. There are no weapons permitted on the premises. We fully respect the Second Amendment right but one of the things is this is a therapeutic retreat so it's not really a place for that. There's no drugs, there's no alcohol allowed on the premises as well. They're screened, they're told about that, its grounds for removal if it's found and then after that they're scheduled for a retreat. Their transportation arrangements are made with a flight to Raleigh and again they will be brought in via van. I've facilitated a couple of retreats down in Texas. There was two vans that were rented at the airport we were driven to the facility. They've standardize the way they do business.

MR. DAVIS: Thank you. That's all.

CHAIR TURNER: Okay anything else. Anybody else? No. Thank you sir.

MR. FOLEY: Thank you sir.

CHAIR TURNER: I'm close to closing this; we've talked about it long enough. But I want to ask if Mr. Smith, Mr. Townsend or Mr. Spears would like to respond. To what anything he just said. Anything you'd like to add?

MR. SMITH: Your honor we have nothing further to add.

CHAIR TURNER: Okay. Thank you very much. Alright with that I'm going to close the public hearing. Open it up to the board for discussion.

MR. GALBREATH: Mr. Chairman if I may, or Mrs. Lynd, I see here in the matrix that you referred us to one of the permitted use is assemblies a few of which consist of assembly hall, armory, stadium coliseum, community center and even fairgrounds, out of curiosity is there a maximum number of people that could come and go, especially if I'm looking at something like a fairgrounds, a community center or coliseum, as it's a permitted use, is there a maximum about of people that could come and go?

MRS. LYND: Correct me if I'm wrong, but a lot of people go through the fire marshal for capacity purposes and that would dictate a lot of things about the site. Parking that would be required and so on and so forth, but no unless there's a standard in the ordinance for certain use there's no maximum.

MR. GALBREATH: Okay.

CHAIR TURNER: It would be safe to say there will be fewer people there than there will at the Crown Coliseum.

MR. GALBREATH: Correct.

CHAIR TURNER: Right. I see what you're saying. Anything else? What's the feeling of the board?

MR. FERGUSON: No sir.

MR. MCHENRY: I'm stuck at the fifteen hundred feet back.

CHAIR TURNER: You what, I didn't hear you, we can't quite hear you.

MR. MCHENRY: Fifteen hundred feet back, fifteen hundred and some odd feet, from the road...

CHAIR TURNER: Yes sir.

MR. MCHENRY: It's back and you have a long lane sort of it comes up there and gated, I don't really see why that is a problem there with people meandering around, unless they're walking up and down the lane. So I don't get that point.

MR. GALBREATH: Mr. Chair if I may relate it back to the facts, the consideration. So number one the use will not materially endanger the public health or safety, if located according to the plan submitted and proposed; do we have any facts that would state it would endanger public health or safety?

CHAIR TURNER: We have heard verbal testimony of personal opinions that it may, can I say that?

MR. HASTY: What was testified to is sworn testimony, you would just have to give it weight.

CHAIR TURNER: Yes. I think the question there is basically do we relate to whether its fact or opinion? We don't have fact that any of it would be we have sworn testimony of opinion, is that safe?

MR. HASTY: That's correct you have to weigh that and find these facts in order to grant the permit

CHAIR TURNER: Yes.

MR. FERGUSON: In my opinion using number one, if we decide, if the board decide to approve this, I think that we should add in the security factor in there. For the safety part we should add the security in there.

CHAIR TURNER: A simple statement, that the group be required to provide adequate security for control of the participants.

MR. FERGUSON: Right.

MR. MCHENRY: However, if each individual there has a psychologist or someone there, would that not serve as security?

MR. FERGUSON: Yes, but what I'm thinking on security, that's manning the area.

MR. GALBREATH: The perimeter.

MR. FERGUSON: Not just the therapist.

CHAIR TURNER: Of the compound.

MR. FERGUSON: Security that's manning the compound, not therapist itself, if we decided to go with that.

MR. MCHENRY: Keeping people out or keeping people in?

MR. FERGUSON: That's the point I'm thinking it's important to have that security to make sure that everything stays peaceful.

CHAIR TURNER: It would just be adequate security of the compound and that would be at the discretion of the operator and the facility. If you have one or two security people who patrol the compound that would serve that purpose, but that would be at the discretion of the operator I would think.

MR. MCHENRY: Okay. I can agree with that.

CHAIR TURNER: That just seems like. It almost seems like common sense.

MR. MCHENRY: Security would be responsible for the security of the site.

CHAIR TURNER: But security of the compound in the event something did happen, there's somebody on the outside to secure the compound and any individual they had to secure. Of course we don't want it to feel like a prison either.

MR. FERGUSON: Right. Just have somebody around to monitor around what's going on out there. I think we should have that around for the safety part.

CHAIR TURNER: Yep. What do you think?

MR. DAVIS: I don't have a question about the security.

CHAIR TURNER: What are your feelings? How do you feel here?

MR. DAVIS: I have been around a lot of military, and as you say I probably have PTSD myself just by association from being around people who have it. But I would feel secure in this situation if it was built in that place and that far from the road, not that much traffic. I think it'll be a good thing. I can't see, it's always a chance of anyone getting hurt, anytime, night or day. Some body drove a car,

ran right into them and killed people right over in Spain, so you can't protect against every possible event but you can try to protect as best you can. So I think with them having adequate therapist there, people there, I would safe if it was in my back yard. And I don't live too far from there. I would feel safe with it being there.

CHAIR TURNER: Have you looked at the required findings of fact?

MR. DAVIS: Yes.

CHAIR TURNER: Okay.

MR. DAVIS: I've went through them.

CHAIR TURNER: Okay we have them here, we'd entertain a motion at any time. In any direction

MR. FERGUSON: Okay. Well we have to go through these parts here

CHAIR TURNER: We'd have to make these findings of fact and publicly state them.

MR. FERGUSON: Alright, well I'll make the motion. I make the motion that the board approve the facility.

CHAIR TURNER: Based on the first finding of fact is the use will not materially endanger, public health or safety if located according to the plan submitted and recommended and we'd like to add that the group be responsible for security of the compound to protect the neighborhood in any event.

MR. FERGUSON: Yes.

CHAIR TURNER: Okay. Number two the use meet all required conditions and specifications. We heard the testimony, does it?

MR. FERGUSON: Yes, we don't have any facts we just heard an opinions of it but they have agreed to go along with all ordinances and facts for what the county and board requires.

CHAIR TURNER: Okay that the use will maintain or enhance the value of the adjoining or abutting properties or that the use is a public necessity. In our area I would almost consider this a public necessity. I'm sure that may not be a fair statement. I mean considering Fort Bragg is here, this is a, to me this is something that we need. And I don't know where else it would be that would be better than this. That was just my feeling.

MR. MCHENRY: I support that feeling.

CHAIR TURNER: I'm sorry?

MR. MCHENRY: I said I support that feeling.

MR. FERGUSON: Okay, we're...

MR. HASTY: I mean we just need to articulate, how it's a public necessity.

MR. FERGUSON: Right.

CHAIR TURNER: That we have so many soldiers with this issue here, no course, minimal course of action for them to get help other than for what these folks may provide. Is that adequate Mr. Attorney?

MR. HASTY: I mean that's up to you I can't tell you. You have to make the findings.

MR. GALBREATH: I think just by default in having the largest installation in the country by population it would lead us to assume that in terms of public necessity that soldier and or service member and or vet. Post-traumatic stress, sexual trauma, all the things that've been said previously would be inherent in our current population. Correct?

MR. FERGUSON: Yes

CHAIR TURNER: Yes.

MR. GALBREATH: And in not hearing from a professional, in as it pertains to property values whether they would decline, maintain or enhance, given the fact that the existing property already has fencing structure, they're going to enhance it with a fence and the buildings themselves won't be noticeable. It's hard to assume it would do nothing but maintain or increase.

CHAIR TURNER: We might consider asking too, or requiring too, that they not install a sign from a public stand point if they're sixteen hundred feet off the road, possibly not having a sign I don't think they need a sign.

MR. GALBREATH: Keep it discreet.

CHAIR TURNER: Yes. That would keep it from being a sore thumb in the neighborhood, if anybody thought it was. Just a thought, would you think so or not? (Addressing Mr. Galbreath)

MR. GALBREATH: Yes sir.

CHAIR TURNER: Would you want to add that?

MR. GALBREATH: I would. Yes sir.

CHAIR TURNER: Okay. Number four.

MR. FERGUSON: Okay the location and character...

MRS. LYND: If you may real quick because you're adding these conditions on the owner must agree with those while he's here in order to add those on to the approval.

CHAIR TURNER: Okay.

MRS. LYND: You may want to ask him.

CHAIR TURNER: Do you have any objections to those two things sir?

MR. FOLEY: No sir. Just obviously a mailbox would be referencing the address and a name on it.

CHAIR TURNER: We didn't talk about a mailbox, we're talking about a big sign.

MR. FOLEY: Oh no problem. Yes sir.

CHAIR TURNER: No problem?

MR. FOLEY: And not a problem.

CHAIR TURNER: Okay. Let the record show that the owner is in acceptance of what we said.

MR. GALBREATH: As well as the security?

CHAIR TURNER: As well as security?

MR. FOLEY: Yes sir.

CHAIR TURNER: Yes sir. He's in acceptance of both of those.

MR. FOLEY: I am.

CHAIR TURNER: The location...go ahead (Addressing Mr. Ferguson)

MR. FERGUSON: The location and character of the use is developed according to the plan as submitted and recommended will be in harmony with the area in which it will be located and is in general conformity with Cumberland County's most recent land use plan.

CHAIR TURNER: I think based on what we've heard here tonight, I can't think of a place it could go that would be better than this. Or what zoning it could be put in that it could be more compatible with what's going on. A1 seems, I'm fairly familiar with it that would be my opinion.

MR. FERGUSON: No big on signs it would still conform with the neighborhood still. Just like regular use of the property.

CHAIR TURNER: Okay. That motion is on the floor is there a second.

MR. DAVIS: I second the motion.

MR. MCHENRY: I Second.

CHAIR TURNER: Okay well motion is made and properly seconded. All in favor signify by saying Aye. All opposed? Let the record show it passes unanimously. Okay.

Mr. Ferguson made a motion to approve the request of a special use permit with the board added conditions to allow group quarters, seconded by Mr. Davis. The motion passed unanimously.

	IN FAVOR
TURNER	YES
FERGUSON	YES
MCHENRY	YES
DAVIS	YES
GALBREATH	YES

CHAIR LOTT: Mr. Chair, you can dismiss parties related to that case if they would like to leave and at this time we'll bring back acting Chair Mr. Lott.

MR. GALBREATH: Motion to adjourn?

MRS. LYND: We have some more information. At this time we're taking Mr. Davis off the board he is no longer a voting member and Mr. Lott will resume his position as Chair.

10. DISCUSSION/UPDATE(S)

CHAIR LOTT: Item ten is discussion or updates. Is there anything to discuss? Anything we need to hear from the attorney? Anything?

MRS. LYND: I'll step in first, sorry. The only update from staff would be that we do plan to have a meeting for September. We do have a case in.

MR. TURNER: We do or don't?

MRS. LYND: Yes sir. Do.

CHAIR LOTT: Good we need to practice.

MRS. LYND: And then I will defer to Mr. Hasty if he has any updates?

MR. HASTY: I don't have anything.

CHAIR LOTT: Nothing at all? No.

MR. FERGUSON: I have a question, are we ended?

MRS. LYND: If you'd like you need to make a motion to adjourn.

MR. TURNER: I'll make a motion that we adjourn the meeting.

MR. GALBREATH: Second.

CHAIR LOTT: All in favor? Meeting closed.

Mr. Turner made motion to adjourn, seconded by Mr. Galbreath. The motion passed unanimously.
Meeting adjourned at 9:00pm.

	IN FAVOR
LOTT	YES
TURNER	YES
FERGUSON	YES
MCHENRY	YES
GALBREATH	YES

DRAFT

CASE P10-08-C
EXHIBIT
ATTACHMENTS



Section 203.

Campground/RV Parks: Land upon which shelters (such as tents, travel trailers and recreational vehicles) are erected or located for occupation by transients and/or vacationers. They may include such permanent structures and facilities as are normally associated with the operation of a campground. (Section 921)

SECTION 921. RECREATION VEHICLE PARK AND/OR CAMPGROUND.

A. Recreation vehicle parks/campgrounds shall be used only by travel trailers, pickup, coaches, motor homes, camping trailers, other vehicular accommodations and tents suitable for temporary habitation and used for travel, vacation and recreation purposes.

B. The area of the park/campground shall be at least three acres. Each recreation vehicle/camp site, excluding sites used solely for tents, shall be a minimum of 1,200 square feet in area with a maximum of 20 sites per acre. Each site shall contain a stabilized vehicular parking pad of packed gravel, paving or other suitable material.

C. All yard setback requirements shall be in accordance with the dimensional requirements of the zoning district in which the park or campground is located and no structure, recreational vehicle site or camping site shall be located within the required yard area.

D. Individual recreation vehicle spaces within a recreation vehicle park/campground shall not directly access a public road. Access to all recreation vehicle spaces and accessory structures within the park/campground shall be from internal streets with the entrance to the park directly accessing a public right-of-way. A driveway permit must be obtained from the North Carolina Department of Transportation for connection to the public street. (Amd. 01-19-10)

E. The recreation vehicle park/campground shall not allow for permanent occupancy on the same site by the same occupant for any continuous period of time exceeding 90 days.

F. Each park shall have at least one telephone available for public use. Management headquarters, manager's residence, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, stores and the uses and structures customarily incidental to operations of a recreation vehicle park/campground are permitted as accessory uses to the park, subject to the following restrictions:

1. Such establishments (excluding recreational facilities) and the parking areas primarily related to their operations shall not occupy more than 10% of the gross area of the park/campground.

2. The structures housing such facilities shall not be located closer than 100 feet to any public street and shall not be directly accessible from any public street but shall be accessible only from an internal drive within the park/campground.

3. Such structures containing toilets, bathhouses and other plumbing fixtures shall comply with the requirements of the North Carolina Building Code.

Cumberland County Board of Adjustments

Re: Fayetteville RV Resort & Cottages

August 17, 2017



CASE
P10-08-C

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;

The Fayetteville RV Resort & Cottages has been a family oriented, safe and secure RV resort for the entire period of RV Management (RVMS) ownership (May 2010). There have been zero material public health or safety issues for this same period.

Our rating by Good Sam, that rates more than 8000 RV parks annually, is a "perfect 10 / 10+ / 10." There are only three such "perfect" parks in NC, two of which are RV Management Services properties (Raleigh Oaks and Fayetteville).

By definition, the 10 / 10+ / 10 rating categories are:

- 1) for overall amenities and quality of infrastructure such as roads, sites, and security;
- 2) restrooms and showers: cleanliness and appearance;
- 3) visual appearance: trash, debris, overall maintenance.

2. The use meets all required conditions and specifications;

We have for the last eight years been working closely with the administrative personnel in Fayetteville and Cumberland County. We have an open door policy and developed a good working rapport with the inspectors and the local officials. We are confident that we have adhered to all requests and conditions.

3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and

The proposed "rally and storage building" are simply replacing a somewhat smaller rally and storage building that has been in use at the property for the eight years of current ownership (and probably 20 years previous to current ownership). The existing rally and storage building will be decommissioned as a rally and storage building and converted to a "arts and crafts" room for the increased number of families that are now enjoying the RV Resort. The one bathroom in the existing building can be eliminated or left in place as we do not believe there is a problem with septic tank loading.

Given the fact that our RV Resort has evolved from a brief overnight, transient, stopover" RV "park" to a weekend destination RV Resort, we need a larger storage facility and an additional

Cumberland County Board of Adjustments

Re: Fayetteville RV Resort & Cottages

August 17, 2017

place for arts and crafts as well as places for small social activities such as bingo and indoor gatherings with DJs.

- 4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County's most recent Comprehensive Land Use Plan.**

We are existing RV Resort and will remain an RV Resort with a proposed new, enhanced building used for "rally groups" and social functions for our registered guests that replaces an existing building used for the same purposes. We are not a public facility and we are not increasing or decreasing our use. The proposed new building is in harmony with the area and is in accord with the continued enjoyment of our RV Resort as an RV Resort.

Nine Beauties

HIGHLY RATED GOOD SAM PARKS

Inviting Cottages • Spacious RV Sites • Outstanding Value



1. Indian Waters RV Resort and Cottages
47202 Jackson St.
Indio, CA 92201
760-342-8100
www.IndianWatersRVResort.com
See listing Indio, CA



2. Wine Ridge RV Resort and Cottages
3800 Winery Rd.
Pahrump, NV 89048
775-751-7805
www.WineRidgeRVResort.com
See listing Pahrump, NV



3. Verde River RV Resort and Cottages
1472 West Horseshoe Bend Dr.
Camp Verde, AZ 86322
928-202-3409
www.VerdeRiverRVResort.com
See listing Camp Verde, AZ



4. Casa Grande RV Resort and Cottages
195 W. Rodeo Rd.
Casa Grande, AZ 85122
520-421-0401
www.CasaGrandeRVResort.com
See listing Casa Grande, AZ



5. Twin Grove RV Resort and Cottages
1445 Suedberg Rd
Pine Grove, PA 17963
717-865-4602
www.TwinGrove.com
See listing Pine Grove, PA



6. Americamps RV Resort
11322 Air Park Rd.
Ashland, VA 23005
804-798-5298
www.Americamps.com
See listing Ashland, VA



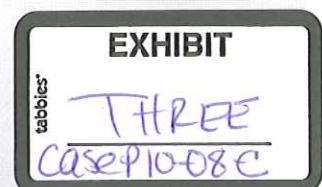
7. Fayetteville RV Resort and Cottages
6250 Wade Stedman Rd.
Wade, NC 28395
910-484-5500
www.FayettevilleRVResort.com
See listing Wade, NC



8. North Landing Beach RV Resort & Cottages
161 Princess Anne Rd.
Virginia Beach, VA 23457
888-283-2725
www.NorthLandingBeach.com
See listing Virginia Beach, VA



9. Raleigh Oaks RV Resort and Cottages
527 US Hwy 701 South
Four Oaks, NC 27524
919-934-3181
www.RaleighOaksRVResort.com
See listing Four Oaks, NC



(Attachment A)

Fayetteville RV Resort & Cottages (the "Property") has become a well recognized, high quality RV Resort since a major renovation that started in 2010 when the current owner assumed control. In fact, the authoritative, 800 page "Good Sam RV Travel Guide & Directory" has rated the Property "10 / 10+ / 10" and is one of approximately 135 such "perfect" RV Resorts out of the 6500 RV resorts rated by Good Sam.

The Property has a modest marquee sign at the entrance to the Property on Wade Stedman Road. Currently the property has only 164 RV sites, all of which are FHU (full hook up with water, sewer and electric). Each site is well landscaped with a burm consisting of a mix of small trees, shrubs and flowers. With ample parking at the large sites, many of which also have huge trees adjacent to the site in addition to the burms, additional parking is scattered throughout the Property, provided another 50 or so spaces. The Property has approximately 6 to 11 employees, depending on the season and generally operates seven days a week from 9am to 5pm with slightly longer hours in the summer months.

Amenities at the Property include an office check-in building that includes a small retail display area, a small launderette and small bathhouse facilities; a new swimming pool that currently is being built at the front of this check-in building; a second smaller pool towards the back of the Property that is five years old; a fitness room; another bathhouse with six private bathroom suites and a small laundertette; and a small clubhouse; a state of the art miniature golf course; a children's playground; a basketball court painted "Tar Heel blue"; and two small dog parks.

The ambiance of the Property is evident from when an RVer first drive into the Property on the paved driveway to when the RVer encounters the care and respect provided by our value driven staff.

* The new lounge building we are hoping to now construct will provide much needed storage space for activity equipment and for additional mechanical equipment that needs a controlled environment, such as WiFi and Cable TV equipment. The new building will also have a computer lounge area with a "hotspot", a TV for public use, and a small warming kitchen for the occasional "pot-luck" dinner that our guests prepare in their RVs.

CASE P17-04-C
EXHIBIT
ATTACHMENTS

THE NEED

America has engaged in conflicts requiring service from every branch, every type of military specialty, and every experience level to go to combat, and has affected service members across every generation. The reality is, many of these service members and veterans are not fully ready for what they encounter in war.

Many come home with both visible and invisible injuries that will forever change their lives. The most serious of these injuries require unique interventions not always available in government institutions.



Without treatment, our service member's injuries can have a negative impact on the quality of life for our military men and women and their loved ones. Focused, innovative treatment can provide tools to improve their overall quality of life and ultimately their future.

This is why the Lone Survivor Foundation exists; to offer assistance to our nation's heroes that may not otherwise be accessible to them, and **to never quit on those who never quit on us.**

Traumatic Brain Injury, often called the signature wound of the Iraq and Afghanistan wars, occurs when a sudden trauma or head injury disrupts the function of the brain.

· Military.com

Experts estimate that up to 20% of Operation Enduring Freedom and Operation Iraqi Freedom veterans, up to 10% of Gulf War veterans, and up to 30% of Vietnam War veterans have experienced PTSD.

- **Department of Veteran Affairs**



Thank you for your consideration of support to LSF. Please contact our staff at 832.581.3592 for further questions regarding LSF and its programs.

Donate online at www.LoneSurvivorFoundation.org/donate

GET INVOLVED

Want to actively get involved with LSF?

Here are some ideas:

- Host an Event
- Volunteer
- Create a Fundraising Page

Visit lonesurvivorfoundation.org/Get-involved to learn more.



LONE SURVIVOR™
FOUNDATION

The Lone Survivor Foundation was founded in 2010 by US Navy SEAL (Ret.) Marcus Luttrell.

For more information about LSF and its programs, please visit www.LoneSurvivorFoundation.org.

The Lone Survivor Foundation is a federally approved 501(c)3 non-profit organization.



LONE SURVIVOR™
FOUNDATION



Restoring, empowering,
and renewing hope for wounded
service members and their families.

EXHIBIT

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Case P1704C

The Lone Survivor Foundation is a federally approved, 501(c)3 non-profit organization.

OUR MISSION

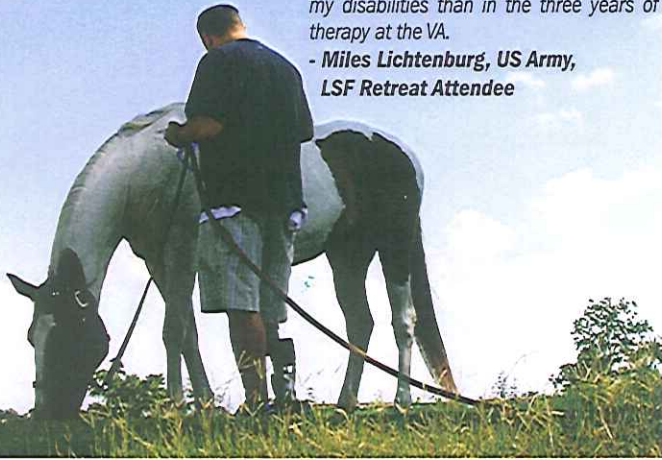
The Lone Survivor Foundation (LSF) restores, empowers, and renews hope for our wounded service members and their families using therapeutic support, health and wellness.

OUR VISION

The vision of the LSF is to provide exceptional therapeutic, outdoor, and unique opportunities that optimize recovery and healing of affected American wounded service members and their families.

In the four days I was with LSF, I felt I made more breakthroughs and realizations about my disabilities than in the three years of therapy at the VA.

**- Miles Lichtenburg, US Army,
LSF Retreat Attendee**



OUR PROGRAM

LSF achieves our mission and vision through our leading edge, therapeutic and educational retreat program.

Fully staffed with qualified professionals and experts in their fields, the LSF retreat program has gained industry recognition and become a model for other wellness retreat based programs.



Attending the LSF retreat was a powerful and enlightening experience which helped restore my belief that healing is possible.

**-Stacey Thompson, USMC, MST Survivor,
LSF Retreat Attendee**



CENTERS FOR HEALING

One part of the LSF vision has been to establish retreat facilities that provide a center for healing allowing the LSF team to facilitate retreats tailored to the unique needs of each participant.

The LSF team is actively seeking land and facility donations on the east coast and in the north central US for the development of additional retreat properties.

FUNDING

The LSF team is focused on executing the best programs, while creating an environment of efficiency and accountability. LSF takes great pride in the care and administration of our donor funds. Historically, the Lone Survivor Foundation has consistently maintained a percentage of over 70% to program and awareness.

Funding for LSF comes from a number of private sources including donors and third party events.

**To view our most recent financials,
visit www.lonesurvivorfoundation.org/financials**



LSF RETREATS

LSF retreats are conducted throughout the year and are focused on wellness and therapeutic support for individual service members, veterans, couples, families, and caregivers. The goal is to take individuals and families out of their normal environment, open the mind and emotions, and provide tools and strategies for moving forward successfully.

Retreats are conducted over five days, (1st day fly in, 5th day fly-out). Our focus for support is towards combat stress (PTSD), Military Sexual Trauma (MST), mild Traumatic Brain Injury (mTBI), and chronic pain issues.

The retreats provide support for invisible injuries through Psycho educational groups, EAGALA Equine Assisted Learning (EAL), as well as offering brief trauma resolution exercises to reduce symptoms of traumatic stress.

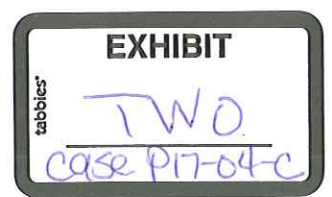
Psycho educational group work provides an increased understanding and insight into invisible injuries. Counselors and staff help explore best practice treatments and options available to service members and their families.

EAL can be highly effective as it utilizes on the ground activities with the horses and are designed to reflect real life issues. This allows participants and therapists to "see" where the problems are and find solutions that work. They quickly recognize unhealthy patterns, acknowledge their personal strengths and enact new behaviors. EAL does not utilize horseback riding.

**For information and to apply to attend a retreat,
visit lonesurvivorfoundation.org/healing-retreats**



SECTION 203



Group Quarters: A building or group of buildings, which houses more than two persons in other than a traditional family setting. Housing may be in individual rooms or communal rooms with bathroom facilities and other common use areas. Housing may be free of charge or with a fee (monetary or service). This definition shall not include foster care homes, therapeutic foster care homes or other uses specifically listed in Section 403, Use Matrix, i.e., group homes and residential habilitation support facilities. It does include, but is not limited to, rooming/boarding houses, dormitories, children's homes, religious quarters, membership lodgings, halfway houses, alcohol and drug abuse centers, homeless shelters and hospice facilities. (Section 910)

SECTION 910. GROUP QUARTERS.

- A. Each room must have access to a hall or exterior door.
- B. One non-illuminated sign shall be permitted, which shall have maximum dimensions of two feet high by three feet wide, and not be more than 3 ½ feet tall at its highest point above ground level.
- C. There shall be no less than one bathroom, consisting of a bath or shower, and lavatory, for each two guestrooms.
- D. Guestrooms shall not be equipped with cooking facilities.
- E. Parking shall be provided at the rate of one space for each room to be utilized and one space for each employee/owner. No parking shall be allowed in any front yard.
- F. A fire protection plan approved by the County Fire Marshal must be submitted at the time of permit application.
- G. The required site plan shall depict neighboring properties and buildings within 200 feet of property lines.
- H. The site shall have direct vehicular access to a public street or an approved private street.

LONE SURVIVOR

FOUNDATION

SUMMER 2017

500+

SERVICE
MEMBERS AND
THEIR FAMILIES
SERVED

HEAR DIRECTLY
FROM OUR
RETREAT
ATTENDEES

NEVER QUIT
ON THOSE WHO
NEVER QUIT
ON US!

HISTORY & MISSION

FIND OUT
WHERE
WE'RE
HEADED
NEXT

 **LONE SURVIVOR**
FOUNDATION
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EXHIBIT
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Case #17-04-C

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LEADERSHIP

BOARD OF DIRECTORS

Tim Byrom, *President* – Owner and Founder of BRINT Construction

John C. Ertz, *Treasurer* – Managing Partner at Northwestern Mutual – Northern Ohio

Michael D. Lappi, *Secretary* – Captain, United States Navy and Global Medical Director for General Electric Aviation

Earl Campbell, *Board Member* – President of Earl Campbell Meat Products

Harry Coghlan, *Board Member* – President and General Manager at Clear Channel Outdoor, New York

Patrick Lewis, *Board Member* – Vice President at Fertitta Enterprises/Red Rock Resorts

Reed Smith, *Board Member* – Central Regional Vice President at GEO Group, Inc.

HONORARY BOARD MEMBERS

In honor of their tireless commitment to the Foundation and its mission, the founding Board Members have permanent Honorary Board Member status.

Marcus Luttrell, *Honorary Chairman* - retired Navy SEAL, Founder of Lone Survivor Foundation, Author and Speaker

Peter Naschak, *Honorary Director* - retired Navy SEAL and CEO of Performance Activation Inc.

John Folkert, *Honorary Director* - Business & Estate Planning Specialist for Northwestern Mutual

Thomas Fordyce, *Honorary Director* - retired Marine and Vietnam veteran, Owner of Ford Farms and Member of the Texas Board of Criminal Justice

Kala Sorenson, *Honorary Director* - Owner of bySORENSEN, LLC

EXECUTIVE DIRECTOR

Terry Jung



★ OUR HISTORY ★



Marcus Luttrell's *Lone Survivor*, the 2007 #1 New York Times best-selling book, tells the harrowing, emotionally raw account and motivational story of his survival and the deaths of his comrades-in-arms in Operation Red Wings, a mission to gather intelligence on Taliban leadership in Afghanistan.

Marcus' NEVER QUIT attitude was key to his survival and his recovery at home.

After surviving his operations in Afghanistan, Marcus returned home to his ranch in Texas, the center of his post-combat recovery and restoration. On the ranch, Marcus had time to recover, to think, and to feel the love and support of close friends and family as he healed his wounds. Based upon first hand experiences of what is needed to provide holistic treatment beyond standard government programs, while honoring his lost comrades from Operation Red Wings, Marcus established the Lone Survivor Foundation in 2010.

★ OUR MISSION ★

Lone Survivor Foundation restores, empowers, and renews hope for wounded service members and their families through health, wellness and therapeutic support.

★ OUR VISION ★

- Build 3 - 4 nationally recognized therapeutic retreat facilities to allow us to better fulfill our mission and serve our growing waiting list of service members and families in need.
- Stabilize and enhance family structures and relationships through education, counseling, support, and inspiration using short-term retreats and referral programs.
- Inspire and motivate Americans to recognize and offer support, mentorship, and care for our wounded service members and their families.

OUR PROGRAM SERVICES

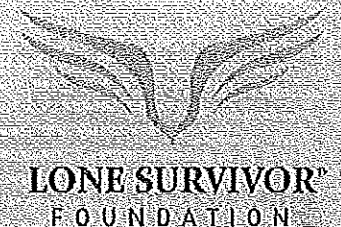
Lone Survivor Foundation is here to help America's wounded service members and their families adjust to the effects of their experiences and help them transition into what may be looked at as their 'new normal' – providing an understanding and acceptance of who they are as a person, a family, and a community. LSF provides support to service members/veterans and families from all military branches who are challenged with injuries such as:

- **Post-Traumatic Stress (PTS)**
- **Mild Traumatic Brain Injury (mTBI)**
- **Chronic Pain**
- **Military Sexual Trauma (MST)**
- **Care Partner Stress**

These painful injuries have devastating effects on the individual as well as their family. LSF's goal is to support both the individual and the family through education, coping skills and reducing symptoms of stress. To that end, LSF conducts retreats with a focus on wellness and therapeutic support. Retreats are conducted year-round over a five-day period at scenic facilities, allowing ample opportunity for the healing effect of nature and relaxation. We host various types of retreats to meet the specific needs of the populations we serve, with the goal of introducing tools for moving forward successfully.

LSF hosts specialized retreats for:

- **Individuals**
 - o *Service Members*
 - o *Care Partners*
 - o *Military Sexual Trauma*
- **Couples**
- **Families**



OUR PROGRAM SERVICES

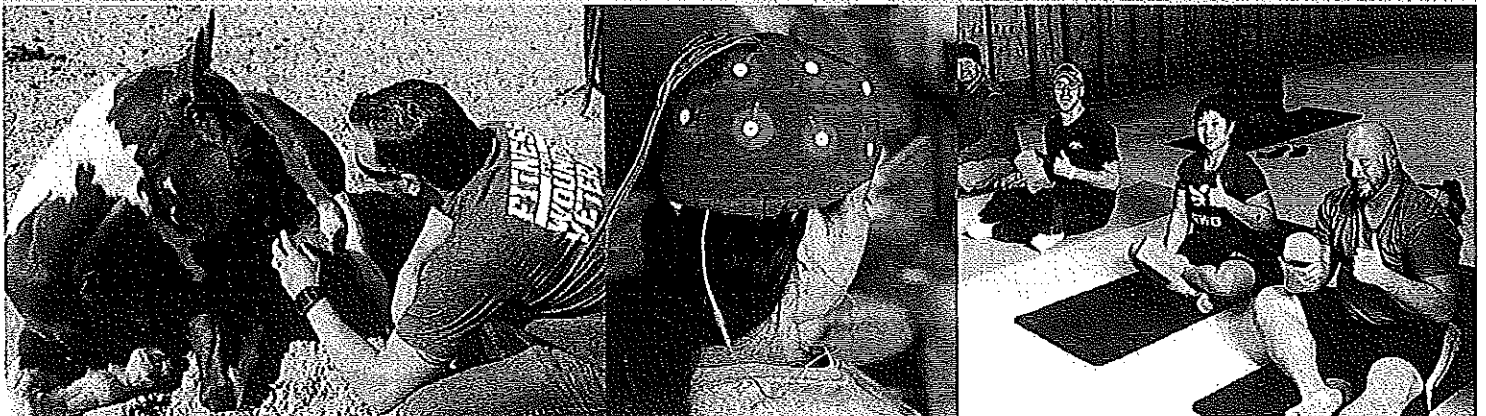
Our retreats emphasize the use of **Equine Assisted Learning (EAL)** using the EAGALA model, **neurofeedback**, combat trauma specific **yoga**, and **other cutting edge modalities** geared toward improving quality of life.

We empower our retreat participants with the skills and resources necessary to **create a plan** for their continued recovery after the retreat. Through our **referral network**, we can connect them to organizations and providers in their local area who can assist them in continuing the therapeutic treatments they have selected to pursue.

Through the **plan they create** and the resources we provide, the retreat participant will be **empowered** to take **ownership** of their healing process.

Individuals are welcome to come back for a Couples Retreat, followed by a Family Retreat (usually 6-18 months apart), depending on their individual needs and progress.

All of these services are provided at **no cost** to the service members or their families *through the generous support of donors and sponsors, and through fundraising events around the country.*



★ LSF - FROM 2010 TO PRESENT ★

2010

- February - Lone Survivor Foundation Founded

2011

- **4 retreats** - All Individual
14 individuals served
- 2 Employees, 4 Consultants
- June – First LSF Retreat held (Individual)
- Modalities Offered: EAGALA, psychoeducational groups, individual sessions

2012

- **4 retreats** - 3 Individual, 1 Family
21 individuals, 4 families
- 3 Employees, 7 Consultants
- June – First Family LSF Retreat held
- August – Modality Added: Accelerated Resolution Therapy (ART)

2013

- **11 Retreats** - 9 Individual, 2 Family
50 individuals, 7 families
- 4 Employees, 9 Consultants

2014

- **14 retreats** - 9 Individual, 2 MST, 2 Couples, 1 Family
54 individuals, 11 MST survivors, 9 couples, 3 families
- 5 Employees, 17 Consultants
- January – First Female MST LSF Retreat held
- February – First Couples LSF Retreat held
- April – Groundbreaking for LSF Crystal Beach Retreat Facility

Legend:

- Service Expansion
- Program Development
- Staffing Snapshot
- LSF Milestone

★ LSF - FROM 2010 TO PRESENT ★

2015

- **16 retreats** - 10 Individual, 2 MST, 4 Couple
66 individuals, 16 MST survivors, 16 couples
- 6 Employees, 24 Consultants
- April – LSF Crystal Beach Retreat Facility Grand Opening
- May – First retreat held at Crystal Beach
- October – Modality Added: Trauma-Sensitive Yoga
- December – Modality Added: Neurofeedback

2016

- **31 retreats** - 13 Individual, 4 MST, 1 Pre-9/11, 6 Couple, 6 Family, 1 Care Partner
99 individuals, 31 MST survivors, 7 Pre/9-11, 26 couples, 21 families, 9 care partners
- 11 Employees, 47 Consultants
- January – Modality Added: Alpha-Stim
- March – First Care Partner LSF Retreat held
- May - Modality Added: Creative Arts
- November – First Pre-9/11 LSF Retreat held

2017

- **43 retreats** - 17 Individual, 6 MST, 1 Pre-9/11, 11 Couple, 5 Family, 3 Care Partner
359 participants projected
- 13 Employees, approximately 50 Consultants
- January – Neurofeedback Modality Enhancement Added: Brain Mapping
- March – Plans to build an LSF Retreat Facility near Fayetteville, NC announced
- May – First Male MST Retreat held

Legend:

- Service Expansion
- Program Development
- Staffing Snapshot
- LSF Milestone

GROWTH

YEAR OVER YEAR

2011

4 Retreats

14 Participants Served

2012

4 Retreats

31 Participants Served

121% increase over 2011

2013

11 Retreats

68 Participants Served

118% increase over 2012

2014

14 Retreats

82 Participants Served

21% increase over 2013

2015

16 Retreats

98 Participants Served

20% increase over 2014

2016

31 Retreats

225 Participants Served

129% increase over 2015

517

Participants

served since 2011

**DURING THIS SAME TIME, LSF HAS RECEIVED OVER 1,600 RETREAT APPLICATIONS.
OUR WORK IS NOT DONE!**

2017

43 retreats scheduled

359 participants anticipated

2016

RETREAT DEMOGRAPHICS

BY AGE

20 - YOUNGEST

71 - OLDEST

40 - AVERAGE AGE

* LSF serves SMs/veterans from all conflicts.

BY MILITARY BRANCH

MARINES

18%

NATIONAL GUARD

3%

RESERVES

5%

AIR FORCE

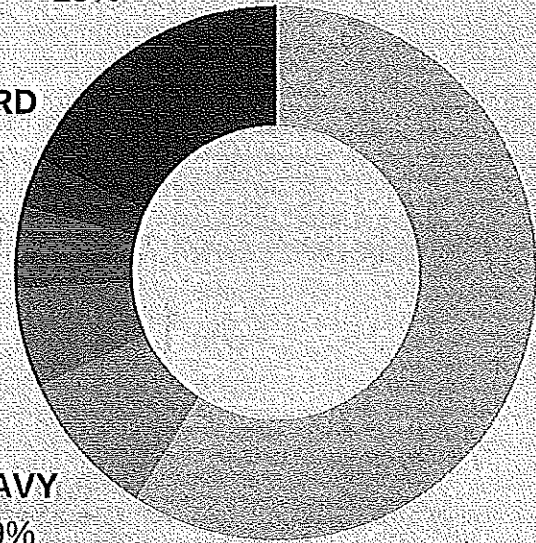
6%

NAVY

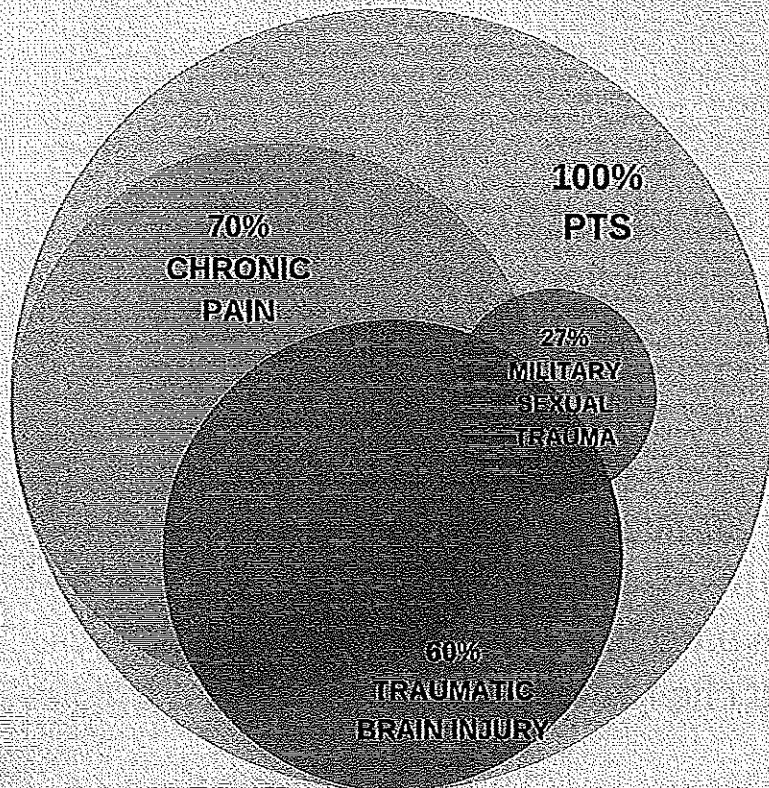
9%

ARMY

59%



BY SYMPTOMOLOGY



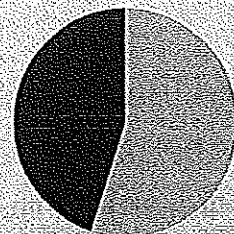
BY GENDER

FEMALE

45%

MALE

55%



2016

RETREAT DEMOGRAPHICS

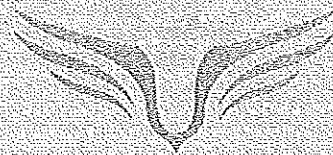
BY STATE

35
STATES

AL, AZ, CA, CO, CT, DE, FL, GA, IL,
IN, KS, LA, MA, MD, ME, MI, MN, MS,
NC, NH, NJ, NY, OH, OK, OR, PA, RI,
SC, TN, TX, UT, VA, WA, WI, WV

TOP
STATES

Texas, California,
North Carolina, Florida



LONE SURVIVOR™
FOUNDATION

2016 SUMMARY

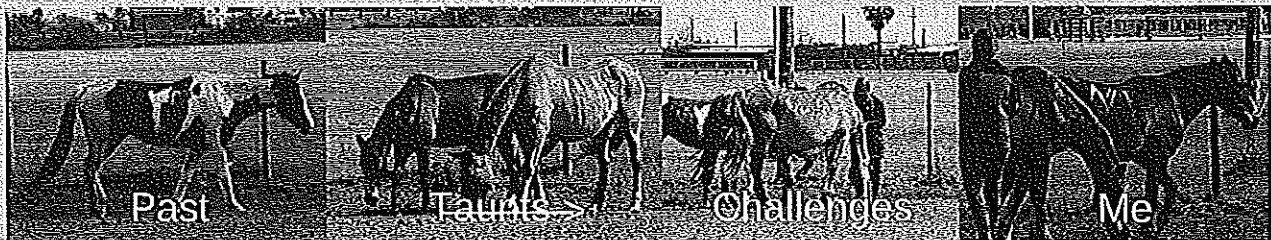
Thanks to the generous support of individual donors and corporate sponsors across the nation, the lives of 225 individuals (service members, spouses, and children) were touched in 2016 - resulting in stronger marriages, and more resilient relationships between parents and children, breaking the cycle of post-traumatic stress that often travels down generations.

RESTORE

Scott W. - "In just four days, LSF showed me what my problems were – but they didn't just let me think I had a problem; they showed me how to find it, how to look for it, how to fix it. It's not an excuse anymore. I have Post-Traumatic Stress – there is no disorder, I just have PTS. The tools they showed me changed me. They recognized my stuttering and shaky hands as symptoms of a TBI, and helped me fight for my disability rating. That helped my family out - now we have medical coverage. LSF took the time to show me that I wasn't alone. But LSF didn't stop there – they reached out to my wife. My wife has PTS because of me - I gave it to her. I put her through hell because of what I was dealing with and I didn't want to face it. So LSF said 'Let's bring your wife to a care partner retreat.' She came back changed – she started to understand that she wasn't the only one going through what she was going through. Then we went to a couples retreat and finally had time together to talk things out and see if we really knew each other enough to stay together. Then the big change happened – the family retreat. We have teenagers. My son stands 6 feet tall, is built like a football player but is really a teddy bear. When I see that child, I see a soldier. I treated him like a soldier. I was hard on him and he didn't understand why. LSF helped my children understand what I was going through, and then LSF taught me what my kids were going through. That changed our family – our family has never been stronger."

EMPOWER

Deanna D. – "This retreat gave me the skills and tools I need to go from having the past traumatize my life to having it challenge my future."



RENEW

Angie S. - "You all gave me the support and acceptance that I never had. For three years I've been trying to find the courage to name out loud what happened to me; it was a struggle because I was bounced between therapists and trust wasn't there. In the short time at the retreat you all, through simple acts of support and acceptance, allowed me to trust enough to open up. Simple acts such as... not pushing me to talk when I wasn't ready, and allowing me to use art to express what I couldn't verbally, but the biggest was how you changed the final days' schedule to give me extra help. This showed me I could trust you to break a hole into a 20 year old shell and name it out loud in a safe place... You all have a gift. You help those who need someone to listen, support and find the courage and strength to face each day. I owe you all more than I can ever repay... You gave me the courage to face my past, to walk with my head up and to go from being a victim with no voice - to a survivor with a voice."

Financial Overview

History of Growth

In early 2014, LSF was hosting 14 retreats at rented facilities around the country, providing important therapeutic support services to 82 service members and family members. Due to scheduling limitations inherent to using rented facilities, our program growth was restricted to 14-16 retreats per year.

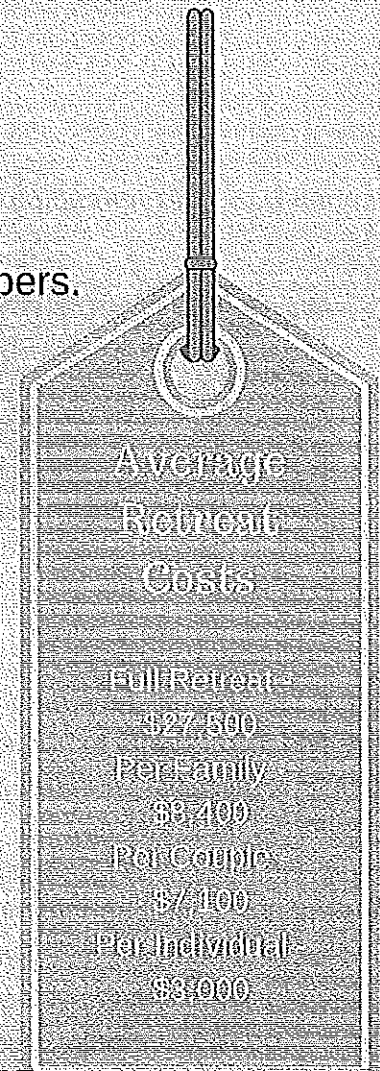
With the support of the local community, we opened our first owned retreat facility in Crystal Beach, Texas in April 2015, allowing us to expand our program services to 31 retreats in 2016 (18 at the Crystal Beach Retreat Facility and 13 at rented facilities) serving 225 service members and family members – a 129% increase over 2015's participant numbers.

43 retreats are scheduled for 2017 with 359 participants anticipated - a 60% increase over 2016's participant numbers.

Retreat Expenses

all average costs have been rounded to the nearest \$100 increment

Our 2016 budget was \$26,000 per retreat. The actual average cost per retreat in 2016 was \$27,500 - primarily due to the challenge of cost control when renting facilities.



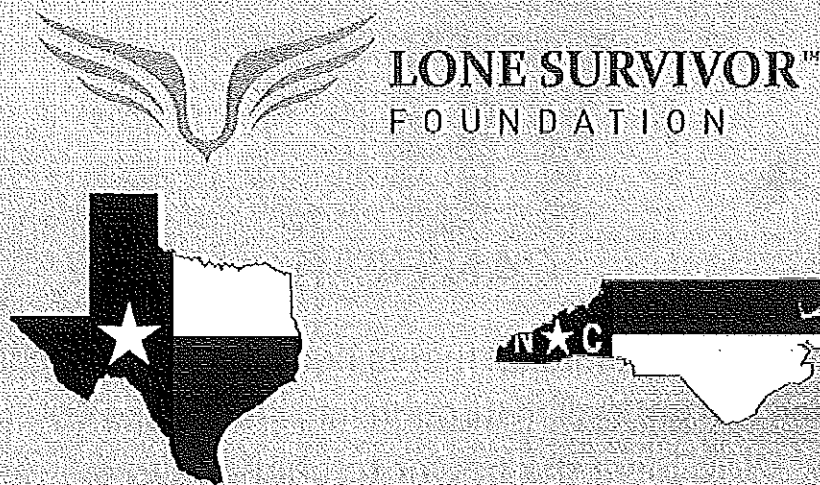
Average Retreat Costs	
Full Retreat -	\$27,500
Per Family -	\$8,400
Per Couple -	\$7,100
Per Individual -	\$3,000

Financial X Overview

Looking Forward

The Foundation is hosting 43 retreats in 2017, with 359 participants anticipated. The Crystal Beach Retreat Facility can hold up to 28 retreats per year; the Foundation will be hosting 15 retreats at rented facilities in 2017. The year-to-year increase in number of participants served has averaged 78%, but growth has been limited by the availability of facilities that are suitable for our program. We have received over 1,600 applications to date, and have been able to serve 517 participants to date. Without adding additional facilities, our current situation limits us to 59 retreats annually, serving a maximum of about 475 participants per year.

In March of 2017, we announced plans to explore an opportunity to build a new facility in Fayetteville, North Carolina. A second owned retreat facility would allow us to reduce the use of rented facilities for a time and better control costs as the number of retreats increases each year, while serving more service members and families. Assuming a second facility is built within the next two years, projected growth suggests a third facility may be needed within the next 5 years for additional program expansion.

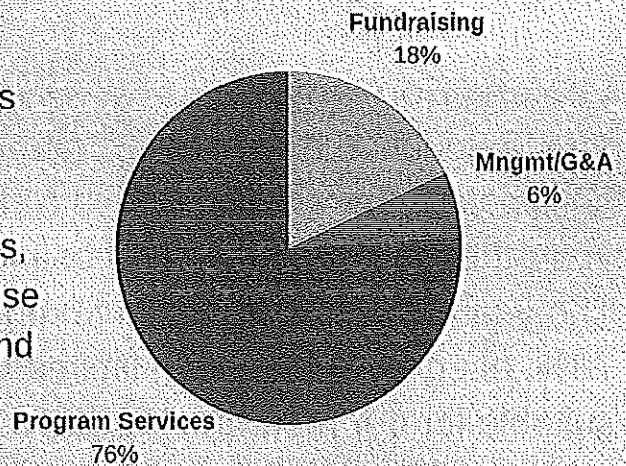


Financial Overview

Financial Stability

The Foundation had strong financial performances 2013 through 2016, closing out the year with approximately 8 million in net assets and close to \$6.5 million in cash. In achieving these numbers, we have been able to maintain a functional expense mix of 76% program services, 18% fundraising, and 6% management/general & administrative costs.

Overall, the Foundation's funding and financial liquidity is strong, with no debt and no plans to borrow money to expand the program.



In order to handle the inevitable economic ups and downs without a disruption in our program services, the Foundation strives to keep 1-2 years of operating expense in cash reserve. Currently our cash balance covers our operating expense cash reserve and enough funds to build one of the two retreat facilities needed in the next 2 years if we only wanted to maintain one year of cash reserve. Fundraising continues to be a priority in order to maintain the reserve and flexibility for program expansion, as the expense budget is expected to soon exceed 4 million per year with the projected increase in retreats and facilities.

Madison R. - *"LSF has given our family a new lease on life. We have been given hope for the future, forgiven of the past and have gained understanding. We are united as one and are now on our way to living a more fulfilled and positive life together!"*

YOU
CAN HELP

Lone Survivor Foundation meets needs, facilitates change,
and breaks cycles through individuals like you!

You have the power to change lives!

THIS IS A CALL TO ACTION

FOUNDATION CAMPAIGN

Foundation Donors are those individuals or companies who make a 3 year commitment to support our mission at \$100,000 or more per year. Help us build a strong foundation that can weather any storm!

CAPITAL CAMPAIGN

Numerous donation opportunities are available for our Fayetteville, North Carolina retreat facility, including naming opportunities. Help us expand our retreat program to serve those who have risked their lives for our freedom!

OPERATIONS CAMPAIGN

Our current operation expenses total \$3.2 million, and are projected to increase by 28% to \$4.1 million by 2019 as we increase the number of retreats hosted annually. Help us continue growing our retreat program by donating to our Operations Campaign!

FOUNDATION CAMPAIGN

Lone Survivor Foundation was born out of fierce patriotism, unalterable determination, and a "never quit" attitude.



We are looking for individuals and companies who share those values to **join with us** - to restore marriages and families, empower individuals with knowledge, and renew hope for those who have seen countless "hopeless" situations.

Foundation Donors are those individuals or companies who make a 3 year commitment to support our mission at \$100,000 or more per year.
Help us build a strong foundation that can weather any storm.

Foundation Donors

Foundation Donors receive special recognition in LSF marketing materials printed over the life of their sponsorship, as well as an à la carte menu of benefits such as:

- inclusion in LSF's galas
- press releases
- opportunity to join LSF's advisory board
- Veteran Employee Benefit Program: LSF retreat for your veteran employees
- opportunity to use the LSF Crystal Beach Retreat Facility for corporate meetings during the summer months

Don't see the benefit you are looking for? Just ask! We are happy to customize a sponsorship package that meets your needs.

CAPITAL CAMPAIGN

Be a part of LSF's growth!



Fayetteville, NC

RETREAT FACILITY

The Fayetteville Retreat Facility has been designed to suit the needs of all our LSF's retreat types and can sleep up to 9 individuals; 6 couples; or 4 families, along with staff.

A variety of donation opportunities are available: from donations of any amount directed to the capital campaign, to naming opportunities at the facility itself.

Naming Opportunities

Retreat Facility and Grounds - \$250,000 (1 available)

Pond with Fountain - \$25,000 (1 available)

Flag Pole - \$20,000 (3 available)

United States

North Carolina

LSF

Fire Pit - \$20,000

Activity Room - \$15,000 (2 available)

Yoga Room - \$15,000 (1 available)

Caretaker's Quarters - \$15,000 (1 available)

Family Rooms - \$15,000 (4 available)

Therapy Room - \$10,000 (4 available)

Individual Rooms - \$10,000 (4 available)

To learn more and make a donation to the building of the North Carolina LSF Retreat Facility, visit www.lonesurvivorfoundation.org/fayetteville

CAPITAL CAMPAIGN



Sponsorship Opportunities

Fayetteville, NC

RETREAT FACILITY

Admiral - \$100,000 +

- 16x16 Engraved Brick on the Legacy Walk
- Invitation to the private Groundbreaking and Grand Opening events
- Sponsorship recognition on the Capital Campaign Honor Wall at the facility
- Sponsorship recognition on the LSF and Fayetteville Retreat Facility websites
- Swag bag with LSF gear
- Featured interview in LSF's newsletter

Captain - \$25,000-\$99,999

- 12x12 Engraved Brick on the Legacy Walk
- Sponsorship recognition on the Capital Campaign Honor Wall at the facility
- Sponsorship recognition on the LSF and Fayetteville Retreat Facility websites
- Swag bag with LSF gear

Commander - \$10,000-\$24,999

- 8x8 Engraved Brick on the Legacy Walk
- Sponsorship recognition on the Capital Campaign Honor Wall at the facility
- Sponsorship recognition on the LSF and Fayetteville Retreat Facility websites
- Swag bag with LSF gear

Lieutenant - \$2,500-\$9,999

- 4x8 Engraved Brick on the Legacy Walk
- Sponsorship recognition on the Capital Campaign Honor Wall at the facility
- Sponsorship recognition on the LSF and Fayetteville Retreat Facility websites

Material and Labor Sponsorships available as well!

To learn more and make a donation to the building of the North Carolina LSF Retreat Facility, visit www.lonesurvivorfoundation.org/fayetteville

OPERATIONS CAMPAIGN

There are a variety of sponsorship and donation opportunities available to support the Foundation's ongoing retreat program and operations costs.

Become an LSF Event Sponsor

September 16th, 2017
Houston Gala
Hyatt Regency

Cocktails & Comedy
NEW YORK
November 3rd, 2017

Golden Eagle
POKER
TOURNAMENT
December 2nd, 2017
Houston, TX

Chicago Gala
February 24th, 2018

Merchandise Sponsor
'17-'18 | CO-BRANDED SWAG

Visit www.lonesurvivorfoundation.org/operationscampaign for more information about these opportunities and more!

OPERATIONS CAMPAIGN



LONE SURVIVOR™
FOUNDATION

GROUND SUPPORT CREW

Become a Monthly Donor

Our "Ground Support Crew" members (monthly donors) form the backbone of our organization by investing their resources in those who have invested in our freedom. Their continued support helps offset the cost of providing support for our service members. We couldn't be more grateful for our monthly donors!

Items listed are examples of what the gift amount could help us cover.

- \$25** - Help fund 3 hours of therapeutic services for retreat attendees
(less than .83 cents per day!)
- \$50** - Help cover a flight for a retreat attendee per year!
- \$100** - Help provide horses for EAGALA therapy for one retreat a year!
- \$250** - Help fund one individual per year to attend a retreat!
- \$500** - Help cover welcome bags for a couples or family retreat!
- \$1,000** - Help provide a therapist for a retreat each month!
- \$1,500** - Help provide meals for a retreat each month!
- \$2,000** - Help provide property, wind and flood insurance for our retreat facility!
- \$2,500** - Help fund 1 full retreat per year!

Ground Support Crew members receive a limited edition
t-shirt for each year of giving!

Visit www.lonesurvivorfoundation.org/monthly-giving
to set up your monthly donation.

OPERATIONS CAMPAIGN

Other Ways to Donate

Donate Stock

50	+13.38%▲	50	120,000
55	+5.34%▲	250	220,000
60	+5.97%▲	100	120,000
65	+2.13%▲	500	300,000
70	+6.43%▲	765	600,000
75	+23.1%▲	893	120,000
80	+5.56%▲	128	320,000
85	+11.3%▲	765	150,000
90	+3.54%▲	432	120,000

Donating stock to LSF rather than selling it may result in a tax savings! For information and servicing related to donations of securities for Lone Survivor Foundation, please contact:

Dan C. Baker, Wealth Management Advisor
 Northwestern Mutual
 713-333-5000 office
dan.baker@nm.com
www.danbaker-nm.com

Non-Cash Donations



Non-cash donations of old cell phones, laptops, jewelry, vehicles and even land or houses can be donated to be resold - the proceeds of the sale give us the opportunity to double our impact for our wounded service members! Just think of what we could do if all of our supporters donated their old cell phones!

Purchase a Legacy Brick



Leave a lasting legacy at the Lone Survivor Foundation Retreat Facility by purchasing an engraved commemorative brick for you or in memory/honor of a veteran or active member of the U.S. Armed Forces. Hundreds of service members and their families attend LSF retreats. Every time they walk the grounds at our retreat facility, they will be reminded of your support.

Visit www.lonesurvivorfoundation.org/donate to learn more.

GET

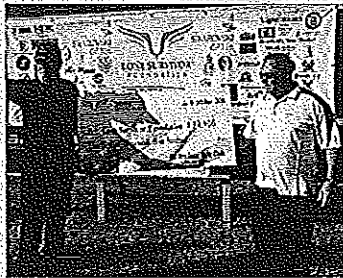
INVOLVED

Volunteer

Our volunteers give our small staff the force of over 2,000, and together we're accomplishing big goals in our mission to restore, empower, and renew hope to wounded service members and their families! Visit www.lonesurvivorfoundation.org/volunteer to join the LSF Volunteer Force.



Host a Beneficiary Event

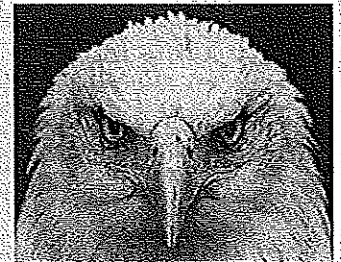


A Beneficiary Event is defined as an event hosted by an individual, business or group to raise funds for Lone Survivor Foundation. These events are considered to be financially self-sufficient and are not managed by Lone Survivor Foundation, but agree to follow guidelines set forth by the Foundation. To apply to host an event, visit www.lonesurvivorfoundation.org/host-event.

Create a Personal Fundraising Page

Did you know that the number one reason people donate to a charity is because someone asked them to? Our "Everyday Hero" website allows you to create your own fundraising page to reach out to family, friends and colleagues to raise funds for LSF.

Visit www.lonesurvivorfoundation.org/fundraise to get started.



"Wings Over MST" Motorcycle Groups



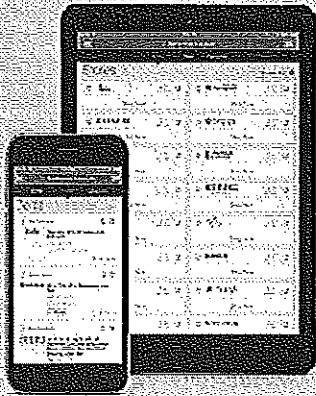
Lone Survivor Foundation holds retreats that specifically address the deep effects of one of the worst and most unexpected forms of traumatic stress that can be suffered while serving your country – Military Sexual Trauma or MST. We are calling on motorcycle organizations, dealerships, and riding groups to help us spread AWARENESS and raise the necessary funds to ACT when we are contacted by a survivor of MST. LSF educates, vets, and officially recognizes these organizations so that they can host rallies, fundraisers and rides under the Lone Survivor Foundation "Wings over MST" campaign. Visit www.lonesurvivorfoundation.org/wings-over-mst to learn more.

Visit www.lonesurvivorfoundation.org/get-involved to learn more.

PG 22824

GIVE BACK

LSF Rewards App - get cash back when you shop



Download the LSF Rewards mobile app or browser extension and every time you shop online at your favorite stores, you can earn cash back for you, and for the Foundation! Visit lsfrewards.retailbenefits.com to get started.

Crowdfunding for the Shooting, Hunting and Outdoor Trade (S.H.O.T.) Community!

For more information:

www.lonesurvivorfoundation.org/introducing-fire-funder

Fire Funder



Amazon Smile

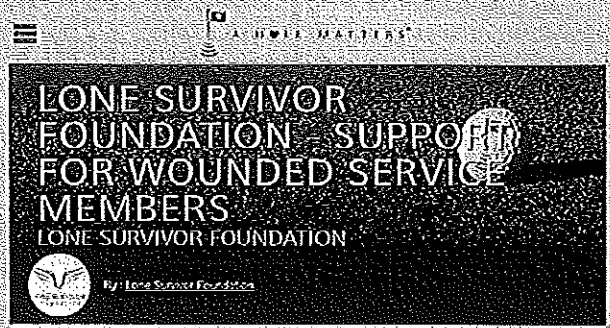


Support LSF with your Amazon purchases! Visit smile.amazon.com/ch/27-1850918 get started.

A Hole Matters - support with your golf game

A Hole Matters is the only crowdfunding platform with a mobile app for iPhone and Android that lets golfers pledge a donation based on their scores on all, any or a hole.

Visit www.aholematters.com/lsgolf to get started!





LONE SURVIVOR™ FOUNDATION

Lone Survivor Foundation restores, empowers and renews hope for wounded service members and their families through health, wellness and therapeutic support.

www.lonesurvivorfoundation.org

For more ways to get involved, visit our website!



EMPOWER Processing

LSF has teamed up with Empower Processing to offer supporters a way to support our wounded service members through their everyday business activities! When a customer makes a credit card purchase at a participating merchant, a generous percentage of Empower's net collected revenue (defined as total fees collected from the merchant minus any card association fees and assessments) is donated directly to Lone Survivor Foundation.

www.lonesurvivorfoundation.org/get-involved/#Credit



A Green Zone is a safe place in a combat zone, a GreenZone Hero is a "safe" place for veterans and their families and friends to do business. GreenZone Hero's goal is to create commerce for your business and to secure your company's reputation as an active and dedicated supporter of our veterans.

When you enlist as a GreenZone Hero "Veteran-Friendly" Business, GZH pays a portion of your membership to LSF. Becoming a GreenZone Hero is a great way to honor what you do for Veterans and to tell your business story!

www.greenzonehero.com/lsf

tabbies®
EXHIBIT
FOUR
Case P17-04C

Rezoning Hearing

Thursday, August 17 at 7:00pm (arrive at 6:30 if you wish to speak in the meeting)

Dear Neighbors

There will be a public hearing at the Cumberland County Planning Department in the old Courthouse in downtown Fayetteville to discuss the proposed rezoning of the property at 9390 East Reeves Bridge Rd. The Cumberland County Planning Department has stated that the rezoning request is to build a 13 bedroom facility that will host up to 40 retreats per year. If you have questions please contact the Cumberland County Planning Department to speak with Betty Lynd 910-678-7600. Please plan to attend if you would like to receive additional information or express any concerns about the impact this would have on our neighborhood.

Sincerely,

A group of interested neighbors

ArmyTimes

08.21.17-08.28.17

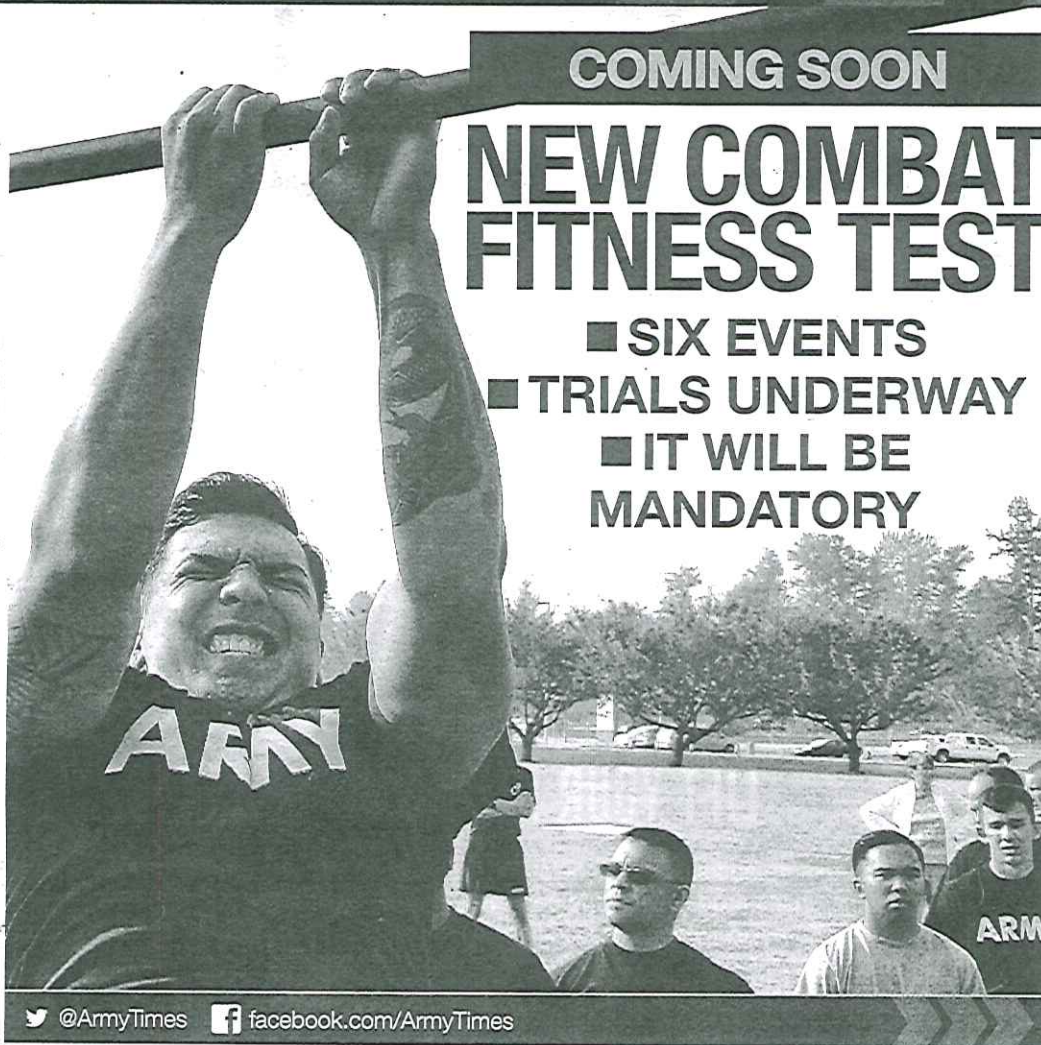


**SOLDIERS TEST
NEW HELMETS**
Headgear reaches
troops in 2020



**CONGRESS OKs
'FOREVER' GI BILL**
What's in it for you

**GAME-CHANGING
NIGHT VISION**
Who gets it and when



COMING SOON

NEW COMBAT FITNESS TEST

- SIX EVENTS
- TRIALS UNDERWAY
- IT WILL BE MANDATORY

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Vol. No.78 Issue No. 15

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EXHIBIT

tabbles

FIVE
Case P17-04c

PTSD DISABILITY CLAIMS BY VETS TRIPLED IN LAST DECADE

By Leo Shane III
lshane@militarytimes.com

More than one in five veterans receiving federal disability payouts suffers from post-traumatic stress disorder, a figure that has spiked in the last decade.

Veterans Affairs officials told lawmakers July 25 that the number of disability cases related to PTSD has nearly tripled in that time, from around 345,000 cases in fiscal 2008 to more than 940,000 cases today.

Service-connected PTSD payouts now make up 22 percent of all veterans receiving compensation benefits from the department. That includes all age groups, not just veterans from the recent wars.

But lawmakers still worry that current VA rules may still be excluding thou-

sands more veterans eligible for the disability payouts, which are tied to injuries suffered during military service.

"One size fits all does not work when it comes to PTSD," said Rep. Mike Bost, R-Ill. and chairman of the House Veterans' Affairs subcommittee on disability assistance.

"When you're dealing with a human mind damaged by some really bad circumstances, we have to do everything we can. I know we're trying, but we hear concerns from constituents on a regular basis."

The statistics came as part of a committee hearing looking at whether department health officials are handling PTSD claims effectively.

Ronald Burke, assistant deputy undersecretary at the Veterans Benefits Administration, said much of the spike

in these claims stems from decisions in 2010 to relax eligibility and evidentiary rules for PTSD diagnoses.

That, coupled with more public attention on the topic and more awareness among veterans, led to more veterans from all eras to file claims. Burke said the department now has 16 training courses focused on handling the cases, in an effort to ensure any affected veteran is identified and helped.

But Gerardo Avila, deputy director at the American Legion's rehabilitation division, said his group still sees multiple cases where veterans are rejected for a lack of proof or because of rushed evaluations.

"We have seen cases where a veteran presents extreme systems, but is only given a 30 or 40 percent (disability) rating," he said. "It can be overturned, but



AP Photo/Emilio Motonatti
U.S. soldiers patrol the outskirts of Spin Boldak, Afghanistan, near the border with Pakistan, in August 2009. Veterans Affairs officials said more than one in five disability claims today are connected to post-traumatic stress disorder.

it's not likely to happen. And that could mean years of waiting for an appeal."

Several lawmakers also expressed concerns about evaluators focusing too much on a symptoms checklist for PTSD, rather than fully assessing the problems before them.

Burke said officials do emphasize that broader view, and "remain committed to providing high-quality and timely decisions" on the issue. That includes possible changes in months and years to come.

PLAN WOULD HELP WW II VICTIMS OF MUSTARD GAS

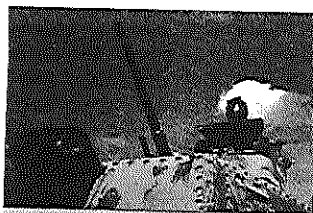
By Summer Ballentine
The Associated Press

A measure headed to President Donald Trump's desk could help World War II veterans exposed to mustard gas by the military, Missouri Sen. Claire McCaskill said Aug. 5.

The measure, which the Senate passed as part of another bill to expand college aid for military veterans, would require the Veterans Affairs Department to reconsider disability benefits denied to those who claimed the testing caused health problems.

McCaskill said the military tested the effects of mustard gas and the blister agent lewisite on about 60,000 veterans by the end of World War II. Her office estimates a couple hundred participants could still be alive, including 90-year-old Missouri resident Arla Harrell, for whom the bill was named.

"It says to Arla Harrell, 'We believe



Library of Congress
A tank commander is shown at Fort Knox, Kentucky, circa 1939.

you," McCaskill said. "And that is a very important thing to say to Arla and other men like him who were willing to give the ultimate sacrifice for their country."

A Department of Veterans Affairs spokesman didn't immediately comment.

Harrell's daughter, Beverly Howe, says he had mustard agents dabbed on his skin and was placed in a gas chamber without protections in southwestern Missouri's Camp Crowder after he enlisted in the Army in 1945. He's since had lung issues and skin cancer but has been denied benefits. He and other veterans were sworn to secrecy until 1991, complicating efforts to get benefits.

"When these men were released from this vow of secrecy, our country did not stand up at that point and say, 'We got it. We've got your back,'" Howe said.

VETS CAN SET APPOINTMENTS, MEET WITH DOCTORS BY PHONE

By Leo Shane III
lshane@militarytimes.com

Veterans will be able to schedule medical appointments online and consult with physicians on their mobile phones through new telehealth offerings unveiled Aug. 3 by the White House and Department of Veterans Affairs.

The move is part of broader VA reforms promised by President Donald Trump and should expand access to department medical care for tens of thousands of rural and homebound veterans across the country. In some cases, federal money will pay for upgraded mobile phones and tablets to help veterans use the new medical technologies.

"We're going to be able to provide mental health care to areas where specialists aren't available now," VA Secretary David Shulkin said.

Department video services for remote medical appointments are already available for about 300 VA providers and nearly 70 VA clinics. Shulkin said that number will grow steadily in months to come, as new equipment and training is rolled out.

Training will be available for patients too. To accommodate older, less tech savvy veterans, the department will provide online classes on how to use the telehealth services and new equipment, if physicians decide it's a medical necessity.

The new online and mobile appointment scheduling tool — Veteran Appointment Request — is expected to provide faster medical access and more information on wait times to veterans seeking care. The latter issue has been a problem for VA since 2014, when a wait times scandal forced the resignation of then VA Secretary Eric Shinseki.

With the new tool, available through www.va.gov and the department's mobile app stores, veterans should be able to view upcoming appointment openings in their area and plan meetings around their own schedule.

Shulkin said the tool won't allow veterans to look at medical care options outside the VA. But he expects the new tool will "be part of the solution in improving wait times and access" by giving veterans more power over choosing appointment times.

SITE PROFILE: P17-05-C

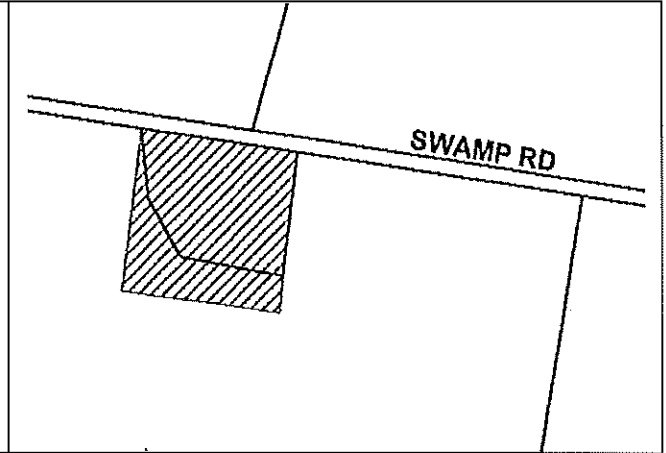
P17-05-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A 290 FOOT TOWER IN AN A1 AGRICULTURAL DISTRICT ON 10.199+/- ACRES, LOCATED AT 3400 SWAMP ROAD; SUBMITTED BY CAROLE A. MCCOY ON BEHALF OF ATLANTIC COAST PIPELINE LLC (OWNERS)

Cumberland County Zoning Ordinance Reference: Section 927. Towers

Notes:

Application:

1. Proposed 290 foot three-legged lattice design tower.
2. The proposed tower will co-locate with Atlantic's Fayetteville Metering & Regulation station.



INITIAL ZONING A1- October 24, 1990 (Area 18)	ADJACENT PROPERTY None	NONCONFORMITIES No	WATER/SEWER AVAILABILITY Well/Septic	SIZE OF PROPERTY Frontage & Location: 667.00' on SR 1717 (Swamp Rd)
JURISDICTION Cumberland County	CURRENT USE Vacant	ZONING VIOLATIONS None issued	SOIL LIMITATIONS Yes; Ro- Roanoke & Wahee loams	Depth: 349.00'
MUNICIPAL INFLUENCE AREA Wade		WATERSHED Yes; Requires low-density review	SPECIAL FLOOD HAZARD AREA Yes	

SURROUNDING ZONING North: A1, R30, CD West: A1 East: A1, R30, RR, R6A South: A1	SURROUNDING LAND USE Farmlands and woodlands
COMPREHENSIVE PLANNING: 2030 Growth Strategy Plan: Conservation Area Wade Land Use Plan: Planned Industrial	TRANSPORTATION PLANNING: Swamp Road is identified as a local road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact to the Transportation Improvement Plan.

OTHER PROPERTY INFO:

School Capacity/Enrolled: Requested comment not received

Subdivision/Site Plan: See attached "Ordinance Related Conditions"

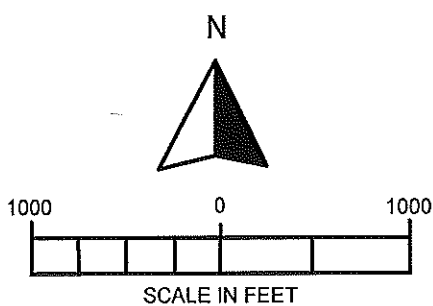
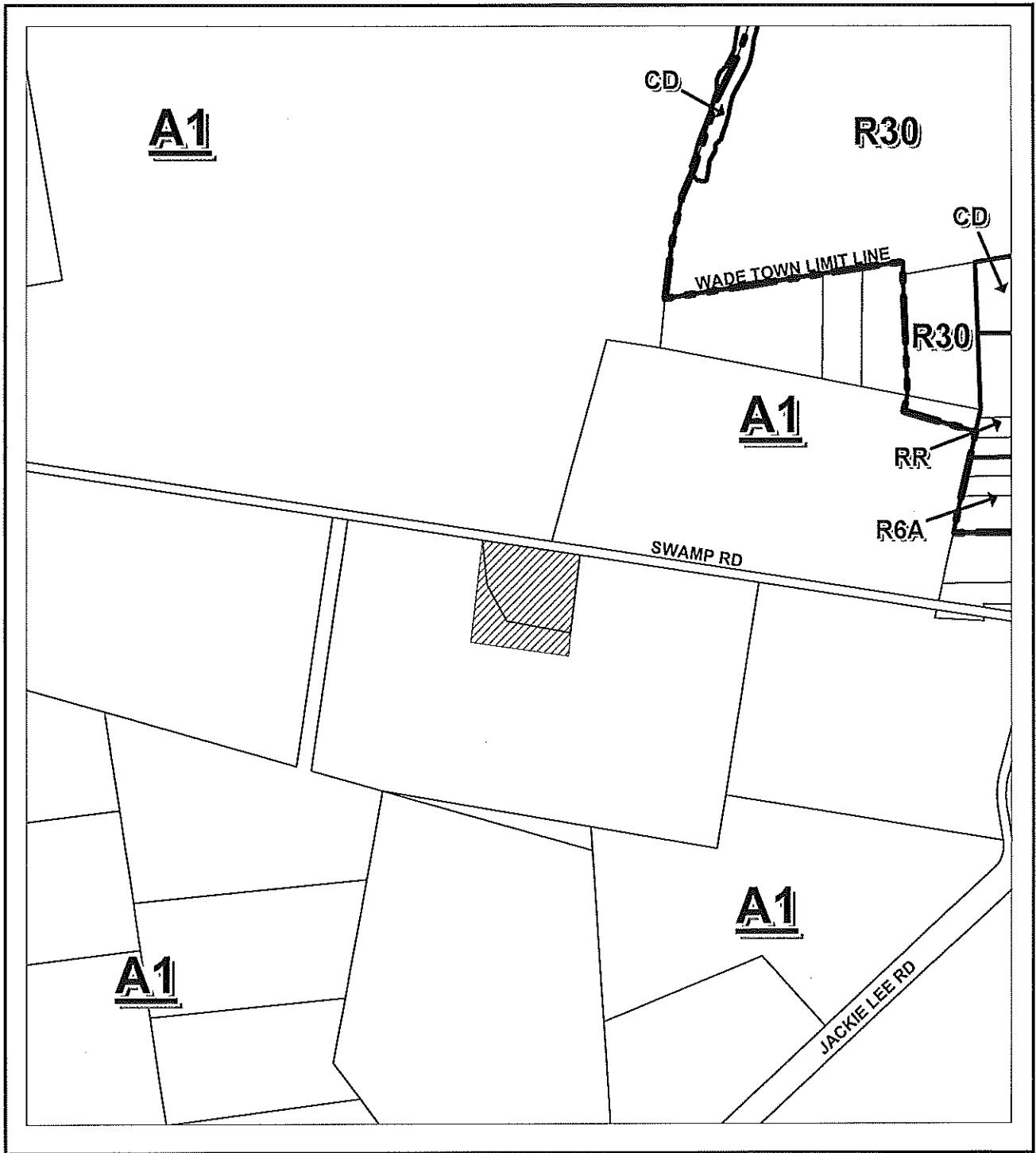
Average Daily Traffic Count (2014): 150 on SR 1716 (Powell St)

US Fish & Wildlife: No objection

All documentation required by the ordinance is attached to the application or contained within the case file, and is available for review upon request.

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.

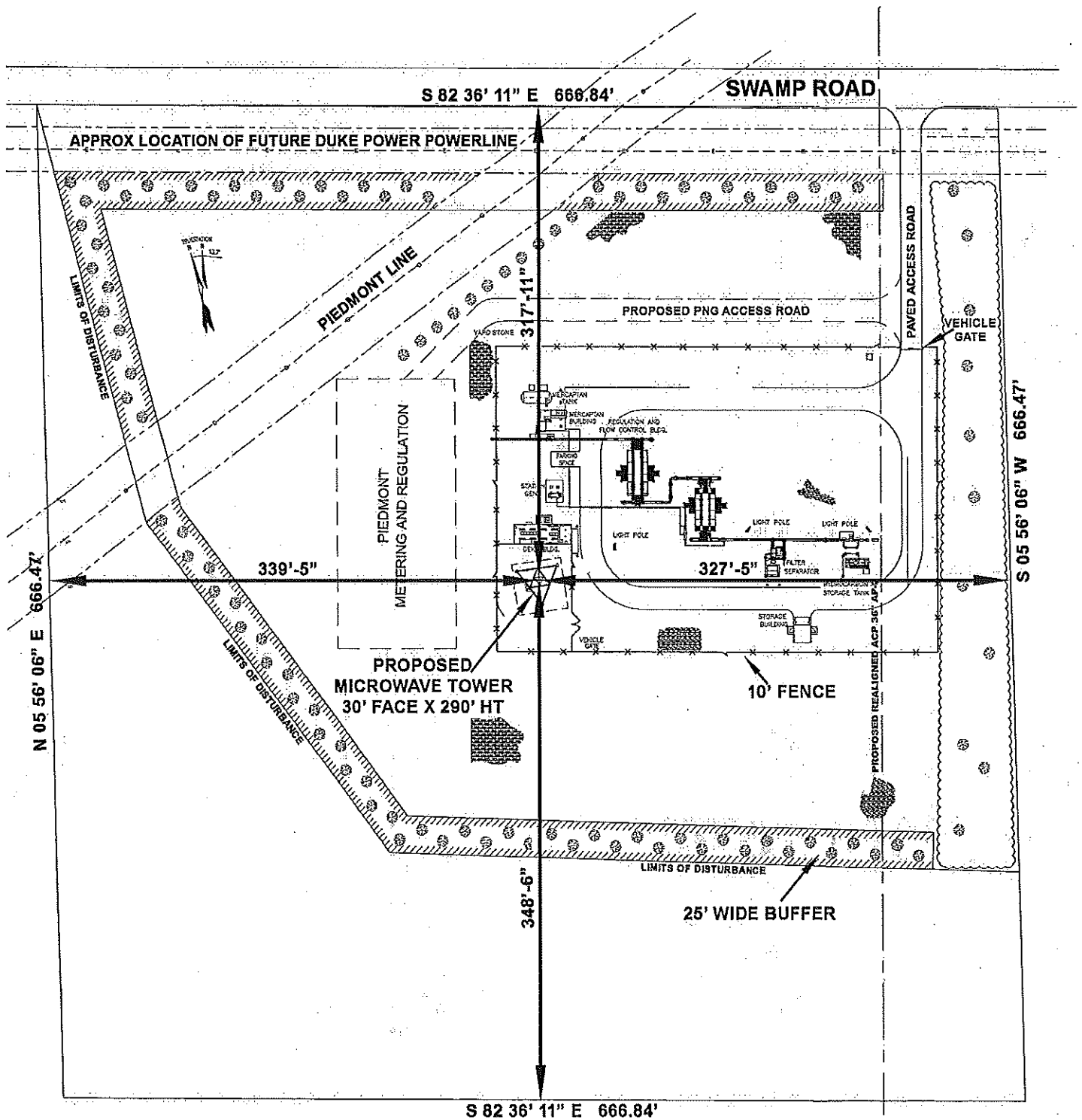


BOARD OF ADJUSTMENT SPECIAL USE PERMIT

ACREAGE: 10.199 AC.+/-	HEARING NO: P17-05-C	
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		

PIN: 0571-12-9897
 PORT OF PIN: 0571-22-0203

08/22/17
 08/28/17
 MB



BOARD OF ADJUSTMENT
SPECIAL USE PERMIT
 REQUEST: TO ALLOW A 290 FOOT TOWER
 IN AN A1 AGRICULTURAL DISTRICT
 CASE: P17-05-C ACREAGE: 10.199 AC +/-
 ZONED: A1 SCALE: NTS
 *SCALED DETAILED SITE PLAN AVAILABLE FOR REVIEW UPON REQUEST

Special Use Permit – Board of Adjustment

DRAFT

Ordinance Related Conditions

Tower

Pre- Permit Related:

1. This conditional approval is not approval of the site plan for the Piedmont Metering and Regulation area (public utility station/substation). Three copies of a revised plan must be submitted for staff review and approval prior to commencement of construction of this portion of the development.

Watershed-Related:

2. An application for watershed approval must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits. (Note: This approval may require additional conditions restricting the development of this property.) A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.
3. Prior to application for the building final inspection, a Watershed Occupancy Permit must be issued for this development.

Permit-Related:

4. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
5. Upon any future development requiring utilities on the subject property, the County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance)
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environmental Quality. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
8. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDEQ approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
9. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.

10. Prior to issuance of a building permit for the tower, the applicant/owner or developer must submit to Code Enforcement, drawings sealed by a licensed engineer and a certification letter from the licensed engineer who prepared the plans that the tower will meet all applicable Federal, State and local building codes and structural standards. (Section 927.H, Towers, County Zoning Ordinance.)
11. Prior to issuance of building permits for the tower, if lighting is required by the FAA, the applicant/developer/owner shall submit documentation from the FAA that the proposed lighting is the minimum lighting required by the FAA. (Section 927.P, Towers, County Zoning Ordinance.)
12. Prior to issuance of the final occupancy permit for the tower, the owner/operator of the tower shall submit a sign and seal engineer's statement that the tower is structurally sound. (Section 927.R, Towers, County Zoning Ordinance.)
13. The final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
14. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits. Permits **MUST** be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6 / District 2 office at the number listed on the bottom of this conditional approval.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, the copies of a revised site plan must be submitted for staff review and approved prior to permit application.

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

Site-Related:

15. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the A1 zoning district for the tower, to include the contents of the application and site plan, must be complied with, as applicable.
16. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan for staff review and approval is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
17. "Swamp Road" must be labeled as "SR 1717 (Swamp Road)" on all future plans.
18. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
19. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
20. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
21. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.

22. The tower base shall be enclosed by a chain link fence that is at least 10 feet in height. (Section 927.E, Towers, County Zoning Ordinance.)
23. A 25 foot wide buffer shall surround the tower compound area and that no structures be erected within the buffer this buffer area. Note: The developer is required to obtain an owner's statement granting permission to maintain this buffer area outside the actual lease lot area. The buffer area shall be planted with evergreen trees that will attain a minimum height of 25 feet spaced no greater 20 feet apart. The inner fringe of the buffer area shall be planted with an evergreen hedge with an initial height of three feet and an expected attainment of six feet in height within four years of planting. This buffer shall be maintained for the duration of the lease. (Section 927.F, Towers, County Zoning Ordinance.)
24. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
25. In the event the tower is not used for a period of six months, the tower shall be considered abandoned and must be removed. The owner of the tower is required to remove any abandoned, unused or structurally unsound tower within 90 days of receiving notice requiring removal. The Code Enforcement Coordinator may establish a shorter period of time for removal in the event the tower is determined to be structurally unsound. (Section 927.Q, Towers, County Zoning Ordinance.)

Advisories:

26. All applicable conditions from subdivision Case No. 15-086 (subdivision case) apply.
27. Swamp Road is identified as a local road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.
28. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
29. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
30. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Betty Lynd at 910-678-7603 with the Land Use Codes Section; otherwise, contact the appropriate agency at the contact numbers below.

Contact Information (Area Code is 910 unless otherwise stated):

Watershed Review Officer:	Jeff Barnhill	678-7765	jbarnhill@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Gary Faulkner	321-6648	gfaulkner@co.cumberland.nc.us
County Engineer's Office:	Wayne Dudley	678-7636	wdudley@co.cumberland.nc.us
County Health Department:	Daniel Ortiz	433-3680	dortiz@co.cumberland.nc.us
Ground Water Issues:	Daniel Ortiz	678-7625	dortiz@co.cumberland.nc.us
Town of Wade:	Cindy Burchett (Town Clerk)	485-3502	townofwade@nc.rr.com
County Public Utilities/NORCRESS:	Amy Hall	678-7637	ahall@co.cumberland.nc.us
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov

US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Ron Gonzales	678-7616	rgonzalez@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	486-1496	tlbaker@ncdot.gov

cc: Cindy Burchett, Town of Wade (MIA purposes only)



August 10, 2017

Tom Lloyd, Director
Cumberland County Planning & Inspections Department
130 Gillespie Street
Fayetteville NC 28301

RE: Atlantic Coast Pipeline, LLC ("Atlantic") – Application for Special Use Permit for Proposed Microwave Telecommunications Tower

Dear Mr. Lloyd:

Atlantic is a partnership consisting of subsidiaries of Dominion Energy, Duke Energy, Piedmont Natural Gas and Southern Company formed for the purposes of operating as a Natural Gas Company as defined by the Natural Gas Act, 15 U.S.C. § 717 *et seq.* ("Natural Gas Act"). Specifically, Atlantic was formed to own, develop, construct, operate and maintain an approximately 600 mile interstate natural gas transmission pipeline, known as the Atlantic Coast Pipeline ("ACP"), originating in Harrison County, West Virginia running to Northampton County, North Carolina and then south into eastern North Carolina, and east into the Hampton Roads area of Virginia. The natural gas transported by the ACP will be used to generate electricity, heat homes, run local businesses and increase the reliability and security of natural gas supplies in Virginia and North Carolina.

The proposed project includes three interconnections of the ACP with the existing pipeline facilities of Piedmont Natural Gas located in North Carolina to deliver natural gas supplies for further distribution. One such interconnection is proposed to be located in Cumberland County. Additionally, Atlantic plans to install a microwave network serving as the communications backbone for the ACP used for the monitoring, control, security and safety of the ACP. This microwave network includes towers at multiple sites along the proposed route of the ACP. One such microwave tower is proposed to be located at the interconnection in Cumberland County.

Interstate natural gas companies such as Atlantic are regulated by the Federal Energy Regulatory Commission ("FERC"). Under Section 7 of the Natural Gas Act, FERC determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity ("Certificate") to construct and operate the facilities. FERC is an independent regulatory agency and therefore conducts a complete independent review of project proposals, including an environmental review of the proposed facilities under the National Environmental Policy Act of 1969 ("NEPA").

FERC bases its decision on technical competence, financing, rates, market demand, gas supply, environmental impact, long-term feasibility, and other issues concerning a proposed project.¹ On September 18, 2015 Atlantic filed an Application with FERC for a Certificate, to which FERC issued a Notice of Application on October 2, 2015.²

Also during this FERC Application phase, applicants desire, and are encouraged, to cooperate with state and local governments to address any state or local aspects of a proposed project under FERC review.³ Consistent with this approach, through consultations with the County Planning & Inspections Department, Atlantic understands that the County's Zoning Ordinance provides that a Special Use Permit should be applied for in connection with the proposed Microwave Telecommunications Tower planned for the site.

Accordingly, an Application for a Special Use Permit (with related documentation) is attached hereto for consideration and approval by the Cumberland County Board of Adjustment. Upon issuance of the Special Use Permit requested herein, Atlantic also intends to seek from the County any other applicable administrative permits. In addition to the documentation required to be submitted by the County's Zoning Ordinance, a project overview document is also enclosed to support Atlantic's application.

It is Atlantic's understanding that the issuance of the Special Use Permit discussed above is the only approval required from Cumberland County for the ACP project prior to seeking a building permit.

Please feel free to contact me should you have any questions or need additional information. As always, Atlantic is also willing to discuss any other reasonable conditions that might be desirable in connection with this Special Use Permit request.

Sincerely,



Carole A. McCoy
Authorized Representative
Atlantic Coast Pipeline, LLC

Enclosures

¹ The FERC process can be followed through FERC's website at www.ferc.gov. You can query using the FERC docket numbers for the ACP project, CP15-554-000 and CP15-554-001.

² On March 14, 2016 Atlantic filed an Amendment to the Application with FERC to incorporate route changes that would minimize the impact of the ACP on affected landowners and communities and on the environment. On March 22, 2016, FERC issued its Notice of Amendment to the Application.

³ A typical FERC Order issuing a Certificate contains a statement similar to the following: "Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this certificate. The Commission encourages cooperation between interstate pipelines and local authorities. However, this does not mean that state and local agencies, through application of state or local laws, may prohibit or unreasonably delay the construction or operations of the facilities approved by this Commission."



County of Cumberland
BOARD OF ADJUSTMENT

CASE #: P17-05-C
CUMBERLAND COUNTY BOA
MEETING DATE: 9-21-17
DATE APPLICATION
SUBMITTED: 8-11-17
RECEIPT #: 71888 Michael
Baker
Intnl
RECEIVED BY: BL

**APPLICATION FOR
SPECIAL USE PERMIT**

The Cumberland County Board of Adjustment meetings are held on the third Thursday of each month in the Historic Courthouse, 130 Gillespie Street - Hearing Room 3. The Planning and Inspections Department will advertise the public hearing and a notice will be mailed or delivered to surrounding residents or property owners that may be affected by the proposed Special Use Permit request.

The Board of Adjustment is a quasi-judicial review board and all persons wishing to appear before this Board should be prepared to give sworn testimony on relevant facts. Applicants for Special Use Permits are encouraged to read Section 1606 "Special Use Permits" of the Zoning Ordinance to ensure the technical requirements of the Ordinance are met before submission to the Board of Adjustment (see next page).

The following items are to be submitted with the complete application:

1. A copy of the recorded deed and/or plat,
2. If a portion of an existing tract, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. Cash or check payable to "Cumberland County" in the amount of \$ 200.00 (see attached Fee Schedule)

NOTE: Any revisions, inaccuracies or errors to the application or site plan may cause the case to be delayed and will be scheduled for the next available Board of Adjustment meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application or preparation of the site plan.

**EXCERPT FROM
THE CUMBERLAND COUNTY ZONING ORDINANCE**

Section 1606 SPECIAL USE PERMIT (portion of)

B. Procedure. Special Use Permit shall be granted by the Board of Adjustment as permitted for only those uses enumerated in Section 403, Use Matrix, as Special Uses. Uses specified as a Special Use in Section 403 shall be permitted only upon the issuance of a Special Use Permit by the Board of Adjustment.

The owner or owners of all property included in the petition for a Special Use Permit shall submit a complete application and three copies of a site plan (drawn in accordance with the specifications listed in Section 1402) to the Planning and Inspections Staff. The Staff will schedule the application to be heard by the Board of Adjustment in accordance with the adopted time schedule. The Planning and Inspections Staff shall also notify the Commanders of Fort Bragg, and Pope U.S. Army Field of any application affecting the use of property located within a five miles or less of the perimeter boundary of said bases in accordance with the N.C. Gen. Stat §153A-323.

Developers are encouraged to discuss their Special use plans with the Planning and Inspections Staff before submission. The Staff shall assist the developer upon request by reviewing Special use plans to insure that the technical requirements of this Ordinance are met before submission to the Board of Adjustment.

All applications and site plans shall provide information indicating compliance with the development standards for individual uses as listed in Article IX of this Ordinance, as applicable, and the height and area regulations for the zoning district in which they are located, unless the provisions for the Special Use provide to the contrary.

C. Consideration of Application. The Board of Adjustment shall consider the application, site plan and any other evidence presented in accordance with this Article and may grant or deny the Special Use Permit requested. On granting a Special Use Permit, the Board shall find that:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
2. The use meets all required conditions and specifications;
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County's most recent Comprehensive Land Use Plan.

Any special use permit granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified within one calendar year from the date of such approval.

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: Parcel 0571-12-9897-

OWNER: Atlantic Coast Pipeline LLC c/o Dominion Energy

ADDRESS: 3400 Swamp Road

ZIP CODE: 28395

TELEPHONE: HOME N/A

WORK N/A

AGENT: n/a

ADDRESS: 120 Tredegar Street, Richmond, VA 23219

TELEPHONE: HOME N/A

WORK (804) 775-5234

E-MAIL: Carole.A.McCoy@dominionenergy.com

APPLICATION FOR A SPECIAL USE PERMIT

As required by the Zoning Ordinance

- A. Parcel Identification Number (PIN #) of subject property: 0571-12-9897-
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 10.199 Frontage: 666.84' Depth: 666.25'
- C. Water Provider: None
- D. Septage Provider: None
- E. Book 9744, Page 782, and
Book 10147, Page 401,
, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing use of property: Farmland (Property Class - Agricultural & Forest)
- G. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail including hours of operation, number of employees, signage, parking, landscaping, etc.)
Atlantic Coast Pipeline, LLC ("Atlantic") is seeking a Special Use Permit in order to construct a microwave telecommunications tower on this parcel. The tower will be 290 feet in height, and will be of a three-legged lattice design. The tower site will be constructed according to the site plan submitted with this application. The proposed tower will be co-located with Atlantic's Fayetteville Metering & Regulation Station, and will serve as part of the telecommunications backbone of the Atlantic Coast Pipeline ("ACP") project. The tower will receive and transmit data between other towers along the ACP route and the Dominion Energy Gas Control Center located in Bridgeport, West Virginia. The M&R facility, including the proposed tower, will not have any permanent staff on site but will periodically have one or more employees on-site for inspection and maintenance. The facility will have a sign and locked gate with the company name, facility name, and emergency contact. Other on-site signs will be installed to comply with DOT and other regulations. Landscape screening will be at the property line per the attached site plan. Please see the attached Supplemental Information packet, the contents of which are incorporated herein by reference.

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

✓ Atlantic Coast Pipeline LLC, by Carole A. McCoy, Authorized Representative
NAME OF OWNER(S) (PRINT OR TYPE)

✓ 120 Tredegar Street, Richmond, VA 23219
ADDRESS OF OWNER(S)

Carole.A.McCoy@dominionenergy.com
E-MAIL

N/A
HOME TELEPHONE #

(804) 775-5234
WORK TELEPHONE #

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

ADDRESS OF AGENT, ATTORNEY, APPLICANT

E-MAIL

HOME TELEPHONE #

(804) 775-5234
WORK TELEPHONE #

SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT


SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

STATEMENT OF ACKNOWLEDGMENT

Regarding appearance before the Board of Adjustment, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the board is not required, it is strongly encouraged;
- The board will hear any and all argument for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the board has the authority to approve, deny, or defer the request for additional information to be provided;
- If the petitioner or their representative for this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case.
- If the board’s decision is to deny the matter before them, the aggrieved party shall file a **“Notice to Intent to Appeal” with the Planning & Inspections Staff on the next business day following the meeting in which the board’s decision was made final, or the next business day following receipt of the written copy thereof.**
- Any petition for review by Superior Court shall be file with the Clerk of Superior Court within 30 days after the decision of the board is made final.

Signed acknowledgment that the Planning and Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

SIGNATURE OF OWNER(S) Carole A. McCoy

PRINTED NAME OF OWNER(S) Atlantic Coast Pipeline, LLC, by Carole A. McCoy,
Authorized Representative

DATE 8/10/2017

APPLICATION FOR SPECIAL USE PERMIT –
CUMBERLAND COUNTY, NORTH CAROLINA

ATLANTIC COAST PIPELINE, LLC
SUPPLEMENTAL INFORMATION ON PROPOSED MICROWAVE TELECOMMUNICATIONS TOWER

Why is Atlantic Coast Pipeline, LLC seeking a Special Use Permit?

Applicant Atlantic Coast Pipeline, LLC (“Atlantic”) is seeking a Special Use Permit in order to allow it to construct and use a microwave telecommunications tower in the A1 Agricultural district. The proposed tower will be constructed as part of Atlantic’s Fayetteville Metering & Regulation Station. Other than the tower, the remainder of the Metering & Regulation Station is already permitted by right in the A1 Agricultural district as a public utility station. However, because under Cumberland County Zoning Ordinance towers are only permitted in the A1 Agricultural district with a Special Use Permit, Atlantic is seeking a Special Use Permit for the proposed microwave communications tower (the “Proposed Tower”) at this time.

DESCRIPTION OF THE SITE OF THE PROPOSED TOWER

The Fayetteville M&R Station,¹ which will include the Proposed Tower for which a Special Use Permit is being sought, will be located in Cumberland County, North Carolina and will be sited on an approximately 10.199 acre parcel (Parcel ID 0571-12-9897-) on Swamp Road near Wade.² The location of the M&R Station (including the Proposed Tower) was dictated by the delivery point and interconnection requirements under the contracts underpinning the ACP project. However, many other factors were also considered to ensure that the proposed facilities minimize any detrimental effects on adjacent properties. Importantly, this site is the location at which the proposed ACP pipeline intersects with the alignment of an existing natural gas pipeline owned by Piedmont Natural Gas.

REQUEST FOR SPECIAL USE PERMIT FOR THE PROPOSED TOWER

As noted above, the site location is zoned A1 Agricultural. The M&R Station itself is a Public Utility Station, and under Section 403 of the Zoning Ordinance (the Use Matrix), is permitted by right in this location. Therefore, Atlantic is not seeking a Special Use Permit for the Public Utility Station aspect of the M&R Station. However, because Cumberland County’s Zoning Ordinance treats the proposed microwave telecommunications tower as a separate use, and because such a tower use is only permitted in the A1 Agricultural district with a Special Use Permit, Atlantic is seeking the issuance of a Special Use Permit here in order to allow it to build the Proposed Tower, which is an essential component of the M&R Station.

¹ A metering and regulation station is a natural gas facility which measures the volume of natural gas passing through the pipeline and also regulates gas pressure and delivery volumes.

² In 2015, Atlantic Coast Pipeline, LLC purchased a 6.749 acre tract located on Swamp Road. That 6.749 acre tract was assigned Cumberland County Parcel ID 0571-12-9897-. Recently, the company purchased an additional, adjacent parcel of property comprising 3.450 acres, and the resulting recombined parcel totals 10.199 acres in size.

The Proposed Tower will be 290 feet in height. It is proposed to be of a three-legged lattice design. It will be galvanized to prevent corrosion and will include FAA-required lighting. It will be surrounded by a 10-foot high security fence.

No outside storage of vehicles or materials is planned for the site. All proposed buildings, apparatus and fencing will be located at least 40 feet from all property lines and will be appropriately screened by existing and/or installed landscaping, although Atlantic commits to working with county staff to develop any additional landscaping needed to help the proposed facilities blend into the surrounding area. Once in operation, vehicular traffic is expected to be minimal and limited to periodic visits by maintenance and operational personnel to ensure the facilities are operating in a continuous and safe manner. Additionally, Atlantic will work with the North Carolina Department of Transportation as needed to secure any necessary permits for the proposed entrance as required by law. Atlantic will also install any required erosion and sediment controls and storm water protection measures during construction and secondary containment devised for all tanks to control any water runoff from the site.

The Proposed Tower will be constructed as part of the Atlantic Coast Pipeline, LLC project (the "ACP"). The ACP is planned to be an approximately 600-mile long interstate natural gas pipeline originating in Harrison County, West Virginia, running to Northampton County, North Carolina, and then south into eastern North Carolina and east into the Hampton Roads area of Virginia. Because project construction may take up to two and a half years, and pursuant to Section 1606(E) of the Cumberland County Zoning Ordinance, Atlantic is requesting that the Special Use Permit requested in its application be valid until the later of (a) the date which is two (2) years after the date of issuance, or (b) such longer time period allowed by Cumberland County Zoning Ordinance in effect at the time of the issuance of the Special Use Permit. Atlantic further requests that, to the extent consistent with the Cumberland County Zoning Ordinance in effect at the time of issuance, the Special Use Permit state that upon timely recordation of the Special Use Permit or a Notice of the Special Use Permit with the Cumberland County Register of Deeds, any time limit for exercising the rights granted by the Special Use Permit shall no longer apply.

Pursuant to the requirements set forth in the application form, copies of Atlantic's general warranty deeds for the subject site and the plats referenced therein are attached as Attachments 1, 1a, 2 and 2a. A copy of Atlantic's proposed detailed site plan is attached as Attachment 3 (also provided separately in engineering scale). Also enclosed a check representing the required \$200 application fee made payable to Cumberland County.

We understand that under Section 1606 of the Cumberland County Zoning Ordinance (the "Ordinance"), in considering whether to issue a Special Use Permit, the Cumberland County Board of Adjustment shall consider the application, the site plan, and any other evidence presented and shall determine whether the proposed use satisfies the four required findings contained within Section 1606(C). We believe that Atlantic's Proposed Tower satisfies the four required findings of Section 1606(C) and that the Board of Adjustment should find that those requirements have been met.

- 1. The use will not materially endanger the public health or safety if located according to the plan submitted and proposed.**

Neither the Proposed Tower for which Atlantic is seeking a Special Use Permit, nor the M&R Station as a whole, will endanger the public health or safety.

Atlantic and its project partners are committed to safe operations, safe facilities and safety-minded employees. Atlantic complies with, and in most cases exceeds, the requirements of the USDOT, OSHA and other applicable regulations, standards and guidelines for safety. From construction through operation of the M&R Station, safety will be the top priority of Atlantic. Each stage of construction has built-in safety requirements, including:

- Corrosion preventative epoxy coating of pipes;
- Visually and radiographically inspecting each pipeline weld;
- Remote-controlled shutoff valves to stop the flow of gas in case of emergency;
- Cathodic protection, a low-voltage electrical system, would be applied to help prevent pipe corrosion;
- Control systems that monitor the facilities 24 hours a day, seven days a week and effectively control situations outside of normal operating parameters; and
- Highly trained operational staff and sophisticated computer and telecommunication monitoring equipment.

The entire M&R facility – including the base of the Proposed Tower – will be enclosed by a 10-foot security fence to prevent unauthorized access to the site. Additionally, the proposed M&R Station will be fully automated, monitored and controlled 24 hours a day/7 days a week by a state-of-the-art manned gas control center operated by Dominion Energy Transmission, Inc. (“DETI”) and located in Bridgeport, West Virginia.³

Atlantic or its contractors will be the designated first responders in the unlikely event of an emergency occurring at the proposed M&R Station. As noted below, Atlantic develops relationships with local emergency responders through many methods including conducting emergency responder education sessions and training, site visits to similar facilities and its public awareness plan addressing education to help prevent facility damage or accidents caused by third parties.

The proposed M&R Station is also designed to include an Over-Pressure Protection System (OPP) which includes multiple piping relief valves and pressure regulation devices installed in the facility piping and designed to ensure operating pressures are maintained and not exceeded. This OPP is a key safety feature and device that is tested and maintained on an annual basis and validated on the DETI Compliance Database systems:

DETI, as the operator of the ACP and its proposed facilities, develops relationships with local emergency responders through many methods, including:

- Emergency Responder Education Sessions sponsored by Atlantic and held annually to:

³ Atlantic has contracted with Dominion Energy Transmission, Inc. to permit, construct, operate and maintain the ACP and its facilities.

- Allow emergency responders to understand the function of the facilities and what steps are taken to assure that it operates safely;
 - Give emergency responders knowledge of DETI's capability to respond to an emergency involving its facilities;
 - Set expectations for and identify roles for both DETI personnel and emergency responders in the event of an emergency; and
 - Set the tone for coordinating mutual assistance in the event of an emergency.
- Site visits to and tours of similar facilities that:
 - Provide emergency responders with an understanding of the function of the facility and its role in providing service to the area;
 - Identify the safety systems which are built into the facilities and describes their function in the event of an emergency;
 - Familiarize emergency responders and local officials with operational staff as resources for future questions; and
 - Provide identification and location of materials utilized at the site.

DETI, as the operator of the ACP and its proposed facilities, maintains a Public Awareness Plan that addresses education to help prevent facility damage or accidents caused by third parties. DETI also sponsors contractor education seminars aimed at protecting the public from being harmed by damage caused to facilities by unauthorized excavation and include:

- Methods of identifying pipeline facilities and guidance for contacting pipeline operators to obtain information for safe excavation;
- Guidance to adhering to state one call ("call before you dig" programs);
- Methods of recognizing a gas emergency or irregularity and of reporting the same to public officials and the pipeline operator;
- Real life examples of failing to adhere to "call before your dig" guidance; and
- Opportunities to develop relationships with the pipeline facility operator and contractors that regularly work near the facilities.

2. The use meets all required conditions and specifications.

The Proposed Tower use will meet all required conditions and specifications. In particular, Atlantic believes the proposed site plan and other supporting evidence establishes that the requirements of Section 927 of the Cumberland County Zoning Ordinance will be met. For a more detail explanation of

how the proposed use meets all required conditions and specifications, please see the section entitled "Supplemental Requirements – Proposed Tower" set out below.

3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity.

Atlantic believes that the Proposed Tower use will not negatively affect the value of adjoining or abutting properties. As shown on the enclosed site plan, Atlantic will maintain/install as part of its construction a vegetative buffer around the entire M&R Station, including the Proposed Tower. This vegetative buffer will address Section 606(C)(3)'s, as well as Section 927(F)'s, requirements by providing, around the northern, western and southern boundaries of the premises, a 25-foot wide planted buffer made of up the required evergreen trees which will attain at least 25 feet in height within four years, spaced no greater than every 20 feet. On the eastern side of the site, the existing natural woodland vegetation will be maintained with additional infill plantings as required by County staff. Any additional landscaping or vegetative buffer which Staff deems necessary for the site to meet the requirements of the Ordinance will be included.

Even in the absence of the buffering Atlantic is committing to install and maintain, there is strong evidence that the presence of the Proposed Tower would not negatively affect property values in the vicinity of the project. In its "Impact Study Measuring the Impact of Telecommunications Tower Sites on the Property Values of the Surrounding Neighborhoods" dated June 15, 2017, Tom J. Keith & Associates, Inc. analyzed multiple tower sites throughout Cumberland County, and, after studying sale prices for parcels in proximity to those sites, concluded that "telecommunications towers, such as the proposed tower to be located on Swamp Road near Wade in Cumberland County, are not detrimental or injurious to the property values of the surrounding neighborhood(s)." A copy of Tom J. Keith & Associates, Inc.'s Impact Study is attached as Attachment 7.

As noted above, there is already an existing Piedmont Natural Gas pipeline traversing the project site. To Atlantic's knowledge and belief, these below-ground facilities have operated in this vicinity for years and have not been injurious to the use or enjoyment of other property in the immediate vicinity. Likewise, given the best-in-class health, safety and design elements and considerations associated with the M&R Station (as more fully described herein) and the predominantly low-density agricultural uses in the neighboring area, there is no reason to believe that the proposed M&R Station will have any negative effect on the surrounding properties, or create a significant disparity in uses between the project site and the surrounding properties.

Additionally, the Proposed Tower use and the proposed M&R Station is part of the Atlantic Coast Pipeline project, which Atlantic believes constitutes a public necessity. As mentioned earlier, the ACP, including the M&R Station, provides many benefits to the public. The ACP was created in response to a real need for new gas supplies. In 2014, Duke Energy and Piedmont Natural Gas issued Requests for Proposal for firm natural gas transportation service. These public utility customers and several others subsequently made firm commitments to this investment in the ACP, and as a result, over 90 percent of the pipeline's capacity is contracted.

The majority of the natural gas that would be transported by the ACP will be used as a fuel to generate electricity. Natural gas has many benefits as a clean-burning, cost-effective, reliable and efficient energy source. Compared to generating electricity from coal, electricity generated from natural gas is approximately 30 percent more efficient and produces significantly less emissions. Notably, producing

electricity with natural gas releases only half as much carbon dioxide as does producing electricity with coal. The remainder of the natural gas transported, will be used directly for residential, commercial and industrial uses, to meet the growth in demand for this fuel in the region.

The need for the pipeline was highlighted during the severe cold weather of the 2013-2014 "Polar Vortex" winter. Power generation and heating demand for natural gas soared. Tight natural gas supplies in the Mid-Atlantic region, due to limited capability of existing natural gas pipelines, produced extreme price spikes and volatility. The heavy utilization of existing natural gas pipelines imposed significant economic costs on electric consumers in North Carolina, and threatened the reliable delivery of energy supplies within the region. It also important to point out that ACP will increase North Carolina's energy security by providing geographically diverse infrastructure.

Access to clean-burning, cost-effective, reliable and efficient natural gas is viewed by many as the key to any development and improvement in localities. Without the ACP and the associated M&R Station, including the Proposed Tower, many communities in eastern North Carolina will not have access to this important energy source. New industries such as advanced manufacturing require large amounts of natural gas to power their operations. Without access to natural gas many communities in eastern North Carolina, including the County, are unable to attract these new industries. For these reasons, Atlantic believes that the Atlantic Coast Pipeline project, the proposed M&R Station in Cumberland County, and the Proposed Tower use are public necessities.

4. **The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan, either comprehensive or a detailed area plan.**

Atlantic believes that the Proposed Tower will be in harmony with the area in which it is to be located, and also will be in general conformity with Cumberland County's comprehensive land use plan and the applicable detailed area plan.

Atlantic understands that the following land use plans and policies (the "Land Use Plans") are currently in effect for the project site area:

2030 Growth Vision Plan Policies and Actions:

[http://www.co.cumberland.nc.us/planning/downloads/growth/2030 Growth Vision Plan Sept 08 032709 PIBdcopy.pdf](http://www.co.cumberland.nc.us/planning/downloads/growth/2030%20Growth%20Vision%20Plan%20Sept%2008%20032709%20PIBdcopy.pdf)

2030 Growth Strategy Map:

[http://www.co.cumberland.nc.us/planning/downloads/growth/Growth Strategy Map 04-20-09.pdf](http://www.co.cumberland.nc.us/planning/downloads/growth/Growth%20Strategy%20Map%2004-20-09.pdf)

2008 Land Use Policies Plan:

[http://www.co.cumberland.nc.us/planning/downloads/land use/Land Use Policies Plan 07-23-09.pdf](http://www.co.cumberland.nc.us/planning/downloads/land%20use/Land%20Use%20Policies%20Plan%2007-23-09.pdf)

Wade Study Area Detailed Land Use Plan:

<http://www.co.cumberland.nc.us/planning/downloads/WadeLUPlan.pdf>

Wade Study Area Plan Map

<http://www.co.cumberland.nc.us/planning/images/WadeRecomLUPMap.jpg>

Atlantic believes that its planned facilities, including the Proposed Tower, are consistent with the Land Use Plans. In particular, the proposed ACP project furthers the following identified Policies and Actions of the 2030 Growth Vision Plans:

A More Diversified Economy – The Atlantic Coast Pipeline project and the proposed M&R Station will provide a reliable source of natural gas to Cumberland County and the surrounding region. Access to reliable, low-cost natural gas is essential to supporting and growing a diverse local economy.

Infrastructure That Keeps Pace - The Atlantic Coast Pipeline project and the proposed M&R Station will support the continued population and economic growth of the region. As electric utilities continue to transition away from coal-based generation, the need for a reliable additional source of clean-burning natural gas will continue to increase. The Atlantic Coast Pipeline project (including the proposed M&R Station) represent the most significant energy infrastructure project in eastern North Carolina in decades.

A Healthy, Sustainable Environment – As noted above, as electric utilities continue to transition away from coal-based generation, the need for a reliable additional source of clean-burning natural gas will continue to increase. The Atlantic Coast Pipeline project (including the proposed M&R Station) represent the most significant energy infrastructure project in eastern North Carolina in decades.

Atlantic's proposal is consistent with the 2008 Land Use Policies Plan (the "Policies Plan") as well. The proposed M&R Station is consistent with the Policies Plan's objectives for Industrial/Manufacturing Development. Also, it meets the Policies Plan's location criteria for Light Industrial/Manufacturing, in that

- The project site has direct access to a public roadway
- The project site is not located in a predominantly residential or office & institutional area
- The project site is located on a tract with adequate area for buffering, screening and landscaping
- While the site does not currently have access to public water or sewer, those services are not required by the site, as there will be no employees assigned to regularly work on the site and the site will require no restroom or similar facilities
- The finish floor of all building will be constructed above the Regulatory Floodplain, except that of the storage building, which will have louvers for the passage of any water within one (1) foot of the finish floor. Please see the letter from Basic Systems, Inc., attached as Attachment 4, for additional considerations and information.

Atlantic believes that its proposed M&R Station included the Proposed Tower is also consistent with the applicable Wade Study Area Detailed Land Use Plan and Wade Study Area Map. In particular, Atlantic points out that the recommended Wade Study Area Map would designate the area in which the project site is located as a future "Planned Industrial" area. The proposed M&R Station is consistent with the Wade Study Area Detailed Land Use Plan's vision for this area consisting of "large tracts of land suitable for industrial development." The Wade Plan emphasizes that this area is ideal for future industrial development because (in part) of its proximity to Piedmont's existing natural gas transmission line. The proposed M&R Station should make Piedmont's existing local distribution network more attractive to potential industrial users by interconnecting it with a major additional source of natural gas.

ECONOMIC IMPACT

Installation of the ACP and the M&R Station – including the Proposed Tower – in Cumberland County will provide incremental tax revenue for the county each year that the facilities are in service. Based on current projections and available information, for the years 2018-2025, the county is anticipated to receive approximately \$10.4 million in incremental tax revenue from the ACP and the proposed M&R station.⁴

Construction of the M&R and the ACP will create job opportunities and local expenditures for meals, supplies and materials. Construction of the M&R will take 8-12 months, and will employ approximately 30 workers. Additionally, the construction of the ACP in Robeson and Cumberland counties will employ approximately 885 workers at its peak.

SUPPLEMENTAL REQUIREMENTS – PROPOSED TOWER

Atlantic plans to install a microwave network serving as the communications backbone for the ACP to monitor, control and ensure the security and safety of the ACP. This microwave network includes multiple towers at sites along the proposed route of the ACP and is essential to the operation and maintenance of the ACP. As such, the microwave communication system for the ACP is included in the facilities reviewed by FERC and will be covered under its Certificate, if issued, determining that the proposed facilities are in the public necessity and convenience and authorizing the construction of the facilities. One such microwave tower will be located in the County.

Atlantic's application is currently undergoing a thorough review by the FERC, which evaluates virtually every aspect of the physical and human environment to balance any potential effects with the public need and benefit of the project. Atlantic's goal is to find a route for the ACP that minimizes the risk to the environment and cultural resources and balances the competing constraints, landowner requests, and input from all stakeholders. To this end, Atlantic has made every attempt to co-locate the towers associated with its microwave communications backbone on sites associated with other above ground facilities. These co-location efforts are expected by the FERC and serve to minimize the impacts on additional landowners and the environment.

As noted above, the Proposed Tower is part of and associated with the proposed M&R Station. The location of the M&R Station was dictated by the delivery points and pressure and flow requirements contained in the precedent agreements underpinning the public need and FERC's review. The project

⁴ Financial analysis provided by ICF International, Chmura Economics & Analysis and Dominion Energy.

site has been designed to include not only the primary M&R use, but also the Proposed Tower. While this minimizes Atlantic's effect on additional landowners and the environment by consolidating the ultimate footprint of its land disturbance, it also produces space constraints due to the limited area available on the property for the construction of Atlantic's proposed facilities.

PROPOSED TOWER

Atlantic proposes to build a 290-foot microwave communications tower on the site. Presently, there is no known monopole design in the industry that could safely support a 290-foot tower. As a result, a lattice-style tower is the only commercially-available design in the industry for the Proposed Tower. Additionally, the Proposed Tower will be designed to be self-collapsing. A self-collapsing tower is designed such that if it were to ever collapse it would fail at point along the tower allowing it to fall onto itself, rather than simply tipping over from the base. This design greatly reduces and minimizes the fall zone needed to ensure the safety of neighboring facilities and land should a catastrophic event occur.

The Proposed Tower will be served by access from the interior of the proposed site and will not have a separate driveway or entrance. The location of the Proposed Tower on the site was chosen to minimize its effect on adjoining properties, which are currently agricultural in nature. The Proposed Tower will be separately fenced, with a fence of at least 10 feet with man gates on the east- and west-facing sides. Atlantic will work with its design team and the County to camouflage the tower to the extent practicable and to develop a landscaping plan and any fencing requirements reasonably requested by the County and otherwise in compliance with the zoning ordinance.

REQUIREMENTS OF ZONING ORDINANCE SECTION 927

We understand that under Section 927 of the Cumberland County Zoning Ordinance (the "Ordinance"), in considering whether to grant Atlantic's Special Use Permit request, the Board of Adjustment will take into account the Ordinance's requirement for tower uses found in Section 927. We believe that Atlantic's request for a Special Use Permit should be granted because the Proposed Tower to be built as part of the M&R Station will meet all of the requirements contained in Section 927. Specifically, Atlantic believes Section 927's subsections are addressed as follows:

A. Totally concealed towers

The Proposed Tower will not be totally concealed within a building or structure, and so this subsection is not applicable.

B. Site plan and design requirements

Regarding sub-subsection (B)(1), as noted on the site plan included with this application package, the proposed user of the Proposed Tower is Atlantic. The Proposed Tower could also be used by Piedmont Natural Gas in connection with that company's associated metering and regulation equipment to be included on the site. As confirmed in the Certification of Robert Beacom of Sabre Industries attached as Attachment 5 and pursuant to Section 927(b)(2), the proposed tower will have the structural integrity and/or capacity to support or accommodate more than one use or user.

Regarding sub-subsections (B)(2), (B)(3) and (B)(4), as previously mentioned, the microwave tower sites for the ACP are co-located with other planned above-ground facilities to minimize the project's potential effect on landowners and the environment. The above-ground facilities include valve sites, compressor station sites or metering and regulation stations. The locations of these facilities are determined by the combination of technical requirements for the safe and reliable operation of the pipeline (pressure and flow requirements) and interconnection and delivery points required by Atlantic's customers dictated by the precedent agreements underpinning the review by FERC for the public need of the proposed facilities. Once these sites are determined based on technical factors outside of the control of Atlantic, the design of microwave communications system commences.

The microwave RF signal that comprises the communication backbone must essentially be in the "line of sight" of the towers adjacent to it on the system. This "line of sight" determines the height required for each of the towers and is affected by geography, topography and natural and manmade obstructions which can all block the microwave RF signal. As a result, the industry and natural characteristics of an RF microwave signal dictate the height of the Proposed Tower.

Atlantic has made reasonable efforts to co-locate with existing wireless communications facilities in the area. However, no such towers exist that meet the location and height requirements dictated by the technical requirements associated with the design of the proposed pipeline and the natural characteristics of RF signals.

In addition to anticipating the possible use of the tower by Piedmont Natural Gas as noted above, Atlantic will work with the County to determine the possibility of utilizing the proposed microwave tower to expand the County's E911 system. Atlantic will also reasonably work with other co-location possibilities that can be accommodated on the tower and not materially affect the design of the tower or the safe and continuous operation of Atlantic's proposed facilities.

Regarding sub-subsection (B)(5), Atlantic believes this application and its attachments demonstrate that the elements and design of the tower will meet all requirements of the Ordinance.

C. Tower Setbacks

In the A1 Agricultural district, Section 927(C) requires that the base of the tower be set back from the property boundary a distance not less than the height of the tower. As shown on the enclosed site plan, this setback requirement will be met.

D. Encroachment of Nearby Structures

Other than the metering and regulation facilities to which the Proposed Tower is accessory and appurtenant, there will be no structures inside the tower setbacks.

E. Tower Base Fence

As shown on the enclosed site plan, as required by Section 927(E), the tower base will be enclosed by a chain link fence at least ten feet in height and located at least ten feet from the base of the tower.

F. Buffer Area Requirement

As shown on the enclosed site plan, Atlantic will maintain/install as part of its construction a vegetative buffer around the entire M&R Station, including the Proposed Tower. This vegetative buffer shall address Section 927(F)'s requirements by providing, around the northern, western and southern boundaries of the premises, a 25-foot wide planted buffer made of up the required evergreen trees which will attain at least 25 feet in height within four years, spaced no greater than every 20 feet. On the eastern side of the site, the existing natural woodland vegetation will be maintained with additional infill plantings as required by County staff. Any additional landscaping or vegetative buffer which Staff deems necessary for the site to meet the requirements of the Ordinance will be included.

G. Construction and Operation in Compliance with Applicable Law

As shown in the Certification of Atlantic signed by Carole A. McCoy, enclosed as Attachment 6, pursuant to Section 927(G), Atlantic is certifying that the Proposed Tower will be constructed and operated in accordance with all applicable Federal, State and local laws and ordinances, including but not limited to all Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) rules and guidelines.

H. Sealed Plans and Engineer's Certification

Pursuant to Section 927(H), prior to seeking the issuance of a building permit for the Proposed Tower, Atlantic will submit drawings sealed by a licensed engineer and a certification letter from the licensed engineer who prepared the plans that the tower will meet all applicable Federal, State and local building codes and structural standards. Preliminary design drawings and calculations are available at this time if Staff review of the same is desired.

I. [repealed]

J. Tower Height Limitation

As shown on the enclosed site plan, the height of the Proposed Tower will not exceed 450 feet.

K. Exterior Appearance in Residential Zones

As the Proposed Tower's location is not and will not be in a residential zone, Section 927(K) is inapplicable.

L. Limitation on Tower Sites as Work Sites

As the Proposed Tower's location is not and will not be in a residential zone, Section 927(L) is inapplicable. As noted above, however, the proposed M&R station and Proposed Tower will not include any employees assigned to regularly work on the site.

M. No Detriment or Injury to Property Values in Surrounding Neighborhood

As shown in the Tower Impact Study prepared by Tom Keith & Associates, attached hereto as Attachment 7, the Proposed Tower use will not be detrimental or injurious to the property values of the surrounding neighborhood.

N. [repealed]

O. Power Density Levels Not to Exceed Stricter of Federal or ANSI standards

As shown in the Certification of Atlantic signed by Carole A. McCoy, enclosed as Attachment 8, pursuant to Section 927(O), Atlantic is certifying that the power density levels for the Proposed Tower will not exceed federally approved levels or American National Standards Institute (ANSI) standards, whichever is stricter.

P. Compliance with FAA Lighting Standards

The Proposed Tower will require lighting. The lighting shall meet FAA standards, and the proposed lighting is the minimum lighting required by the FAA. Please see the FAA's "Determination of No Hazard to Air Navigation" document issued July 19, 2017 attached hereto as Attachment 9. To the extent allowed by FAA regulations and standards, Atlantic certifies that strobes shall not be used for nighttime lighting. To the extent permitted by Federal statutes, regulations and standards, the lights shall be oriented so as not to project directly onto surrounding residential property.

Q. Abandonment

The provisions of Section 927(Q) relating to abandonment of existing towers are not applicable to Atlantic's proposal to construct the Proposed Tower.

R. Engineer's Statement of Structural Soundness

As shown in the Certification of Robert Beacom of Sabre Industries attached hereto as Attachment 5, the Proposed Tower will be structurally sound.

S. Determination of Structural Unsoundness

The provisions of Section 927(S) relating to a determination that an existing tower is structurally unsound are not applicable to Atlantic's proposal to construct the Proposed Tower.

T. Tower Camouflaging

The design of Atlantic's Proposed Tower will to the greatest extent possible camouflage the tower so that it blends into the surrounding area.

U. Outside Storage

Pursuant to Section 927(U), there will be no outside storage on the site of the Proposed Tower.

V. County Subdivision Ordinance

Pursuant to Section 927(V), the Proposed Tower site complies with the provisions of Cumberland County's subdivision ordinance.

ATTACHMENT 1

BK 09744 PG 0782

FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS

FILED Oct 22, 2015
AT 02:31:18 pm
BOOK 09744
START PAGE 0782
END PAGE 0785
INSTRUMENT # 31849
RECORDING \$26.00
EXCISE TAX \$189.00

SE

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$189.00

Tax Lot No. a portion of 0571-22-0203 Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____ 20____
by _____

~~Met~~ after recording to: ~~Grantee~~ Rebecca F. Person LLC (Box)

This instrument was prepared by: Zachary D. Morgan, McGuireWoods LLP, 201 N. Tryon St., Ste. 3000, Charlotte, NC 28202

Brief Description for the Index

6.749 Acres, PB 136/147

THIS DEED made this 10th day of October, 2015, by and between

GRANTOR

**JAMES N. TYNDALL and wife,
PATRICIA B. TYNDALL**

6821 Main Street
Wade, North Carolina 28395

GRANTEE

ATLANTIC COAST PIPELINE, LLC,
a Delaware limited liability company

c/o Dominion Transmission, Inc.
Tax Department
120 Tredegar Street
Richmond, Virginia 23219
Attn: James Wagner

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Eastover Township, Cumberland County, North Carolina and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 9199, Page 58.

The property hereinabove described is shown on plat map recorded in Plat Book 136, Page 147.

All or a portion of the property herein conveyed does not include the primary residence of Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

AND the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions: SEE EXHIBIT B ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its company name by its duly authorized officer, the day and year first above written.

James N Tyndall

JAMES N. TYNDALL

Patricia B Tyndall

PATRICIA B. TYNDALL

SEAL-STAMP NORTH CAROLINA. Cumberland COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: James N. Tyndall.

Date: 10/10/2015

[Official Seal] SANDY RIEDINGER
NOTARY PUBLIC
CUMBERLAND CO.
NORTH CAROLINA

Sandy Riedinger

Notary Public
Print Name: Sandy Riedinger
My commission expires: 01/24/2018

(N.P. SEAL)
SEAL-STAMP NORTH CAROLINA. Cumberland COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Patricia B. Tyndall.

Date: 10/10/2015

[Official Seal] SANDY RIEDINGER
NOTARY PUBLIC
CUMBERLAND CO.
NORTH CAROLINA

Sandy Riedinger

Notary Public
Print Name: Sandy Riedinger
My commission expires: 01/24/2018

BK 09744 PG 0784

EXHIBIT A

Being that certain piece, parcel or tract of land being and lying in Cumberland County, North Carolina and being more particularly shown by metes and bounds on that certain subdivision plat recorded in Book 136, Page 147 in the Office of the Cumberland County Register of Deeds.

EXHIBIT B

Permitted Encumbrances

1. Ad valorem taxes not yet due and payable.
2. Existing zoning and land use restrictions.
3. Rights of public authorities and utilities in and to those portions of the Property located within the boundaries of roads, highways, easements and rights-of-way, whether of record or on the ground.
4. Matters shown on that plat recorded in Plat Book 132, Page 115 and the subdivision plat referenced in Exhibit A of this Deed.
5. Riparian rights of others in and to any creeks, rivers, lakes, streams or other bodies of water located on or adjoining the Property.
6. Easement recorded in Book 767, Page 320.

ATTACHMENT 1A

FILED ELECTRONICALLY
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.

FILED Aug 10, 2017
AT 03:02:55 PM
BOOK 10147
START PAGE 0401
END PAGE 0404
INSTRUMENT # 25269
RECORDING \$26.00
EXCISE TAX \$97.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$97.00

Tax Lot No. a portion of 0571-22-0203 Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____ 20____
by _____

Mail after recording to: Grantee

This instrument was prepared by: David E. Huffine, McGuireWoods LLP, 300 N. Third St., Ste. 320, Wilmington, NC 28401

Brief Description for the Index 3.450 Acres, PB 139 - 187

THIS DEED made effective this 2nd day of August, 2017, by and between

GRANTOR

**JAMES N. TYNDALL and wife,
PATRICIA B. TYNDALL**

6821 Main Street
Wade, North Carolina 28395

GRANTEE

ATLANTIC COAST PIPELINE, LLC,
a Delaware limited liability company

c/o Dominion Transmission, Inc.
Tax Department
120 Tredegar Street
Richmond, Virginia 23219
Attn: James Wagner

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Eastover Township, Cumberland County, North Carolina and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 9199, Page 58.

The property hereinabove described is shown on plat map recorded in Plat Book 139, Page 187.

All or a portion of the property herein conveyed does not include the primary residence of Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

AND the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions: **SEE EXHIBIT B ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.**

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its company name by its duly authorized officer, the day and year first above written.

James N. Tyndall (SEAL)
JAMES N. TYNDALL

Patricia B. Tyndall (SEAL)
PATRICIA B. TYNDALL

SEAL-STAMP NORTH CAROLINA, Cumberland COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: James N. Tyndall and wife, Patricia B. Tyndall.

Date: August 3, 2017

Robert W. Rhodes
Notary Public
Print Name: Robert W. Rhodes

[Official Seal]

My commission expires: May 30, 2019



EXHIBIT A

Being that certain piece, parcel or tract of land being and lying in Cumberland County, North Carolina and being more particularly identified as 4A Addition, 150,279 sf; 3.450 acres as shown on that plat entitled "RECOMBINATION PLAT PREPARED FOR ATLANTIC COAST PIPELINE, LLC, EASTOVER TOWNSHIP, CUMBERLAND COUNTY, NORTH CAROLINA", said plat prepared by Draper Aden Associates on July 26, 2017 and recorded in Book 139, Page 187 in the Office of the Cumberland County Register of Deeds.

EXHIBIT B

Permitted Encumbrances

1. Ad valorem taxes not yet due and payable.
2. Existing zoning and land use restrictions.
3. Rights of public authorities and utilities in and to those portions of the Property located within the boundaries of roads, highways, easements and rights-of-way, whether of record or on the ground.
4. Matters shown on that plat recorded in Plat Book 132, Page 115; Plat Book 136, Page 147 and the recombination plat referenced in Exhibit A of this Deed.
5. Riparian rights of others in and to any creeks, rivers, lakes, streams or other bodies of water located on or adjoining the Property.
6. Easement recorded in Book 767, Page 320.
7. Easement Agreement recorded in Book 9904, Page 577.

ATTACHMENT 2

CERTIFICATE OF OWNERSHIP AND DEDICATION
 The undersigned hereby acknowledges that the land shown on this plat is within the subdivision jurisdiction of Cumberland County and that this plat and allotment is (or are) true and correct. Forever all areas shown or indicated on said plat.

James N. Tyndall
 OWNER(S) SIGNATURE(S)

NORTH CAROLINA
 CUMBERLAND COUNTY

I, *Patricia C. Simmons*, a notary public for said county, and state aforesaid, certify that *James N. Tyndall* personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and Official Stamp or Seal this 11 day of October, 2015.

Patricia C. Simmons
 NOTARY PUBLIC

MY COMMISSION EXPIRES: 2/3/2020



CERTIFICATE OF OWNERSHIP AND DEDICATION
 The undersigned hereby acknowledges that the land shown on this plat is within the subdivision jurisdiction of Cumberland County and that this plat and allotment is (or are) true and correct. Forever all areas shown or indicated on said plat.

Patricia B. Tyndall
 OWNER(S) SIGNATURE(S)

NORTH CAROLINA
 CUMBERLAND COUNTY

I, *Patricia C. Simmons*, a notary public for said county, and state aforesaid, certify that *Patricia B. Tyndall* personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and Official Stamp or Seal this 11 day of October, 2015.

Patricia C. Simmons
 NOTARY PUBLIC

MY COMMISSION EXPIRES: 2/3/2020



CERTIFICATE OF OWNERSHIP AND DEDICATION
 The undersigned hereby acknowledges that the land shown on this plat is within the subdivision jurisdiction of Cumberland County and that this plat and allotment is (or are) true and correct. Forever all areas shown or indicated on said plat.

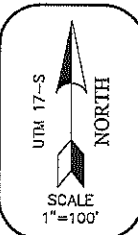
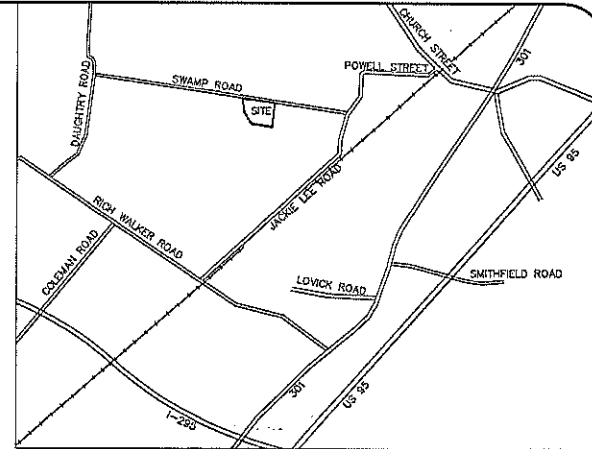
OWNER(S) SIGNATURE(S)

NORTH CAROLINA
 CUMBERLAND COUNTY

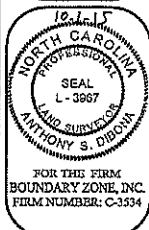
I, _____ a notary public for said county, and state aforesaid, certify that _____ personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and Official Stamp or Seal this _____ day of _____, 2015.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____



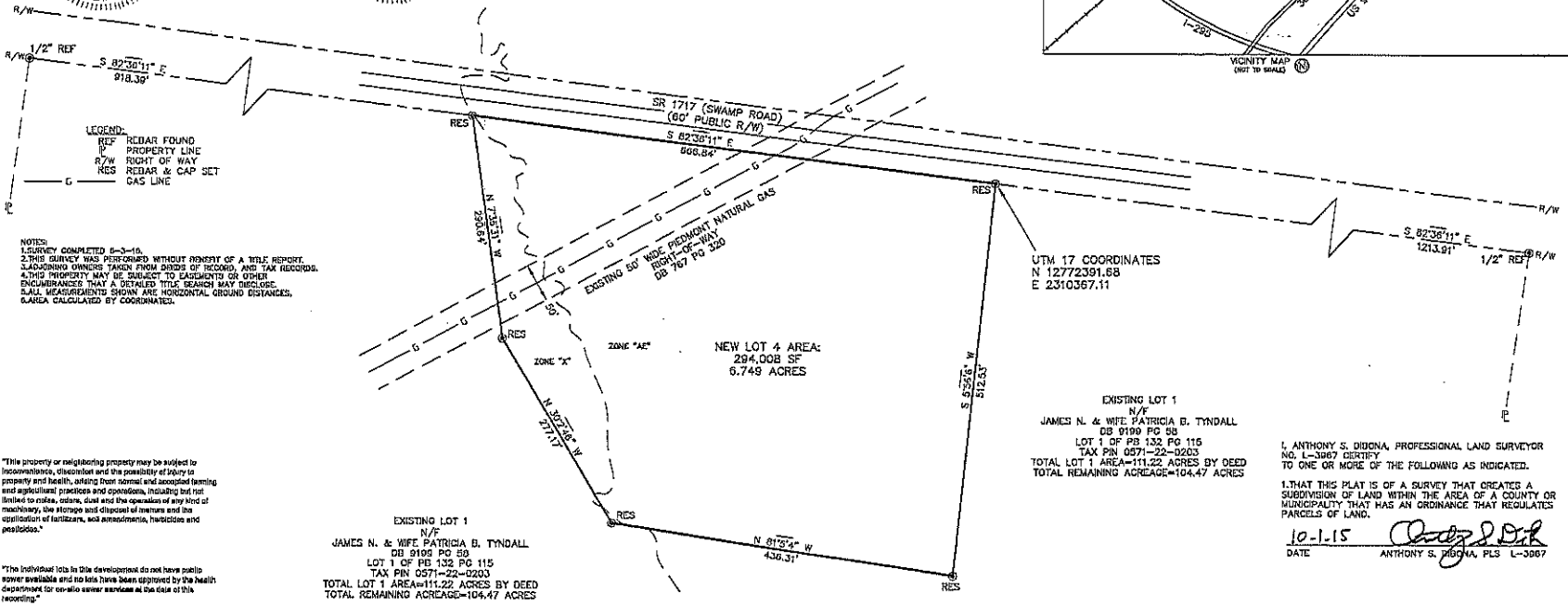
MINOR SUBDIVISION PREPARED FOR
DOMINION RESOURCES, ATLANTIC COAST PIPELINE, LLC
 EASTOVER TOWNSHIP,
 CUMBERLAND COUNTY, NORTH CAROLINA - 4/15



FOR THE FIRM
BOUNDARY ZONE, INC.
 FIRM NUMBER: C-3534

PROJECT
 R15106-01

SHEET
 1 OF 1



LEGEND
 --- REDBAR FOUND
 --- PROPERTY LINE
 --- R/W RIGHT OF WAY
 --- RES REDBAR & CAP SET
 --- G GAS LINE

NOTES
 1. SURVEY COMPLETED 6-3-15.
 2. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE REPORT. LADJURING OWNERS TAKEN FROM BOOKS OF RECORD, AND TAX RECORDS.
 3. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS OR OTHER ENCUMBRANCES THAT A DETAIL TITLE SEARCH MAY DISCLOSE.
 4. ALL MEASUREMENTS SHOWN ARE HORIZONTAL GROUND DISTANCES. CURVA CALCULATED BY COORDINATES.

"This property or neighboring property may be subject to incineration, discoloration and the possibility of injury to property and health, arising from normal and associated farming and agricultural practices and operations, including but not limited to mists, odors, dust and the operation of any kind of machinery, the storage and disposal of manure and the application of fertilizers, soil amendments, herbicides and pesticides."

"The individual lots in this development do not have wells sewer available and no lots have been approved by the health department for on-site sewer service at the time of this recording."

Nonconforming structures have not been created by this subdivision.

EXISTING LOT 1
 N/F
 JAMES N. & WIFE PATRICIA B. TYNDALL
 DB 0190 PG 98
 LOT 1 OF PB 132 PG 115
 TAX PIN 0571-22-0203
 TOTAL LOT 1 AREA=111.22 ACRES BY DEED
 TOTAL REMAINING ACREAGE=104.47 ACRES

EXISTING LOT 1
 N/F
 JAMES N. & WIFE PATRICIA B. TYNDALL
 DB 0190 PG 98
 LOT 1 OF PB 132 PG 115
 TAX PIN 0571-22-0203
 TOTAL LOT 1 AREA=111.22 ACRES BY DEED
 TOTAL REMAINING ACREAGE=104.47 ACRES

I, ANTHONY S. DIBONA, PROFESSIONAL LAND SURVEYOR NO. L-3967 CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED.
 1. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 10-1-15
 ANTHONY S. DIBONA, PLS L-3967

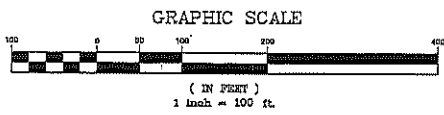
I, ANTHONY S. DIBONA, PLS L-3967 CERTIFY THAT THE CONTROL FOR THIS SURVEY WAS ESTABLISHED FROM AN ACTUAL GPS SURVEY UNDER MY SUPERVISION. THIS GPS SURVEY WAS PERFORMED TO CLASS R/T SPECIFICATIONS USING NETWORK REAL-TIME KINEMATIC FIELD PROCEDURES. THE GPS SYSTEM USED WAS A CHAMPION TRO UNIT.

I, ANTHONY S. DIBONA, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWING. THAT THE RATIO OF PRECISION AS CALCULATED IS 1:30,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G. S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 11TH DAY OF October, A.D., 2015.
 SURVEYOR: ANTHONY S. DIBONA, PLS L-3967

Approved by the Cumberland County Joint Planning Board on the 16th day of October, 2015.
 Signed *[Signature]* (Seal)
 Chairman/Planning & Inspection Director

BY GRAPHIC PLOTTING ONLY, the property shown hereon lies within Flood Zone "AE" of Flood Insurance Rate Map 3700571002, dated January 5, 2007, and DOES lie within a Special Flood Hazard Area.

FILED Oct 16, 2015 00:21:00 AM FILED
 BOOK 00136 CUMBERLAND COUNTY NC
 PAGE 0147 THRU 0147 J. LEE WARREN JR.
 INSTRUMENT # 31112 REGISTER OF DEEDS
 RECORDING \$21.00
 EXCISE TAX (None)



REVIEW OFFICER'S CERTIFICATE
 STATE OF NORTH CAROLINA
 County of Cumberland
 I, *Doreen McFadden*, review officer of Cumberland County, certify that the map or plat to which this certification is placed meets all statutory requirements for mapping.
 10-16-15 *Doreen McFadden*
 Date Review Officer

BOUNDARY ZONE, INC.
 LAND SURVEYING SERVICES
 APEX, NORTH CAROLINA: (919) 363-9226
 FAX: (919) 363-9228 WWW.BOUNDARYZONE.COM

APEX
 2205 CANDUN DRIVE SUITE C
 APEX, NORTH CAROLINA 27523
 ATLANTA
 235 PEACHTREE ST. NE, SUITE 400
 ATLANTA, GEORGIA 30303
 BUFORD
 4195 SOUTH LEB STREET, SUITE I
 BUFORD, GEORGIA 30518

PG ____ PG ____

ATTACHMENT 2A

CERTIFICATE OF OWNERSHIP AND DEDICATION
 The undersigned hereby acknowledges that the land shown on this plat is within the subdivision jurisdiction of Cumberland County and that this plat and instrument is true and correct and that the plat and instrument is true and correct and that the plat and instrument is true and correct.

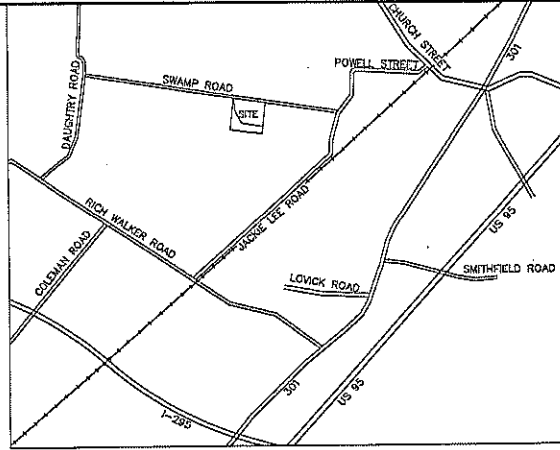
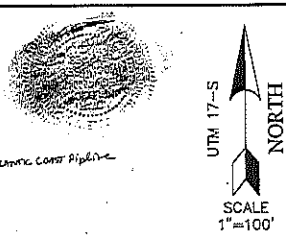
James N. Tyndall
 OWNER(S) SIGNATURE(S)
 NORTH CAROLINA
 REGISTERED PUBLIC
 MY COMMISSION EXPIRES: 12/31/17

CERTIFICATE OF OWNERSHIP AND DEDICATION
 The undersigned hereby acknowledges that the land shown on this plat is within the subdivision jurisdiction of Cumberland County and that this plat and instrument is true and correct and that the plat and instrument is true and correct.

Patricia B. Tyndall
 OWNER(S) SIGNATURE(S)
 NORTH CAROLINA
 REGISTERED PUBLIC
 MY COMMISSION EXPIRES: 12/31/17

CERTIFICATE OF OWNERSHIP AND DEDICATION
 The undersigned hereby acknowledges that the land shown on this plat is within the subdivision jurisdiction of Cumberland County and that this plat and instrument is true and correct and that the plat and instrument is true and correct.

Anthony S. Dibona
 OWNER(S) SIGNATURE(S)
 VIRGINIA
 REGISTERED PROFESSIONAL LAND SURVEYOR
 MY COMMISSION EXPIRES: 7/1/2018

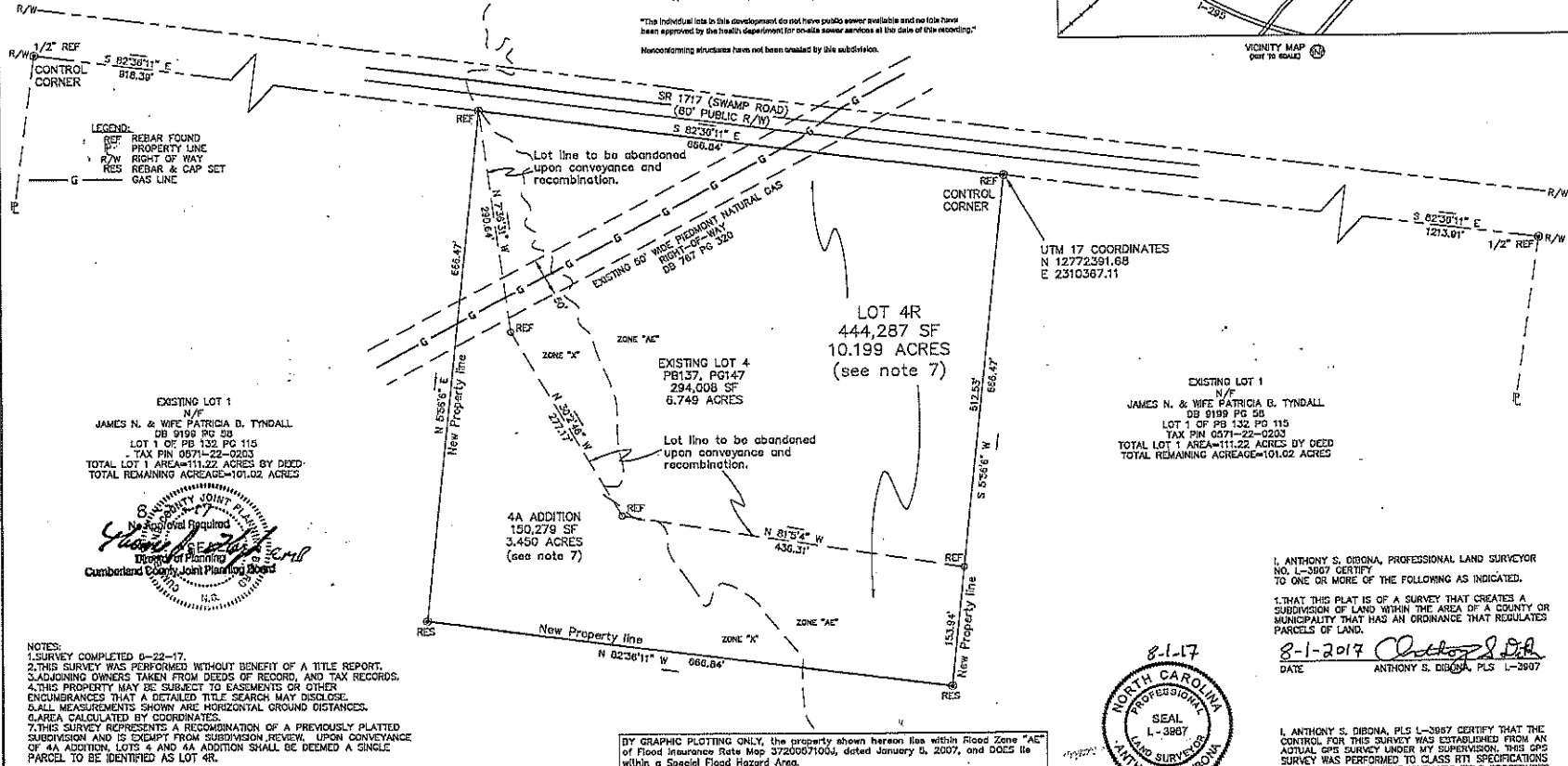


Plan A Holder
 NORTH CAROLINA
 REGISTERED PUBLIC
 MY COMMISSION EXPIRES: 12/31/17

Plan A Holder
 NORTH CAROLINA
 REGISTERED PUBLIC
 MY COMMISSION EXPIRES: 12/31/17

"This property or neighboring property may be subject to inconvenience, discomfort and the possibility of injury to property and health, arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust and the operation of any kind of machinery, the storage and disposal of manure and the application of fertilizers, soil amendments, herbicides and pesticides."

"The individual lots in this development do not have public sewer available and no lot has been approved by the health department for on-site sewer services at the date of this recording."
 Herein conforming structures have not been created by this subdivision.



EXISTING LOT 1
 N 1/2
 JAMES N. & WIFE PATRICIA B. TYNDALL
 DB 9199 PG 53
 LOT 1 OF PB 132 PG 115
 TAX PIN 0071-22-0253
 TOTAL REMAINING ACREAGE=101.02 ACRES

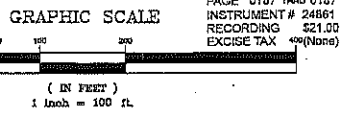
LOT 4R
 444,287 SF
 10.199 ACRES
 (see note 7)

EXISTING LOT 1
 N 1/2
 JAMES N. & WIFE PATRICIA B. TYNDALL
 DB 9199 PG 53
 LOT 1 OF PB 132 PG 115
 TAX PIN 0071-22-0253
 TOTAL LOT 1 AREA=111.22 ACRES BY DEED
 TOTAL REMAINING ACREAGE=101.02 ACRES



- NOTES:
 1. SURVEY COMPLETED 6-22-17.
 2. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE REPORT.
 3. ADJOINING OWNERS TAKEN FROM DEEDS OF RECORD, AND TAX RECORDS.
 4. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS OR OTHER ENCUMBRANCES THAT A DETAILED TITLE SEARCH MAY DISCLOSE.
 5. ALL MEASUREMENTS SHOWN ARE HORIZONTAL GROUND DISTANCES.
 6. AREA CALCULATED BY COORDINATES.
 7. THIS SURVEY REPRESENTS A RECOMBINATION OF A PREVIOUSLY PLATTED SUBDIVISION AND IS EXEMPT FROM SUBDIVISION REVIEW. UPON CONVEYANCE OF 4A ADDITION, LOTS 4 AND 4A ADDITION SHALL BE DEEMED A SINGLE PARCEL TO BE IDENTIFIED AS LOT 4R.

BY GRAPHIC PLOTTING ONLY, the property shown hereon lies within Flood Zone "AE" of Flood Insurance Rate Map 37200671033, dated January 5, 2007, and DOES lie within a Special Flood Hazard Area.



I, ANTHONY S. DIBONA, PROFESSIONAL LAND SURVEYOR NO. L-3887 CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED.
 1. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 8-1-2017
 ANTHONY S. DIBONA, PLS L-3887

I, ANTHONY S. DIBONA, PLS L-3887 CERTIFY THAT THE CONTROL FOR THIS SURVEY WAS ESTABLISHED FROM AN ACTUAL GPS SURVEY UNDER MY SUPERVISION. THIS GPS SURVEY WAS PERFORMED TO CLASS RT1 SPECIFICATIONS USING NETWORK REAL-TIME KINEMATIC FIELD PROCEDURES. THE GPS SYSTEM USED WAS A CHAMPION TRX UNIT.
 I, ANTHONY S. DIBONA, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN. THAT THE RATIO OF PRECISION AS CALCULATED IS 1:30,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G. S. 47-50 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 1st DAY OF AUGUST, A.D., 2017.
 ANTHONY S. DIBONA, PLS L-3887

Draper Aden Associates
 Engineering • Surveying • Environmental Services
 800 W. Main Street, Suite 151
 Raleigh, NC 27605
 919-877-0555 Fax 919-877-0559
 * NC Firm License # C-0181
 • Richmond, VA • Hampton Roads, VA
 • Blacksburg, VA • Fayetteville, NC
 • Charlottesville, VA • Northern Virginia



RECOMBINATION PLAT
 PREPARED FOR
ATLANTIC COAST PIPELINE, LLC
 EASTOVER TOWNSHIP, CUMBERLAND COUNTY, NORTH CAROLINA, 08017

DESIGNED BY: INITIALS	ASD
DRAWN BY: INITIALS	JJ
CHECKED BY: INITIALS	JJ
SCALE: 1" = 100'	
DATE: 08/01/2017	
PROJECT NUMBER:	R15290A-01S

REVIEW OFFICER'S CERTIFICATE
 STATE OF NORTH CAROLINA
 County of Cumberland
 I, _____, Review Officer of Cumberland County, certify that the map or plat to which this certificate is affixed meets all statutory requirements for recording.
 Date: _____ Review Officer

FILED Aug 07, 2017 03:05:09 pm
 BOOK 0139
 PAGE 0107 thru 0187
 INSTRUMENT # 24661
 RECORDING \$21.00
 EXCISE TAX (None)
 STATE OF NORTH CAROLINA
 COUNTY OF CUMBERLAND
 J. LEE WARRIOR JR.
 REGISTER OF DEEDS
 I, Annie Melvin, Review Officer of Cumberland County, certify that the map or plat to which this certificate is affixed meets all statutory requirements for recording.
 Annie Melvin
 Review Officer
 Date: 8-7-17

PB _____ PG _____

ATTACHMENT 3

STRUCTURAL BOX	
REGULATOR BUILDING	33'-0" x 14'-0" x 8'-0" GALE
METER BUILDING	27'-0" x 14'-0" x 8'-0" GALE
STORAGE BUILDING	18'-0" x 12'-0" x 8'-0" GALE
MEASUREMENT BUILDING	8'-0" x 8'-0" x 4'-0" GALE
DOMESTIC BUILDING	13'-0" x 48'-0" x 10'-0" LUMI
MICROMETER TOWER	240'-0" WOOD

CONTRACTOR TO TRIM AND MITAL 18" DIA. x 40' LONG DOUBLE END GATE POLE TO BE INSTALLED TO MEET FIELD LEAD INFIELD. RE-CORING OF FIELD LEAD TO THE OTHER END OF SET MAY BE REQUIRED IN GREAT FIELDING SEPT.

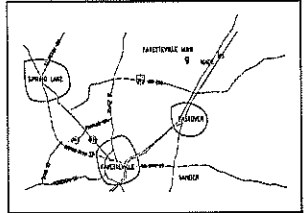
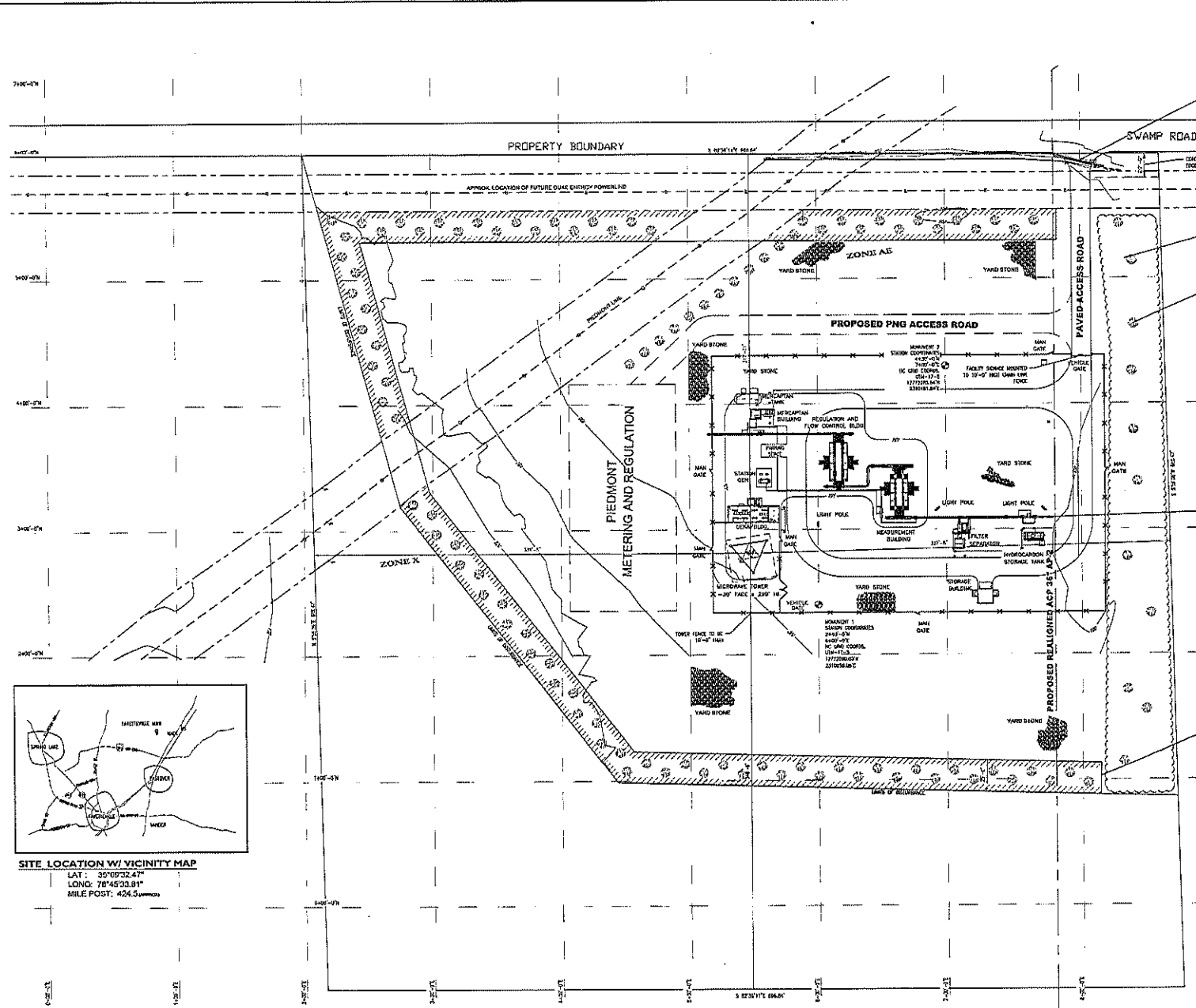
CONTRACTOR TO TRIMME TREES TO 40'-0" FROM SOUTH SIDE OF SWAMP ROAD.

EXISTING FENCE TO REMAIN FOR USE SCREENING

W-PILE FENCE TO BE RECORDED TO MATCH EXISTING FENCE FOR CONTINUED GROUND DEPTH (SEE DRAWING SET)

FUTURE PUMP STATION SHALL BE LOCATED IN 10'-0" x 10'-0" x 4'-0" CONCRETE BOX WITH 24" DIA. PIPING

PERMANENT MARKERS 20'-0" WIDE BUFFER AREA 1/4" DIA. 100' HIGH EXPOSED WITH A SIGN OF PROJECT COMPLETION - PERMITS TO BE OBTAINED FROM COUNTY ENGINEER'S OFF.



SITE LOCATION W/ VICINITY MAP
 LAT: 35°09'32.47"
 LONG: 78°48'33.81"
 MILE POST: 424.5

ISSUED FOR
 OBTAINING
 PERMITTING



Atlantic Coast Pipeline, LLC
 618 West Gate Lane, Fayetteville, AR 72703
 PROJECT: 1500010701/Drawings
FAYETTEVILLE M&R STATION
SITE CRADING PLAN
 SHEET NO. PD E9939A 5

NOTES:
 1. YARD STONE TO BE PLACED WITHIN 500' LANCE 3000'-0" E TO 3000'-0" E AND 1410'-0" E TO 1430'-0" E AS SHOWN ON THIS DRAWING.

REV	DATE	BY	REVISION INFORMATION	PROJECT/FORM	APP'D
1	04/15/18	MS	ISSUED FOR PERMITTING	REG-001	MS
2	04/15/18	MS	ISSUED FOR PERMITTING	REG-001	MS
3	04/15/18	MS	ISSUED FOR PERMITTING	REG-001	MS
4	04/15/18	MS	ISSUED FOR PERMITTING	REG-001	MS
5	04/15/18	MS	ISSUED FOR PERMITTING	REG-001	MS
6	04/15/18	MS	ISSUED FOR PERMITTING	REG-001	MS
7	04/15/18	MS	ISSUED FOR PERMITTING	REG-001	MS
8	04/15/18	MS	ISSUED FOR PERMITTING	REG-001	MS
9	04/15/18	MS	ISSUED FOR PERMITTING	REG-001	MS
10	04/15/18	MS	ISSUED FOR PERMITTING	REG-001	MS



ORIGINAL CONSTRUCTION INFORMATION
 PROJECT/FORM: REG-001
 SHEET: 5 OF 10
 DATE: 4/15/18
 DRAWN BY: MS
 CHECKED BY: MS
 APP. FOR SCALE: 1" = 30'-0"

ATTACHMENT 4

April 13, 2017

Cumberland County Engineering & Infrastructure
130 Gillespie Street
Fayetteville, NC 28301



Basic Systems, Inc.
9255 Cadiz Road
Cambridge, Ohio
43725 USA

Attention: Mr. Wayne Dudley, CFM
Engineering Technician II

Ph: (740) 432-3001
Fx: (740) 432-7699

Reference: Atlantic Coast Pipeline, LLC.
Fayetteville M&R Station
Basic Systems Project 1875

Dear Mr. Dudley:

Basic Systems, Inc. designed the Fayetteville Measurement & Regulation Station for Atlantic Coast Pipeline. The design of the facility meets the following requirements:

In accordance with Sec. 6.5-41 – General Standards:

- All buildings and equipment is anchored to prevent flotation, collapse or lateral movement of the structure.
- The facility is constructed with materials and equipment resistant to flood damage.
- The facility will be constructed by methods and practices that minimize flood damage.
- The electrical facilities are designed and located to prevent water from entering or accumulating within the components during conditions of flooding.
- There is no water supply or sewage disposal system at this facility as it is only manned on an as-needed basis.

In accordance with Sec. 6.5-42 – Specific Standards:

- All buildings, except the storage building, and process equipment have been designed as elevated buildings and are located 2' above the 100 year floodplain elevation of 102.3 MSL. The storage building has been designed to be placed at grade and is furnished with louvers located 6" above the floor. The louvers are sized to provide more than 1 sq. in of area per square foot of the building floor area.
- Buildings and equipment are located on piles and are open below the top of pile. There are no enclosed spaces.
- The electrical facilities are designed and located to prevent water from entering or accumulating within the components during conditions of flooding.
- Compacted fill has been used to the extent necessary to provide a safe working environment for transient on-site personnel. Fill material is approximately 700 cu. Yds.
- The facility is not located in a floodway. See the attached FIRM map 3720057100J.

ATLANTIC COAST PIPELINE, LLC
FAYETTEVILLE M&R STATION
April 13, 2017
PAGE (2)

It is my opinion as a qualified engineer licensed to practice in the State of North Carolina, that the construction of this facility will not impact the 100 year flood elevations in the area of construction.

Sincerely yours,

BASIC SYSTEMS, INC.

Thomas A. Stemmer

Thomas A. Stemmer, P.E.
President

Enclosure



ATTACHMENT 5

Atlantic Coast Pipeline, LLC

Application for Special Use Permit

Certification pursuant to Section 927 (R) and 927 (B)(2) of the Cumberland County Zoning Ordinance

The undersigned licensed/registered engineer hereby states that the proposed tower will be structurally sound. Additionally, the tower will have the structural integrity and/or capacity to support or accommodate more than one use or user.

SABRE INDUSTRIES

By: Sabre Industries
Name: Robert E. Beacon, P.E., S.E.
Title: Senior Design Engineer

SEAL



ATTACHMENT 6

Atlantic Coast Pipeline, LLC

Application for Special Use Permit

Certification pursuant to Section 927 (G) of the Cumberland County Zoning Ordinance

Atlantic Coast Pipeline, LLC certifies that the proposed microwave tower will be constructed and operated in accordance with all applicable Federal, State and local laws and ordinances, including but not limited to all Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) rules and guidelines.

Atlantic Coast Pipeline, LLC

By: Carole A. McCoy
Carole A. McCoy
Authorized Representative

ATTACHMENT 7

Impact Study
Measuring the Impact of
Telecommunication Tower Sites
On the Property Values of the Surrounding Neighborhoods
Proposed Tower to be Located on Swamp Road
Near Wade in Cumberland County, North Carolina

PREPARED FOR:
McGuireWoods, LLP

EFFECTIVE DATE:
May 16, 2017

INSPECTION DATE:
May 16, 2017

PREPARED BY:
Tom J. Keith & Associates, Inc.
121 South Cool Spring Street
Fayetteville, North Carolina 28301
© Tom J. Keith & Associates, Inc. 2017
File # 1713643



121 S. Cool Spring Street
Fayetteville, NC 28301
(910) 323-3222
Fax (910) 323-1180
www.keithvaluation.com
email: info@keithvaluation.com

Tom J. Keith, MAI, CBA, ASA

Anne B. Keith, Office Manager
Yolanda D. Wells
Thomas W. Beil, MBA
Jim C. Bullard
R. Cecil Carlyle
Brandon T. Wills
Matthew K. Adams
Alexander Keith
James Keith

Fred R. Keith, LLD 1900 – 1988

Impact Study
June 15, 2017

Henry L. Kitchin, Jr.
MrGuireWoods, LLP
300 N. Third Street – Suite 320
Wilmington, North Carolina 28401

RE: Impact Study determining the impact of telecommunications towers on the property values of the surrounding neighborhoods.

Dear Mr. Kitchin:

I have completed a study determining if telecommunications towers in Cumberland County, such as the proposed tower, are detrimental or injurious to the property values of the surrounding neighborhoods. This study determines any impact to the values of residential properties & by extension less sensitive industrial, commercial & agricultural properties. The results & data used in this study are summarized in this report.

The overall scope of work & the extent of the data collection process included identifying & mapping the parcel on which the proposed tower is to be located. This was done using plans for the proposed tower provided by the client & Cumberland County GIS information.

The appraiser used data from the Federal Communications Commission (FCC) GIS & Antenna Structure Registration systems to identify & research existing towers with similar characteristics to the proposed tower. Sales of properties near the existing towers were researched using data from the Cumberland County GIS system. Both local & federal GIS sources were able to provide the large amounts

of data needed for the graphing and analysis used to determine if towers in Cumberland County are detrimental or injurious to the property values of the surrounding neighborhoods.

To determine any possible impact to the property values of the surrounding neighborhoods, the appraiser analyzes the sales of properties within various distances from existing tower sites. Sales of similar residences are compared with each other based on their distance from the nearest tower. The sales are grouped based on their distance from the tower in tenth of a mile increments or buffer rings up to five tenths of a mile (0.5) from each tower site.

Sales prices within each buffer ring are averaged based on their price per square foot to account for size differences impacting price indications. Then the results of each buffer ring are analyzed & compared to see if there is a relationship between a property's sales price & its proximity to a tower. A clear trend of prices significantly increasing as their distance from an existing tower increases is looked for as an indication that the tower is detrimental or injurious to the values of the surrounding neighborhood. This process is repeated with multiple towers & multiple neighborhoods.

The appraiser physically inspects the existing tower sites (if accessible) & surrounding neighborhood(s) to understand the towers' relationships to their surrounding neighborhoods & when possible, speaks with local residents & real estate agents to determine if the tower impacts their decisions to buy/rent their homes &/or the price they pay. Local appraisers & tax departments may also be contacted to see if they have observed towers impacting their valuations.

The results of the buffer ring studies & discussions with local market participants are compared & reconciled into a final conclusion. The details and data of each one of the towers studied, the sales prices for the homes in each of the buffer rings & summaries of any interviews performed are included in this report.

The intended user of this report is McGuireWoods, LLP who may share the information with the Cumberland County Planning/Zoning Department & their legal counsel.

The intended use of this study is to determine if telecommunication towers, such as the proposed tower, are detrimental or injurious to the property values of the surrounding neighborhoods.

In summary, the results of the buffer ring analyses indicated no significant increase in sales price for those dwellings located farthest from the tower sites, up to a half mile away, compared with those located closest to the tower sites. Also, interviews with local residents indicated that the nearby towers did not impact the prices they paid for their homes.

These results are consistent with similar research the appraiser has completed in multiple counties & jurisdictions across North Carolina including: Hoke, Robeson, Moore, Wake, Wilson, Franklin, Onslow, Cabarrus, Caldwell, Mecklenburg, Gaston, Union & Stanly counties as well as the firm's research into possible impacts to property values from telecommunication towers dating back over the past 20 years.

Therefore, it is the consultant's opinion that telecommunications towers, such as the proposed tower to be located on Swamp Road near Wade in Cumberland County, are not be detrimental or injurious to the property values of the surrounding neighborhood(s).

Respectfully Submitted,

TOM J. KEITH & ASSOCIATES, INC.

By: Brandon T. Wills, A7513,
Candidate for Designation, Appraisal Institute

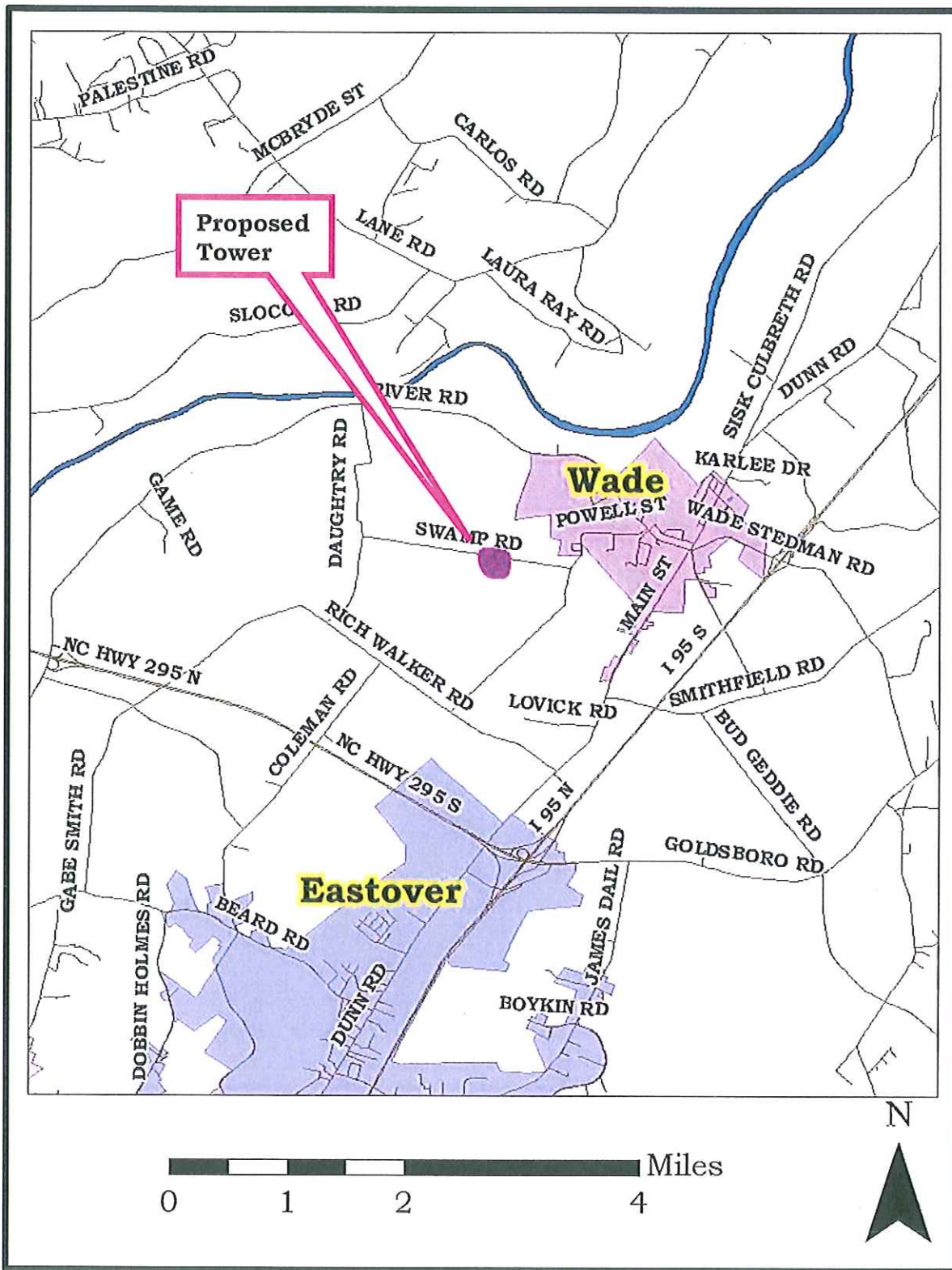




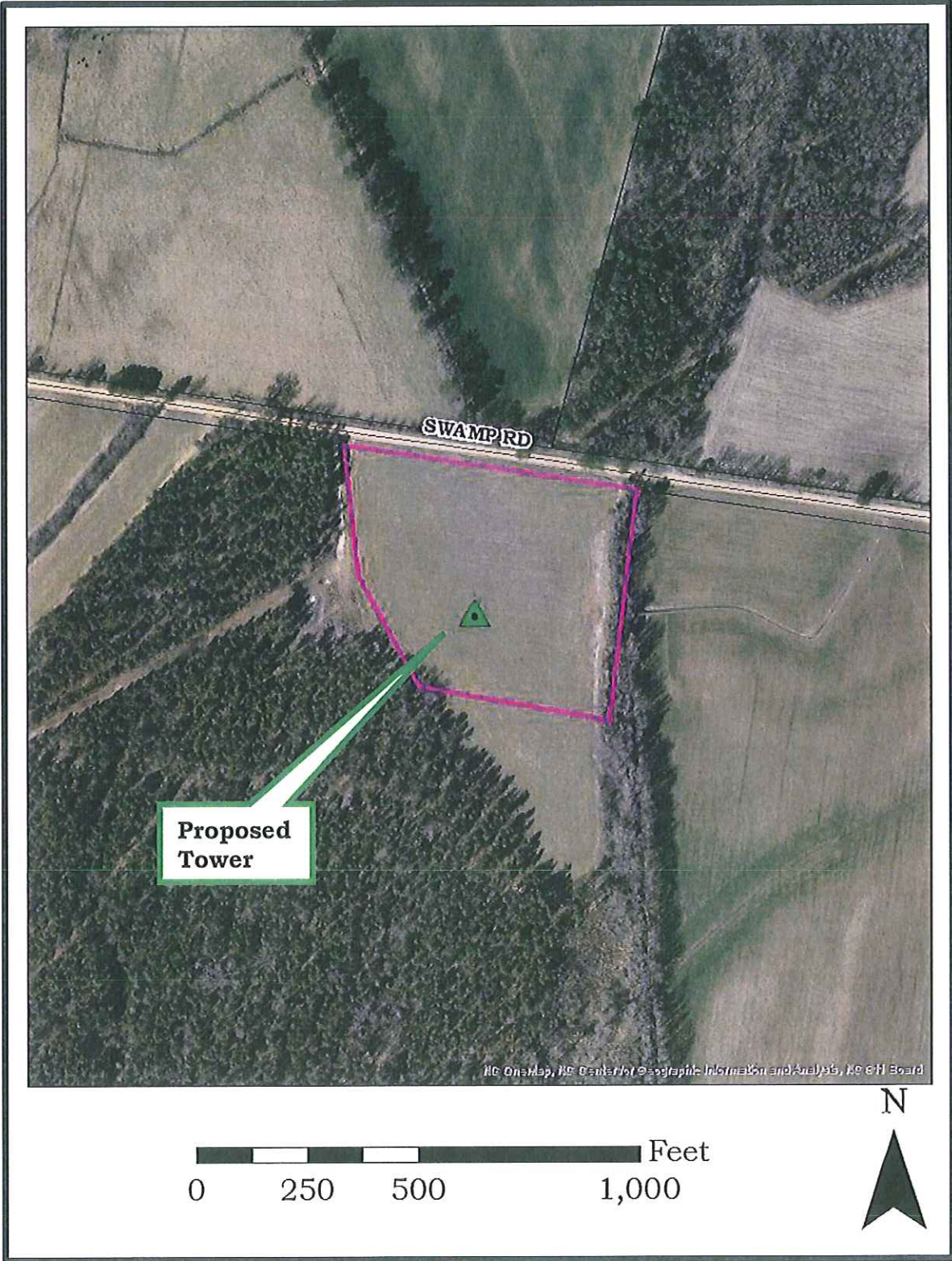
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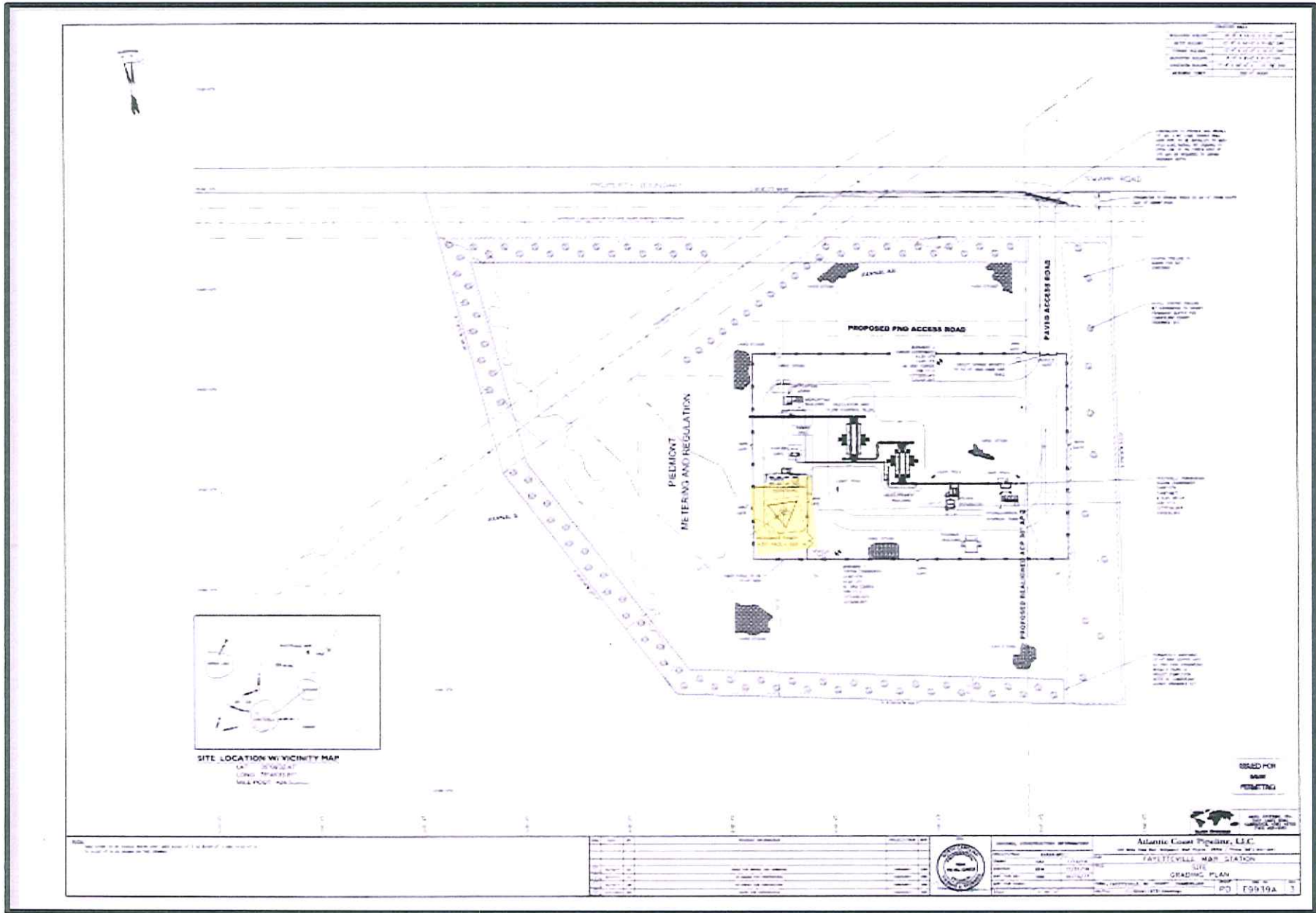
Certification of Consulting Report
Assumption & Limiting Conditions
Consultant's Credentials



Location Map of Proposed Tower Site



Aerial Map of Proposed Tower Site



Subject Property & Proposed Tower Location



Subject



Subject



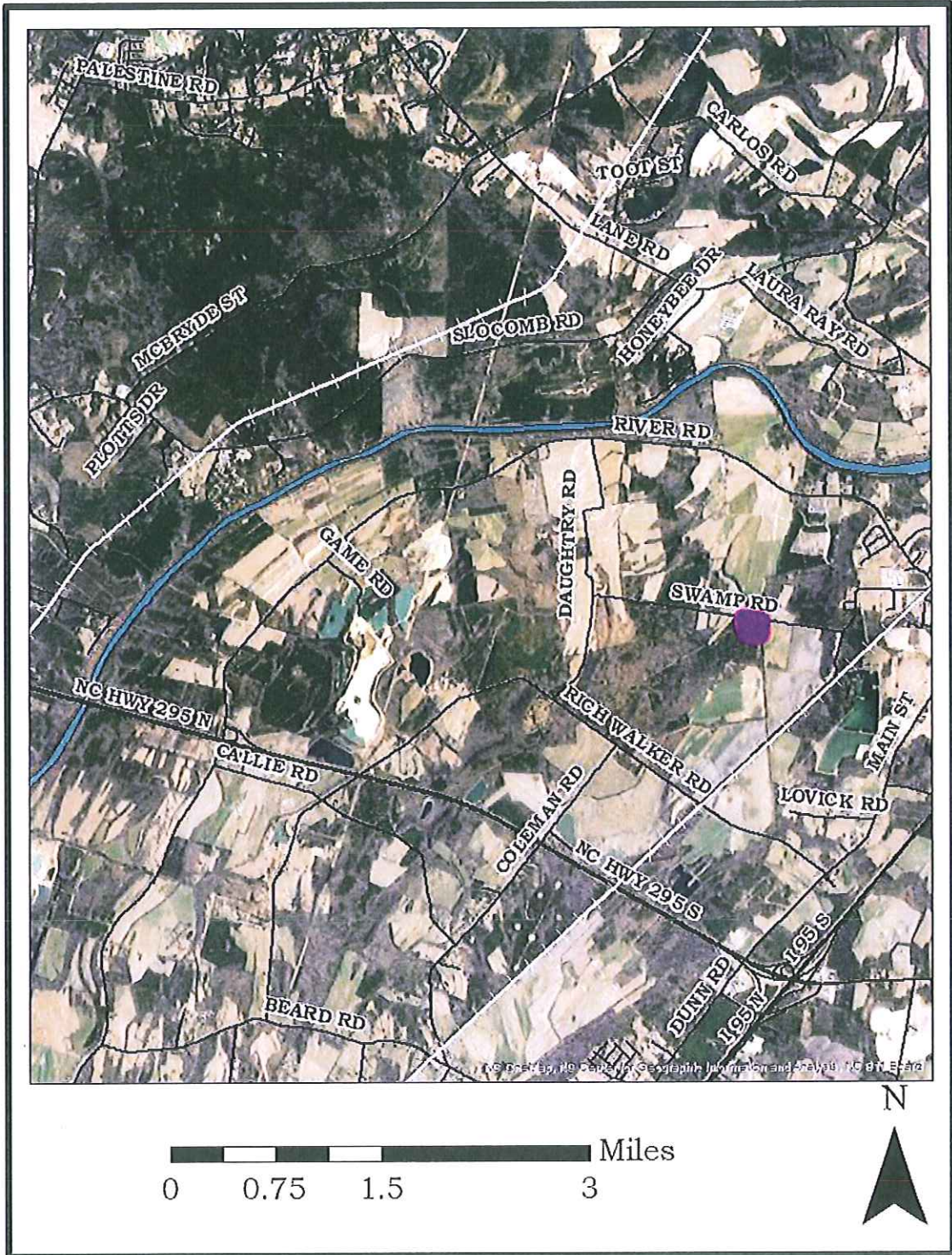
Subject



Swamp Road - East



Swamp Road - West



Neighborhood Map

NEIGHBORHOOD DESCRIPTION

A neighborhood is defined as a complementary group of land uses in The Dictionary of Real Estate Appraisal, Sixth Edition published in 2015 by the Appraisal Institute. The following analysis will help to define the geographical and economic boundaries of the neighborhood and to pin point any detrimental or beneficial influences noted within these boundaries. Within these boundaries, trends in the use of the available land and improved properties will be discussed to offer an indication of the direction in which these factors are moving and affecting the subject.

Location (Distance and Direction from Employment Centers and other Main Landmarks)	The subject's neighborhood is an agricultural area approximately 6.5 miles east of Fort Bragg & 6.5 miles north of downtown Fayetteville, NC.
Boundaries.....	The neighborhood is roughly bounded by the Cape Fear River on the north & west; the Town of Wade & the CSX rail line on the east & Interstate 295 on the south. The subject is less than half a mile southwest of the town of Wade; population 561.
Traffic Arteries Through Neighborhood.....	Interstate 295, River Road & Rich Walker Road.
Railroads Through Neighborhood.....	CSX
Type and Amount of Street Traffic	12,000 to 14,000 average annual daily traffic (AADT) on Interstate 295. 410 to 630 AADT on River Road & 120 to 200 AADT on Rich Walker Road.

Proximity to Expressways, Tollroads, and Airports..... Interstate 295 runs along the southern border of the neighborhood & connects the area with Fort Bragg & the Cross Creek Mall area to the west. Interstate 95 parallels the eastern edge of the neighborhood approximately one (1) mile east of the CSX rail line & connects the area with downtown Fayetteville to the south & Interstate 40 approximately 20 miles to the north. The Fayetteville Regional Airport is approximately ten (10) miles south of the neighborhood.

Adequacy of Utilities and Street Improvements Adequate for agricultural & rural uses.

**Proximity to Shopping
Proximity to Schools.....** Some small retail shops & dollar stores located in the Town of Eastover along US 301 approximately two (2) miles away. Larger anchored shopping centers & retail stores located in the City of Fayetteville along US 401 approximately two (2) miles away. The Cross Creek Mall, a major regional mall, is located approximately 8.5 miles southwest of the neighborhood accessible via Interstate 295 & the All American Expressway.

Public elementary schools located within approximately one (1) mile of the neighborhood. Public high school, private Christian school (pre k-12) & Methodist University within approximately three (3) miles of the neighborhood.

Proximity to Parks and Recreational Areas Old Bluff At McAllister Farms Park located within the neighborhood. Wade Community Park, Eastover Recreation Center & Fayetteville RV Resort & Cottages approximately one (1) mile from the neighborhood.

Old Bluff Presbyterian Church is less than two (2) miles northeast of the neighborhood. It is a historic church built before the Civil War & listed on the National Register of Historic Places

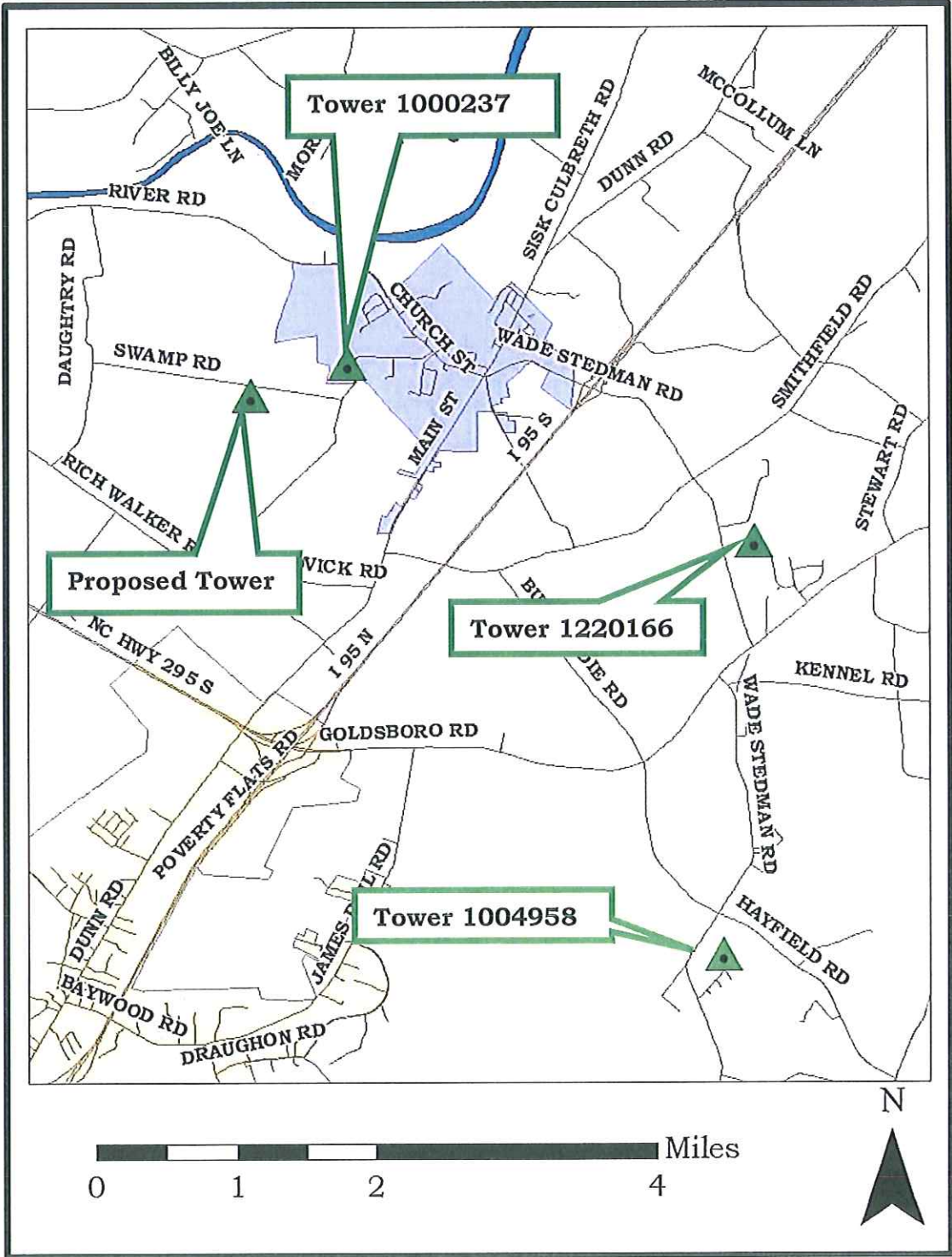
Trends and Development Trends, if any, in the Neighborhood or District Agricultural area with some mixed rural development in the towns of Wade & Eastover.

Population Trends..... Very rural area, population mostly stable. Town of Wade (558) grew approximately 1.5% from 2000 to 2010, the Town of Eastover (3,640) shrunk approximately 5% & The City of Fayetteville (200,856) shrunk approximately 1.5% from 2000 to 2010. The state of North Carolina grew at a rate of approximately 20% during that time period.

New Construction Activity ... None noted

Changing Land Uses None noted

Conclusion about Neighborhood and Trends in Neighborhood..... The recent connection of Interstate 295 with Fort Bragg & the All American Expressway increases this area's prospects for development, however, the low to negative population growth indicates that this area will remain a mainly agricultural area for the foreseeable future.



Comparable Cell Tower Location Map

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Tower # 1220166

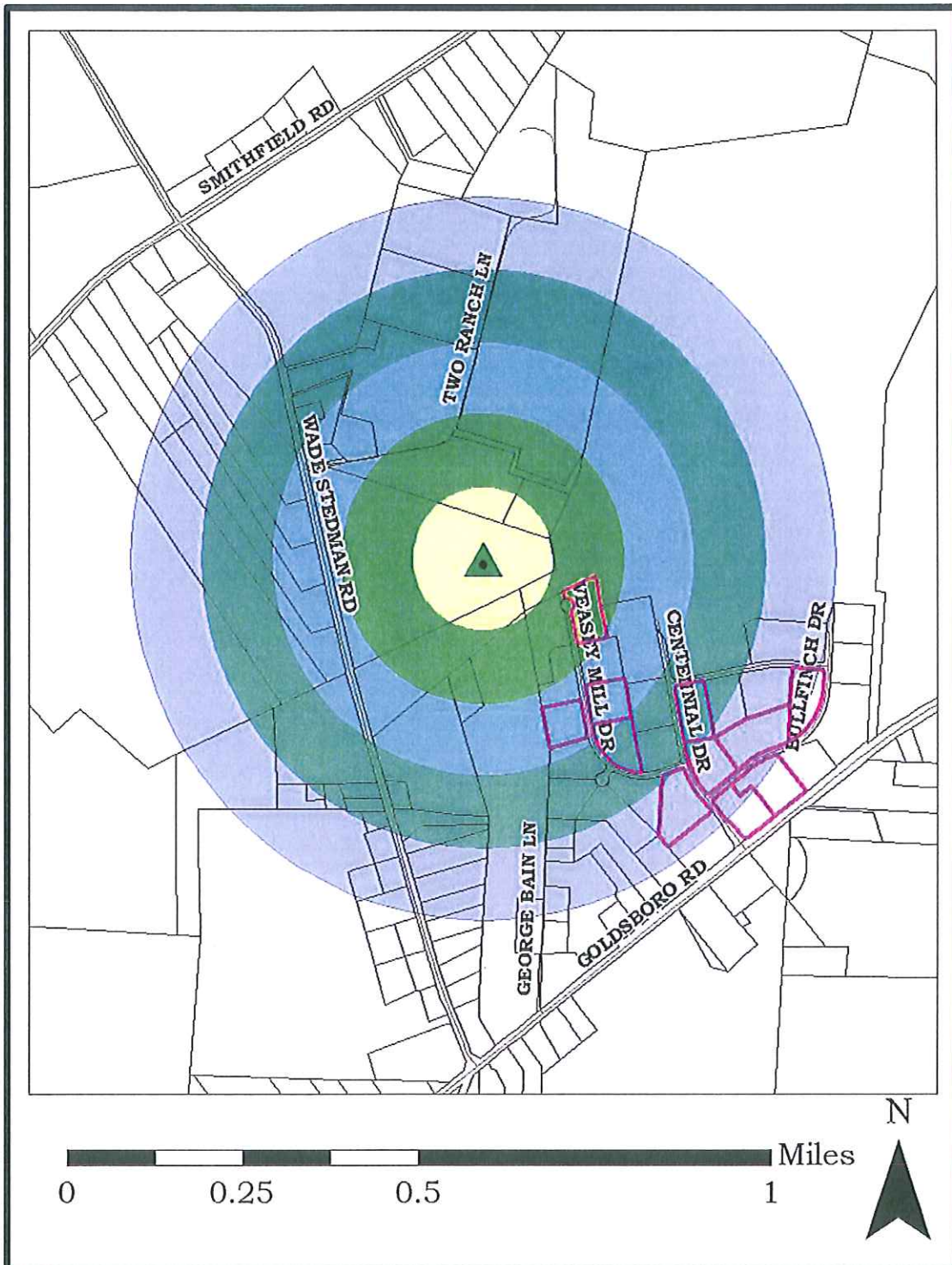
5442 Wade Stedman Road, Wade, NC

Tower #1220166



SITE SPECS	
MSA/RSA:	Fayetteville, NC
Address:	5442 Wade Stedman Road
City:	Wade
State:	North Carolina
Zip Code:	28395
Latitude:	35°08'35.7" N
Longitude:	78°41'44.5" W
Datum:	NAD83
County:	Cumberland
Region:	USA
Comments:	Lights
Driving Instructions:	Take Exit 61 on Interstate 95 & head east on Wade Stedman Road. Go approximately 1.6 miles & the tower will be on your left.
UTILITY INFORMATION	
Telco Provider:	Unknown
Power Provider:	Unknown
TOWER DATA	
Tower Number:	1220166
Structure Height (AGL):	250 ft.
Total Height (AMSL):	Unknown
Type:	Self-Supporting Lattice
FCC #:	1220166
Tower Status:	Active

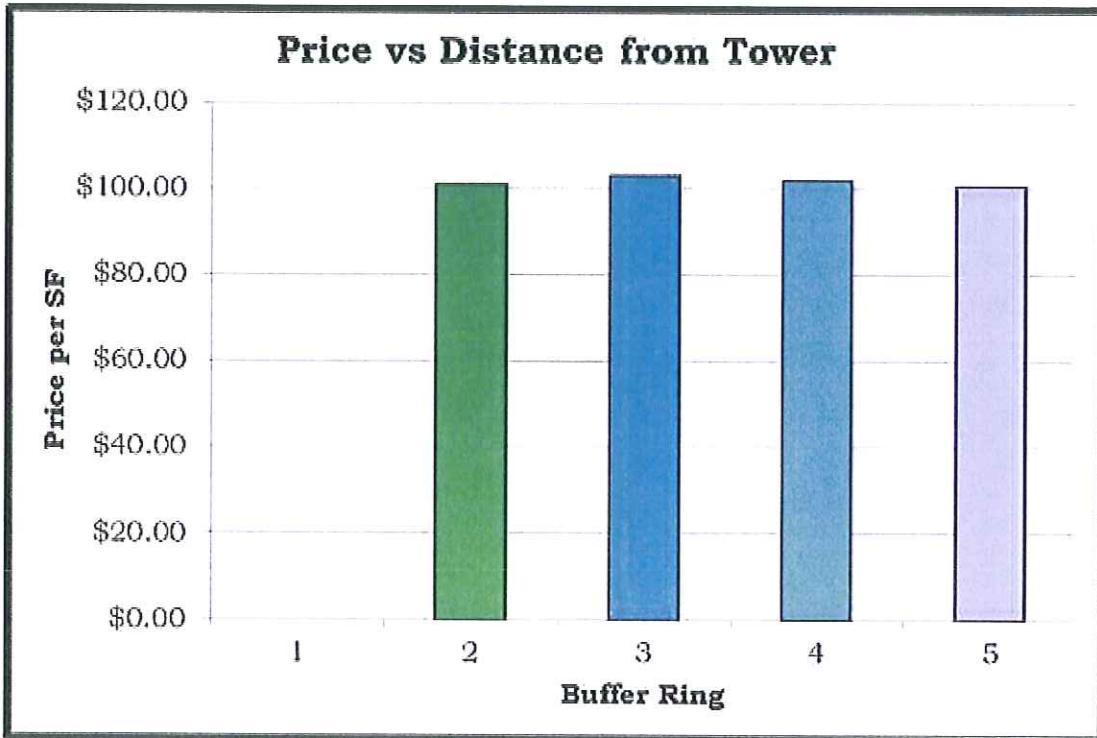
Tower #1220166



Location of Sales within Buffer Rings of Tower Site

TOWER # 1220166
AVERAGE SALES PRICE PER SF

Buffer Ring 1 1/10 Mile From Tower	Buffer Ring 2 2/10 Mile From Tower	Buffer Ring 3 3/10 Mile From Tower	Buffer Ring 4 4/10 Mile From Tower	Buffer Ring 5 5/10 Mile From Tower
NA	\$ 100.84	\$ 101.57 \$ 104.39	\$ 104.58 \$ 99.46	\$ 89.72 \$ 99.46 \$ 107.76 \$ 98.09 \$ 102.90 \$ 106.54
NA	\$ 100.84	\$ 102.98	\$ 102.02	\$ 100.74



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We have averaged the price per square foot for dwellings located within each of the buffer rings.

Buffer Ring 1=	NA
Buffer Ring 2=	\$100.84
Buffer Ring 3=	\$102.98
Buffer Ring 4=	\$102.02
Buffer Ring 5=	\$100.74

As you can observe from the charts and data above for tower #1220166, there does not appear to be any significant or consistent change in prices based on their distance from the tower. This indicates the tower does not impact property values.

The appraiser also spoke with the owners of 4881 Veasey Mill Dr., 4821 Veasey Mill Dr., 5710 Hallen Dr. & 5781 Bullfinch Dr.

4881 Veasey Mill Dr. is located the closest to the tower of any home in the neighborhood. The owner stated the nearby tower did not impact the price she paid for her home. She stated that it is not her carrier & she did not notice the tower.

4821 Veasey Mill Dr. is located in the third & fourth buffer rings. The owner stated he did not notice the tower when purchasing his home & it did not impact the price he paid for his home. He stated he is on the board of the neighborhood homeowners' association (HOA) & has not heard any complaints about the tower, but thought anyone who would complain about the tower would be "crazy".

5710 Hallen Dr. is located in the fourth buffer ring & the owner stated she did not notice the tower when she purchased her home & that it did not impact the price she paid as they are necessary for cell service. She stated she did not think the tower was built when she purchased her home. The tower did exist & was built in 2002, the home was purchased in 2016.

5781 Bullfinch Dr. is located in buffer ring 5. The owner also stated she did not notice the tower when purchasing her home & that she did not think it was built at the time. The tower did exist & was built in 2002, the home was purchased in 2014.

Since the sales prices do not indicate a consistent pattern of significantly increasing as their distance from the tower increases & the owners all stated the tower did not impact the prices they paid for their homes, it is the appraiser's opinion that this tower is not detrimental or injurious to the property values of the surrounding neighborhood.



House in Buffer Ring 2



House in Buffer Ring 3



House that sold in Buffer Ring 4



House that sold in Buffer Ring 5

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Tower # 1000237

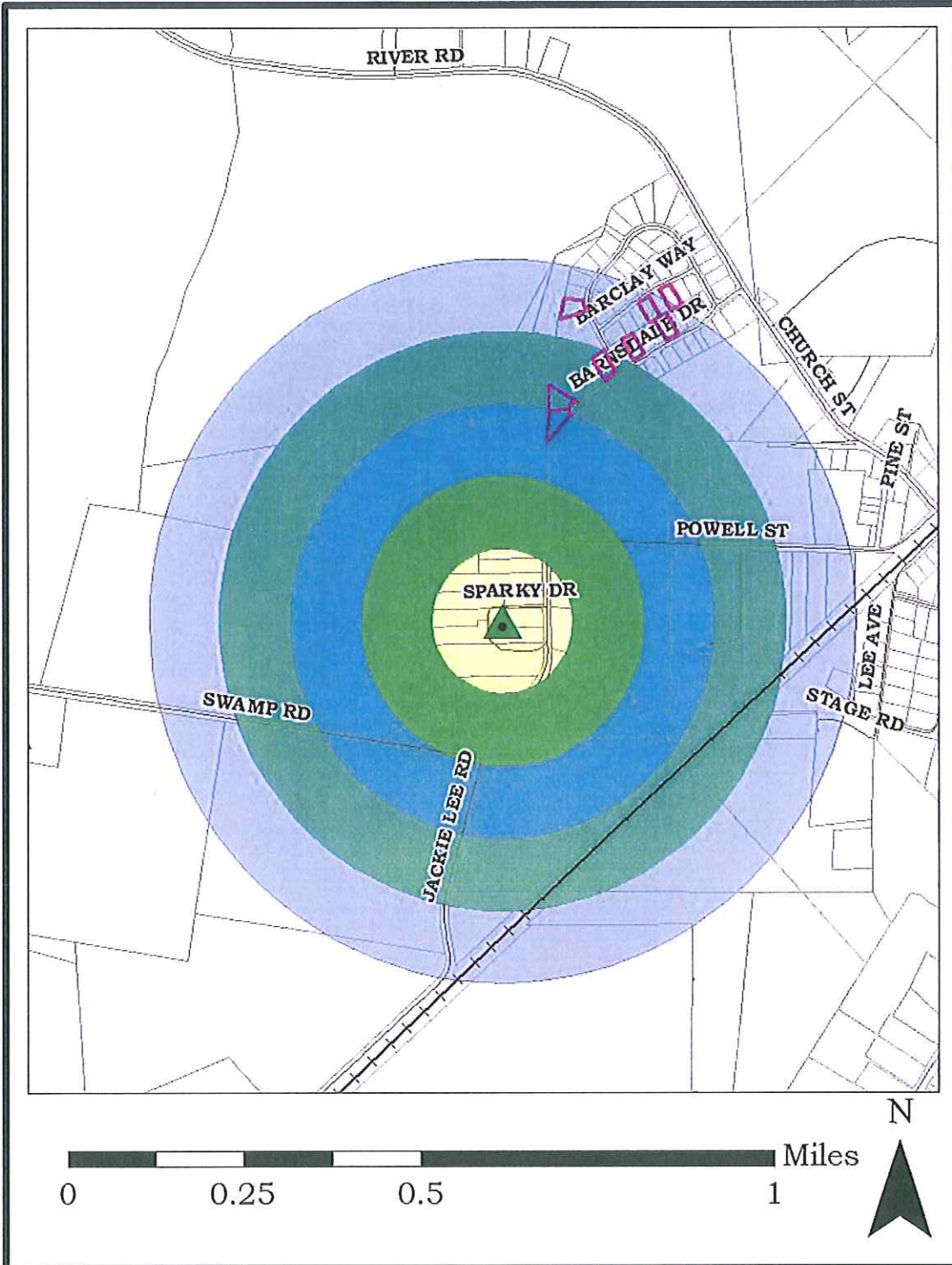
3829 Sparky Drive, Wade, NC

Tower #1000237



MSA/RSA:	Fayetteville, NC
Address:	3829 Sparky Drive
City:	Wade
State:	North Carolina
Zip Code:	28395
Latitude:	35°09'39.7" N
Longitude:	78°44'49.7" W
Datum:	NAD83
County:	Cumberland
Region:	USA
Comments:	Lights
Driving Instructions:	Take Exit 61 on Interstate 95 & head west on Wade Stedman Road. Cross over US 301/Main Street & the road becomes Church Street. Go approximately 0.4 miles & turn left after the railroad tracks onto Powell Street. In approximately 0.6 miles the tower will be on your right.
UTILITY INFORMATION	
Telco Provider:	Unknown
Power Provider:	Unknown
TOWER DATA	
Tower Number:	1000237
Structure Height (AGL):	285 ft.
Total Height (AMSL):	Unknown
Type:	Self-Supporting Lattice
FCC #:	1000237
Tower Status:	Active

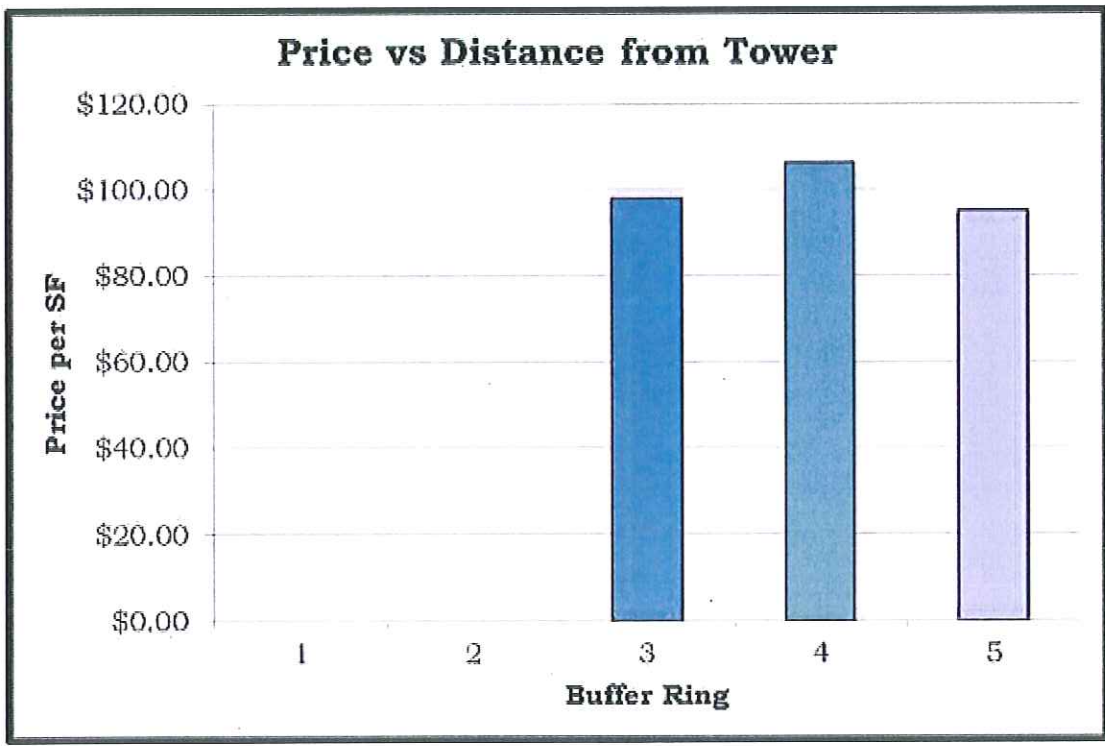
Tower #1000237



Location of Sales within Buffer Rings of Tower Site

TOWER # 1000237
AVERAGE SALES PRICE PER SF

Buffer Ring 1 1/10 Mile From Tower	Buffer Ring 2 2/10 Mile From Tower	Buffer Ring 3 3/10 Mile From Tower	Buffer Ring 4 4/10 Mile From Tower	Buffer Ring 5 5/10 Mile From Tower
NA	NA	\$ 98.09	\$ 109.88 \$ 102.36	\$ 84.98 \$ 95.74 \$ 98.06 \$ 113.11 \$ 83.16
NA	NA	\$ 98.09	\$ 106.12	\$ 95.01



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We have averaged the price per square foot for dwellings located within each of the buffer rings.

Buffer Ring 1=	NA
Buffer Ring 2=	NA
Buffer Ring 3=	\$ 98.09
Buffer Ring 4=	\$106.12
Buffer Ring 5=	\$ 95.01

As you can observe from the charts and data above for tower #1000237, there does not appear to be any significant or consistent change in prices based on their distance from the tower. This indicates the tower does not impact property values.

The appraiser also spoke with the owners of 3800 Barnsdale Dr., 3812 Barnsdale Dr., & 3817 Barnsdale Dr.

3800 Barnsdale Dr. is located the closest to the tower of any home in the neighborhood. The owner stated the nearby tower did not impact the price she paid for her home. She stated that she "did not care" about the tower.

3812 Barnsdale Dr. is located in the third buffer ring. The owner stated the tower did not impact the price she paid for her home & that the tower's red lights do not bother her.

3817 Barnsdale Dr. is located in the third buffer ring & the owner stated the tower did not impact the price he paid for his home & that he likes having the tower in the neighborhood because he gets good cell phone service in his home.

Since the sales prices do not indicate a consistent pattern of significantly increasing as their distance from the tower increases & the owners all stated the tower did not impact the prices they paid for their homes, it is the appraiser's opinion that this tower is not detrimental or injurious to the property values of the surrounding neighborhood.



House Buffer Ring 3



House that sold in Buffer Ring 3



House that sold in Buffer Ring 4



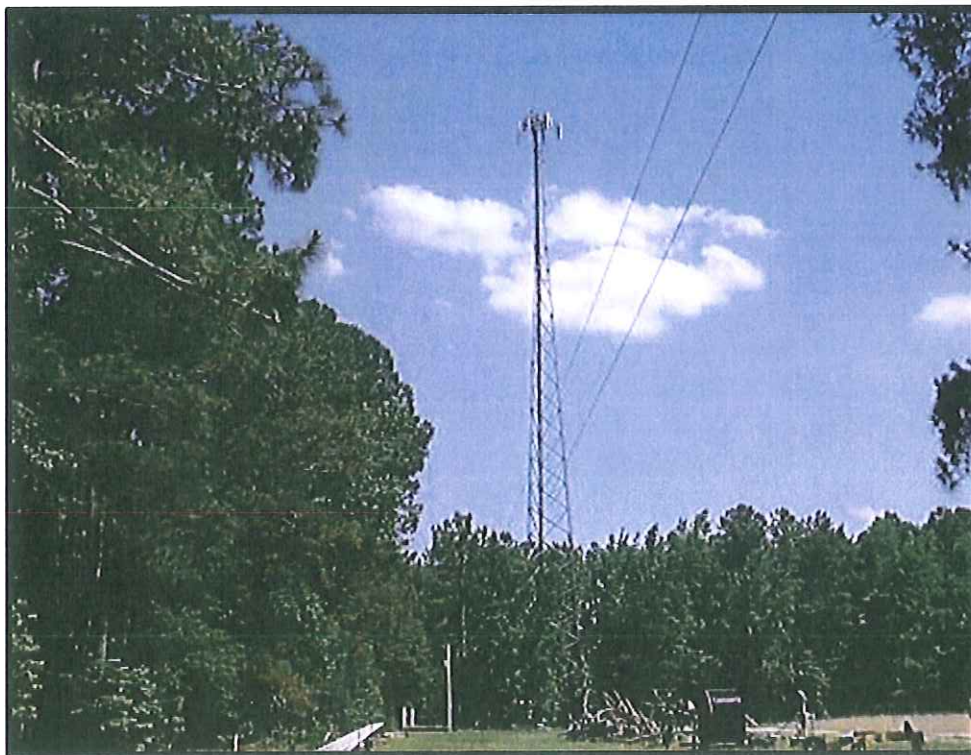
House that sold in Buffer Ring 5

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**Cumberland County
Tower #1004958**

3926 Wade Stedman Road, Wade, NC

Tower #1004958



SITE SPECS

MSA/RSA:	Fayetteville, NC
Address:	3926 Wade Stedman Road
City:	Wade
State:	North Carolina
Zip Code:	28395
Latitude:	35°06'06.1" N
Longitude:	78°42'00.2" W
Datum:	NAD83
County:	Cumberland
Region:	USA
Comments:	Lights
Driving Instructions:	Take Exit 58 on Interstate 95 & head east on Goldsboro Road/NC 13. Go approximately 2.5 miles & turn right onto Hayfield Road. Travel approximately 1.3 miles on Hayfield Road & turn right onto Wade-Stedman Road. The tower will be on your left in approximately 0.2 miles.

UTILITY INFORMATION

Telco Provider:	Unknown
Power Provider:	Unknown

TOWER DATA

Tower Number:	1004958
Structure Height (AGL):	250 ft.
Total Height (AMSL):	Unknown
Type:	Self-Supporting Lattice
FCC #:	1004958
Tower Status:	Active

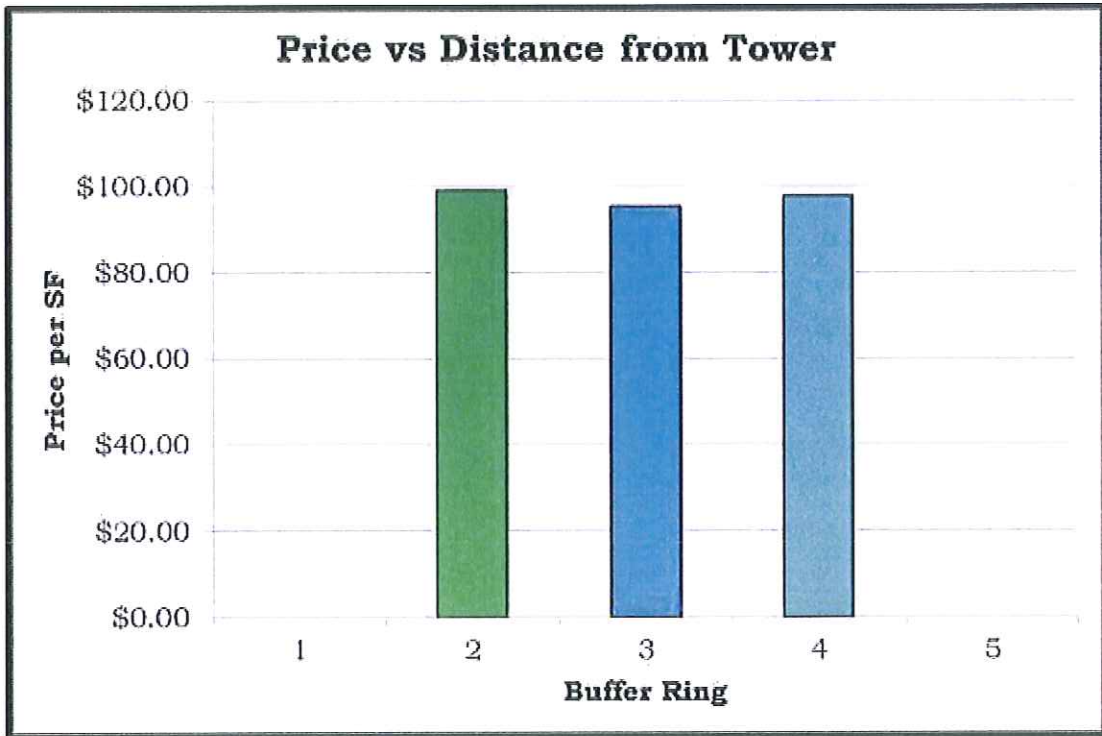
Tower #1004958



Location of Sales within Buffer Rings of Tower Site

TOWER # 1004958
AVERAGE SALES PRICE PER SF

Buffer Ring 1 1/10 Mile From Tower	Buffer Ring 2 2/10 Mile From Tower	Buffer Ring 3 3/10 Mile From Tower	Buffer Ring 4 4/10 Mile From Tower	Buffer Ring 5 5/10 Mile From Tower
NA	\$ 101.57 \$ 98.17 \$ 97.35	\$ 95.85 \$ 88.12 \$ 103.56 \$ 93.03 \$ 93.89 \$ 97.24	\$ 98.60 \$ 97.17	NA
NA	\$ 99.03	\$ 95.28	\$ 97.88	NA



We have averaged the price per square foot for dwellings located within each of the buffer rings.

Buffer Ring 1=	NA
Buffer Ring 2=	\$99.03
Buffer Ring 3=	\$95.28
Buffer Ring 4=	\$97.88
Buffer Ring 5=	NA

As you can observe from the charts and data above for tower # 1004958, there does not appear to be any significant or consistent change in prices based on their distance from the tower. This indicates the tower does not impact property values.

The appraiser also spoke with the owners of 3239 Bonita Farms Rd. & 3205 Bonita Farms Rd.

3239 Bonita Farms Rd. is located the closest to the tower of any home in the neighborhood in buffer ring 1. The owner stated the nearby tower did not impact the price she paid for her home. She stated that she liked having it there because it "gave her a bigger backyard"; a reference to the fact that the land immediately behind her could not be developed due to the tower being so close.

3205 Bonita Farms Rd. is located in the second buffer ring. The owner stated the tower did not impact the price he paid for his home

Since the sales prices do not indicate a consistent pattern of significantly increasing as their distance from the tower increases & the owners all stated the tower did not impact the prices they paid for their homes, it is the appraiser's opinion that this tower is not detrimental or injurious to the property values of the surrounding neighborhood.



House in Buffer Ring 1



House that sold in Buffer Ring 2



House that sold in Buffer Ring 3



House that sold in Buffer Ring 4

CONCLUSION

Summary Tables

Price of Homes per SF by Buffer Ring (Distance from a Tower)

Buffer Ring	Tower #1220166	Tower #1000237	Tower #1004958
1- (1/10 mile)	NA	NA	NA
2- (2/10 mile)	\$100.84	NA	\$99.03
3- (3/10 mile)	\$102.98	\$ 98.09	\$95.28
4- (4/10 mile)	\$102.02	\$106.12	\$97.88
5- (5/10 mile)	\$100.74	\$ 95.01	NA

In conclusion, you will note that the properties' average sales prices do not significantly increase as their distance from the tower sites increases. There is no discernable pattern or correlation indicating telecommunication towers are detrimental or injurious to the property values of the surrounding neighborhoods based on this price versus distance/buffer ring analysis.

This is supported by interviews the appraiser had with residents of the subdivisions used in this analysis. The residents interviewed all indicated that the nearby towers did not impact the prices they paid for their homes.

The appraiser has performed similar buffer ring analysis & interviews of subdivision residents in several other counties across North Carolina & has also interviewed brokers & county tax departments in many of those counties; the results of those analysis & interviews also indicated that telecommunications towers are detrimental or injurious to the property values of the surrounding neighborhoods.

Therefore, it is the appraiser's opinion that telecommunication towers, such as the proposed tower to be located on Swamp Road near Wade in Cumberland County, are not detrimental or injurious to the property values of the surrounding neighborhoods.

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ADDENDA

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CERTIFICATE OF CONSULTING REPORT

The undersigned does hereby certify that, to the best of my/our knowledge and belief except as otherwise noted in this Consulting report:

1. The statements of fact contained in this consulting report upon which the analyses, opinions, and conclusions expressed herein are based, are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
4. I have no bias with respect to any property that is the subject of this report or to the parties involved with this assignment.
5. My compensation is not contingent upon an action or event resulting from the analyses, opinions, or conclusions in, or the use of this report.
5. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with The Uniform Standards of Professional Appraisal Practice.
6. As of the date of this report, Brandon T. Wills, has completed the Standards and Ethics Education Requirements for Candidates of the Appraisal Institute.
7. No one provided significant professional assistance to the person(s) signing this report
8. I have not performed any services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

I have made a personal inspection of the property that is the subject of this report.



I have not made a personal inspection of the property that is the subject of this report.

ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal is based upon the following assumptions and limiting conditions:

1. The information contained in this report was gathered from reliable resources, but the appraiser in no sense guaranteed its validity.
2. I assume no responsibility for matters legal in character, nor do I render my opinion as to the title, which is assumed to be good. All existing liens and encumbrances have been disregarded and the property is appraised as though free and clear and under responsible ownership and competent management.
3. The sketch in this report is included to assist the reader in visualizing the property. I have made no survey of the property and assume no responsibility for its accuracy. Any maps, plats, or drawings reproduced and included in this report are intended only for the purpose of showing spatial relationships. The reliability of the information contained on any such map or drawing is assumed by the appraiser and cannot be guaranteed to be correct. It is assumed that the utilization of the land and improvements is within the boundaries of the property lines of the property described and that there is no encroachment or trespass unless noted in the report.
4. Disclosure of the contents of this appraisal report is governed by the Bylaws and Regulations of the Appraisal Institute (AI) and the American Society of Appraisers (ASA).
5. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm of which he is connected, or any reference to the Appraisal Institute or the MAI or SRA designation) shall be disseminated to the public through advertising media, public relations media, sales media, or any other public means of communication without the prior written consent and approval of the appraiser.
6. I am not required to give testimony or attendance in court by reason of this appraisal, with reference to the property in question, unless arrangements have been previously made therefore. By accepting delivery of this appraisal report the client agrees that in the event the appraiser is subpoenaed to testify with regards to this appraisal report and/or the subject property involved, the client will compensate the appraiser for the appraiser's time and expenses at the appraiser's current billing rate.
7. The distribution of the total valuation in this report between land and improvements applied only under the existing program of utilization. The separate valuation for land and/or building must not be used in conjunction with any other appraisal and are invalid if so used.
8. The final conclusion of value expressed in this appraisal is the appraiser's opinion, which is based upon careful investigation and analysis of all the known facts and conditions, which are believed to influence or affect the market value (as defined elsewhere in this report) of the property under appraisement. The market price of the property may differ from its market value depending upon the motivations and the knowledge of the buyer and/or seller. The market value of the subject property expressed herein is the appraiser's opinion of the probable price at which it would sell in the open market free of abnormal conditions.
9. Unless otherwise noted in this appraisal, the final conclusion of value for special purpose type properties such as industrial, commercial, fraternal, religious, governmental, theaters, chemical plants, and other such types of real estate which cannot be converted to other uses without large capital investments or which have limited marketability due to market conditions existing within the area or the economy at the particular time, are based on the assumption that continued occupancy and use for that particular purpose existing at the time of the appraisal will continue to exist for a period of time long enough to permit adequate recapture of the investment.

10. In the appraisal of vacant land tracts unless otherwise noted in the appraisal, the final conclusion of value expressed herein is based on the assumption that sufficient tree cover will be maintained on an undeveloped tract of land sufficient to enhance the value of the property for its highest and best use.

11. The physical condition of the improvements described herein was based on visual inspection. No liability can be assumed for the soundness of structural members as no engineering test has been made.

12. The appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The appraiser assumes no responsibility for such conditions, or for engineering, which might be required to discover such factors.

13. On all appraisals subject to satisfactory completion, repairs or alterations, the appraisal report and value conclusion are contingent upon completion of the improvements in a workmanlike manner.

14. Sub-surface rights (mineral, oil and water, etc.) were not considered in this report, unless otherwise noted.

15. Before any loan or commitments are made predicated on value conclusions reported in this appraisal, the mortgagee should verify facts and valuation conclusions contained in this report with the appraiser(s).

16. This report meets the general appraisal standards of the Appraisal Institute (AI) and the American Society of Appraisers (ASA) and is performed and completed to those standards using the appraiser's best judgment and experience. Should any user of this appraisal find that it does not meet their specific guidelines or specific investment criteria for any reason, the user agrees to contact only the appraiser, in writing, and explain the reason(s) for it not being acceptable. If the client furnished a written copy upon initial contact with the appraiser of the guidelines to follow and the appraiser did not follow them, then this appraiser will revise the appraisal to conform to the client's guidelines, if within the code of ethics of the AI and ASA.

17. If no written guidelines were furnished by the client upon initial contact with the appraiser, the appraiser then may charge for revising the appraisal to meet the client's particular needs, if within the code of professional ethics of the AI and ASA. The user of this report agrees not to cast any doubt to anyone about the appraiser's professional integrity by rejecting the appraisal for any of the above reasons.

18. My investigation makes it reasonable to assume, for appraisal purposes, that no insulation or other product banned by the Consumer Product Safety Commission or any other governmental agency has been introduced into the appraised premises.

19. If I have attached a certificate (letter, form, etc.) of the property owner (agent, trustee, etc.) to the effect that the property has not been treated with urea formaldehyde foam insulation (UFFI) I assume, for appraisal purposes, that this representation is accurate.

20. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired. This appraisal is based upon the assumption that there is no hazardous waste on or near the subject site and, if this is not a valid assumption, then we reserve the right to revise the appraisal accordingly.

21. If operating statements were included within the report, they were accepted at face value by the appraiser even if furnished by the owner, operator, manager, accountant, broker, attorney, or any other party. The user of this report should make their own investigation as to the reliability of the data furnished to the appraiser and included within the report. An audited financial report prepared by a CPA should provide the most valid data available.

22. If the subject property or any of the comparable sales contain wetlands, environmentally sensitive areas, endangered species, etc, the appraiser has taken them into consideration if they were readily recognizable and interpretable by the appraiser. The definitions of these areas are subject to varying definitions and interpretation from time to time and the appraiser is not qualified or even able to keep current as to the various definitions and interpretations used by the multitude of agencies regulating this area.

23. I have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the Americans with Disabilities Act (ADA). It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since I have no direct evidence relating to this issue, I did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.

24. To the best of the Appraiser's knowledge and based upon a field inspection, the subject appears to be in compliance with the relevant zoning codes, unless otherwise noted. However, the Appraiser is not qualified to determine the precise location of the improvements and their compliance with setback and other dimensional requirements. In order to determine exact compliance with the code, a plot plan and survey performed by a Registered Land Surveyor or Professional Engineer, in conformance with Chapter 89-C of the General Statutes of North Carolina would be necessary.

25. The liability of the appraiser and the firm is limited to the client only and to the fee actually received by the Appraiser. Further, there is no accountability, obligation or liability to any third party. If this report is placed in the hands of anyone other than client, the client shall make such party aware of all limiting conditions and assumptions of the assignment and related discussions. The Appraiser is in no way responsible for any costs incurred to discover or correct any deficiencies of any type present in the property; physically, financially, and/or legally. In the case of limited partnerships or syndication offerings or stock offerings in property, client agrees that in case of lawsuit (brought by lender, partner or part owner in any form of ownership, tenant, or any other party), any and all awards, settlements of any type in such suit, regardless of outcome, client will hold appraiser completely harmless in any such action.

26. Acceptance of, and/or use of, this appraisal report by client or any third party constitutes acceptance of the above conditions. APPRAISER LIABILITY EXTENDS ONLY TO STATED CLIENT, NOT SUBSEQUENT PARTIES OR USERS, AND IS LIMITED TO THE FEE RECEIVED.

27. The observed condition of the foundation, roof, exterior walls, interior walls, floors, heating system, plumbing, insulation, electrical service, and all mechanicals and construction is based on a casual inspection only and no detailed inspection was made. For instance, we are not experts on heating systems and no attempt was made to inspect the interior of the furnace. The structures were not checked for building code violations and it is assumed that all buildings meet the building codes unless so stated in the report.

28. Some items such as conditions behind walls, above ceilings, behind locked doors, or under the ground are not exposed to casual view and, therefore, were not inspected. The existence of insulation (if any is mentioned) was found by conversation with others and/or circumstantial evidence. Since it is not exposed to view, the accuracy of any statements about insulation cannot be guaranteed.

29. Because no detailed inspection was made, and because such knowledge goes beyond the scope of this appraisal, any observed condition comments given in this appraisal report should not be taken as a guarantee that a problem does not exist. Specifically, no guarantee is made as to the adequacy or condition of the foundation, roof, exterior walls, interior walls, floors, heating system, air conditioning system, plumbing, electrical service, insulation, or any other detailed construction matters. If any interested party is concerned about the existence, condition, or adequacy of any particular item, we would strongly suggest that a construction expert be hired for a detailed investigation. This appraisal is based upon the assumption that the building components are in good working order, unless a contrary condition is specifically mentioned, if this is not a valid assumption, then we reserve the right to revise the appraisal accordingly.

30. No survey was furnished showing the delineation of wetlands areas. I am not an expert in the field of delineation of wetlands areas. It is recommended that a qualified engineer be obtained in order to delineate any wetlands areas that might be located on the property. This appraisal assumes that the development of the subject property is not negatively affected by the location of wetlands areas on the property and I reserve the right to revise the appraisal accordingly if this is found not to be the case.

31. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless non-compliance is stated, defined and considered in the appraisal report. It is assumed that all applicable zoning and use of regulations and restrictions have been complied with, unless a non-conformity has been stated, defined, and considered in the appraisal report.

32. It is assumed that all required licenses, consents or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.

33. No engineering survey was made or caused to be made by the appraiser, and any estimate of fill or other site work was based on visual observation and the accuracy of required fill is not guaranteed. No test borings or typing and analysis of subsoils were made or caused to be made by the appraiser, and the appraiser assumes no responsibility for the presence of any adverse conditions, or for any engineering, which might be required to discover such a condition.

34. This appraisal should not be considered a report on the physical items that are a part of this property. Although the appraisal may contain information about the physical items being appraised (including their adequacy and/or condition), it should be clearly understood that this information is only to be used as a general guide for property valuation and not as a complete or detailed physical report. The appraisers are not construction, engineering, or legal experts, and any opinion given on these matters in this report should be considered preliminary in nature.

35. Engineering analyses of the subject property were neither provided for use nor made a part of this appraisal contract. Any representation as to the suitability of the property for uses suggested in this analysis is therefore based only on a rudimentary investigation by the appraiser and the value conclusions are subject to said limitations.

36. All values shown in the appraisal report are projections based on our analysis as of the date of the appraisal. These values may not be valid in other time periods or as conditions change. Since the projected mathematical models are based on estimates and assumptions that are inherently subject to uncertainty and variation depending upon evolving events, we do not represent them as results that will actually be achieved.

37. This appraisal is an estimate of value based on an analysis of information known to us at the time the appraisal was made. We do not assume any responsibility for incorrect analysis because of incorrect or incomplete information. If new information of significance comes to light, the value given in this report is subject to change without notice.

38. Any before-tax investment analysis and resulting measures of return on investment are intended to reflect only possible and general market considerations, whether used to estimate value or return on investment given a purchase price. Please note that the appraiser does not claim expertise in tax matters and advises client to seek competent tax advice.

39. Proposed improvements, if any, on or off-site, as well as any repairs or alterations required are assumed for purposes of this appraisal to be completed in good and workmanlike manner according to information submitted and/or considered by the appraiser. In cases of proposed construction, the appraisal is subject to change upon inspection of property after construction is completed. This estimate of market value is as of the date shown, and if proposed, assuming completed and operating at levels shown and projected.

40. Acceptance of and/or use of this report constitutes acceptance of all of the foregoing assumptions and limiting conditions.

41. This appraisal assignment was not based on a requested minimum valuation, a specific valuation, or approval for a loan.

42. The contents of this appraisal are copyrighted by Tom J. Keith & Associates, Inc. and no part of this report may be reproduced without the written permission of the publisher.

43. If the subject property being appraised is a multi-tenant property, an attempt to inspect all units will be made; however, if it is not possible or practical to inspect all units, an attempt to inspect one of each type of unit will be made.

44. The appraiser is not an expert in wetland determinations, building codes, soils, endangered species, or any other government regulations or disciplines. The appraiser has attempted to simulate the actions of the typically informed buyers or sellers in the market and relied on data that typical buyers and sellers would rely on to value the property or make a decision to buy or sell the property. It is assumed that the buyers and sellers are assumed to be reasonably informed or advised and that they may not engage the services of experts in every aspect of the property or the regulations affecting the property for to do so would be too costly and excessively time consuming. Therefore the appraiser assumes no responsibility for a changing interpretation or a change in government regulations that may affect the value of the property.

45. If this is a Business Valuation Report it is an economic report designed to provide a review of the market value as well as the economic impact of a variety of purchase structures. It is not an accounting report, and it should not be relied on to disclose hidden assets or to verify financial reporting. It is an opinion of value of the specific assets and liabilities considered by this appraiser.

46. If this is a Business Valuation Report the appraiser has accepted the financial statements of the entity without additional verification. The statements consist of Balance Sheets, Income Statements, and Statements of Cash Flows. The statements have not been audited by us, and their accuracy is the sole responsibility of management.

47. The appraiser has relied on representations made by the owner about the background, history and potential performance of the business. These representations are believed to be reliable, but no responsibility is assumed for their accuracy.

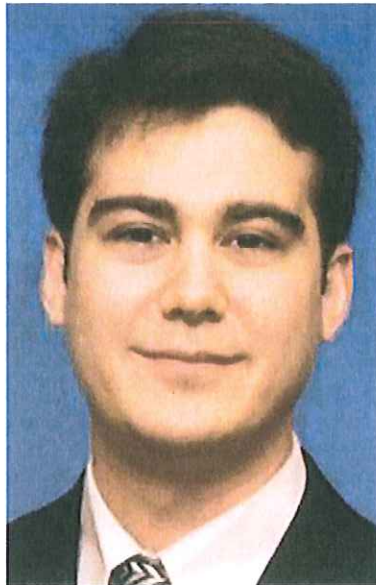
48. The report and its conclusion are subject to review upon the presentation of data that may have been undisclosed or not available at this writing.

49. This valuation was based in part on forecasts of revenues, earnings, and other matters as estimated by the management of the Company. Some assumptions inevitably will not prove true, and numerous unanticipated events and circumstances may occur. Therefore, the actual performance in the areas forecasted will vary from the forecast, and the variations may be material. Tom Keith & Associates, Inc. expresses no assurance whatsoever on the likelihood of achieving the forecasts or on the reasonableness of the assumptions, representations, and conclusions. Any such forecasts are presented as part of the appraisal for valuation purposes only, and are not intended to be used separately or for any other purpose, including to obtain credit, make investment or purchase decisions, or solicit investors. Any third parties must independently examine the outlook for the Company and make their own separate determinations and should employ qualified advisors to assist them in doing so.

50. No "fairness opinion" of any kind is expressed regarding the stock in the Company or for any pending or contemplated transaction of any kind. This valuation and its findings are not valid for use in a forced redemption of shares held by any of the Company's shareholders.

51. Trade Secrets: This appraisal was obtained from Tom J. Keith & Associates, Inc. and consists of "trade secrets and commercial or financial information" which is privileged and confidential and exempted from disclosure under 5 U.S.C. 552(b)(4). Notify the appraiser signing the report of any request to reproduce this appraisal in whole or part.

Brandon T. Wills
General Real Estate Appraiser
Candidate for Designation, Appraisal Institute
Fayetteville, North Carolina
Curriculum Vitae



Employment

Tom Keith & Associates..... 2007 – Present
Aaims Property Management..... 1996 – 2007

Professional Licenses

North Carolina State-Certified General Real Estate AppraiserA7513
North Carolina State-Licensed Real Estate Broker.....267753

Presentations/Speeches

“Appraising Cell Towers” (webinar), Appraisal Institute.....December 5, 2013
“Lunch & Learn – Real Estate”, Fayetteville Young Professionals..... March 28, 2013
“Market Trends”, Fayetteville Regional Association of Realtors.....April 26, 2011
“Local Economic Trends”, Kiwanis Club of Fayetteville NC..... April 22, 2011
“Your Estate Planning Team”, Methodist University January 20, 2011
Business Succession Forum Network

Appraisal Experience – Mainly Southeastern & Eastern North Carolina

Expert witness – adjacent & adjoining property values, commercial appraising

Before & after appraisals – conservation easements, right of ways, other easements
 Estates & charitable gifts – large portfolios with varied property types
 Fractional interests
 Fair market rental rates
 Rezoning – special use, conditional use, mines, cell towers, adjacent & adjoining values
 Impact/Damage study – proximity to cell tower, proximity to mine, adjacent & adjoining values
 Market study
 Property tax revaluation
 Industrial – 40,000+ SF, manufacturing, warehouse, distribution, subdivisions
 Commercial – hotel/motel, shopping centers, multi-tenant, small & rural markets
 Agricultural – farm cost approach, conservation easements
 Residential – subdivisions, multi-family, large portfolio
 Special use – cell tower, emergency services building, asphalt plant, oil terminal
 Subdivision – residential, commercial, industrial, absorption rates
 Miscellaneous – discounted cash flow analysis (DCF), interstate highway interchange, solar farm, contaminated property, land in transition, lot value, rear land, property located at an airport

Memberships

Cape Fear Regional Appraisers Group – Vice President
 North Carolina Real Estate Appraisers Association – Chapter Vice President
 Methodist College Center for Entrepreneurship
 Manna Church

Education

University of North Carolina at Chapel Hill2003
 BA School of Journalism & Mass Communication, Advertising
 Durham Technical Community College – R1, R2, R3.....2004
 Triangle Appraisal School – G1, G2, G3.....2007
 JY Monk Real Estate School – Real Estate Broker Licensing.....2009

Continuing Education

Appraisal Institute (AI)
 Quantitative Analysis*..... 8/7/2015
 Advanced Market Analysis & Highest & Best Use* 7/8/2015
 Advanced Concepts & Case Studies* 11/21/2014
 IRS Valuation Summit..... 10/21/2014
 Business Practices & Ethics 10/9/2014
 Supervising Appraisal Trainees 6/2/2013
 Using Your HP12C Financial Calculator 5/30/2013

National USPAP Update 2012-2013	1/18/2012
Rates & Ratios: Making Sense of GIMs, OARs, and CFs	10/14/2011
Advanced Income Capitalization*	10/2/1010
Advanced Spreadsheet Modeling for Valuation Applications.....	9/13/2010
The Discounted Cash Flow Model: Concepts, Issues & Applications	1/22/2010
Evaluating Commercial Construction	5/2/2008
National USPAP Update 2008-2009.....	3/6/2008
Office Building Valuation: A Contemporary Perspective	1/18/2008
Internet Search Strategies for Real Estate Appraiser.....	8/10/2007
*Educational Requirement for MAI Designated Membership	
American Society of Farm Managers and Rural Appraisers (ASFMRA)	
Advanced Sales Confirmation & Analysis.....	3/7/2008
North Carolina Appraisal Board	
Trainees/Supervisors.....	11/15/2013
Bright Path Education Services	
National USPAP Update 2016-2017.....	3/18/2016
National USPAP Update 2014-2015.....	12/6/2013
National USPAP Update 2010-2011.....	12/1/2009
Lorman Education Services	
Law of Easements: Legal Issues and Practical Considerations	1/29/2008

End of Report

ATTACHMENT 8

Atlantic Coast Pipeline, LLC

Application for Special Use Permit

Statement pursuant to Section 927 (O) of the Cumberland County Zoning Ordinance

Atlantic Coast Pipeline, LLC hereby documents that the power density levels for the tower will not exceed federally approved levels or American National Standards Institute (ANSI) standards, whichever is stricter.

Atlantic Coast Pipeline, LLC

By: Carole A. McCoy
Carole A. McCoy
Authorized Representative

ATTACHMENT 9



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

Aeronautical Study No.
 2017-ASO-12044-OE

Issued Date: 07/19/2017

Grant Solomon
 Atlantic Coast Pipeline, LLC
 707 East Main Street
 5th Floor
 RICHMOND, VA 23261

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

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

Structure: Antenna Tower Fayetteville M&R
 Location: Fayetteville, NC
 Latitude: 35-09-31.60N NAD 83
 Longitude: 78-45-33.30W
 Heights: 101 feet site elevation (SE)
 285 feet above ground level (AGL)
 386 feet above mean sea level (AMSL)

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

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 1, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

While the structure does not constitute a hazard to air navigation, it would be located within or near a military training area and/or route.

This determination expires on 01/19/2019 unless:

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

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

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

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

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

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

If we can be of further assistance, please contact our office at (718) 553-2611, or angelique.eersteling@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2017-ASO-12044-OE.

Signature Control No: 334790152-338358466
Angelique Eersteling
Technician

(DNE)

Attachment(s)
Additional Information
Frequency Data

cc: FCC

Additional information for ASN 2017-ASO-11 4-OE

The structure will be located within the confines or near a military training route or military training area. In the interest of Aviation Safety request this structure be marked and lit.

Frequency Data for ASN 2017-ASO-1204 E

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6.1	6.1	GHz	21.9	kW
48	48	MHz	0.316	kW
900	900	MHz	0.16	kW